

# Notice of Intent Application for a Single-Family Dwelling (Lot 3)

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May 21, 2025

Subject Property

874 Barretts Mill Road  
Assessor's Map 7D, Lot 1994  
Concord, Massachusetts

Applicant

874 Barretts Mill Road LLC  
Stephan Bilharz (Contact)  
200F Main Street, PMB 352  
Stoneham, MA 02180

Property Owner

Barretts Mill Road LLC  
John A. Marabello, Manager  
858 Barretts Mill Road  
Concord, MA 01742

Prepared By

**LEC Environmental Consultants, Inc.**  
380 Lowell Street, Suite 101  
Wakefield, MA 01880  
781-245-2500

[www.lecenvironmental.com](http://www.lecenvironmental.com)



May 21, 2025

**Hand Delivery**

Concord Conservation Commission  
141 Keyes Road  
Concord, MA 01742

**Re: Notice of Intent Application  
Single-Family Dwelling (Lot 3)  
874 Barretts Mill Road  
Assessor’s Map 7D, Lot 1994  
Concord, Massachusetts**

[LEC File #: SADC\24-405.04]

Dear Members of the Conservation Commission:

On behalf of the Applicant, 874 Barretts Mill Road, LLC, (Contact: Stephen Bilharz), LEC Environmental Consultants, Inc., (LEC) is filing the enclosed Notice of Intent (NOI) Application with the Concord Conservation Commission for construction of single-family dwelling and associated site appurtenances at 874 Barretts Mill Road in Concord, Massachusetts. Portions of the proposed activities are located within the Buffer Zone to Bordering Vegetated Wetlands. This NOI Application is being filed simultaneously with two other NOI Applications for the property, including one for a subdivision roadway and associated site grading and infrastructure, and a second NOI Application for construction of another single-family dwelling (Lot 4) in the Buffer Zone. The Applicant proposes to implement erosion controls and stormwater management to minimize the potential for impacts to the resource areas, and sow a native pollinator meadow seed mix to improve existing site conditions within the Buffer Zone.

LEC was retained to identify Wetland Resource Areas protectable under the *Massachusetts Wetlands Protection Act* (M.G.L. c. 131, s. 40, the *Act*), its implementing Regulations (310 CMR 10.00, the *Act Regulations*), the *Town of Concord Wetlands Bylaw* (Article 58, the *Bylaw*), and the associated *Bylaw Regulations* (Article 59) and to prepare this NOI Application. The existing and proposed conditions are depicted on the *874 Barrett’s Mill Road Assessors Map 7D Lot 1994 Definitive Subdivision Located in Concord, MA* Plan Set dated May 14, 2025 prepared by Patriot Engineering (attached). Details of the stormwater management design and an Operation & Maintenance Plan are provided in the *Stormwater Management Report and Calculations for a Definitive Subdivision at 874 Barrett’s Mill Road Concord, Massachusetts* dated May 16, 2025 also prepared by Patriot Engineering (attached).

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<b>LEC Environmental Consultants, Inc.</b>					<b><a href="http://www.lecenvironmental.com">www.lecenvironmental.com</a></b>
12 Resnik Road Suite 1 Plymouth, MA 02360 508.746.9491	380 Lowell Street Suite 101 Wakefield, MA 01880 781.245.2500	100 Grove Street Suite 310 Worcester, MA 01605 508.753.3077	P. O. Box 590 Rindge, NH 03461 603.899.6726	680 Warren Avenue Suite 3 East Providence, RI 02914 401.685.3109	
<b>PLYMOUTH, MA</b>	<b>WAKEFIELD, MA</b>	<b>WORCESTER, MA</b>	<b>RINDGE, NH</b>	<b>EAST PROVIDENCE, RI</b>	



The Applicant has delivered to the Natural Resources Commission office a check made payable to the Town of Concord in the amount of Five Hundred, Thirty-Seven Dollars and Fifty Cents (\$537.50) for the purpose of filing this NOI Application under State guidelines. Payment to the Commonwealth of Massachusetts in the amount of Five Hundred, Twelve Dollars and Fifty Cents (\$512.50) has been processed via eDEP.

Thank you for your consideration of this Application. We look forward to meeting with you at the June 11, 2025 Public Hearing. Should you have any questions, please do not hesitate to contact me in our Wakefield office at 781-245-2500 or at [rkirby@lecenvironmental.com](mailto:rkirby@lecenvironmental.com).

Sincerely,

**LEC Environmental Consultants, Inc.**

A handwritten signature in black ink, appearing to read "Richard A. Kirby", written over a horizontal line.

Richard A. Kirby  
Senior Wetland Scientist

cc: DEP, Northeast Region  
874 Barretts Mill Road LLC  
Barretts Mill Road LLC  
Patriot Engineering

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rak: projects\24-405/Lot 3\NOI Report.doc

- i. WPA Form 3 – Notice of Intent
- ii. WPA Appendix B – Wetland Fee Transmittal Form
- iii. Affidavit of Service
- iv. Letter to Abutters
- v. Abutter Notification Form
- vi. Certified List of Abutters

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**Notice of Intent Application Report**

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**Appendix A**

Locus Maps

Figure 1: USGS Topographic Quadrangle

Figure 2: FEMA Flood Insurance Rate Map

Figure 3: MassGIS Orthophoto & NHESP Estimated Habitat Map

**Appendix B**

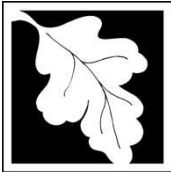
*USGS StreamStats Report*

**Attachments**

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*Stormwater Management Report and Calculations for a Definitive Subdivision at 874 Barrett's Mill Road Concord, Massachusetts, dated May 16, 2025, prepared by Patriot Engineering*

*874 Barrett's Mill Road Assessors Map 7D Lot 1994 Definitive Subdivision Located in Concord, MA Plan Set, dated May 14, 2025, prepared by Patriot Engineering*



**Massachusetts Department of Environmental Protection**  
 Bureau of Resource Protection - Wetlands

**WPA Form 3 – Notice of Intent**

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40  
 Town of Concord Wetlands Bylaw (Article 58)

Provided by MassDEP:

MassDEP File Number
Document Transaction Number
Concord
City/Town

**Important:**  
 When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



Note:  
 Before completing this form consult your local Conservation Commission regarding any municipal bylaw or ordinance.

**A. General Information**

1. Project Location (**Note:** electronic filers will click on button to locate project site):

<u>874 Barretts Mill Road</u>	<u>Concord</u>	<u>01742</u>
a. Street Address	b. City/Town	c. Zip Code
Latitude and Longitude:		
<u>42.46986</u>	<u>-71.39191</u>	
d. Latitude	e. Longitude	
<u>7D</u>	<u>1994</u>	
f. Assessors Map/Plat Number	g. Parcel /Lot Number	

2. Applicant:

<u>Stephan</u>	<u>Bilharz</u>	
a. First Name	b. Last Name	
<u>874 Barretts Mill Road LLC</u>		
c. Organization		
<u>200F Main Street, PMB 352</u>		
d. Street Address		
<u>Stoneham</u>	<u>MA</u>	<u>02180</u>
e. City/Town	f. State	g. Zip Code
<u>617-795-6616</u>	<u>N/A</u>	<u>hello@unionsqcapital.com</u>
h. Phone Number	i. Fax Number	j. Email Address

3. Property owner (required if different from applicant):  Check if more than one owner

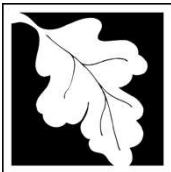
<u>John A.</u>	<u>Marabello, Manager</u>	
a. First Name	b. Last Name	
<u>Barretts Mill Road LLC</u>		
c. Organization		
<u>858 Barretts Mill Road</u>		
d. Street Address		
<u>Concord</u>	<u>MA</u>	<u>01742</u>
e. City/Town	f. State	g. Zip Code
<u>978-337-1230</u>	<u>N/A</u>	<u>marbs11@verizon.net</u>
h. Phone Number	i. Fax Number	j. Email address

4. Representative (if any):

<u>Richard</u>	<u>Kirby</u>	
a. First Name	b. Last Name	
<u>LEC Environmental Consultants, Inc.</u>		
c. Company		
<u>380 Lowell Street, Suite 101</u>		
d. Street Address		
<u>Wakefield</u>	<u>MA</u>	<u>01880</u>
e. City/Town	f. State	g. Zip Code
<u>781-245-2500</u>	<u>N/A</u>	<u>rkirby@lecenvironmental.com</u>
h. Phone Number	i. Fax Number	j. Email address

5. Total WPA Fee Paid (from NOI Wetland Fee Transmittal Form):

<u>\$500.00</u>	<u>\$237.50</u>	<u>\$262.50</u>
a. Total Fee Paid	b. State Fee Paid	c. City/Town Fee Paid



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**A. General Information (continued)**

6. General Project Description:

The Applicant proposes to construct a single-family dwelling and associated site appurtenances. Portions of the proposed project are located within the 100-foot Buffer Zone to Bordering Vegetated Wetlands.

7a. Project Type Checklist: (Limited Project Types see Section A. 7b.)

- 1.  Single Family Home
- 2.  Residential Subdivision
- 3.  Commercial/Industrial
- 4.  Dock/Pier
- 5.  Utilities
- 6.  Coastal engineering Structure
- 7.  Agriculture (e.g., cranberries, forestry)
- 8.  Transportation
- 9.  Other

7b. Is any portion of the proposed activity eligible to be treated as a limited project (including Ecological Restoration Limited Project) subject to 310 CMR 10.24 (coastal) or 310 CMR 10.53 (inland)?

- 1.  Yes  No      If yes, describe which limited project applies to this project. (See 310 CMR 10.24 and 10.53 for a complete list and description of limited project types)

2. Limited Project Type

If the proposed activity is eligible to be treated as an Ecological Restoration Limited Project (310 CMR10.24(8), 310 CMR 10.53(4)), complete and attach Appendix A: Ecological Restoration Limited Project Checklist and Signed Certification.

8. Property recorded at the Registry of Deeds for:

Middlesex South	n/a
a. County	b. Certificate # (if registered land)
66720	231
c. Book	d. Page Number

**B. Buffer Zone & Resource Area Impacts (temporary & permanent)**

- 1.  Buffer Zone Only – Check if the project is located only in the Buffer Zone of a Bordering Vegetated Wetland, Inland Bank, or Coastal Resource Area.
- 2.  Inland Resource Areas (see 310 CMR 10.54-10.58; if not applicable, go to Section B.3, Coastal Resource Areas).

Check all that apply below. Attach narrative and any supporting documentation describing how the project will meet all performance standards for each of the resource areas altered, including standards requiring consideration of alternative project design or location.



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Provided by MassDEP:

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Concord

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City/Town

**B. Buffer Zone & Resource Area Impacts (temporary & permanent) (cont'd)**

For all projects affecting other Resource Areas, please attach a narrative explaining how the resource area was delineated.

<u>Resource Area</u>	<u>Size of Proposed Alteration</u>	<u>Proposed Replacement (if any)</u>
a. <input type="checkbox"/> Bank	1. linear feet _____	2. linear feet _____
b. <input type="checkbox"/> Bordering Vegetated Wetland	1. square feet _____	2. square feet _____
c. <input type="checkbox"/> Land Under Waterbodies and Waterways	1. square feet _____	2. square feet _____
	3. cubic yards dredged _____	

<u>Resource Area</u>	<u>Size of Proposed Alteration</u>	<u>Proposed Replacement (if any)</u>
d. <input type="checkbox"/> Bordering Land Subject to Flooding	1. square feet _____	2. square feet _____
	3. cubic feet of flood storage lost _____	4. cubic feet replaced _____
e. <input type="checkbox"/> Isolated Land Subject to Flooding	1. square feet _____	
	2. cubic feet of flood storage lost _____	3. cubic feet replaced _____
f. <input type="checkbox"/> Riverfront Area	1. Name of Waterway (if available) - <b>specify coastal or inland</b> _____	

2. Width of Riverfront Area (check one):

- 25 ft. - Designated Densely Developed Areas only
- 100 ft. - New agricultural projects only
- 200 ft. - All other projects

3. Total area of Riverfront Area on the site of the proposed project: \_\_\_\_\_ square feet

4. Proposed alteration of the Riverfront Area:

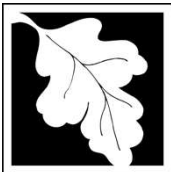
a. total square feet \_\_\_\_\_ b. square feet within 100 ft. \_\_\_\_\_ c. square feet between 100 ft. and 200 ft. \_\_\_\_\_

5. Has an alternatives analysis been done and is it attached to this NOI?  Yes  No

6. Was the lot where the activity is proposed created prior to August 1, 1996?  Yes  No

3.  Coastal Resource Areas: (See 310 CMR 10.25-10.35)

**Note:** for coastal riverfront areas, please complete **Section B.2.f.** above.



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**B. Buffer Zone & Resource Area Impacts (temporary & permanent) (cont'd)**

Check all that apply below. Attach narrative and supporting documentation describing how the project will meet all performance standards for each of the resource areas altered, including standards requiring consideration of alternative project design or location.

Online Users:  
Include your document transaction number (provided on your receipt page) with all supplementary information you submit to the Department.

Resource Area	Size of Proposed Alteration	Proposed Replacement (if any)
a. <input type="checkbox"/> Designated Port Areas	Indicate size under Land Under the Ocean, below	
b. <input type="checkbox"/> Land Under the Ocean	1. square feet 2. cubic yards dredged	
c. <input type="checkbox"/> Barrier Beach	Indicate size under Coastal Beaches and/or Coastal Dunes below	
d. <input type="checkbox"/> Coastal Beaches	1. square feet	2. cubic yards beach nourishment
e. <input type="checkbox"/> Coastal Dunes	1. square feet	2. cubic yards dune nourishment

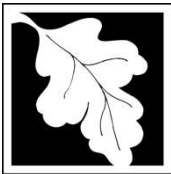
	Size of Proposed Alteration	Proposed Replacement (if any)
f. <input type="checkbox"/> Coastal Banks	1. linear feet	
g. <input type="checkbox"/> Rocky Intertidal Shores	1. square feet	
h. <input type="checkbox"/> Salt Marshes	1. square feet	2. sq ft restoration, rehab., creation
i. <input type="checkbox"/> Land Under Salt Ponds	1. square feet 2. cubic yards dredged	
j. <input type="checkbox"/> Land Containing Shellfish	1. square feet	
k. <input type="checkbox"/> Fish Runs	Indicate size under Coastal Banks, inland Bank, Land Under the Ocean, and/or inland Land Under Waterbodies and Waterways, above 1. cubic yards dredged	
l. <input type="checkbox"/> Land Subject to Coastal Storm Flowage	1. square feet	

4.  Restoration/Enhancement  
If the project is for the purpose of restoring or enhancing a wetland resource area in addition to the square footage that has been entered in Section B.2.b or B.3.h above, please enter the additional amount here.

a. square feet of BVW	b. square feet of Salt Marsh
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5.  Project Involves Stream Crossings

a. number of new stream crossings	b. number of replacement stream crossings
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Provided by MassDEP:	
MassDEP File Number	_____
Document Transaction Number	_____
Concord	_____
City/Town	_____

### C. Other Applicable Standards and Requirements

This is a proposal for an Ecological Restoration Limited Project. Skip Section C and complete Appendix A: Ecological Restoration Limited Project Checklists – Required Actions (310 CMR 10.11).

#### Streamlined Massachusetts Endangered Species Act/Wetlands Protection Act Review

1. Is any portion of the proposed project located in **Estimated Habitat of Rare Wildlife** as indicated on the most recent Estimated Habitat Map of State-Listed Rare Wetland Wildlife published by the Natural Heritage and Endangered Species Program (NHESP)? To view habitat maps, see the *Massachusetts Natural Heritage Atlas* or go to [http://maps.massgis.state.ma.us/PRI\\_EST\\_HAB/viewer.htm](http://maps.massgis.state.ma.us/PRI_EST_HAB/viewer.htm).

a.  Yes  No **If yes, include proof of mailing or hand delivery of NOI to:**

**Natural Heritage and Endangered Species Program  
Division of Fisheries and Wildlife  
1 Rabbit Hill Road  
Westborough, MA 01581**

b. Date of map \_\_\_\_\_

If yes, the project is also subject to Massachusetts Endangered Species Act (MESA) review (321 CMR 10.18). To qualify for a streamlined, 30-day, MESA/Wetlands Protection Act review, please complete Section C.1.c, and include requested materials with this Notice of Intent (NOI); *OR* complete Section C.2.f, if applicable. *If MESA supplemental information is not included with the NOI, by completing Section 1 of this form, the NHESP will require a separate MESA filing which may take up to 90 days to review (unless noted exceptions in Section 2 apply, see below).*

c. Submit Supplemental Information for Endangered Species Review\*

- 1.  Percentage/acreage of property to be altered:
  - (a) within wetland Resource Area \_\_\_\_\_ percentage/acreage
  - (b) outside Resource Area \_\_\_\_\_ percentage/acreage

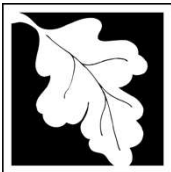
2.  Assessor's Map or right-of-way plan of site

- 2.  Project plans for entire project site, including wetland resource areas and areas outside of wetlands jurisdiction, showing existing and proposed conditions, existing and proposed tree/vegetation clearing line, and clearly demarcated limits of work \*\*
  - (a)  Project description (including description of impacts outside of wetland resource area & buffer zone)
  - (b)  Photographs representative of the site

\* Some projects **not** in Estimated Habitat may be located in Priority Habitat, and require NHESP review (see <https://www.mass.gov/endangered-species-act-mesa-regulatory-review>).

Priority Habitat includes habitat for state-listed plants and strictly upland species not protected by the Wetlands Protection Act.

\*\* MESA projects may not be segmented (321 CMR 10.16). The applicant must disclose full development plans even if such plans are not required as part of the Notice of Intent process.



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## C. Other Applicable Standards and Requirements (cont'd)

(c)  MESA filing fee (fee information available at <https://www.mass.gov/how-to/how-to-file-for-a-mesa-project-review>).

Make check payable to “Commonwealth of Massachusetts - NHESP” and **mail to NHESP** at above address

*Projects altering 10 or more acres of land, also submit:*

(d)  Vegetation cover type map of site

(e)  Project plans showing Priority & Estimated Habitat boundaries

(f) OR Check One of the Following

1.  Project is exempt from MESA review.  
Attach applicant letter indicating which MESA exemption applies. (See 321 CMR 10.14, <https://www.mass.gov/service-details/exemptions-from-review-for-projectsactivities-in-priority-habitat>; the NOI must still be sent to NHESP if the project is within estimated habitat pursuant to 310 CMR 10.37 and 10.59.)

2.  Separate MESA review ongoing. a. NHESP Tracking # \_\_\_\_\_ b. Date submitted to NHESP \_\_\_\_\_

3.  Separate MESA review completed.  
Include copy of NHESP “no Take” determination or valid Conservation & Management Permit with approved plan.

3. For coastal projects only, is any portion of the proposed project located below the mean high water line or in a fish run?

a.  Not applicable – project is in inland resource area [Buffer Zone] only b.  Yes  No

If yes, include proof of mailing, hand delivery, or electronic delivery of NOI to either:

South Shore - Bourne to Rhode Island border, and the Cape & Islands:

North Shore - Plymouth to New Hampshire border:

Division of Marine Fisheries -  
Southeast Marine Fisheries Station  
Attn: Environmental Reviewer  
836 South Rodney French Blvd.  
New Bedford, MA 02744  
Email: [dmf.envreview-south@mass.gov](mailto:dmf.envreview-south@mass.gov)

Division of Marine Fisheries -  
North Shore Office  
Attn: Environmental Reviewer  
30 Emerson Avenue  
Gloucester, MA 01930  
Email: [dmf.envreview-north@mass.gov](mailto:dmf.envreview-north@mass.gov)

Also if yes, the project may require a Chapter 91 license. For coastal towns in the Northeast Region, please contact MassDEP’s Boston Office. For coastal towns in the Southeast Region, please contact MassDEP’s Southeast Regional Office.

c.  Is this an aquaculture project? d.  Yes  No

If yes, include a copy of the Division of Marine Fisheries Certification Letter (M.G.L. c. 130, § 57).



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### C. Other Applicable Standards and Requirements (cont'd)

4. Is any portion of the proposed project within an Area of Critical Environmental Concern (ACEC)?  
a.  Yes  No If yes, provide name of ACEC (see instructions to WPA Form 3 or MassDEP Website for ACEC locations). **Note:** electronic filers click on Website.
- b. ACEC
5. Is any portion of the proposed project within an area designated as an Outstanding Resource Water (ORW) as designated in the Massachusetts Surface Water Quality Standards, 314 CMR 4.00?  
a.  Yes  No
6. Is any portion of the site subject to a Wetlands Restriction Order under the Inland Wetlands Restriction Act (M.G.L. c. 131, § 40A) or the Coastal Wetlands Restriction Act (M.G.L. c. 130, § 105)?  
a.  Yes  No
7. Is this project subject to provisions of the MassDEP Stormwater Management Standards?  
a.  Yes. Attach a copy of the Stormwater Report as required by the Stormwater Management Standards per 310 CMR 10.05(6)(k)-(q) and check if:  
1.  Applying for Low Impact Development (LID) site design credits (as described in Stormwater Management Handbook Vol. 2, Chapter 3)  
2.  A portion of the site constitutes redevelopment  
3.  Proprietary BMPs are included in the Stormwater Management System.  
b.  No. Check why the project is exempt:  
1.  Single-family house  
2.  Emergency road repair  
3.  Small Residential Subdivision (less than or equal to 4 single-family houses or less than or equal to 4 units in multi-family housing project) with no discharge to Critical Areas.

### D. Additional Information

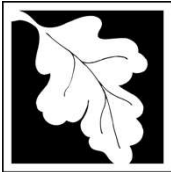
- This is a proposal for an Ecological Restoration Limited Project. Skip Section D and complete Appendix A: Ecological Restoration Notice of Intent – Minimum Required Documents (310 CMR 10.12).

Applicants must include the following with this Notice of Intent (NOI). See instructions for details.

**Online Users:** Attach the document transaction number (provided on your receipt page) for any of the following information you submit to the Department.

1.  USGS or other map of the area (along with a narrative description, if necessary) containing sufficient information for the Conservation Commission and the Department to locate the site. (Electronic filers may omit this item.)
2.  Plans identifying the location of proposed activities (including activities proposed to serve as a Bordering Vegetated Wetland [BVW] replication area or other mitigating measure) relative to the boundaries of each affected resource area.

**Online Users:**  
Include your document transaction number (provided on your receipt page) with all supplementary information you submit to the Department.



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**D. Additional Information (cont'd)**

3.  Identify the method for BVW and other resource area boundary delineations (MassDEP BVW Field Data Form(s), Determination of Applicability, Order of Resource Area Delineation, etc.), and attach documentation of the methodology.

4.  List the titles and dates for all plans and other materials submitted with this NOI.

874 Barrett's Mill Road Assessors Map 7D Lot 1994 Definitive Subdivision Located in Concord, MA	
a. Plan Title	
Patriot Engineering	Michael Novak, PE
b. Prepared By	c. Signed and Stamped by
Dated May 14, 2025	1" = 40'
d. Final Revision Date	e. Scale
Stormwater Management Report and Calculations for a Definitive Subdivision at 874 Barrett's Mill Road Concord, Massachusetts	May 16, 2025
f. Additional Plan or Document Title	g. Date

- 5.  If there is more than one property owner, please attach a list of these property owners not listed on this form.
- 6.  Attach proof of mailing for Natural Heritage and Endangered Species Program, if needed.
- 7.  Attach proof of mailing for Massachusetts Division of Marine Fisheries, if needed.
- 8.  Attach NOI Wetland Fee Transmittal Form
- 9.  Attach Stormwater Report, if needed (required per Planning Board).

**E. Fees**

1.  Fee Exempt: No filing fee shall be assessed for projects of any city, town, county, or district of the Commonwealth, federally recognized Indian tribe housing authority, municipal housing authority, or the Massachusetts Bay Transportation Authority.

Applicants must submit the following information (in addition to pages 1 and 2 of the NOI Wetland Fee Transmittal Form) to confirm fee payment:

Delivered by Applicant	
2. Municipal Check Number	3. Check date
Paid electronically via eDEP	
4. State Check Number	5. Check date
6. Payor name on check: First Name	7. Payor name on check: Last Name



**Massachusetts Department of Environmental Protection**  
 Bureau of Resource Protection - Wetlands  
**WPA Form 3 – Notice of Intent**  
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:

MassDEP File Number

Document Transaction Number

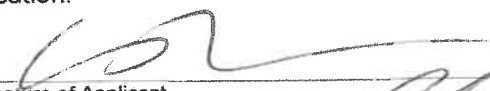

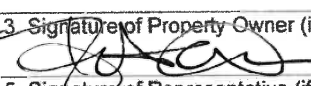
Concord

City/Town

**F. Signatures and Submittal Requirements**

I hereby certify under the penalties of perjury that the foregoing Notice of Intent and accompanying plans, documents, and supporting data are true and complete to the best of my knowledge. I understand that the Conservation Commission will place notification of this Notice in a local newspaper at the expense of the applicant in accordance with the wetlands regulations, 310 CMR 10.05(5)(a).

I further certify under penalties of perjury that all abutters were notified of this application, pursuant to the requirements of M.G.L. c. 131, § 40. Notice must be made by Certificate of Mailing or in writing by hand delivery or certified mail (return receipt requested) to all abutters within 100 feet of the property line of the project location.

1. Signature of Applicant		2. Date	5/20/25
3. Signature of Property Owner (if different)		4. Date	5/20/25
5. Signature of Representative (if any)		6. Date	2/20/2025

**For Conservation Commission:**

Two copies of the completed Notice of Intent (Form 3), including supporting plans and documents, two copies of the NOI Wetland Fee Transmittal Form, and the city/town fee payment, to the Conservation Commission by certified mail or hand delivery.

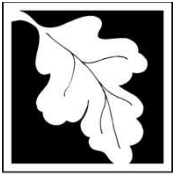
**For MassDEP:**

One copy of the completed Notice of Intent (Form 3), including supporting plans and documents, one copy of the NOI Wetland Fee Transmittal Form, and a **copy** of the state fee payment to the MassDEP Regional Office (see Instructions) by certified mail or hand delivery.

**Other:**

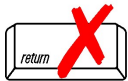
If the applicant has checked the "yes" box in any part of Section C, Item 3, above, refer to that section and the Instructions for additional submittal requirements.

The original and copies must be sent simultaneously. Failure by the applicant to send copies in a timely manner may result in dismissal of the Notice of Intent.



**Massachusetts Department of Environmental Protection**  
 Bureau of Resource Protection - Wetlands  
**NOI Wetland Fee Transmittal Form**  
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

**Important:** When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



To calculate filing fees, refer to the category fee list and examples in the instructions for filling out WPA Form 3 (Notice of Intent).

**A. Applicant Information**

1. Location of Project:

874 Barretts Mill Road	Concord
a. Street Address	b. City/Town
Paid electronically via eDEP	\$237.50
c. Check number	d. Fee amount

2. Applicant Mailing Address:

Stephan	Bilharz	
a. First Name	b. Last Name	
874 Barretts Mill Road LLC	c. Organization	
200F Main Street, PMB 352	d. Mailing Address	
Stoneham	MA	02180
e. City/Town	State	g. Zip Code
617-795-6616	N/A	hello@unionsqcapital.com
h. Phone Number	i. Fax Number	j. Email Address

3. Property Owner (if different):

John A.	Marabello, Manager	
a. First Name	b. Last Name	
Barretts Mill Road LLC	c. Organization	
858 Barretts Mill Road	d. Mailing Address	
Concord	MA	01742
e. City/Town	f. State	g. Zip Code
978-337-1230	N/A	marbs11@verizon.net
h. Phone Number	i. Fax Number	j. Email Address

**B. Fees**

Fee should be calculated using the following process & worksheet. **Please see Instructions before filling out worksheet.**

**Step 1/Type of Activity:** Describe each type of activity that will occur in wetland resource area and buffer zone.

**Step 2/Number of Activities:** Identify the number of each type of activity.

**Step 3/Individual Activity Fee:** Identify each activity fee from the six project categories listed in the instructions.

**Step 4/Subtotal Activity Fee:** Multiply the number of activities (identified in Step 2) times the fee per category (identified in Step 3) to reach a subtotal fee amount. Note: If any of these activities are in a Riverfront Area in addition to another Resource Area or the Buffer Zone, the fee per activity should be multiplied by 1.5 and then added to the subtotal amount.

**Step 5/Total Project Fee:** Determine the total project fee by adding the subtotal amounts from Step 4.

**Step 6/Fee Payments:** To calculate the state share of the fee, divide the total fee in half and subtract \$12.50. To calculate the city/town share of the fee, divide the total fee in half and add \$12.50.



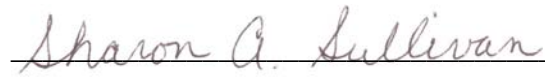
## AFFIDAVIT OF SERVICE

Under the *Massachusetts Wetlands Protection Act*  
and the  
*Town of Concord Wetlands Bylaw (Article 43)*

I, Sharon A. Sullivan, on behalf of 874 Barretts Mill Road LLC, hereby certify under the pains and penalties of perjury that on May 22, 2025 I gave notification to abutters in compliance with the second paragraph of Massachusetts General Laws Chapter 131, Section 40, and 310 CMR 10.05 (4) (a), in connection with the following matter:

Three Notice of Intent Applications filed under the *Massachusetts Wetlands Protection Act* and the *Town of Concord Wetlands Bylaw (Article 43)* by LEC Environmental Consultants, Inc., on behalf of 874 Barretts Mill Road LLC, with the Town of Concord Natural Resources Commission on May 21, 2025 for property located at 874 Barretts Mill Road (Assessor's Map 7D, Parcel 1994) in Concord, Massachusetts.

The form of notification, and a list of the abutters to whom it was given and their addresses, are attached to this Affidavit of Service.

  
\_\_\_\_\_  
Sharon A. Sullivan  
Permitting Technician

5/22/2025  
Date

May 22, 2025

**CERTIFIED MAIL**

«Name»

«Name2»

«Address»

«City», «State» «Zip»

**Re: Notice of Intent Application**  
**874 Barretts Mill Road**  
**Assessor's Map 7D, Parcel 1994**  
**Concord, Massachusetts**

[LEC File #: SADC\24-405.04]

Dear Abutter:

On behalf of the Applicant, 874 Barretts Mill Road LLC, LEC Environmental Consultants, Inc., (LEC) has filed three Notice of Intent (NOI) Applications with the Concord Natural Resources Commission for the construction of a residential subdivision roadway and associated site grading and infrastructure, and the construction of two single-family dwellings at 874 Barretts Mill Road located within the 100-foot Buffer Zone to Bordering Vegetated Wetlands. The Applicant proposes to implement erosion controls and stormwater management to minimize the potential for impacts to the resource areas, and implement native restoration plantings to mitigate for the proposed work.

The reports entitled *Notice of Intent Application* and accompanying site plans are available for review by the public by contacting the Concord Natural Resources Commission. The Public Hearings will be held on June 11, 2025 at 7:00 p.m., at 141 Keyes Road, 1<sup>st</sup> Floor Conference Room, and via Zoom, in accordance with the provisions of the *Massachusetts Wetlands Protection Act* (M.G.L. Ch. 131, s. 40, as amended), its implementing *Regulations* (310 CMR 10.00), and the Town of *Concord Wetlands Bylaw*. Notice of the Public Hearings, including date and time, will also be published at least five (5) days in advance in the *Concord Bridge*. Notice of the Public Hearings will also be posted at the Concord Town Hall at least 48 hours in advance. Please check the Town/Conservation Commission website for information relative to remote viewing and/or participation in the public hearing process.

Please do not hesitate to review the materials and/or attend the public hearings should you have questions or concerns about the proposed projects.

Sincerely,

**LEC Environmental Consultants, Inc.**


Richard A. Kirby

Senior Wetland Scientist

**LEC Environmental Consultants, Inc.****www.lecenvironmental.com**

12 Resnik Road  
 Suite 1  
 Plymouth, MA 02360  
 508.746.9491

380 Lowell Street  
 Suite 101  
 Wakefield, MA 01880  
 781.245.2500

100 Grove Street  
 Suite 310  
 Worcester, MA 01605  
 508.753.3077

P. O. Box 590  
 Rindge, NH 03461  
 603.899.6726

680 Warren Avenue  
 Suite 3  
 East Providence, RI 02914  
 401.685.3109

PLYMOUTH, MA

WAKEFIELD, MA

WORCESTER, MA

RINDGE, NH

EAST PROVIDENCE, RI

## **Notification to Abutters Under the Massachusetts Wetlands Protection Act and the Concord Wetlands Bylaw**

In accordance with the second paragraph of Massachusetts General Laws Chapter 131, Section 40, and Article 43 of the 2009 Annual Town Meeting, you are hereby notified of the following:

Applicant's Name: 874 Barretts Mill Road LLC

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The Applicant has filed three Notice of Intent Applications with the Natural Resources Commission, acting as its Conservation Commission for the municipality of Concord, seeking permission to remove, fill, dredge, or alter an area subject to protection under the Wetlands Protection Act (General Laws Chapter 131, Section 40) and the Concord Wetlands Bylaw.

Address where activities are proposed: 874 Barretts Mill Road

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Brief description of proposed project: construct a residential subdivision roadway and associated site grading and infrastructure; and construct two single-family dwellings.

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The Notice of Intent Applications and project plans may be viewed on the Natural Resources Commission's webpage under Current Meeting Documents at <https://concordma.gov/2254/Current-Meeting-Documents>. Plans may also be viewed at the Natural Resources Division office at 141 Keyes Road Monday through Thursday between the hours of 8:00 a.m. and 4:00 p.m. and Friday between 8:00 a.m. and 12:00 p.m., or by appointment. You may also email [nr@concordma.gov](mailto:nr@concordma.gov) for more information or to obtain copies of the Notice of Intent Applications.

The public hearings will be held on June 11, 2025. The hearings will be a hybrid in-person/Zoom meeting with a quorum of the Commission physically present at 141 Keyes Road, 1<sup>st</sup> Floor Conference Room. The public is invited to attend in person or via Zoom. Information on how to participate via Zoom will be provided on the agenda at <https://concordma.gov/AgendaCenter/Natural-Resources-Commission-25>.

Notice of the public hearings will also be published at least five (5) days in advance of the meetings in the Concord Bridge and posted at the Town House not less than forty-eight (48) hours in advance of the meeting.

You may also contact the Department of Environmental Protection, Northeast Region for more information, at (978) 694-3200.

Notification provided pursuant to the above requirement does not automatically confer standing to the recipient to request Departmental Action for the underlying matter. See 310 CMR 10.05(7)(a)4.



Town of Concord  
Board of Assessors  
24 Court Lane  
Concord, Massachusetts 01742  
Tel: (978) 318-3070  
[www.concordma.gov](http://www.concordma.gov)

### ABUTTERS LIST

**PROPERTY :** 874 Barretts Mill Rd.  
Concord, MA 01742

**PARCEL:** 1994

As per Massachusetts General Laws Chapter 131, Section 40 whereas the “abutters” included shall be:

Any person filing a notice of intention with a conservation commission shall at the same time give written notification thereof, by delivery in hand or certified mail, return receipt requested, to all abutters within one hundred feet of the property line of the land where the activity is proposed, at the mailing addresses shown on the most recent applicable tax list of the assessors, including, but not limited to, owners of land directly opposite said proposed activity on any public or private street or way, and in another municipality or across a body of water.

The Board of Assessors hereby certifies that the attached list contains the record owners as of January 1, 2025, recorded on the current tax rolls. In addition, the Board certifies that the list includes owners, as per recorded deeds as received up to April 30, 2025.

*Carolyn Dee*  
Office Administrator

May 8, 2025

Parcel#	Owner	Co-Owner	Mailing Address	City	State	Zip	Property Address
1993-3	LAFRANCE TR CHRISTOPHER A	LAFRANCE TR MELISSA D	804 BARRETTS MILL RD	CONCORD	MA	01742	804 BARRETTS MILL RD
1990-21	FISHER TR WILLIAM M	ISEN TR JOYCE A	21 WRIGHT FARM	CONCORD	MA	01742	21 WRIGHT FARM
1990-18	KRONROD BORIS		18 WRIGHT FARM	CONCORD	MA	01742	18 WRIGHT FARM
1990-11	ACQUILANO DAYLE A	JAMES RYAN A	11 WRIGHT FARM	CONCORD	MA	01742	11 WRIGHT FARM
1990-20	GOUILLART FRANCIS J TR		20 WRIGHT FARM	CONCORD	MA	01742	20 WRIGHT FARM
1990-23	MACAULEY SHEILA R TR	MACAULEY LEIHA TR	23 WRIGHT FARM	CONCORD	MA	01742	23 WRIGHT FARM
1990-28	MONACO CAROL C		4 WRIGHT FARM	CONCORD	MA	01742	4 WRIGHT FARM
1990-25	TSAO JANE I		1 WRIGHT FARM	CONCORD	MA	01742	1 WRIGHT FARM
1990-8	OLSON JEAN L TR		8 WRIGHT FARM	CONCORD	MA	01742	8 WRIGHT FARM
1990-12	HARRINGTON TR LEANE	HARRINGTON TR ALAN LAMB	12 WRIGHT FARM	CONCORD	MA	01742	12 WRIGHT FARM
1990-14	WOLAHAN TR JAMES M	WOLAHAN TR JANET K	14 WRIGHT FARM	CONCORD	MA	01742	14 WRIGHT FARM
1990-19	LEVINE PAUL B		19 WRIGHT FARM	CONCORD	MA	01742	19 WRIGHT FARM
1990-22	THOMAS MARK L		22 WRIGHT FARM	CONCORD	MA	01742	22 WRIGHT FARM
1990-27	ROSSITER EDWARD V W		3 WRIGHT FARM	CONCORD	MA	01742	3 WRIGHT FARM
1990-6	EBERLE MARGUERITE Q TR		6 WRIGHT FARM	CONCORD	MA	01742	6 WRIGHT FARM
1990-7	ARONSON CAROL R		7 WRIGHT FARM	CONCORD	MA	01742	7 WRIGHT FARM
1990-9	KING JUSTIN A B		9 WRIGHT FARM	CONCORD	MA	01742	9 WRIGHT FARM
1990-10	BLACKHAM MATTHEW G		10 WRIGHT FARM	CONCORD	MA	01742	10 WRIGHT FARM
1990-13	SCHWARTZ RICHARD P	SCHWARTZ MERYL K	13 WRIGHT FARM	CONCORD	MA	01742	13 WRIGHT FARM
1990-15	KELLY MARY ALICE TR		61 HILL ST	CONCORD	MA	01742	15 WRIGHT FARM
1990-16	MARINACCIO BRETT		16 WRIGHT FARM	CONCORD	MA	01742	16 WRIGHT FARM
1990-17	BELL RUTH E		17 WRIGHT FARM	CONCORD	MA	01742	17 WRIGHT FARM
1990-24	FRANKLIN WAYNE		24 WRIGHT FARM	CONCORD	MA	01742	24 WRIGHT FARM
1990-26	RITZ CATHERINE		2 WRIGHT FARM	CONCORD	MA	01742	2 WRIGHT FARM
1920	JOINER WILLIAM B		883 BARRETTS MILL RD	CONCORD	MA	01742	883 BARRETTS MILL RD
1930	YELIN MITCHELL		869 BARRETTS MILL RD	CONCORD	MA	01742	869 BARRETTS MILL RD
1931	MCCUTCHEON C SCOTT		861 BARRETTS MILL RD	CONCORD	MA	01742	861 BARRETTS MILL RD
1932	BIGELOW MAUDE W		24 FEDERAL ST 9TH FL	BOSTON	MA	02110	855 BARRETTS MILL RD
1994	BARRETTS MILL ROAD LLC	C/O JOHN MARABELLO	858 BARRETTS MILL RD	CONCORD	MA	01742	874 BARRETTS MILL RD
1996	DEFREITAS BLAINE J TR		838 BARRETTS MILL RD	CONCORD	MA	01742	838 BARRETTS MILL RD
1997	BARRETTS MILL ROAD LLC	C/O JOHN MARABELLO	858 BARRETTS MILL RD	CONCORD	MA	01742	858 BARRETTS MILL RD
1999-3	COMMONWEALTH OF MASSACHUSETTS		965 ELM ST	CONCORD	MA	01742	976 BARRETTS MILL RD
1990-5	MARSH TR MARGARET W		5 WRIGHT FARM	CONCORD	MA	01742	5 WRIGHT FARM
1995	PHATARPEKAR SANTOSH		822 BARRETTS MILL RD	CONCORD	MA	01742	822 BARRETTS MILL RD





## **Notice of Intent Application**

Single-Family Dwelling (Lot 3)

874 Barretts Mill Road

Assessor's Map 7D, Lot 1994

Concord, Massachusetts

May 21, 2025

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## 1. Introduction

On behalf of the Applicant, 874 Barretts Mill Road, LLC, (Stephen Bilharz, Contact), LEC Environmental Consultants, Inc., (LEC) is filing the enclosed Notice of Intent (NOI) Application with the Concord Natural Resources Commission (Commission) under the *Massachusetts Wetlands Protection Act* (M.G.L. c. 131, s. 40, the *Act*), its implementing *Regulations* (310 CMR 10.00, the *Act Regulations*), the *Town of Concord Wetlands Bylaw* (Article 58, the *Bylaw*), and the *Bylaw Regulations* (Article 59, the *Bylaw Regulations*).

The Applicant is seeking approval for the construction of a single-family dwelling and associated site appurtenances at 874 Barretts Mill Road in Concord, Massachusetts. This dwelling is proposed on Lot 3 of a 4-lot residential subdivision. Two other NOI Applications are being filed simultaneously with this one: one for the subdivision roadway, site grading, and associated infrastructure; and one for a second single-family dwelling located within the Buffer Zone (Lot 4). Portions of the proposed activities are located within the Buffer Zone to Bordering Vegetated Wetlands (BVW). The proposed subdivision also requires Definitive Subdivision approval by the Concord Planning Board, for which the Applicant will file in advance of the June 11 Public Hearing with the Commission.

The Applicant proposes to implement erosion controls and stormwater management to minimize the potential for impacts to the resource areas, and install native tree plantings and sow a native pollinator meadow seed mix to improve existing site conditions within the Buffer Zone.

The existing and proposed conditions are depicted on the *874 Barrett's Mill Road Assessors Map 7D Lot 1994 Definitive Subdivision Located in Concord, MA Plan Set* dated May 14, 2025 prepared by Patriot Engineering. (*Plan Set*, attached). Details of the stormwater management design and an Operation & Maintenance Plan are provided in the *Stormwater Management Report and Calculations for a Definitive Subdivision at 874 Barrett's Mill Road Concord, Massachusetts* dated May 16, 2025 also prepared by Patriot Engineering (*Stormwater Report*, attached).

## 2. General Site Description

The 2.39± acre property is located north of Concord Turnpike (MA-2), west of Lowell Road, and south of the Annursnac Conservation Land within the western portion of Concord (Appendix A, Figures 1 and 3). More specifically, the property is located on the northern side of Barretts Mill Road, immediately east of the Northeastern Correctional Center. Single-family dwellings and residential development associated with Barretts Mill Road and Wrights Farm occur to the northeast, east, and south of the property, while undeveloped forested uplands occur to the north and pastureland associated with the Northeast Correctional facility occurs to the west.



Westerly view of single-family dwelling, out structures, and fallow agricultural field

The property contains a single-family dwelling and three associated out structures accessed via a gravel driveway extending north from Barretts Mill Road (Sheet C-1 of the *Plan Set*). The driveway transitions to dilapidated pavement before opening into a parking area north of the dwelling.

Stockpiles of debris including scrap metal, cinderblocks,

landscape debris, and wood chips occur adjacent to the parking area, while fallow agricultural fields comprise the northern and eastern portions of the property. A non-jurisdictional, man-made irrigation pond occurs within the central portion of the property. Bordering Vegetated Wetlands (BVW) including forest, scrub shrub, and wet meadow occur within the northern and eastern portions of the property and border an intermittent stream within the northwestern corner of the property and extend off-site. The 25-foot Buffer Zone is demarcated with boulders partially embedded in the ground. The off-site pastureland to the west also qualifies as BVW based on the presence of hydric soils and borders the same intermittent stream. Forested uplands occur within the northern portion of the property between the two wetland areas. Site topography is generally flat

throughout the developed portions of the site and agricultural fields, with moderate slopes descending toward the wetlands to the west, north, and east. An elevation gradient of roughly 5 feet occurs across the property.



Westerly view of fallow agricultural field with off-site pastureland in background

Aside from lawn surrounding the dwelling, the developed portions of the property, including the fallow agricultural field, contains upland herbaceous vegetation, including patches of pennycress (*Thlaspi arvense*), American Pokeweed (*Phytolacca americana*), garlic mustard (*Alliaria petiolata*), mugwort (*Artemisia vulgaris*), goldenrods (*Solidago* spp.),

wild cucumber vine (*Echinocystis lobata*), burdock (*Arctium* sp.), and bedstraw (*Galium* sp.). Scattered trees were observed along the gravel driveway, including northern catalpa (*Catalpa speciosa*), black cherry (*Prunus serotina*), swamp white oak (*Quercus bicolor*), and Norway maple (*Acer platanoides*). Vegetation within the forested uplands includes a canopy of northern red oak (*Quercus rubra*), with individuals of eastern white pine (*Pinus strobus*) and red maple (*Acer rubrum*). The understory contains patches of oak saplings, with individuals of sapling black cherry (*Prunus serotina*), sapling shagbark hickory (*Carya ovata*), burning bush (*Euonymus alatus*), Tartarian honeysuckle (*Lonicera tartarica*), and privet (*Ligustrum* sp.). The groundcover is relatively sparse, containing scattered seedlings from the overstory.

Utilizing a hand-held, Dutch-style auger, LEC inspected soil conditions within the upland areas along the BVW boundaries and generally observed a 26-inch thick, loamy sand topsoil (A Horizon) with a soil matrix color transitioning from 10YR 2/1 to 10YR 2/2 with depth. No redoximorphic features or other indicators of hydrology were observed. The upland soil profile is not considered hydric according to the *Field Indicators for Identifying Hydric Soils in New England* (Version 4, May 2018, the *Field Indicators Guide*).

**2.1 Natural Heritage and Endangered Species Program Designation**

According to the 2021 version of the *Massachusetts Natural Heritage Atlas*, no areas of Estimated Habitat for Rare Wildlife or Certified or Potential Vernal Pools exist on the site (Appendix A, Figure 3).

**2.2 Floodplain Designation**

According to the July 7, 2014 *Federal Emergency Management Agency Flood Insurance Rate Map* for Essex County, Massachusetts (Map No: 25009C0316G), the entire property is located within Zone X (unshaded): *Areas determined to be outside the 0.2% annual chance floodplain* (Appendix A, Figure 2). Therefore, no Bordering Land Subject to Flooding occurs on the property.

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**3. Wetland Boundary Determination Methodology**

LEC conducted a site evaluation on December 20, 2024 to identify and characterize existing protectable Wetland Resource Areas located on or immediately adjacent to the site and to review the delineation of Bordering Vegetated Wetlands by others as re-established in the field by the project surveyor. The extent of Wetland Resource Areas was determined through observations of existing plant communities and hydrologic indicators in accordance with the *Act*, its implementing *Regulations*, the *Bylaw*, and the *Bylaw Regulations*. BVW flagging stations 1 through 8, AA through HH, A1 through A-12, A through Z, and B-1 through B-12 delineate the BVWs on the property as depicted on Sheet C-1 of the *Plan Set*.

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**4. Wetland Resource Areas**

Wetland Resource Areas associated with the site include Bordering Vegetated Wetlands. The BVW places the 25-foot No Disturbance Zone and 100-foot Buffer Zone on the property.

**4.1 Bordering Vegetated Wetlands**

BVW is defined at 310 CMR 10.55(2) as: *freshwater wetlands which border on creeks, rivers, streams, ponds, and lakes...Bordering Vegetated Wetlands are areas where the*

*soils are saturated and/or inundated such that they support a predominance of wetland indicator plants...The boundary of Bordering Vegetated Wetlands is the line within which 50% or more of the vegetational community consists of wetland indicator plants and saturated or inundated conditions exist.*

The *Bylaw* does not provide a separate definition and therefore the above definition prevails.

A wet meadow occurs within the northern and eastern portions of the site, and transitions to scrub shrub and forested wetlands to the north and east. Vegetation within the wet meadow includes patches of bedstraw, blue vervain (*Verbena hastata*), goldenrods (*Solidago* spp.), reed canary grass (*Phalaris arundinacea*), and individual patches of common reed (*Phragmites australis*), cattail (*Typha* sp.), tickseed (*Coreopsis* sp.), and burnweed (*Erechtites hieracifolius*). The scrub shrub plant community contains scattered patches of swamp rose (*Rosa palustris*), elderberry (*Sambucus canadensis*), winterberry holly (*Ilex verticillata*), and individuals of multiflora rose (*Rosa multiflora*). Forested wetland areas contain a canopy dominated by red maple. The understory contains patches of European buckthorn (*Frangula alnus*), with individuals of sapling gray birch (*Betula populifolia*), highbush blueberry (*Vaccinium corymbosum*), and spicebush (*Lindera benzoin*). The groundcover contains patches of soft rush (*Juncus effusus*).

LEC inspected soils within the BVW using a hand-held, Dutch-style auger and generally observed a 12-inch thick, loamy sand topsoil (A Horizon) with a soil matrix color of 10YR 2/2. The topsoil is underlain by a 4-inch thick, weathered, loamy sand subsoil (B<sub>w</sub> Horizon) with a soil matrix color of 2.5Y 5/3. Redoximorphic features were observed within 12 inches of the soil surface, including concentrations with a color of 10YR 3/6 and depletions with a color of 2.5Y 5/2. This soil profile qualifies as a hydric soil according to *Field Indicators Guide*.

4.2

**Intermittent Stream Status**

The stream within the northwestern portion of the property is depicted as intermittent on the current USGS Topographic Map (Appendix A, Figure 1). In order to confirm the stream's intermittent status in accordance with the *Act Regulations*, LEC implemented the USGS StreamStats program for a point along the stream >200 feet from the property. Appendix B contains a *USGS StreamStats Report* indicating a 0.18 square mile watershed

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area and a 99% flow duration of 0.00597 cfs. These measurements are below the 0.50 square mile watershed area threshold and 0.01 cfs 99% flow duration threshold enumerated in the *Act Regulations* at 310 CMR 10.58 (2) (a)1.a. Accordingly, the stream is confirmed to be intermittent.

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## 5. Proposed Construction Activities

Lot 3 is located within the northeastern portion of the subdivision. The Applicant proposes to construct a single-family dwelling with a patio proposed off the rear of the dwelling. Access to the dwelling will be provided via a paved driveway extending northeasterly from the subdivision roadway *cul-de-sac*. A septic system is proposed south of the dwelling, and a subsurface infiltration system is proposed east of the dwelling to capture and infiltrate roof run-off according to Concord requirements.

The site will be developed near existing grade, with up to 2 feet of fill material proposed between the 132 and 134 elevation contours. The Limit-of-Work line will be established outside the 25-foot No Disturbance Zone and native evergreen screening trees are proposed northeast of the dwelling, as depicted on Sheet L-1 of the *Plan Set*, as prepared by J Thoma Land Design Studios.

The driveway will measure roughly 60 feet from the BVW at its closest point, while the majority of the proposed dwelling is outside of the 100-foot Buffer Zones – measuring >95 feet from the BVW boundaries.

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## 6. Mitigation Measures

The Applicant intends to implement erosion controls to mitigate for any potential impacts to the BVW, provide stormwater management in accordance with local requirements, and sow a native pollinator meadow seed mix for the land between the 25-foot and 50-foot Buffer Zones to improve existing site conditions. A description of each of these mitigating measures is provided below.

### 6.1 Erosion and Sedimentation Control

The Applicant proposes to implement an erosion control program to protect the adjacent BVW and properties from sedimentation during construction activities. The plan for the

control of potential impacts to the adjacent Wetland Resource Area is based on DEP guidelines and will be comprised of staked, 12-inch diameter compost filter tubes. The compost filter tubes will be installed along the LOW line. All erosion control measures will be maintained and remain in place until construction is complete and disturbed areas are stabilized by vegetation. The location of the proposed erosion controls is shown on the Sheet 3 of the *Plan Set*.

## 6.2 **Stormwater Management**

The Applicant proposes to provide stormwater management for the run-off resulting from the proposed roof area. Details of the system design are provided on the *Plan Set* and *Stormwater Report*. The stormwater management system will comprise of a series of stormwater infiltration units and roof run-off will be directed to the system via gutters, roof drains, and associated conduits. Review of the stormwater design will be conducted by the Concord Engineering Department during the Planning Board's review of the Definitive Subdivision Application.

## 6.3 **Native Pollinator Seed Mix**

The Applicant proposes to sow the *Mesic to Dry Native Pollinator Mix* from Ernst Conservation Seeds for the land between the 25-foot No Disturbance Zone and the 50-foot Buffer Zone. The intent of this seed mix is to establish a pollinator meadow to extend the existing naturalized vegetation already established within the 25-foot No Disturbance Zone. The seed mix will be applied per the manufacturer's specifications and boulders will be established along the 50-foot Buffer Zone boundary every 20 feet to demarcate the lawn edges at the 50-foot Buffer Zone boundary. Annual mowing in the fall is proposed to maintain the pollinator meadow and inhibit populating woody invasive plants.

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## 7. **Summary**

On behalf of the Applicant, 874 Barretts Mill Road LLC, (Stephen Bilharz, Contact), LEC is filing the enclosed NOI Application with the Commission under the *Act*, the *Act Regulations*, the *Bylaw*, and the *Bylaw Regulations* for the construction of a single-family dwelling and associated site appurtenances at 874 Barretts Mill Road in Concord. This dwelling is proposed on Lot 3 of a 4-lot residential subdivision for which separate NOI

Applications are being filed. Portions of the proposed activities are located within the Buffer Zone to BVW.

The proposed project includes the installation of erosion controls, stormwater management in accordance with town standards, native tree plantings, and applying a native pollinator seed mix. The project, including the proposed mitigating measures, meets the performance standards enumerated in the pertinent Statutes and Regulations. Accordingly, the Applicant requests that the Commission issue an Order of Conditions approving the project as proposed herein.

Concord Natural Resources Commission, *Town of Concord Wetlands Bylaw* (Article 58). Town of Concord, Massachusetts. April 2013.

Concord Natural Resources Commission, *Town of Concord Wetlands Bylaw Regulations* (Article 59). Town of Concord, Massachusetts. April 2010.

Massachusetts Department of Environmental Protection, Division of Wetlands and Waterways *Massachusetts Handbook for Delineation of Bordering Vegetated Wetlands* (Second Edition, September 2022)

Massachusetts Natural Heritage and Endangered Species Program Atlas of Estimated Habitat of State-listed Rare Wetlands Wildlife, 2021. Natural Heritage & Endangered Species Program, Massachusetts Division of Fisheries & Wildlife, Route 135, Westborough, MA 01581, [www.state.ma.us/dfwele/dfw](http://www.state.ma.us/dfwele/dfw)

Massachusetts Wetlands Protection Act (M.G.L. c. 131, §. 40), [www.state.ma.us/dep](http://www.state.ma.us/dep)  
Massachusetts Wetlands Protection Act Regulations (310 CMR 10.00),  
[www.state.ma.us/dep](http://www.state.ma.us/dep)

National Flood Insurance Program, Federal Emergency Management Agency Flood Insurance Rate Map, Middlesex County, Massachusetts, July 7, 2014

New England Hydric Soils Technical Committee. 2020, 4<sup>th</sup> ed., *Field Indicators for Identifying Hydric Soils in New England*.

The State of Massachusetts 2016 Wetland Plant List (Lichvar, R.W, et al. 2016). US Army Corps of Engineers

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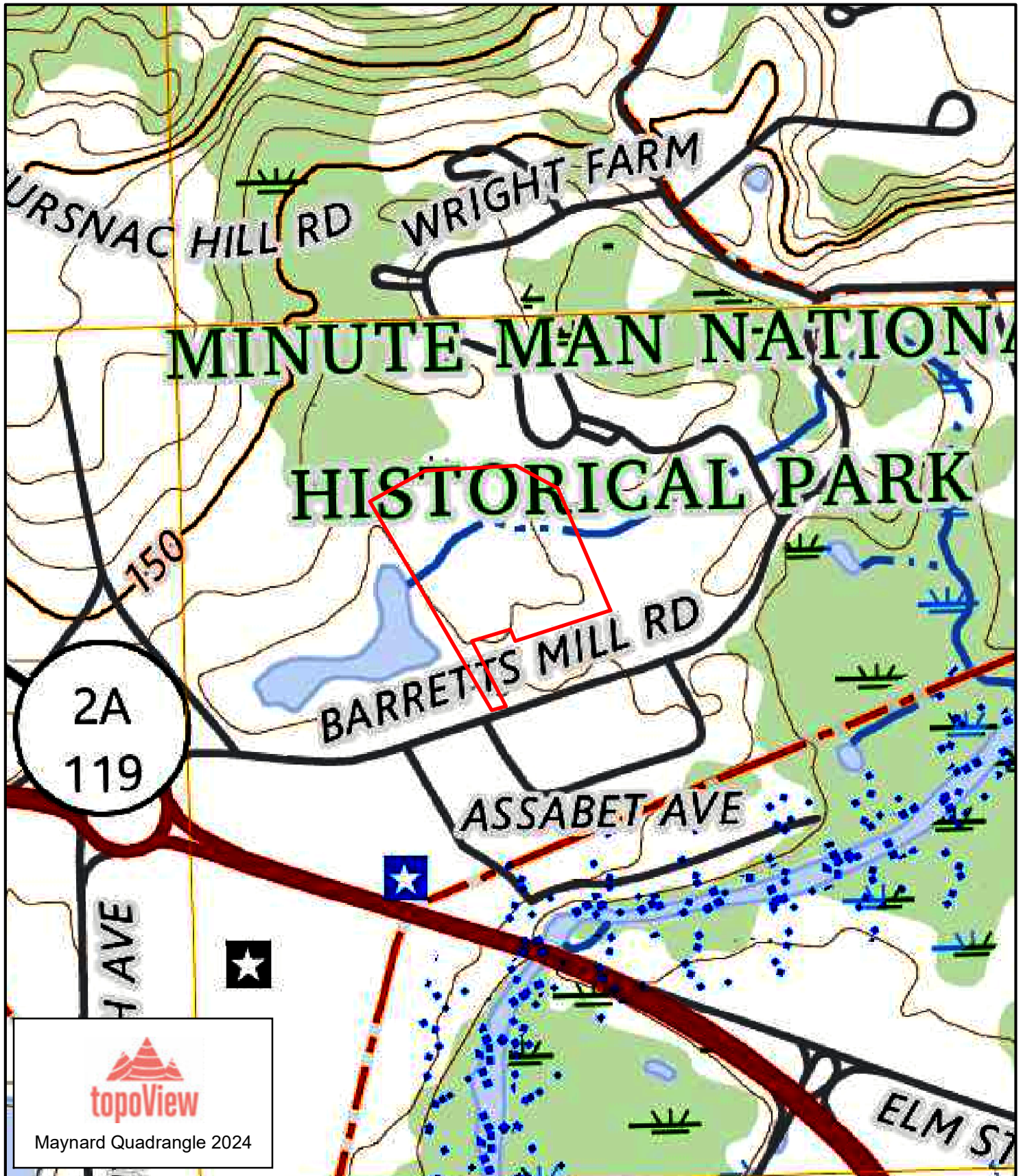
## Appendix A

### Locus Maps

Figure 1: USGS Topographic Quadrangle

Figure 2: FEMA Flood Insurance Rate Map

Figure 3: MassGIS Orthophoto & NHESP Estimated Habitat Map



**LEC**

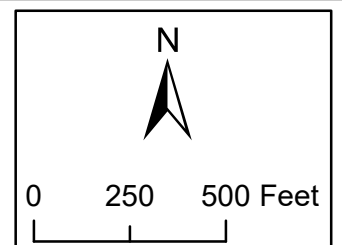
Environmental Consultants, Inc.

Wakefield, MA  
781.245.2500

www.lecenvironmental.com

Figure 1: USGS Topographic Map  
874 Barretts Mill Road  
Concord, MA

May 21, 2025

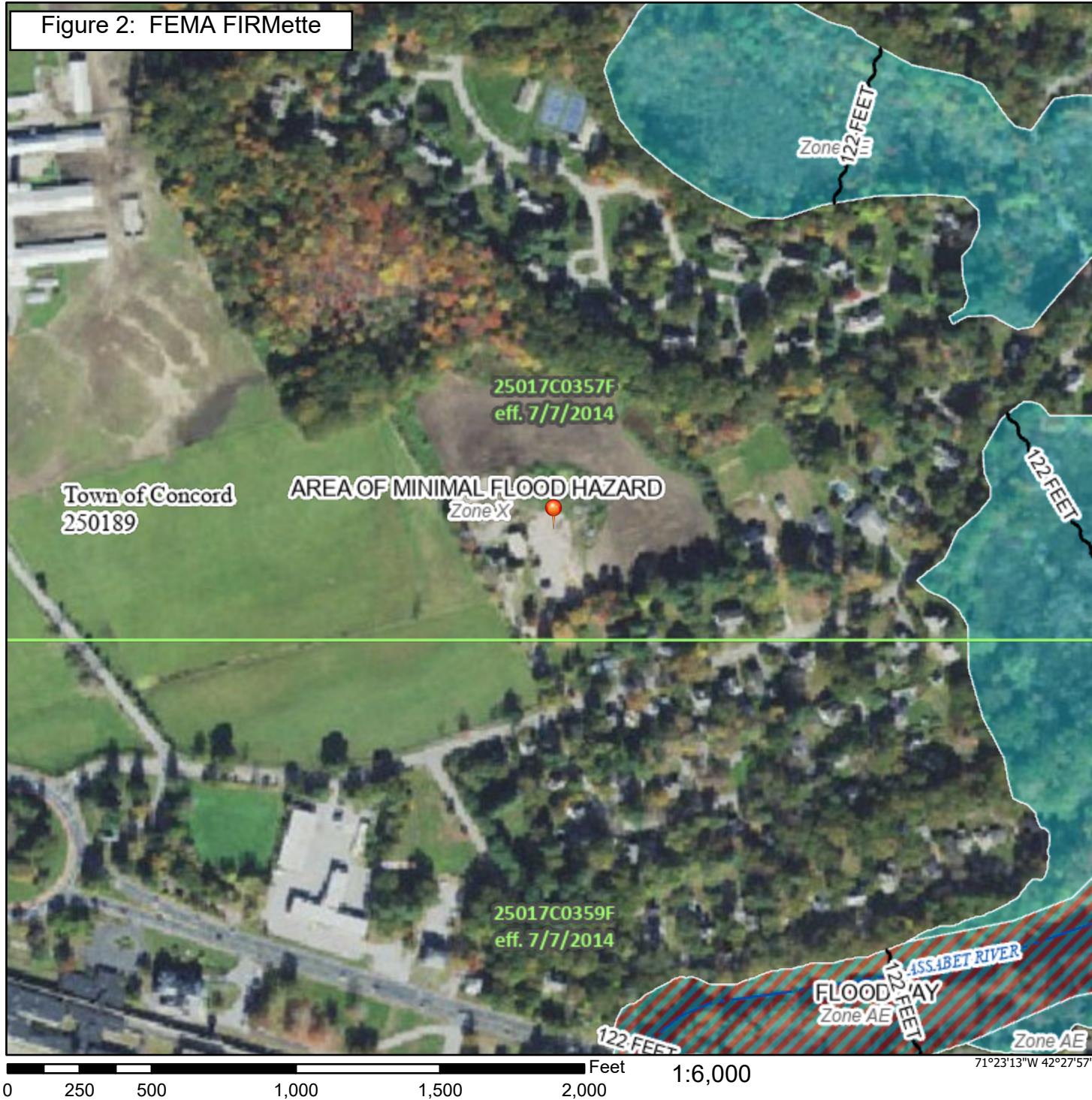


# National Flood Hazard Layer FIRMette



71°23'50"W 42°28'24"N

Figure 2: FEMA FIRMette



## Legend

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

- |                                    |  |  |
|------------------------------------|--|--|
| <b>SPECIAL FLOOD HAZARD AREAS</b>  |  | Without Base Flood Elevation (BFE)<br><i>Zone A, V, A99</i>  |
|                                    |  | With BFE or Depth <i>Zone AE, AO, AH, VE, AR</i>   |
|                                    |  | Regulatory Floodway  |
| <b>OTHER AREAS OF FLOOD HAZARD</b> |  | 0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile <i>Zone X</i> |
|                                    |  | Future Conditions 1% Annual Chance Flood Hazard <i>Zone X</i>  |
|                                    |  | Area with Reduced Flood Risk due to Levee. See Notes. <i>Zone X</i>  |
|                                    |  | Area with Flood Risk due to Levee <i>Zone D</i>  |
| <b>OTHER AREAS</b>                 |  | NO SCREEN Area of Minimal Flood Hazard <i>Zone X</i>   |
|                                    |  | Effective LOMRs  |
| <b>GENERAL STRUCTURES</b>          |  | Area of Undetermined Flood Hazard <i>Zone D</i>  |
|                                    |  | Channel, Culvert, or Storm Sewer   |
| <b>OTHER FEATURES</b>              |  | Levee, Dike, or Floodwall  |
|                                    |  | 20.2 Cross Sections with 1% Annual Chance Water Surface Elevation  |
| <b>MAP PANELS</b>                  |  | 17.5 Coastal Transect  |
|                                    |  | Base Flood Elevation Line (BFE)  |
|                                    |  | Limit of Study   |
|                                    |  | Jurisdiction Boundary  |
|                                    |  | Coastal Transect Baseline  |
|                                    |  | Profile Baseline   |
|                                    |  | Hydrographic Feature   |
|                                    |  | Digital Data Available   |
|                                    |  | No Digital Data Available  |
|                                    |  | Unmapped   |
- The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on 9/11/2024 at 3:17 PM and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.



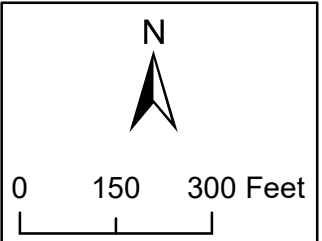
**Legend**

- \* NHESP Certified Vernal Pool
- \* NHESP Potential Vernal Pool
- ▤ NHESP Estimated Habitats of Rare Wildlife (2021)
- ▨ NHESP Priority Habitats of Rare Species (2021)

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Figure 3: MassGIS Orthophoto & NHESP Map  
 874 Barretts Mill Road  
 Concord, MA

May 21, 2025



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**Appendix B**

USGS StreamStats Report