EDWARD P. SINNI, JR.
21-4 Concord Greene
Concord, MA. 01742

July 9, 2020

c/o Edward Nardi NRC
c/o Kristen Ferguson and Burton Flint, Planning Board Chairs
c/o Elizabeth Akehurst-Moore, ZBA Chair
c/o Tim Alexander, West Concord Advisory Committee Chair
Town of Concord
141 Keyes Road
Concord, MA. 01742

Dear NRC, Planning Board, West Concord Advisory Committee and ZBA Membership,

At the Planning Board meeting on July7, 2020 the proponent provided certain additional verbal information that we would like to comment on and provide a list of questions that went unasked at the subject meeting as follows:

1. The proponent indicated that the town Building Commissioner has agreed to allow a parking space at the site of the drive thru ATM so the proponent can achieve the site required 17 spaces. That seems to be a demonstration of poor judgment and the ZBA needs to fix that. However, if it is to be a parking space and the ZBA accepts this absurdity, then make sure that the space is delineated with the proper parking space lines of demarcation and clear signage is provided to the public indicating that such a space is available to be used by them without discrimination. For example, people may choose to park in it when they have a need to enter the bank for business. It just may be more convenient or appealing. Or a handicap individual may require it for parking when the two other handicap spaces are unavailable or if it is deemed by that individual to be more acceptable because of his/hers handicap. Therefore the space would need to be handicap accessible. Sound absurd to you? This needs to be overruled by the ZBA.
2. When it was raised that the lighting on the site was quite excessive, the proponent indicated that Chase Bank has its own standards for lighting as if the bank might insist on some form of excess. The Town has its own bylaw and the town's trumps Chase Bank as best we can tell. That point was not made and should be by the ZBA in its own words. Or restated, perhaps this site is not right for a Chase Bank and the site be made into a park. That is the right answer.
3. The proponent proposes that passers-by on Main Street look at the south side of its excessively large windowed structure rather that it front doors because its size does not fit the site and there may be competitive reasons for its placement. The building at 2200 sq ft is being shoe horned onto a site that has for years housed a 1270 sq ft building. This is hardly what the town wants to approve.
4. The requested 21 E Report was not addressed with the proponent in any detail. Rather the staff argued subsequently that it was not necessary. That is a question

that needs the Massachusetts Department of Environmental Protection and the US Department of the Interior both to comment on to be clear.

5. The property owner had indicated he had installed "three monitoring wells" to assure that there was not an issue with contamination on the site. It is wonderful to hear that but it begs the following questions that need a written response. **First**, when were the wells installed and what did they prove? That the site is contamination free? What? **Second**, where were the wells installed and are their locations prescribed by Mass DEP? **Third**, there were wells installed to our recollection at Concord Greene during the decontamination of the 1112 Main Street site in 2012/2013. Those wells indicated in that timeframe that Concord Greene was and remained clean. When did the proponent install its wells? And if they were installed in 2018 or 2019 for example and not at the time of decontamination of the Super Fund site at 1112 Main Street in 2012/2013, could contamination have preceded their installation. That is, does a preexisting condition exist? If the contamination predates the wells the wells may not have been helpful. The ZBA needs the proponent to address this with proof. **Forth**, who certified the results of the testing accomplished by the wells? **Fifth**, is the person certified with the Commonwealth and/or the US? **Sixth**, the town should ask for hard and electronic copies of all the data and question answers and have a town environmental specialist examine them while also verifying that DEP agrees with the data's conclusions. This should be public information. **Seventh**, we do not know if the site was clean prior to the wells being installed. That extremely important question needs an answer in writing. That may require the soil to be tested now for verification and guaranty of "clean" depending upon the answer or it may be filed with the clean up of 1112 Main Street. In either case the proponent should have the documentation or want it. We need it. **Eighth**, keep in mind that the Mobil Station was built in the 1950's and leakage occurred over quite an extended period of time meaning many decades. We need to be careful here. If there is currently a contaminant on the site then now is the time to address it not just per Massachusetts code but also according to US code as the contaminating site is a Federal Super Fund Site. **Ninth**, if the well data shows that the well areas are clean today; does that mean that the site is decontaminated or clean today? There should be a written document detailing this that the ZBA should examine. We hope this is the case. **Tenth**, is the site guaranteed to be clean today? There should be provided documentation. **Eleventh**, if any of the tests described above are failed or if the ZBA is not convinced otherwise, then a 21 E Report should be required as 21 E's are required if a site has "the presence of or the potential presence of a hazardous substance". Is there that potential presence? This has to be determined.
6. The proponent detailed that a tract of land to the north of the site (now a boat launch we assume) was donated to the town. That is wonderful and he should be commended for certain. However that comment has no relevance on the task at hand. If it does, please indicate so for the record as we are confused.
7. The Concord Animal Hospital veterinarian building further up Baker Ave at number 245 near the Extension has gone through a recent renovation that was overlooked at in our previous letter. That site now has a very large, in

comparison to the original location, parking lot. This too will add to the horrendous traffic situation already on Baker Ave at the Main Street light. A Traffic Study is necessary here if the proponent is to proceed.

8. We hope the questions provided are answered properly and according to the law and that the property is proven clean. Then the answer to this conundrum is clearly that this protected Wetlands site can be restored and should be taken by Eminent Domain by the Town of Concord and made into a park, for the betterment of the town and its residents. What is proposed does not do so. It is just another massive commercial bank.

The above is written to make certain the town is doing the right thing and we are protecting ourselves. That all i's and t's are dotted and crossed. All questions should be answered by the proponent in writing.

In no way is this document a challenge to the veracity of the proponent rather an honest check. As a great President once said, "trust but verify". We do, but now let's. That is the ZBA's responsibility here to residents and the town.

Sincerely,

Edward P. Sinni, Jr.