

Heather Carey

From: Marcia Rasmussen
Sent: Tuesday, September 08, 2020 8:38 AM
To: Nancy Hausherr; Heather Carey
Cc: Elizabeth Hughes
Subject: FW: NRC Meeting Response To 1134 Main Street Proposal
Attachments: NRC et al 6 Chase Bk.pdf

Nancy and Heather,

Could you please forward the attached letter to the Planning Board and Zoning Board of Appeals today?

Please let me know once this has been done.

Thank you.

Marcia

Marcia Rasmussen, ASLA
Director of Planning & Land Management
Town of Concord
141 Keyes Road ~ Concord, MA ~ 01742
978.318.3290

From: epsjr@earthlink.net [mailto:epsjr@earthlink.net]
Sent: Monday, September 7, 2020 11:13 AM
To: Marcia Rasmussen; Delia Kaye
Subject: FW: NRC Meeting Response To 1134 Main Street Proposal

Marcia,

Please forward this email with the attachment to members of the ZBA and the Planning Boards for their respective meetings this week. The Boards' chairpersons have a copy. The NRC also received it last week. It is very serious. The ZBA and the Planning Board should defer their agenda items for 1134 Main Street until this matter is resolved. Thank you.

Edward Sinni

From: epsjr@earthlink.net [mailto:epsjr@earthlink.net]
Sent: Thursday, September 03, 2020 1:33 PM
To: 'ghiggins@barrettothebysrealty.com'
Cc: 'lynngugginsnrc@gmail.com'; 'enardi@cressetgroup.com'; 'nickgpappas2020@gmail.com'; 'judy.nrc@gmail.com'; 'eam01742@gmail.com'; 'kfergusonconcord@gmail.com'
Subject: NRC Meeting Response To 1134 Main Street Proposal

Dear Greg and NRC Membership,

At last evening's meeting the NRC made a very serious error in approving with conditions the Chase Bank site development at 1134 Main Street. This is a site development and not a redevelopment of an existing site. I tried in vain during the meeting to comment but my requests went unacknowledged for some reason. I hit *6 without any indications of acceptance so I send the following to you. I have asked Delia Kaye for the minutes for the meeting this morning at 8AM but I have yet to receive a reply. I am therefore sending this email of extreme concern. Let's face it, you have not as you indicated Greg, digested the data yet.

It is troubling that you did not read and enter our letter (attached) into the minutes. That is obligatory. That letter was prepared yesterday, due to yet another last minute submission by the proponent, to assist you with a proponent that wants this project approved in a rushed fashion and therefore without proper examination and vetting. We believe that the proponent is aware or at least suspects that this proposal would not pass muster if all detail was provided. The attached letter which I personally spent my day preparing due to another late submission from the proponent details how our Town could commit a violation to the Wetland's Act unless you react properly.

I have further comments for you in support of this as follows since you ignored my letter which I implore you to read and then to reconsider your conditional approval to this most egregious proposal:

1. Pages C4 and C5 were "overlooked" by the proponent per the proponent in his words. Several weeks ago it was determined there was an issue. Nothing was done about it. The proponent attempted to ignore this as best we could tell. It was through Delia Kaye's persisting with the proponent that the plans were exposed as not completely updated AS REQUESTED PRIOR TO THE MEETING. It appeared initially that the proponent did not want to address the issue. The proponent did not complete all the work asked of him yet the NRC, you Greg, allowed this violation and allowed him to

continue on the agenda regardless. I am certain Delia Kaye made you aware of the missing and/or incorrect C4 and C5 data prior to the meeting giving you to opportunity to act properly and remove the project from the meeting agenda. You did not! Why?

2. We do not yet know if the impervious has been reduced. Contrary to the proponent's assertion, the impervious vs pervious surface data has NOT been reconciled. Relevant data, as the proponent terms them, is missing. And the proponent does not have the right to basically refuse to provide that additional and RELAVANT detailed data residents have repeatedly requested. And the NRC did not address the issue presented requesting the Town Engineering Department also look into the impervious question with the CAD files presented although the files do not represent that post land donation NEW site. They represent the pre donation site. This issue remains Greg; the NRC must compel the proponent to provide the detailed data requested multiple times of him, the first of which was in a letter dated July, 2, 2020. It is needed to check to be certain the impervious is decreasing. We suspect it may not be. Why hasn't the NRC asked for this data?
3. This site is NOT a redevelopment. With the donation of the land mass removed from the original 1134 Main Street site by the owner to the Town of Concord as part of the Boat Launch as described in 2018 by Delia Kaye during the launch's approval process, it was detailed that there was indeed such a land donation. The owner agrees and made the statement for the public record weeks ago. That donation made the site different from what was the former, original existing condition. Everything has changed. It is a smaller site today. The impervious and pervious changed as a result. The site total size also has a new dimension. We do not know what those data are yet. We therefore have a NEW SITE that needs the project to reset regardless of the concern that the proponent will object. Let them.
4. A new site developed after 1996 as this one is (2018) has far more stringent requirements as detailed in the Wetland's Act. My letter has further detail. We gave you all the information to look into it. You did not do so. We wonder if this proponent knows this and has you and other Town Boards rushing to an approval, concerned that the site will not, as proposed or possibly ever, meet the Act's requirements for a site development after 1996 as this site is currently proposed. As such the NRC is compelled under the laws of the Commonwealth to stop the project and examine this detail. It appears that you are refusing to do so. It would be very unwise not to do so.
5. Regarding the impervious vs pervious analysis, to do that analysis correctly to protect our Wetlands, the awnings to mention only one of several impervious surfaces that to date probably are not included in the proponent's analysis would add significant impervious surface to the calculations. That may be why the proponent resists submitting that further detail. You have the ability and responsibility to require it. It is truly your responsibility. But why aren't you, Greg? Nobody understands. That is the operative question that will be asked if this project proceeds as is. The NRC has accepted a responsibility from the Town that was offered to you directly by the Town and you were asked, or maybe took an oath, to always act in good faith for the Town and its residents. Please do so here now.
6. The proponent admits that this proposal is the same as it was a few weeks ago. He labeled that comment "the meat and potatoes of it". So what. People determined that there was an oversight and brought that oversight to those responsible to address it. That is you Greg and the NRC members. You did virtually nothing to date about it as best we can determine. You should have figured this out, not us. This is indeed an oversight. But you ignored residents' concerns. You cannot do that.
7. You should never have approved the proposal with conditions as was proposed by a NRC unnamed member in order to move ahead. There are just too many questions that are being ignored. That has never been the case in the past, I am certain. You do not know if this project is viable under the Wetland's Act. Why are you succumbing to the pressure from the proponent? He pressured you last night and you improperly gave way. You can still fix that by acting now.
8. The Town Selectmen have been examining the site for a park under eminent domain as you should be well aware. That too went unaddressed by you. How could you do that? What is it that residents do not know? Tell us.

Stop this project and its conditional approval from advancing now as there are too many open issues and questions. It is you responsibility.

Edward Sinni

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

September 2, 2020

Town of Concord
c/o Greg Higgins 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
141 Keyes Road
Concord, MA. 01742

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

We stand firm with our request for an immediate pause to the Town's consideration of the proposal at 1134 Main Street for a Chase Bank for at least three (3) months. The confusion regarding this project, the fact that we are dealing with a new site and the resistance to providing the requested data dictates the necessity. Additionally, the land is being looked at for Eminent Domain by the Selectmen and to rush this matter would be unwise. Given the last minute submissions (2) by the proponent please accept this letter as a preface to more detail and if necessary, analysis.

Late submissions continue to plague this proposal as well as the fact that not all questions have been addressed. The proponent chooses to ignore some of them. On September 1, 2020 there was a late submission and now at 11:00AM today, the day of the NRC meeting, another late submission is rushed to the NRC. Why is there such urgency with this proponent? Perhaps those details follow. We must pause this proposal for an orderly and complete Town examination.

To this day the proponent ignores the detailed impervious data requested on July 2, 2020 including awnings, pole light bases, walkways etc. You should be concerned as to why that has not been addressed by the proponent and compel the proponent to provide all the details. Without this data the Town will never know if all impervious categories have been examined. We have witnessed in past proposals that oversight can and does occur easily as may be with this proposal.

Additionally, there remains the question as to how the impervious/pervious analysis submitted accounts for the removal of donated land for the Baker Ave Boat Launch? That donation reduces the size of this site and has a definite impact on all calculations. It also changes dates of the site's creation. The proponent ignores this in his most recent comments. It is unclear therefore how the impervious square footage changed for the proposed and existing condition. All documentation provided of the existing condition and the proposed site is for the original site, pre-donation, and not the post-land donation site created in 2018. This is a serious oversight. Therefore updated calculations and

documentation should be provided and reflected as part of the detail requested in the July 2, 2020 letter Items 1, 2 and 3 i.e. “awnings, pole light bases, walkways etc”. Failure to do so will leave the question of impervious vs pervious surface accuracy unaddressed for the amended, newly created site and therefore it may be in violation of the Wetlands Act. That too cannot be allowed. The NRC must compel the proponent to address this issue and provide updated information and documentation. With the donation of the Boat Launch land in 2018, **this is a new site; a new lot!**

Therefore, this new site/lot having been created after the passing of the Rivers Protection Act (1996) requires that the Town must look at the alternatives analysis. Even though this site is a redevelopment, the alternatives standard is much higher for lots created after 1996 which this lot is as Delia Kaye and the NRC should be aware; if not you are now. The requirements are outlined in 310 CMR 10.58(4) of the Wetlands Protection Act.

Further the impervious data analysis submitted has yet to be verified by an independent or external entity (i.e. Town staff, Town residents and independent engineering organizations etc). The NRC must wait for them. The proponent does not want these analyses apparently or it would allow the time for it to occur. **And the proponent cannot be granted the right to state its data conforms to the definition of impervious etc** without supporting and post land donation updated documentation and examination. Again the detailed calculations must be provided as requested and then independently verified given all the confusion. This is all necessary and the Town has the right and is required to make request.

If the proponent can detail answers to the above questions, address the remaining confusion presented herein to the satisfaction of the Town, its’ NRC, PB, ZBA and its residents as well as update the proposal and its supporting documentation and text to be a true representation of the new site **POST-LAND DONATION** created in 2018 then it must do so. As things stand today, we do not have that update and the proposal should be unacceptable to the Town. As a result, there remains a “no confidence” vote.

Therefore, again we request the thoughtful details (awnings, pole light bases, walkways etc) originally requested and detailed in residents July 2, 2020 letter and again on August 31, 2020 to the NRC et al for a separate verification if we choose and for the staff of the Town to examine. Please gather that information as requested from the proponent for any independent analysis if pursued in addition to the requested Engineering Department’s analysis detailed earlier. Also the question of the newly created site in 2018 must be examined as is outlined in 310 CMR 10.58(4) of the Wetlands Protection Act. This too has not been accomplished. **More time is needed by all parties.**

Therefore this Chase Bank-CoreStates project must be suspended as requested on August 31, 2020 until a proper review is completed by the Town and any residents or independent organizations that choose to do so. The NRC needs to look into this matter with urgency and to pause this project from advancing with important open questions still existing and causing confusion. bb

In conclusion, it is incumbent upon the NRC committee to adjourn this project until the above is addressed as well as the Planning Board and the Zoning Board of Appeals to postpone their hearings indefinitely on the matter forthwith. It should be removed from tonight's meeting agenda. The Town, its residents and any interested parties have a right to the information requested and the right to do an independent analysis to ensure the Town that the redevelopment effort is proposed within the Wetlands Act and consistent with the newly created site. It has not done so to date.

What our Town needs is a park in this neighborhood not another commercial bank.

Sincerely,

Edward P. Sinni, Jr.