

THE MILL BROOK & HEYWOOD MEADOW

Saving Common Ground



Concord, Massachusetts

Photography: Friends of Heywood Meadow '95 files, Edgar Grabhorn, Susan Mooring Hollis, Chuck & Lynn Huggins, Patricia MacAlpine, Paul Grabhorn.

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The Mill Brook Valley Group is a non-profit organization. The Group maintains a volunteer interest in the natural and historic preservation of the Mill Brook Vally located in Concord, Massachusetts. This area is a valuable asset to all citizens, and our mission is to preserve and protect its natural and historic resources. We will endeavor to provide guidance and leadership in issues affecting the Mill Brook Valley to ensure that proposed projects have been independently represented.

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Heywood Meadow, the only remaining common meadow in the center of Concord, Massachusetts, faces the threat of development. The Town of Concord, in concert with local business interests, has purchased the one parcel of the Meadow not already held as open space and is proposing to build a visitors information center on the site.

The following discussion describes the history of Heywood Meadow and the Mill Brook that runs through it. It also describes the process that has led to the proposal to build a visitors information center on the site. The conclusion is inescapable that the Town stands in the role as trustee of a national and environmental legacy. Development of Heywood Meadow directly undermines the historic value of the Meadow to the nation. Concord's history belongs not only to Concord but to America and we have an obligation to preserve its assets for future generations.

HEYWOOD MEADOW - SUMMARY

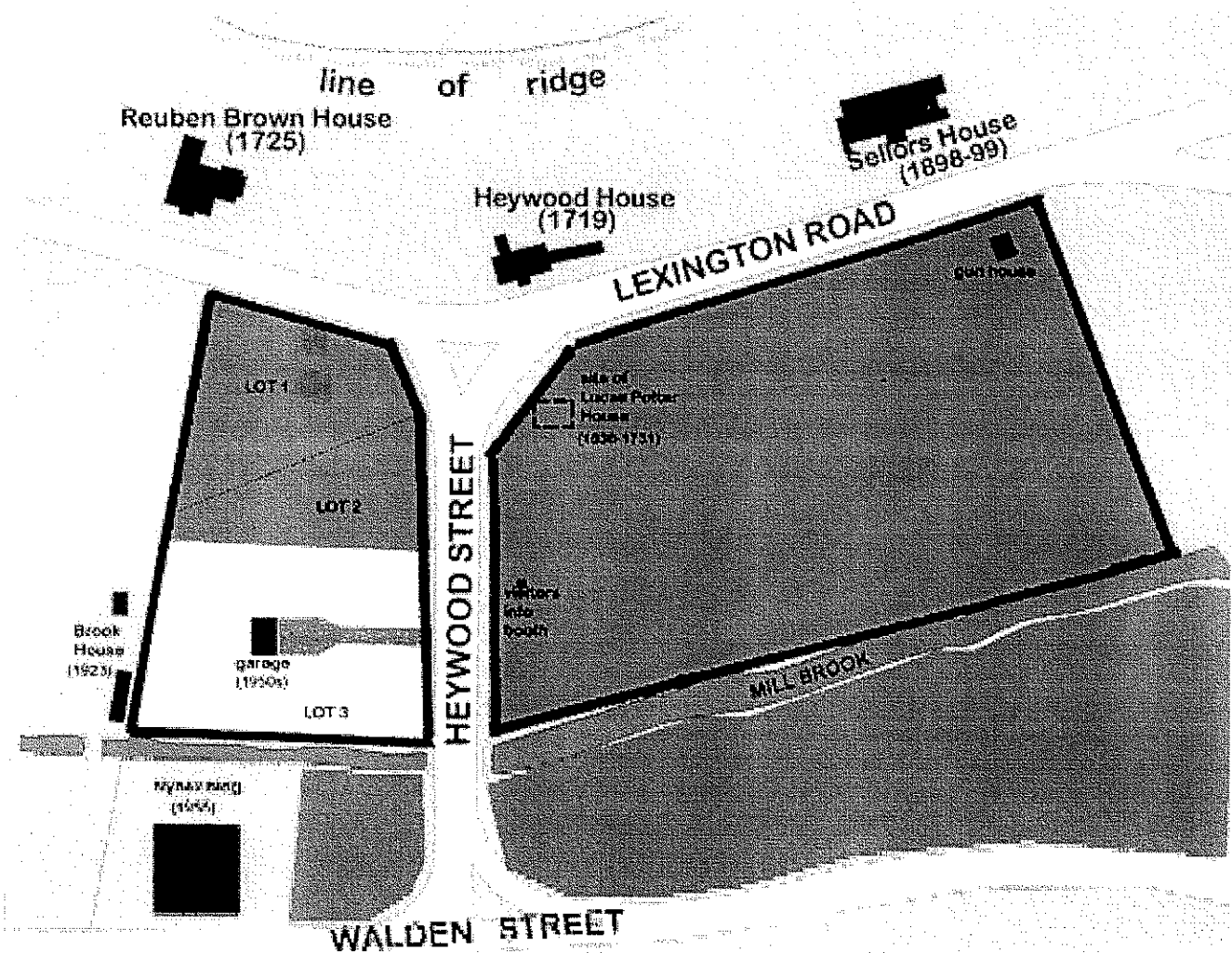
Heywood Meadow's historical importance to the Town is unsurpassed. The Meadow is at the heart of seminal events in colonial, Revolutionary, literary, and philosophical history. Its historical significance has been recognized at the state, local, and national levels. It is designated a pivotal landscape in the National Register of Historic Places.

For over forty years, the Town has resisted attempts to develop the Meadow as institutional or residential property: in 1955, the Town rejected a proposal to build a fire and police station on the Meadow; in 1968 the Town Meeting voted to reverse a taking of the Meadow by the County for the location of a county courthouse; in 1985 the Town Meeting voted not to accept a "gift" of two parcels of the Meadow held in private property because the "gift" was contingent on the Town building a visitors center on the site; and in 1986 the Town Meeting voted to acquire those same parcels for conservation.



1. HEYWOOD MEADOW

Heywood Meadow provides visitors and residents with the most accurate sense of Concord's appearance from its earliest days to the present. The Meadow is comprised of several parcels of land: Lots A, 1, 2, and 3. The relative size of these parcels are: 149,000 square feet or about five acres (Lot A); 20,000 square feet or about 1/2 acre (Lot 1); 20,000 square feet or about 1/2 acre (Lot 2); and 34,000 square feet or about 3/4 acre (Lot 3). The historic district boundaries for Heywood Meadow - at the local, state, and National Register of Historic Places levels - are the Mill Brook to the South and Lexington Road to the North. Heywood Street is not a boundary, it runs North-South through the Meadow. Lot 3 is the only parcel not already held in conservation by the Town.



THE MILL BROOK AND HEYWOOD MEADOW

As witness to seminal events in colonial, Revolutionary, literary, and philosophical history, Lexington Road is a corridor unparalleled in America. Heywood Meadow is at the heart of this history. The Mill Brook which runs through the Meadow was critical to Native Americans and first settlers as a source of food and water power. The historic center of Concord, the first inland settlement by Europeans in America, was clustered around the Milldam and Millpond. Much of Lot 3 was the eastern extent of the Millpond. The first way into the village was Lexington Road (called the Bay Road before there was a Lexington). This would become the Battle Road during the Revolutionary War. All of Concord's most prominent literary figures lived on Lexington Road at one time and walked past this open land, surveying Concord's pastoral character and deriving inspiration from its transcendent beauty.

The historic importance of Heywood Meadow and its aesthetic value as open space have been officially recognized time and again at the local, state, and national levels. Heywood Meadow is a critical part of the local American Mile. Part of the purpose for the creation of the Historic Districts was the maintenance of appropriate settings for historic buildings, places, and districts. Heywood Meadow is the backdrop for some of Concord's most venerable houses as well as the Mill Brook. Moreover, Heywood Meadow is designated a pivotal landscape in the National Register of Historic Places.



The land comprising Heywood Meadow has remained together as an identifiable unit since 1635. In that first year of English settlement, the first division of land was made in Concord. The first house lots were laid out along the Bay Road, now Lexington Road, and extended from the crest of the ridge to the north down to the Mill Brook to the south. What is now Heywood Meadow, on both sides of Heywood Street, was part of the first settler Lucas Potter's house lot. This lot exemplified how Massachusetts' earliest towns followed patterns from England; narrow, multi-use house lots clustered at the center of Town, with pasturage, orchards, and haymaking existing in one lot. Potter's house, built in 1636, burned in 1731. Ever after, this land stayed together. It was sold only once – to John Beatton, whose line continued through marriage down to a long line of Heywoods, hence the name of the Meadow, to the final descendants, the Sellors.

During the past forty years, Heywood Meadow has been under attack by attempts to develop it as institutional or residential property. In 1955, the Town voted to build a fire and police station on the Meadow. After a series of ensuing debates, however, in 1958 the Town voted to rescind the 1955 vote and not build the station on that location. As the Board of Selectmen subsequently noted,

“[t]he Town had become acutely aware of the damage that could be done, if any further encroachments were made on the Mill Brook which traverses the . . . parcel. The Mill Brook, and its valley, is normally a slow-moving stream with adequate absorption qualities. However, during periods of heavy rains or fast run-offs, it floods with the resultant damage. More encroachments would only further aggravate the flood capability. To prevent this, the Town has adopted a program of acquiring the total flood plain of the Mill Brook.”¹

In 1960, the Town took by eminent domain the portion of the Meadow that is currently the site of the Gun House. Oral history supports that the garage was built on Lot 3, in the early 1960's, to decrease the possibility of other eminent domain takings. Sometime between August 1967 and April 1968, a small information booth was removed from its location in Concord Center and placed – literally in the middle of the night – on a corner of Heywood Meadow along Heywood Street. The citizens of Concord were assured that this situation was “temporary.” However, the information booth remains on that site to this day as a grandfathered use. Because of this use, the Meadow surrounding the tempo-



rary booth has been seriously degraded by abuse from motor vehicle parking. In 1968, the Concord Board of Selectmen learned that the Middlesex County Commissioners were considering locating a courthouse on Heywood Meadow. They wrote in protest,

“please keep in mind that this land lies in an area rich in historic significance and is close to the location of much of the work of Concord’s literary giants in American literature in their contribution to the “flowering of New England.” The British Regulars marched past this land to suppress the Patriots and they struggled east past this land in their retreat after the battle at the Bridge. Ralph Waldo Emerson and the Alcotts were neighbors; they walked on this land and wrote about it. Henry David Thoreau passed it almost daily in his trips to and from Town to Walden Pond and his farm. A vital ingredient in Concord’s modern day life is this interest and devotion to past happenings that has allowed Concord to retain, for the whole nation to observe and appreciate, the area as it existed at the time of the happenings.

It is generally agreed by all that this land should remain undeveloped for all to appreciate and enjoy. The brush has been cleared, fruit trees have been planted and rest benches have been installed. It is situated in a residential area on one of the most important approaches to Concord and provides an open vista within one block of the commercial district thereby retaining the rural charm of the town practically within the shadow of the stores and shops.”²

The irony cannot go unnoticed that today it is the Townspeople making these same arguments to preserve the last parcel of Heywood Meadow and the Board of Selectmen that is unwilling to provide the necessary leadership and is, in fact, a primary instigator of the development proposal.

Despite the Selectmen’s actions in 1968, the following year the County Commissioners took by eminent domain a large parcel of Heywood Meadow to build a County courthouse. Due to the protests and efforts of a citizens’ group, Town Meeting voted in 1969 to reverse the County’s taking and to transfer control of the land to the Concord Natural Resources Commission for conservation purposes. The Town’s action was due to a “deep-seated conviction that this Town land should be kept in its natural state, being not only an integral part of our Historic District but also a vital part of our Mill Brook Valley which the Town desires to preserve.”³

In February 1985, Town Meeting voted not to accept a “gift” from the owner of Lots 1 and 2. The “gift” was conditional on the land being used for the site of a visitors center. The Town voted instead to designate the parcels as conservation land if they came into Town ownership. Reasons in support of the vote included loss of open space, traffic dangers of the location, the necessity of cutting large trees, and the negative impact on the rural and historic character of the Town. When the land became available for purchase, Town Meeting voted in April 1986 to acquire Lots 1 and 2 for conservation by putting up \$175,000 to combine with a private citizens’ fund of \$225,000 which had been raised for that purpose.



LOT 3 - SUMMARY

Lot 3 is zoned residential and surrounded on three sides by conservation land. The only structure ever placed on Lot 3 is a vacant garage constructed in the early 1960's. In 1986, the Town established Lot 3 as a priority for public acquisition.

In 1994 when Lot 3 became available for private development, local business interests entered into a contractual agreement with the Board of Selectmen to purchase the lot and build a visitors information center on it. In response, the Friends of Heywood Meadow '95 formed to encourage an alternative resolution and preserve Lot 3 as conservation land. A compromise was reached in 1995, with the Selectmen agreeing to appoint a committee to evaluate alternative sites and the Friends agreeing to reimburse the business interests \$125,000 for their share of the purchase price of Lot 3 if an alternative site was identified.

A. SIGNIFICANCE TO THE TOWN

Lot 3 is the only piece of Heywood Meadow not preserved as open space. In 1986, the Town established Lot 3 as a priority for public acquisition for reasons including: the need for protection of open space in the Town Center; the desirability of important scenic vistas; and the value of acquiring land contiguous to existing open space.

The site of Lot 3 has never had a structure of any kind except the existing vacant garage built in the early 1960's. The garage, built before the establishment of historic and wet-land districts, and not contiguous to the house for which it was meant, would be illegal to build today. The garage is a blip on the radar screen of 362 years of Concord's building history, and should be seen as the anomaly that it is. The responsible action is to remove the existing garage and its driveway and restore the site to its natural state. Lot 3 is zoned residential and surrounded on three sides by conservation land. The current proposal to construct on this site an institutional, quasi-commercial visitors center with added pavement to accommodate parking for at least 40,000 - 50,000 visitors each year would seriously compromise the historic, environmental, and visual character of this national treasure.

B. ACQUISITION

In the fall of 1994, Lot 3 became available for private development. The Concord Business Partnership (Business Partnership) and the Concord Chamber of Commerce (Chamber) approached the Concord Board of Selectmen (Selectmen) with a proposal that they jointly acquire Lot 3. The business community offered to fund one-half of the purchase price in exchange for the right to construct a visitors center on the site. Town Meeting would be asked to approve funding for the rest of the purchase price.

On December 5, 1994, in response to an inquiry from the Town Manager, Concord's Building Inspector identified issues that would be raised by a proposal to construct a visitors center on Lot 3. The Building Inspector raised several areas of concern including: (1) wetlands issues (any new structures and site work falls within the 100 foot Wetlands Buffer Zone); (2) Historic Districts Commission review and approval; (3) groundwater conservancy district requirements; (4) work within the 100 year flood plain; and (5) sewerage requirements. The Inspector concluded that the "potential building area of this lot is severely restricted by the 100 year Flood Plain influence."⁴

Nevertheless, on December 19, 1994, the Business Partnership, the Chamber, and the Selectmen signed a memorandum of understanding to purchase Lot 3 and to build a visitors center on the site. The memorandum of understanding paid lip service to "open space and conservation," but those words referred to whatever land remained after the visitors center and parking areas were constructed. Its authors had no plans to consider other possible sites for the visitors center or to leave Lot 3 as open space.

Alarmed by these developments, the Friends of Heywood Meadow '95 (Friends) formed to preserve Lot 3 as conservation land. Representatives of the Friends met with the other parties to discuss delaying commitments to build on Lot 3 until alternative sites were studied. In March, recognizing that they needed the support of the Friends to achieve necessary Town Meeting approval to buy Lot 3, the parties reached a compromise.

A four-party memorandum of understanding was signed on March 6, 1995, the parties being the Business Partnership, the Chamber, the Selectmen, and the Friends. The Selectmen agreed to appoint and charge a Visitors Information Center Committee to locate and evaluate alternative sites for a visitors center. If an equal or better site for a visitors center was found, the Friends would reimburse the business interests \$125,000 for their share of the purchase price for Lot 3, thereby buying out the Business Partnership's right to construct a visitors center. Lot 3 would then be preserved as conservation land. However, the wording in the memorandum left the final site decision to the Selectmen.

Town Meeting voted in favor of placing Lot 3 in Town ownership and creating a bipartisan committee to find the best site for a visitors center. Although subsequent events demonstrated that the Selectmen and the Business Partnership had no intention of changing their plan of building on Lot 3, they stated at the 1995 Town Meeting that there remained a possibility of another site being selected.

VISITORS INFORMATION CENTER COMMITTEE - SUMMARY

The Visitors Information Center Committee (VICC) was appointed by the Selectmen in May, 1995, to locate and evaluate the alternative sites for a visitors center. The committee was comprised of seven members: two from the Business Partnership and the Chamber of Commerce, two from the Friends of Heywood Meadow, and three chosen at large by the Selectmen.

The VICC agreed on specific evaluation criteria including thirty-five separate items, plus financial aspects, grouped under broad titles: Environmental, Safety and Accessibility, Aesthetics, Community Interests, and Secondary Impacts. The VICC proceeded to meet regularly over the course of the next seventeen months to review forty-three sites, including Lot 3.

By November, 1996, the VICC had compiled a list of the top six sites. In the final analysis, Lot 3 ranked last in every category. The committee then voted to eliminate all but two of the alternative sites from final consideration: the Phone Booth and the Keyes Road sites. After discussion and review of site drawings, the VICC voted unanimously to recommend to the Selectmen the Phone Booth site as the optimum location for a visitors information center, a site that was determined comparable to or better than Lot 3. The committee voted six to one to recommend the Keyes Road parking lot as a second priority site.

III. VISITORS INFORMATION CENTER COMMITTEE

The Visitors Information Center Committee (VICC) was appointed by the Selectmen in May, 1995. It was comprised of seven members: two nominated by the Business Partnership and the Chamber of Commerce, two from the Friends of Heywood Meadow, and three chosen at large by the Selectmen. One of the "at large" members, however, was not entirely neutral as she was a past president of the Chamber of Commerce.

In addition, the Selectmen designated one of their members to serve as liaison to the VICC. The liaison was the principal author of the VICC's Charge. She also had been the Selectmen's liaison to the Tourism Task Force, convened to evaluate tourism services and facilities, and was actively involved in the Town's purchase of Lot 3.

The VICC's Charge was to determine the optimum location for a visitors information center in accordance with parameters contained in the December, 1994 memorandum of understanding. The parameters, however, were ambiguous. For example, one stated that the center's footprint was "approximately 1000 to 1500 square feet," but another stated that the footprint "would not exceed 1700 square feet." Moreover, at an initial meeting, it was pointed out that 1000 to 1500 square feet was fifteen to seventy-five percent larger than the existing garage on Lot 3.

The VICC's main tasks under the Charge were to: (1) familiarize themselves with existing visitor information services; (2) review the report of the Tourism Task Force; (3) establish criteria, including financial feasibility, for evaluating alternative sites; (4) locate and analyze potential sites; (5) prepare a written report identifying the pros and cons of all potential sites including Lot 3; and (6) make recommendations to the Selectmen.

June - December 1995

Between June and December 1995 the VICC met regularly to fulfill the requirements of the Charge. At the first meeting, the Selectmen's liaison admitted that there was no obligation to build a new center on the part of the Business Partnership and the Chamber. The statement was made that "this will be determined by the availability of funds and the willingness to go forward."⁵ These words reveal how the Business Partnership viewed the project: they might have difficulty raising the necessary construction money and if Lot 3 was not the location, they would not build a center.

It took four months for the VICC to reach agreement on specific evaluation criteria. The criteria included financial aspects, and thirty-five separate items, grouped under broad titles: Environmental, Safety and Accessibility, Aesthetics, Community Interests, and Secondary Impacts. In addition to the important environmental questions, key criteria concerned adequate parking, traffic safety, convenient public rest rooms, stable site ownership, and aesthetics. When the VICC formally presented the criteria to the Selectmen they had no comments. At no subsequent time did the Selectmen state any disapproval or criticism of the criteria, and thus tacitly approved.

The VICC compiled an initial list of locations put forward by citizens as possible visitor information center sites. All of the sites that later received serious evaluation and analysis were on this original list. The criteria were then tested against Lot 3. It took the better part of two meetings to complete the analysis of Lot 3. When discussing the "aesthetics" criteria, the committee agreed that re-use of the existing garage on Lot 3 would not complement its surroundings. The Business Partnership member stated that they planned to tear the garage down and construct an entirely new building.

At the VICC's last meeting in 1995, the committee tested the draft criteria on Tuttle's Livery on Walden Street. The major issues were parking and leasing. Although the loss of parking was a negative at this site, the increased foot traffic and the availability of rest rooms near the Town center made the site attractive. The committee then asked the Selectmen for an opinion on leased space. The Selectmen indicated a disinclination toward a lease solution. Subsequently, the Selectmen agreed to entertain a lease with parties other than public agencies, but a twenty to fifty year minimum lease with built in extensions would be required. This response meant, in effect, that the VICC would not likely consider state-owned sites and sites under the control of the National Park Service, as well as any retail sites in Town.

January - November 1996

In January, the VICC began a review of forty-three sites by assigning each a high, medium, or low priority. After two meetings, the committee had ten sites on the list for "immediate evaluation," including the mandatory evaluation of Lot 3. There were eleven additional sites "for follow-up evaluation." The remaining sites were left for "later evaluation."

Because a few of the possible sites were owned by the National Park, the local Park Superintendent met with the VICC. Although it was clear that the National Park Service opposed any new structures on its vacant properties, they indicated the possibility that the Meriam House could be renovated to include a center. In addition, the Park Service agreed to consider a new relationship at the Monument Street parking lot.

During the next several months the VICC continued its evaluation of sites. Informally, the entire committee was unanimously in favor of Keyes Road as the best possible site. In October the VICC presented an interim report to the Selectmen as required in the Charge.

The committee continued to evaluate the "top six" sites against the established criteria. The committee tried to determine whether any of the sites were perceived as "good or better than Lot 3." Consistent with the VICC's informal recommendations, the Keyes Road parking lot and the Phone Booth site on Main Street were considered more viable than all other options. By votes and statements made during the evaluation, there was a perception that business entities favored Main Street sites.

On November 13, the VICC voted to eliminate all but two of the alternative sites from final consideration. After discussion and review of site drawings, the committee voted unanimously to recommend the Phone Booth site on Main Street as "the optimum location for a visitors information center." This site satisfied the requirement in the memorandum of understanding that the site be "comparable or better" than Lot 3. The committee voted six to one to recommend the Keyes Road parking lot as an alternative because it too met the "comparable or better" requirement.

Lot 3 ranked last in every criterion examined by the committee:

Negative aspects of Lot 3 under the environmental criteria included: the site is in the 100 year flood plain; the site is in the Groundwater Conservancy District; the site is in a residential district; and the site cannot be utilized without building on open land.

Negative aspects of Lot 3 under safety and accessibility criteria included: the site is not near adequate existing public parking; the flow of visitors' automobile traffic (about 100 cars per busy day) to and from this site could not be accommodated without accentuating known hazards and problem traffic conditions; the flow of visitors' cars could not be handled at this site without causing a traffic safety problem; and the site is not convenient to services, i.e. shops, restaurants, and banks.

Negative aspects of Lot 3 under aesthetics criteria included: a visitors center could not be placed on this site without converting grassland into pavement, or cutting down attractive trees; a visitors center on this site would not improve the aesthetics of the site; and a visitors center could not be placed on this site without having a negative impact (i.e., noise and traffic) on residential areas.

Negative aspects of Lot 3 on community interests included: a visitors center on this site would not be acceptable to a majority of Townspeople and Town special interest groups; the characteristics of this site are not consistent with recommendations in the Long Range Plan; placing a visitors center on Lot 3 would not enhance the site's current use; placing a visitors center in this location would not cause a positive permanent change in this site's potential use; the site does not address concerns of the business community, such as accessibility of rest rooms for customers, minimal parking displacement, and increased foot traffic in the Town Center.

Negative secondary impacts of Lot 3 included: no potential for increasing the size and capacity of the facility if increased tourism occurs; the potential for increased cost to the Town (if the Chamber is unable to meet the cost of operation) would not be minimized at this site; and the selection of Lot 3 would not minimize the overall impact of increased traffic, noise and pollution on the Town's quality of living.

Finally, financial estimates concluded that Lot 3 would require the greatest expenditure for construction and operation and maintenance.

The VICC presented their final written report to the Selectmen on November 25, 1996. At the December 1996 Selectmen's meeting, the VICC's recommendations were formally discussed. The president of the Business Partnership, speaking for the Partnership and the Chamber, stated "the Phone Booth site is supported."⁶ At their January 1997 meeting, the Selectmen voted unanimously to disband the VICC. They deferred their decision on the site for a visitors center and decided to have two "orientation" meetings for the citizens about the visitors center before their March meeting. In March, the Selectmen voted to place on the Town Meeting Warrant, either as a single Article or as two Articles, both the Phone Booth and Keys Road sites for consideration.



SELECTMEN'S DECISION - SUMMARY

In addition to the VICC, several organizations indicated that they did not support the location of a visitors center on Lot 3.

The Natural Resources Commission expressed concerns with the environmental and aesthetic impacts of a visitors center on the landscape and efforts to preserve the community.

The Mill Brook Task Force noted the conflict with extensive conservation efforts to preserve and restore parcels of land along the Mill Brook in Heywood Meadow.

The Concord Historical Commission expressed support of preserving Heywood Meadow without structures.

Historical Massachusetts urged the Selectmen to find a suitable site for a visitors center that did not involve building on historic open space.

The Business Partnership and the Chamber stood alone in their support of Lot 3 as the best site for the visitors center.

Despite strong support by Town organizations for the location of a visitors center on an alternative site and the unanimous recommendation of an alternative site by a bipartisan committee, the Selectmen recommended at Town Meeting that the visitors center be located on Lot 3.

IV. BOARD OF SELECTMEN'S DECISION

In addition to the recommendations of the VICC, several organizations indicated that they did not support the location of a visitors center on Lot 3. The Natural Resources Commission registered its concerns:

"Heywood Meadow is a special place in our community. The Natural Resources Commission has a long standing commitment to this area and a growing interest in the Mill Brook. Furthermore, Heywood Meadow has become symbolic of the roots of Concord as well as of our efforts to preserve the community and its landscape. The NRC is concerned about the environmental and aesthetic impacts of such a facility in the long term as well as the short term. The continuously increasing environmental and visual impacts of the existing "temporary" Information Booth remain as testimony to our concern. . . . [W]e remain very concerned that the development of such a permanent facility will have many far-reaching direct and indirect impacts upon the landscape and efforts to preserve our community."⁷

The Mill Brook Task Force, an organization charged by the Natural Resources Commission to restore and protect Concord's Mill Brook and its watershed, emphasized that

"[t]he Heywood Meadow site is the one closest to its natural state. As part of our work we have completed the first inventory of plants along a section of the Mill Brook from Heywood Meadow to Fairyland Pond. Our botanical advisors noted particularly the diversity of species on the floodplain along Heywood Meadow, and particularly the section between the existing garage on lot 3 and the Mill Brook. We recommend that you consider the potential for retaining and possibly for enhancing the natural state and ecology of any site in close proximity to the Mill Brook."⁸

The Task Force also noted that "[t]he Town has consistently acquired conservation parcels of land along the Mill Brook which provide us an important legacy as we look to further preservation and restoration. This history and our purpose suggest that sites along the Mill Brook should wherever possible be preserved or restored as open conservation land."⁹

The Concord Historical Commission expressed "support of the concept of preserving Heywood Meadow in its entirety – without structures. It is the only remaining visual common meadow in the center of town and as such provides visitors and residents a sense of Concord's appearance from its earliest days to the present."¹⁰

Historic Massachusetts "urge[d] the Board of Selectmen to find a suitable site for a Visitor's Center in Concord that does not involve building on an historic open space, contiguous to town conservation land. . . . Concord is a very important cultural and historical resource in Massachusetts, and a Visitor's Center and rest area can encourage and focus tourists' attention. But there are alternatives to this site that do not impact an historic landscape."¹¹

The Chamber and the Business Partnership stood alone in their support of Lot 3 as the site for a visitors center, a position that apparently changed in the short time between early and late December 1996. They stated, "[w]e believe that Lot 3, Heywood Street is the best site for the new visitors center. The issues of traffic congestion, parking, and pedestrian safety are less severe there than [sic] at the alternative sites, and we think its setting across from Heywood Meadow provides a warm, visible, and accessible greeting to our out of town visitors."¹² These statements, however, contradict the findings of a Traffic Analysis and the VICC's evaluation results.

Despite two years' conscientious and comprehensive work by a bipartisan committee which unanimously recommended an alternative site as comparable to or better than Lot 3, the Selectmen recommended at Town Meeting that the visitors center be located on Lot 3. Although the Selectmen created the illusion of public participation and democracy in the selection of an alternative site, they ignored the results of that process. Their decision, is not supported by the facts and is thereby questionable.

1997 TOWN MEETING - SUMMARY

Three Warrant Articles were presented at the 1997 Town Meeting. One Article gave citizens the choice to support a visitors center on the Phone Booth site. A second Article offered the choice to support a visitors center on Keyes Road. A third Article offered the chance to urge the Selectmen to take action to keep Lot 3 as open space.

At the outset of Town Meeting, the Chairman of the Board of Selectmen, in a presentation lasting over one-half hour, educated the citizens how to effectuate the Selectmen's position. During the chaotic meeting that followed, several citizens with relevant information to share were cut short in their comments. All three Warrant Articles failed to pass.

V. 1997 TOWN MEETING

The current proposal by the Town (the Notice of Intent) submitted to the Natural Resources Commission on January 23, 1998, states:

After considerable analysis, the Phone Booth Site on Main Street, the Keyes Road Parking Lot Site, and the Lot 3 Site on Heywood Street were all submitted to the 1997 Annual Town Meeting. Following further public meetings and debate, the Town Meeting voted not to permit a visitor center at the Phone Booth Site on Main Street and Keyes Road Parking Lot Site.

This representation is misleading. In fact, the citizens of Concord were given the choices of supporting the location of a visitors information center on one or both of the alternative sites and urging the Selectmen to keep Lot 3 as open space.

The three warrant articles presented at Town Meeting stated:

Article 42

To support the location of a Visitors' Information Center, including necessary parking areas and appurtenances, to be located on Town-owned land . . . on Main Street . . . and to authorize the Town Manager to enter into a long-term lease agreement with an appropriate not-for-profit organization to operate said facility in accordance with the conditions established by the Board of Selectmen.

Article 43

To support the location of a Visitors' Information Center, including necessary parking areas and appurtenances, to be located on Town-owned land . . . on Keyes Road . . . and to authorize the Town Manager to enter into a long-term lease agreement with an appropriate not-for-profit organization to operate said facility in accordance with the conditions established by the Board of Selectmen.

Article 44

That the Town Meeting urge the Selectmen to take such actions as may be necessary to keep Lot 3 as open space until further action of the Town.

At the outset of Town Meeting, in a presentation that lasted more than one-half hour, the Chairman of the Board of Selectmen presented the Selectmen's view of the choices before the Town. Although urging citizens to "keep an open mind" on the selections until all interested parties had a chance to speak, the Chairman proceeded to educate voters on how to effectuate the Selectmen's position by voting "no" on all three warrants.¹³ The Chairman went so far as to warn voters that voting in support of Article 44 would not, in fact, impact the Selectmen's decision to build the visitors center on Lot 3.

There followed a lengthy, disorganized, contentious, and at times unruly Town Meeting. Citizens with relevant information to share were cut short in their comments, thereby allowing incomplete information to form the basis for decisionmaking. The majority of citizens and all of the representative Town Boards who addressed the meeting, including the Natural Resources Commission, the Historic Districts Commission, and the Planning Board, spoke against locating the visitors center on Lot 3.

All three warrant articles failed to pass. (The vote on Article 44 was by secret ballot, a method of voting that had coincidentally been approved at the previous evening's Town Meeting.) The Town takes the position in its Notice of Intent that the alternative sites proposed at the 1997 Town Meeting "lack legislative authorization" as viable sites because they were disapproved. If so, Article 44 does not establish affirmative authority to construct a visitors center on Lot 3. At best, the result is that the current information booth remains where it is.



RIVERS PROTECTION ACT - SUMMARY

Enacted in 1996, the Rivers Act protects riverfront areas, including the Mill Brook. The Act requires parties seeking to undertake work in the riverfront area to prove that (1) the work will have no significant adverse impact on the riverfront for the purposes established in the law and (2) there is no practicable and substantially equivalent economic alternative to the proposed project with less adverse effects on the interests of the Act.

Concord's Mill Brook has both historical and environmental significance. The Mill Brook determined where the first settlers in the 1600's built their homes, and later played a role in the lives of the many literary figures who chose to live in Concord. The importance is demonstrated of small streams and brooks on flood control and storm damage prevention, wildlife habitat, protection of groundwater and public water supply, and pollution prevention.

Findings contained in the Visitors Information Center Committee Final Report and the Concord Transportation Plan Committee's Visitor Center Traffic Analysis lead to the inescapable conclusion that at least three viable options to Lot 3 exist which do not impact a riverfront area: the Phone Booth site; the Keyes Road site; and the North Bridge site. Consequently, the Rivers Protection Act cannot be met on Lot 3.

VI. RIVERS PROTECTION ACT

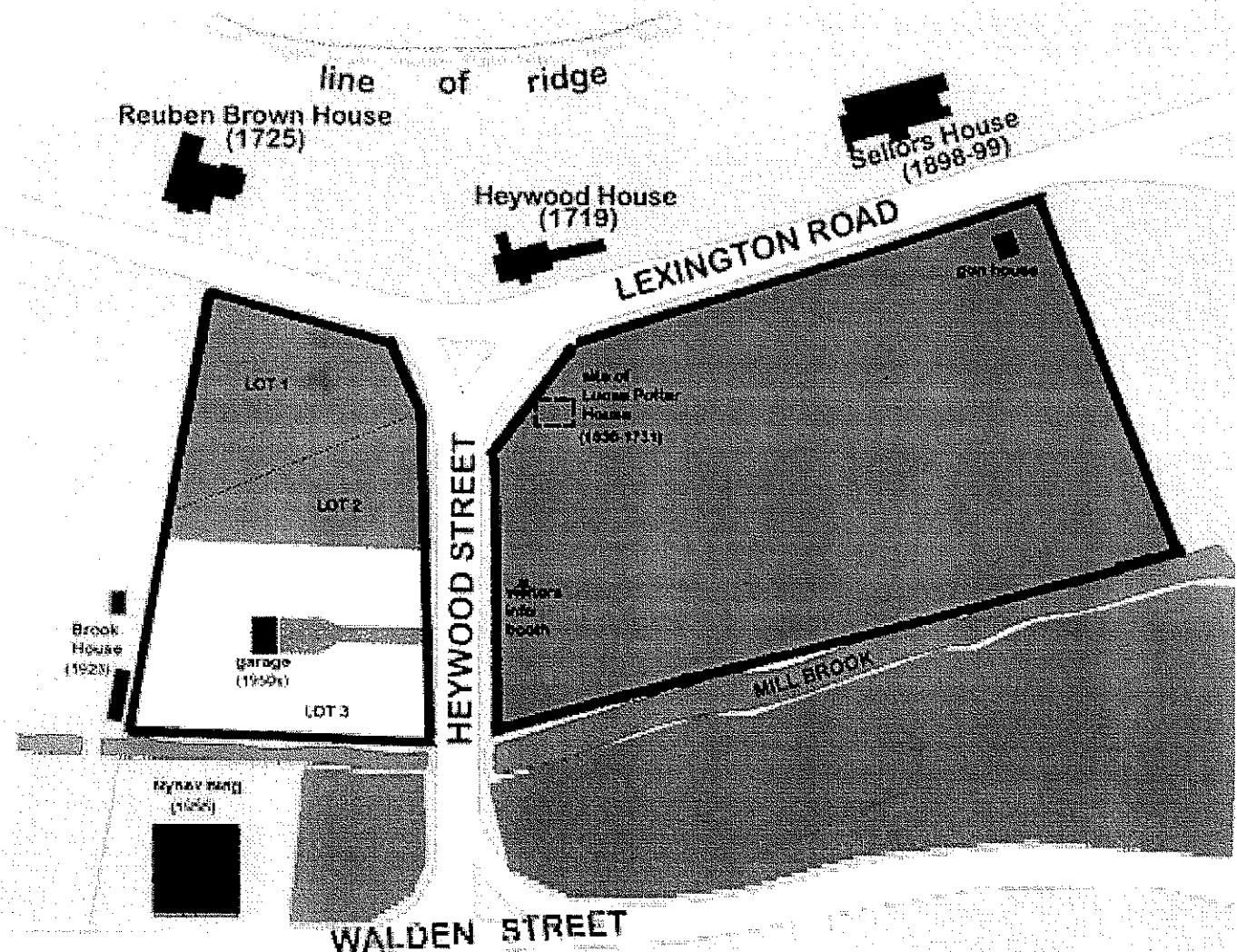
During the course of the VICC's work, long before the pending application was filed with the Natural Resources Commission, Massachusetts enacted the Rivers Protection Act (Rivers Act), a new law protecting riverfront areas. Signed by the Governor on August 7, 1996, the Act was effective immediately. Interim policy was implemented which indicated serious issues for construction on Lot 3. Final regulations became effective October 6, 1997.

The purpose of the Rivers Act is to "preserve the natural integrity of rivers and adjacent land for the important values these areas provide to all citizens of the Commonwealth."¹⁴ The Act furthers eight interests: protection of public or private water supply; protection of ground water; flood control; prevention of storm damage; prevention of pollution; protection of land containing shellfish; protection of wildlife habitat; and protection of fisheries.

The riverfront area covered by the Act is 200 feet wide measured from each side of the river from the mean annual high water line outward horizontally and parallel to the river. This area is presumed to be significant to the eight protected interests. The Mill Brook falls within the Act's coverage because it is "a natural flowing body of water that empties to any . . . other river and which flows throughout the year."¹⁵ The Mill Brook empties into the Concord River. Lot 3 is entirely within the riverfront area. So is much of Lot A and all of the present information booth.

The Act provides that a conservation commission shall not permit any work unless the applicant has proved that it can meet two separate performance standards. This two-pronged test requires a showing that (1) the proposed work will have no significant adverse impact on the riverfront for the purposes established in the Act and (2) there is no practicable and substantially equivalent economic alternative to the proposed project with less adverse effects on the interests of the Act.

After the new law was enacted, the Selectmen's proposal for the visitors center began to change. The initial proposal to demolish the garage on Lot 3 and start over was modified to simply "renovate" the garage to add public rest rooms, an information counter, display area, and utility and storage rooms. The existing driveway would be expanded to accommodate seven parking spaces. Whereas the original plan called for a visitors center of approximately 1,000 to 1,500 square feet, the Selectmen, faced with the Rivers Act, suddenly decided the 800 square foot garage would accommodate the projected needs.



A. THE MILL BROOK: HISTORICAL SIGNIFICANCE

People have used the Mill Brook for thousands of years. Between 8,000 and 1,000 years ago people of Middle Archaic to Middle Woodland time hunted and fished along the Mill Brook and established two major upstream base camps.¹⁶ In the 1600's, the Mill Brook offered a critical resource to the first settlers and determined where the first homes were located.

Concord was founded in 1635 with a six-mile-square land grant. The Mill Brook flowed through its geographical center, where the meetinghouse and English settlement were to be located. A network of regional Native American trails intersected here. . . . [T]he Mill Brook became the site of Concord's earliest mill, and supported the first cottage industries of the village that was to grow rapidly into a bustling town center.¹⁷

The Mill Brook also played a role in the lives of many literary figures who chose to make Concord their home. "Emerson, Alcott, Hawthorne and, at times, Thoreau all lived next to [the] Mill Brook. They used it, drew inspiration from it, and wrote about it."¹⁸ "Ephraim Bull, the grape breeder, and the School of Philosophy . . . looked down on the . . . brook and meadow upstream of Heywood St. Bronson Alcott planted willows and built a bathing place by the Mill Brook for his daughters."¹⁹ Ralph Waldo Emerson wrote, "[s]hortly after his beloved son Waldo died . . . :

From the roadside to the brook
Wherein he loved to look.
Step the meek fowls where erst they ranged;
The wintry garden lies unchanged,
The brook into the stream runs on;
But the deep-eyed boy is gone.

Ralph Waldo Emerson, *Threnody*, 1847."²⁰ Henry David Thoreau wrote in his *Journal*, January 12, 1855:

I walk along the Mill Brook below Emerson's, looking into it for some life . . . Perhaps what most moves us in winter is some reminiscence of far-off summer. How we leap by the side of open brooks! What beauty in the running brooks! What life! What society! The cold is merely superficial; it is the summer still at the core, far, far within.²¹

ENVIRONMENTAL SIGNIFICANCE

Small brooks and streams are invaluable resources. The importance of preserving corridors of natural vegetation along smaller brooks and streams is at least as important, if not more so, as maintaining them along larger rivers. In addition, small brooks and streams are more environmentally fragile. “[S]mall streams are the most vulnerable to human disturbance because they respond dramatically and rapidly to alterations on adjacent lands and are the most sensitive to changes in riparian vegetation in the surrounding watershed.”²²

Preserving and restoring naturally vegetated riparian areas along smaller brooks and streams is especially significant to further the interests of flood control and storm damage prevention, wildlife habitat, protection of groundwater and public water supply, and pollution prevention.

Alteration of riparian areas along brooks and streams can impair “their ability to detain and absorb floodwater and stormwater[.] [T]he cumulative impact of streams discharging flood and storm flows into rivers at a greater volume and velocity will result in worsening flooding and storm damage to existing structures and main-stem river communities downstream.”²³ Furthermore, “the same development is likely to have a relatively greater negative impact on flooding conditions in an adjacent small stream than the same project along a larger river (e.g., the runoff from one large parking lot can itself be enough to overwhelm a small stream channel).”²⁴



Wildlife habitat along smaller brooks and streams is extensive. “Many species utilize vegetated riparian areas during all or part of their life cycle regardless of the size of the adjacent watercourse.”²⁵ In addition, because the majority of river corridors in the State “have already been extensively developed, the areas which remain in a relatively pristine condition (and as such are likely to have the best quality wildlife habitat) tend to be located on the smaller tributaries.”²⁶ In 1996, the first Mill Brook watershed flora survey was completed. The report identified 179 species of plants in the watershed, including ten ferns, forty-three trees, and ninety-eight flowers. While surveying the land for flora, local fauna were also observed. These included twenty-eight species of birds, red squirrel, rabbits, many frogs and toads, and evidence of beaver and deer. Botanists have noted the diversity of species on the floodplain along Heywood Meadow, and particularly the section below the existing garage and driveway on Lot 3.²⁷

Failing to maintain vegetative cover or allowing impervious surfaces in riparian areas adjacent to smaller brooks and streams can also have a negative impact on groundwater and public water supply. One result is "a significant loss of groundwater recharge and increase in frequency, duration and severity of low flow conditions."²⁸

Finally, small streams and brooks "are especially vulnerable to degradation by excessive sediment, nutrients and other pollutants, simply because there is a smaller volume of water available to flush out and/or . . . assimilate these pollutants. All other things being equal, the same development is likely to have a relatively greater negative impact on a small stream's water quality than the same project along a larger river."²⁹

B. ALTERNATIVES TO LOT 3

The Rivers Act requires applicants to demonstrate that there is no practicable and substantially equivalent economic alternative to the proposed project with less adverse impact on the protected interests. A "practicable and substantially equivalent economic alternative" is defined as an available and feasible alternative which will accomplish the project's purpose, taking into account costs, logistics, the proposed use, and technology.³⁰

The effect of the practicable alternatives analysis and the purpose of evaluating alternatives is to determine whether impacts to resource areas can be avoided. The definition of "practicable" explicitly requires a consideration of the costs of alternatives. Costs include expenditures for a project within the riverfront area, such as land acquisition, site preparation, design, construction, landscaping, and transaction expenses.

In its Notice of Intent, the Town provides a one paragraph summary that it submits is an "extensive alternatives analysis."³¹ This "analysis" states:

Areas of concern for the Phone Booth Site included: the lack of an existing building for reuse, the cost to redevelop the existing pedestrian plaza, the need to expand the adjacent municipal parking lot resulting in work within the Flood Plain and the Riverfront Area, the engineering concerns regarding the impact of visitor center traffic on the Milldam. Similarly, areas of concern for Keyes Road Parking Lot Site included: the lack of an existing building for reuse, the necessity of addressing the redevelopment of the entire municipal parking lot resulting in work within the Flood Plain and the Riverfront Area, and the vehicular capacity of the Keyes Road/Main Street intersection.³²

This analysis does not comply with the specific criteria contained in the Rivers Act's regulations. The analysis is also factually incorrect. For example, the criteria the VICC were charged with applying to alternative sites never included locating a site containing "an existing building for reuse." It was only after enactment of the Rivers Act, when the Selectmen realized that the proposal to demolish the existing garage and construct a new building would be prohibited, that the proposal changed to encompass "reusing" that

structure. In addition, the statements regarding the impact of visitor center traffic on the Milldam are undermined by the Concord Transportation Plan Committee's Visitor Center Traffic Analysis (Traffic Analysis). That analysis concluded that there would be no appreciable impact on Milldam traffic by the downtown location of a visitors center because most visitors to the current information booth also visit the Milldam. Further, there is absolutely no necessity that the "entire municipal parking lot" on Keyes Road be redeveloped to accommodate the proposed visitors center. Finally, it must be noted that the Phone Booth site or the Keyes Road site would have received \$125,000 toward construction of a visitors center from the Friends. That money was available up through the 1997 Town Meeting, having been raised through private citizens to realize the goal of placing Lot 3 in conservation.

The following discussion applies the factors required to complete an alternatives analysis under the Rivers Act to three alternative sites and to Lot 3.

1. Phone Booth Site - Main Street

This Town-owned site is centrally located in a visible area on the Milldam in Concord Center. The site is not in close proximity to a residential neighborhood. The site is on a sewer line, clear of wetlands, outside of the Groundwater Conservancy District, and in an area zoned Limited Business. Its use as the location for a visitors information center would not require building on open land and no trees would have to be removed. A portion of the site is within the 100-year flood plain, lying between the 110 and 120 foot contours. Adding parking spaces to the municipal parking lot behind this site could impact the Riverfront Area. Building design would require approval by the Historic Districts Commission. While this site is in the National Register of Historic Places as part of the Lexington Road/Monument Square District, it is not a contributing part of the district; it is merely contained within its boundaries.

The site is very convenient and easy to find, at the hub of primary visitor access routes. Convenience of rest rooms and proximity to services and retail businesses would appeal to both visitors and residents. A visitors center in this location could improve the appearance of a somewhat unattractive site. Currently, the area is paved with flagstones enclosed by a granite-block wall. Three phone booths and a bulletin board are located on the site. A preliminary site layout plan adds five parking spaces in the municipal parking lot at the rear of the site. Curbside spaces on Main Street in front of the site could be designated as 15-minute parking spaces.

Conclusions of the Traffic Analysis suggest little or no impact on traffic congestion. Potential pedestrian safety problems at the crosswalk and traffic safety problems at Monument Circle can be mitigated. The Traffic Analysis recommended that mitigation measures be considered by the Town at this site regardless of where the visitors center is located.

Estimated Costs₃₃

Building Construction

- (1) Lobby \$ 4,000
- (2) Visitors Room 26,250
- (3) Staff Office 9,000
- (4) Corridor 4,875
- (5) Rest Rooms 37,500
- (6) Utility Room 4,125

TOTAL BUILDING 85,750

Other Site Costs

- (1) Sewer Connection 3,000
- (2) Landscaping 7,500
- (3) Lighting 5,500
- (4) Utilities 15,000
- (5) Bulletin/Signs 5,000
- (6) Parking/Paving 35,000

TOTAL SITE 71,000

TOTAL COMBINED COST \$156,750

2. Keyes Road Parking Lot Site

The Keyes Road municipal parking lot and Town-owned land immediately adjacent to the parking lot offer several potential visitors information center sites. This analysis, however, focuses on a site on Town land beside the Old South Cemetery and Town Lot C-1 between the parking lot and the buildings at 100 Main Street. This site is centrally located near Main Street and because most visitors to the Town come to the Milldam already the secondary impacts of a separate location can be avoided. Parking for the visitors center would be on the existing Keyes Road parking lot which has about 160 spaces.

The location of rest room facilities at this site would meet a widely perceived need by Concord residents which could not effectively be met by any site not near the Milldam. Based on the Traffic Analysis, additional traffic impact caused by the visitors center would not be significant. The site does not impact any natural resource area. The site is in an area zoned Limited Business. Building design would require approval by the Historic Districts Commission.

Estimated Costs

Building Construction

- (1) Lobby \$ 4,000
- (2) Visitors Room 26,250
- (3) Staff Office 9,000
- (4) Corridor 4,875
- (5) Rest Rooms 37,500
- (6) Utility Room 4,125

TOTAL BUILDING 85,750

Other Site Costs

- (1) Sewer Connection 3,000
- (2) Landscaping 7,500
- (3) Lighting 5,500
- (4) Utilities 15,000
- (5) Bulletin/Signs 5,000
- (6) Parking/Paving 0

TOTAL SITE 36,000

TOTAL COMBINED COST \$121,750

3. North Bridge Parking Site

This site consists of a Town-owned parcel on which the North Bridge visitors parking lot, operated by the National Park Service, is located. A visitors center could be constructed at the North end of the parcel just off the paved parking lot, or in the grass oval in the center of the parking lot. Although public rest rooms already exist near this site, the analysis assumes additional public rest room facilities contained within the building, served by the Town sewer system. The proposed one-story building would have a footprint of approximately 1,000 square feet.

Because the North Bridge is the destination for the majority of visitors to Concord, placing a visitors information center here would provide an opportune and efficient way to provide many more visitors with information about Concord. In addition, there would be a minimal impact on residential neighborhoods and traffic volumes or patterns. The site is in a Residence A zoning district, however, only two dwellings are within sight of the parking lot. Parking is a consideration for most sites, but this site has fifty-eight parking spaces for automobiles and four spaces for buses. This lot currently handles about one million visitors per year. The site does not impact any natural resource area.

Estimated Costs

Building Construction

- (1) Lobby \$ 4,000
- (2) Visitors Room 26,250
- (3) Staff Office 9,000
- (4) Corridor 4,875
- (5) Rest Rooms 37,500
- (6) Utility Room 4,125

TOTAL BUILDING 85,750

Other Site Costs

- (1) Sewer Connection 13,000
- (2) Landscaping 7,500
- (3) Lighting 5,500
- (4) Utilities 15,000
- (5) Bulletin/Signs 5,000
- (6) Parking/Paving 0

TOTAL SITE 46,000

TOTAL COMBINED COST \$131,750

4. Lot 3

This Town-owned site contains a three-car garage and driveway. For over thirty-years the only use of the garage has been for temporary storage of small equipment. In its evaluation of Lot 3, the VICC assumed the garage and driveway would be replaced by a new building that met all parameters contained in the December 19, 1994 memorandum of understanding. For cost comparisons, therefore, a 1,000 square foot building is assumed.

The primary attribute of Lot 3 is its high level of visibility for automobile access from main routes from the East. The primary liabilities of the site are the degree to which the construction of an active tourist facility would be perceived by some as undermining the open space value of prior open space acquisitions which surround the site and inconsistency with the 1985 NRC Land Acquisition Plan and October 1993 Open Space Plan.

Rest room facilities located at a visitors center on this site would be much less useful to both visitors and citizens of the town while they are in Concord Center because they would be unlikely to drive to the site to use these facilities. Portions of the site are located within the flood plain, the 100-foot wetland buffer zone, and the Groundwater Conservancy District. The entire site is located within the Riverfront Area protected under

the Rivers Act. Building design would require approval by the Historic Districts Commission. Moreover, Lot 3, as a component of Heywood Meadow, is in the National Register of Historic Places as a pivotal part of the National Register District.

Conclusions of the Traffic Analysis indicate that although Main Street in downtown Concord has more traffic than Heywood Street, the accident rate is much higher on Heywood because speeds are higher and visibility is poor. In fact, there are twice as many accidents at the Heywood intersections as on the Milldam stretch of Main Street – Heywood Street has more accidents than any other non-Route 2 site in town. The danger of the Heywood-Walden corner has recently been acknowledged by the installation of four-way stop signs. Turns from the Lot 3 site into Heywood Street would be difficult due to traffic and sight-line restrictions (large trees). Heywood Street is also a primary corridor for police and fire vehicles and school buses.

The Town's Notice of Intent provides for seven parking spaces, one of these reserved for use by the disabled. This proposal is woefully inadequate to support the use. As a memorandum to the Selectmen from the Natural Resources Commission dated November 8, 1996 states,

[t]his past Columbus Day Weekend 26 vehicles were parked at the existing Information Booth. . . . [I]t's reasonable that a future visitor center with more amenities would generate even more traffic making the issue of parking a serious matter. We would certainly not welcome the intrusion of parked vehicles on the abutting conservation land, nor could we accommodate other spill over activities that are not in the spirit of responsible stewardship of these properties.

In addition, the Traffic Analysis recognized that "[a]menities of the visitor center (bathrooms, maps, brochures, frisbee throwing on adjacent Lots 1 and 2, etc.) will prolong stays, making on-street parking on Heywood Street necessary."³⁴

Estimated Costs

Building Construction

- (1) Lobby \$ 4,000
- (2) Visitors Room 26,250
- (3) Staff Office 9,000
- (4) Corridor 4,875
- (5) Rest Rooms 37,500
- (6) Utility Room 4,125

TOTAL BUILDING 85,750

Other Site Costs

- (1) Sewer Connection \$13,000
- (2) Landscaping 7,500
- (3) Lighting 5,500
- (4) Utilities 15,000
- (5) Bulletin/Signs 5,000
- (6) Parking/Paving 35,000

TOTAL SITE 81,000

TOTAL COMBINED COST \$166,750

As this analysis demonstrates, viable options to Lot 3 exist which do not involve any impacts to a Riverfront Area, or any other Wetland Resource Area for that matter. The Rivers Protection Act cannot be met at Lot 3.

VII. END NOTE

The vista across Heywood Meadow is one of the defining spaces of Concord. Emerson and Thoreau, the Minute Men who surveyed it as they forced the British back to Boston, and even original settler Lucas Potter, would recognize the scene today. But a process of several decades' duration of acquiring Heywood Meadow and the Mill Brook area for conservation as open space, has been threatened by the visitors center debacle. Conservation of Lot 3 is the natural capstone of preservation efforts. Instead, in the interest of expediency, and ignoring the efforts and wishes of private citizens and official boards and committees alike, the Selectmen, Chamber, and Business Partnership have pushed this ill-advised scheme forward. Rather than following the lead provided by Concord's founders to resolve to find the path of agreement – to find concord – when disputes arose, current Town officials have chosen to set natural allies at loggerheads. Those who wish to serve the needs of visitors need not be at odds with those who wish to preserve the historic landscape those visitors come to see. Of course there are alternatives to placing the visitors center on historic Heywood Meadow. All it takes is common sense and vision.

The Board of Selectmen of Concord, of all places, appears not to have learned the lessons of the preservation and conservation movements. Too many natural and historic vistas have been spoiled in this country by inappropriate development. Now this last parcel of Heywood Meadow, earmarked for conservation, protected by wetlands legislation and historic district status, is threatened with the most ironic of developments; a center to welcome visitors to historic, unspoiled Concord. A pristine, pastoral setting is a far better introduction to our Town than just another asphalt parking lot with rest rooms. These sentiments were best expressed by John Mitchell, author of *Walking Towards Walden*,³⁵ when he identifies the green space at the center of the Town as its core:

"The core of any New England community - as with . . . its parent, the English Village - is a green space near the center of the town that remains undeveloped and open for public use. In too many towns across the region, the common, the green, the last vestige of open space has declined into a place for parking or a commercial zone."³⁶

Concord's protection of Heywood Meadow in turn protects both the image and reality of Concord.

"Concord is, in the minds of the American public, the quintessential American village - America's metaphor for itself. To let the last green space in town be disturbed in any way would, in a sense, be a betrayal of the trust the general public has placed in the town. . . . Among other things, the irony of destroying a green space to make room for a visitors center is profound. If such a trend continues, what will be left to visit?"³⁷



FOOTNOTES

1. Letter from Concord Board of Selectmen to Middlesex County Commissioners dated November 4, 1968 [hereinafter Selectmen's Letter].
2. Selectmen's Letter.
3. March 1969 Town Meeting Resolution.
4. Memorandum to Christopher Whelan, Town Manager from John R. Minty, Building Inspector dated December 5, 1994.
5. Visitors Information Center Committee notes.
6. Notes from December 23, 1996 Board of Selectmen's Meeting. See also Videotaped Recording.
7. Letter from John Bolduc, Chairman Natural Resources Commission to Arthur Fulman, Chairman Board of Selectmen dated April 7, 1997.
8. Memorandum to Visitors' Information Center Committee and Board of Selectmen from Mill Brook Task Force Steering Committee dated November 13, 1996 [hereinafter Task Force Memorandum].
9. Task Force Memorandum.
10. Letter to Mr. Jack A. Kessler, Jr., Chair, Visitors Information Center Committee from Melissa C. Saalfield, Chair, Concord Historical Commission dated October, 1996.
11. Letter to Concord Board of Selectmen from Marcia Molay, President, Historic Massachusetts dated March 30, 1997.
12. Letter to Chairman Arthur Fulman, Board of Selectmen from William Jackson, President, The Concord Business Partnership and Marisa Nunley, President, The Concord Chamber of Commerce dated December 23, 1996.
13. 1997 Town Meeting Videotape Recording.
14. Preface, 1997 Regulatory Revisions for the Rivers Protection Act Amendments to the Wetlands Protection Act, Introduction. 310 CMR 10.00 et seq.
15. 310 CMR 10.58(2)(a)1.
16. Richard T.T. Foreman, Concord's Mill Brook: Flowing Through Time at p.6 [hereinafter Foreman].
17. Foreman at p.7.
18. Foreman at p.15.

19. Foreman at p.15.
20. Foreman at p.15.
21. Foreman at p.1.
22. Commonwealth of Massachusetts Riverways Programs Fact Sheet #9 The Importance of Protecting Riparian Areas Along Smaller Brooks and Streams, Russell A. Cohen (1997) [hereinafter Fact Sheet #9].
23. Fact Sheet #9.
24. Fact Sheet #9.
25. Fact Sheet #9.
26. Fact Sheet #9.
27. Mill Brook Watershed Flora Survey July 1996.
28. Fact Sheet #9.
29. Fact Sheet #9.
30. 310 CMR 10.58(4)(c)1.
31. Notice of Intent Report R at p.5.
32. Notice of Intent Report R at p.5.
33. All cost estimates in this section from: Visitors' Information Center Committee Final Report to the Board of Selectmen dated November 20, 1996.
34. Concord Transportation Plan Committee Analysis at p.3.
35. Walking Towards Walden A Pilgrimage in Search of Place, John Hanson Mitchell (Addison-Wesley Publishing Company 1995).
36. Letter to John A. Kessler, Jr., Chairman, Visitors Information Center Committee from John Hanson Mitchell dated October 2, 1996 [hereinafter Mitchell letter].
37. Mitchell letter.