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January 13, 2026

ASSOCIATE

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Town of Concord
Natural Resources Commission
141 Keyes Road
Concord, MA

Re: 150 Garfield Road
Concord, MA

The subject property at 150 Garfield Road is a 3.28-acre residential parcel containing a single-family dwelling and associated improvements. A Bordering Vegetated Wetland (BVW) is located west of the dwelling, with the 100-foot Buffer Zone extending into the developed portion of the site. A Site Plan prepared by Howard Stein Hudson dated April 8, 2020, was approved by the Concord Natural Resources Commission, and an Order of Conditions was issued on December 18, 2020 (DEP File No. 137-1524). The approval authorized limited yard improvements within the Buffer Zone.

Subsequent site work exceeded the scope and limits of the approved Order of Conditions. Deviations include fill placed beyond what was authorized, disturbance within the 100-foot Buffer Zone beyond approved limits, removal and topping of trees, creation of steeper slope conditions, and fill placement over portions of the on-site sewage disposal system, resulting in Title 5 noncompliance identified by the Concord Board of Health.

Upon notification by NRC staff, the property owners implemented interim stabilization measures. A Winter Slope Stabilization Plan dated November 5, 2025, was submitted and implemented, including the installation of erosion controls at the top and bottom of slopes, and the spreading of stump grindings along the slope.

The proposed plan includes permanent slope stabilization, restoration of buffer zone functions through installation of native trees, shrubs, and groundcover, erosion control measures, and a two-year monitoring and reporting program. The planting plan proposes 30 native trees and 60 native shrubs and an erosion control seed mix within disturbed buffer areas, with interim erosion controls maintained until permanent vegetation is successfully established.

The owners request that the Commission review the proposed restoration and monitoring plan as submitted and either approve the plan or identify specific modifications. Upon approval, the owners are prepared to proceed promptly according to the approved plan. The proposed plan is intended to result in a stable, vegetated buffer providing equal or greater protection to the adjacent Bordering Vegetated Wetland than pre-disturbance conditions and to bring the property into full and lasting compliance with local and state regulations.

Site Background

A Site Plan prepared by Howard Stein Hudson and dated April 8, 2020, was approved by the Concord Natural Resources Commission (NRC), and an Order of Conditions was issued on December 18, 2020 (DEP File No. 137-1524). The approval authorized limited yard improvements within the Buffer Zone, including filling in the backyard to create a flat area and 3:1 slopes to reach back to existing grades, approximately 7,534 square feet of total disturbance, and removal of 11 trees. Fifty (50) shrubs and twenty (20) trees were proposed to be planted as mitigation.

Project History and Permitting

In 2023, the property owners engaged a licensed contractor to evaluate options for completing and improving the backyard, as the previously approved 2020 plan was not functionally usable for the intended yard conditions. The contractor was provided with the approved 2020 plans and assumed responsibility for coordinating permitting and regulatory compliance for the proposed pool, pool house, and associated site work.

According to the owners, between June 2023 and March 2024, the contractor repeatedly represented to the property owners that he was actively coordinating with the Town of Concord, including the Natural Resources Division, and that the project was either permitted or in the final stages of approval. These representations included statements that required materials had been submitted, that Natural Resources staff had reviewed the work, and that the project had been “signed off” or otherwise cleared to proceed.

Based on these representations, the property owners believed in good faith that the work was proceeding in compliance with applicable permits and approvals. At no point during active construction were the owners advised that work was proceeding outside approved limits or without valid authorization. The owners relied on the contractor’s professional assurances and understanding of the permitting process.

Existing Conditions and Identified Deviations

These conditions are documented on the Wetland Permitting Plan which depict current topography, slope geometry, approved versus actual limits of work, resource area boundaries, areas of disturbance, and the location of all erosion and sediment control measures currently installed.

In October 2025, following site visits by NRC staff, it was determined that site work had exceeded the scope and limits of the approved Order of Conditions. Deviations from the approved plan include:

- Placement of approximately 5,480 cubic yards of fill beyond what was authorized
- Disturbance of approximately 9,270 square feet within the 100-foot Buffer Zone beyond the approved limit of work (1,340 sf within 25’-50’ buffer, and 7,930 sf within 50’-100’ buffer)
- Removal of 16 trees beyond those authorized under the Order of Conditions (plus two trees that fell during a storm)
- Topping of 4 trees
- Construction of a portion of the pool house and pool, and hot tub, on the outer edge of the 100’ buffer zone
- Creation of steeper slope conditions than originally approved

- Placement of fill over portions of the existing on-site sewage disposal system, resulting in noncompliance with Title 5 depth requirements, as identified by the Concord Board of Health.

These deviations were not intentional acts by the property owners but rather resulted from their reliance on contractor representations regarding permitting status and regulatory compliance.

Interim Stabilization Measures

Interim stabilization measures included installation of erosion control measures at the top and toe of slope to prevent sediment migration during winter months. Initially, winter rye was proposed to be broadcast along the slope to provide stabilization to the slope via vegetation. However, this was not deemed the best option as it was feared the rye wouldn't have a chance to grow given the winter conditions, so instead stump grindings free of invasive seeds were placed along the slope. Based on post-installation observations, the stabilized slopes are currently functioning as intended, with no evidence of active erosion or sediment migration toward the Bordering Vegetated Wetland.

Buffer Zone Restoration Planting, Groundcover & Slope Plan

The proposed planting plan is intended to restore and enhance buffer zone functions within previously disturbed areas of the 100-foot Buffer Zone to the Bordering Vegetated Wetland. The plan emphasizes native woody vegetation, slope stabilization, and long-term ecological function consistent with Concord NRC expectations. Proposed planting quantities are intentionally conservative and exceed minimum stabilization thresholds to demonstrate good-faith restoration.

Sixteen (16) trees were removed beyond the approved limit of work, and two (2) fell from storms. Thirty (30) trees are now proposed. The tree species proposed include red maple, black tupelo, river birch, and white oak. These trees are all native to Massachusetts, provide wildlife habitat, and long-term erosion control via their root systems.

Additionally, sixty (60) shrubs are proposed to be planted, including arrowwood viburnum, winterberry, highbush blueberry, and sweet pepperbush. These shrubs provide food and habitat for wildlife while also providing stability to the slope.

When conditions are appropriate in the spring, the slope will be seeded with a New England Erosion Control seed mix provided by New England Wetland Plants or an approved equal. This seed should be spread within the existing stump grindings which shall remain in place.

Additionally, the homeowners will be working on a separate plan to address the Board of Health's concerns about the septic system. If work for the septic system is proposed within the NRC's jurisdiction, a separate filing for that work will be provided.

Monitoring and Reporting

Stabilized and restored areas will be monitored for a minimum of two growing seasons following installation of permanent vegetation. Monitoring will include evaluation of:

- Integrity and performance of erosion control measures;
- Vegetative cover establishment, density, and vigor;
- Evidence of erosion, rilling, or sediment transport; and
- Overall slope stability.

Temporary stabilization measures will not be removed until monitoring confirms that success criteria have been met to the satisfaction of the Commission.

Attached is the revised Wetland Permitting Plan and the referenced plan for the Order of Conditions that was issued on December 18, 2020 (DEP File No. 137-1524).

We thank you for your attention to this matter. If you have any questions regarding this matter, please feel free to call.

Sincerely,

Stamski and McNary, Inc.



Daniel Carr, P.E.



George Dimakarakos, P.E.