

# ***Notice of Intent***

***For***

***Concord Country Store LLC***

***PROPOSED***

***Country Store and Fuel Station***

***166 Commonwealth Avenue  
Concord, Massachusetts  
Middlesex County***

Prepared for:

Concord Country Store LLC  
8 Uxbridge Road  
Mendon, MA 01756  
Phone: (508) 422-1050 ext. 7358

Prepared by:

**BOHLER //**

50 Washington Street – Suite 2000  
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December 18, 2025  
#MAA250062.00

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- WPA Form 3 – Notice of Intent

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## **PROJECT DESCRIPTION**

### **Introduction**

The Notice of Intent (NOI) contained herein is filed pursuant to G.L. Chapter 131, Section 40, the Massachusetts Wetlands Protection Act (WPA) and its implementing regulations 310 CMR 10.00 as well as the Town of Concord Wetlands Bylaw. The Notice of Intent describes the proposed project and its proposed activities within the 25-FT, 100-foot, and 200-FT Riverfront Areas to Nashoba Brook, which is a perennial stream. The Applicant is also requesting a waiver pursuant to Section 7.7 of the Concord Wetlands Bylaw to permit activities to occur in the 25-FT No Disturb Zone.

The subject property (the site) is located at 166 Commonwealth Avenue in the Town of Concord identified as Tax Assessor's Map #9D, Block #2184, Lot #2. The property consists of approximately 0.48 acres of land of which contains an existing motor vehicle service station and fueling facility along with paved parking areas, underground fuel storage, and associated utilities. The property is bordered by Nashoba Brook to the North, Commercial buildings to the East, and Commonwealth Avenue to the South and West. A perennial stream known as Nashoba Brook is located along the northern boundary of the property. Further details can be found in the Wetland Border Report prepared by Goddard Consulting, LLC in **Appendix C**.

The proposed redevelopment project includes the construction of a new 2,162± SF freestanding country store and self-service gasoline station with an 800± SF canopy along with new paved parking areas, landscaping, storm water management components and associated utilities. The site, including the majority of the proposed parking areas, has been designed to drain to deep-sump, hooded catch basins. These catch basins will capture and convey stormwater runoff, via an underground pipe system, to a proprietary water quality unit and an underground infiltration trench consisting of a perforated pipe wrapped in stone prior to discharging towards Nashoba Brook. Removal of Total Suspended Solids (TSS) is provided by a combination of the deep-sump, hooded catch basins, water quality unit and an infiltration trench prior to discharge towards Nashoba Brook. Runoff from the proposed rooftop and canopy has also been designed to flow to the underground detention basin as well.

### **Wetland Resource Areas**

Located near the proposed site and on property along the northern boundary is a perennial stream known as Nashoba Brook. There is a 25-FT “No Disturbance Zone”, a 100-FT “Limited Disturbance Zone”, and a 200-FT Riverfront Area associated with the edge of Nashoba Brook. A ±3,520 SF area within the northern portion of the property is located within Bordering Land Subject to Flooding. FEMA FIRMette panel 25017C0359F, effective July 7, 2014, indicates this area as Special Flood Hazard Area Zone AE with Base Flood Elevation 124. Furthermore, the entirety of the existing site is outside of all mapped areas of Estimated Habitat of Rare Wetlands Wildlife and Priority Habitats of Rare Species nor an Area of Critical Environmental Concern (ACEC). The site is not located in an Outstanding Resource Waters Area (ORW), and there are no mapped certified or potential vernal pools on site. Additional information can be found in the Wetland Border Report prepared by Goddard Consulting, LLC in **Appendix C**

### **Bordering Land Subject to Flooding**

Compensatory storage shall be provided for all flood storage volume that will be lost as a result of the proposed project within Bordering Land Subject to Flooding, when in the judgment of the issuing authority said loss will cause an increase or will contribute incrementally to an increase in the horizontal extent and level of flood waters during peak flows. Compensatory storage shall mean a volume not previously used for flood storage and shall be incrementally equal to the theoretical volume of flood water at each elevation, up to and including the 100-year flood elevation, which would be displaced by the proposed project. Such compensatory volume shall have an unrestricted hydraulic connection to the same waterway or water body.

The proposed redevelopment project will temporarily or permanently alter ±2,590 SF of the ±3,520 SF of Bordering Land Subject to Flooding for the removal of existing site features including a portion existing wooded areas, existing pavement areas, and existing building. The proposed site features within the Bordering Land Subject to Flooding consists of new landscaping, sidewalks, and stormwater management components. Flood storage in the 1-foot intervals from elevation 120 to 124 are provided on Sheet C-401 of the “Proposed Site Plan Documents” prepared by Bohler. The redevelopment project proposes a total of 35.6 cubic feet of compensatory storage within the same stream reach and will have unrestricted hydraulic connection to the stream.

## **Riverfront Area**

The work proposed as part of this redevelopment project within the Riverfront Area is associated with the perennial stream known as Nashoba Brook. The proposed disturbance within the Riverfront Area has been designed to meet and exceed the general performance standards for this resource area and no significant adverse impacts are anticipated. Land Under Water Bodies and Waterways and Bank occur on the subject site, however, no work is proposed within these wetland resource areas. The redevelopment is not anticipated to have an adverse effect on specified habitat sites of rare wetland species and will not have an adverse effect on vernal pool habitats as the site is not located within a mapped Estimated Habitat of Rare Wetlands Wildlife and Priority Habitats of Rare Species or mapped certified or potential vernal pools. Practicable and Substantially Equivalent Economic Alternatives have not been provided as the proposed project is a redevelopment, and this standard is not applicable.

An approximate ±775 SF area of land within the northern portion of the property consists of Land Under Water Bodies and Waterways and Bank associated with Nashoba Brook. Approximately ±19,171 SF of the subject site is located within the Riverfront Area. The proposed work within the 200-FT Riverfront Area consists of the removal of the existing pavement areas and other existing site features including the building, underground storage tanks, fuel service station and canopy, dumpster, and utilities, and the construction of a new freestanding country store and self-service gasoline station with canopy along with new paved parking areas, landscaping, storm water management components and associated utilities. Overall, the proposed redevelopment results in a reduction of 2,205 SF of impervious coverage within the 200-FT Riverfront Area. Refer to **Table 1** below for impervious area comparison from pre- and post-development conditions.

An improved stormwater management system is proposed which captures runoff in a series of on-site deep sump and hooded catch basins. The runoff is then conveyed through a conventional closed pipe system to a water quality unit and underground infiltration trench prior to discharge to Nashoba Brook. The proposed stormwater management system is designed to provide a significant increase in water quality while reducing peak rates of runoff from pre-development conditions. Refer to the Drainage Report bound separately for additional information.

## **Local Wetland Protection Bylaws Waiver Request**

The Town of Concord Wetlands Bylaw Regulations designates the first 25-FT of a protected resource area's buffer zone's inner edge as a No Disturbance Zone and the area 25 to 50 feet from the resource area as a 50-FT No Build Zone. Pursuant to Section 7.7 of the Concord Wetlands Bylaw, the Commission may grant a waiver to permit activities to occur in the 25-FT No Disturbance Zone and 50-FT No Build Zone that are generally restorative in nature provided the criteria outlined in Section 7.7. are met.

Under pre-development conditions, existing disturbance within the 25-FT No Disturb Zone includes paved parking areas, a retaining wall, underground sewer and water services, and a small portion of wooded area. The additional existing structures and disturbance within the 50-FT No Build Zone include additional pavement areas, a portion of the existing building, a dumpster, and additional underground sewer service lines. The proposed work within the 25-FT No Disturb Buffer consists of removing the existing paved parking areas within this area and replacing the area with new landscaping as well as a concrete sidewalk for additional connectivity to the existing trail along Nashoba Brook. The proposed disturbance and structures within the 50-FT No Build Zone includes proposed sidewalks, paved parking areas, trash enclosure, transformer, EV parking stalls, stormwater management components, proposed sewer service connection, and a  $\pm 1$  SF of the proposed building.

Overall, the proposed redevelopment results in a  $\pm 2,633$  SF reduction of impervious area. Furthermore, the proposed stormwater management system provides enhanced water quality treatment and reduces peak rates and volume of runoff from pre-development conditions. The system has been designed to capture runoff from the majority of the pavement areas through a series of on-site deep sump and hooded catch basins, which then convey the runoff through a water quality unit and infiltration trench prior to discharge towards Nashoba Brook. The proposed system has been designed to meet the Massachusetts Department of Environmental Protection Stormwater Standards to the maximum extent practicable for a redevelopment project.

The proposed redevelopment provides enhanced stormwater quality treatment and reduces existing impervious areas within the 25-FT and 50-FT buffers, and therefore there are no reasonable conditions or alternatives that would allow the proposed activity to proceed in compliance with said regulation as the project is designed to remove existing pavement

disturbance within the buffer. Additionally, the redevelopment project described herein reduces the impervious area within the 25-FT and 50-FT buffers and therefore avoidance, minimization, and mitigation have been employed to the maximum extent feasible. Refer to **Table 1** below for impervious area comparison from pre- and post-development conditions. The project considered in its entirety would result in a net benefit of resource area values as the redevelopment provides improved stormwater quality treatment to Nashoba Brook. The waiver is necessary to avoid a decision that so restricts the use of the property as the disturbance within the 25-Ft and 50-FT buffers is an existing condition that would otherwise remain, and the redevelopment project is proposing to enhance the condition within the buffers and provide an improved stormwater management system.

**Table 1: Buffer Zone Impact Table**

	Existing Impervious Area (SF)	Proposed Impervious Area (SF)	Δ (SF)
25-Foot No Disturbance Buffer	1,460	413	(-) 1,047
50-Foot No Build Zone	3,661	1,761	(-) 1,900
100-Foot Buffer Zone	8,981	7,061	(-) 1,920
200-Foot Riverfront Area	17,372	15,167	(-) 2,205

### **Stormwater Management**

The overall property consists of approximately 0.48 acres of land located at 166 Commonwealth Avenue in the Town of Concord, Massachusetts. The subject redevelopment site for the proposed country store and fuel service station is approximately 0.48 acres and consists of an existing motor vehicle service station and fueling facility along with paved parking areas, underground fuel storage, and associated utilities. Under existing conditions, the majority of runoff generated on site drainage overland to the north toward the existing retaining wall and Nashoba Brook. Runoff that flows towards the retaining wall flows through a small pipe off property and discharges to Nashoba Brook. The remaining portion of runoff along the westerly site of the site drains to existing catch basins within Commonwealth Avenue which then conveys runoff through the existing municipal drainage system and also discharges to Nashoba Brook.

The proposed redevelopment project includes a new stormwater management system that is designed in accordance with the Department of Environmental Protection Stormwater Standards

to the maximum extent practicable for a redevelopment project. Deep sump and hooded catch basins are proposed to capture and convey runoff from the paved parking areas and roofs to a proprietary water quality unit and underground infiltration trench consisting of a perforated pipe wrapped in stone prior to discharging to the existing wetland areas. Pretreatment of stormwater runoff will be provided to the maximum extent practicable by a combination of the deep-sump and hooded catch basins and stormwater quality unit prior to discharge into the proposed underground infiltration trench. Therefore, the proposed stormwater management system will provide improved stormwater treatment that is discharged to the existing Bordering Vegetated Wetland located on the property from pre-development conditions.

A full Drainage Report (including calculations) detailing compliance with the ten (10) Stormwater Management Standards and local requirements has been included with this filing (bound separately).

*Standard #1: No New Untreated Discharges*

The proposed redevelopment project is anticipated to result in a reduction of 2,633± SF of impervious coverage and no new untreated discharges are anticipated. The proposed stormwater management system has been designed so that majority of proposed impervious areas (including the building roof and fuel canopy) to the maximum extent practicable shall be collected and passed through the proposed drainage system for treatment prior to discharge.

*Standard #2: Peak Rate Attenuation*

The proposed stormwater management system has been designed so that post-development peak rates of runoff and volumes are below pre-development conditions for the 2-, 10-, 25- and 100-year storm events at all design points.

*Standard #3: Recharge*

The proposed project is a redevelopment and is required to meet Standard 3 to the maximum extent practicable. The project is anticipated to result in a reduction of 2,633± SF of impervious coverage. Additionally, the majority of the paved parking areas along with the entire building roof and fuel canopy have been designed to be collected and diverted to a proposed infiltration trench consisting of a perforated pipe wrapped in stone. The overflow from the infiltration trench is designed to discharge to Nashoba Brook. The proposed infiltration trench will provide 87 cubic feet of volume below the lowest outlet for groundwater recharge. The DEP Stormwater

Standards require that the infiltration BMP drains completely within 72 hours of the end of the storm event.

*Standard #4: Water Quality*

The proposed redevelopment is anticipated to result in a reduction of 2,633± SF of impervious coverage. To the maximum extent practicable, water quality treatment is provided to stormwater runoff directed to the proposed deep sump catch basins, which is then conveyed to one (1) proprietary water quality treatment unit and an underground infiltration trench prior to discharge. The proposed stormwater management system is anticipated to obtain a minimum TSS removal of 98%.

*Standard #5: Land Use with Higher Potential Pollutant Loads*

The proposed project involves “Land Uses with Higher Potential Pollutant Loads”. Accordingly, the stormwater management system includes an oil-grit separator prior to discharge. In addition, the project will provide minimum 44% TSS removal prior to infiltration and treat the 1.0 in water quality depth, as further illustrated in the drainage report (bounded separately).

*Standard #6: Critical Areas*

Not Applicable for this project.

*Standard #7: Redevelopment*

The project is a redevelopment and has been designed to meet the Massachusetts Stormwater Management regulations to the maximum extent practicable.

*Standard #8: Construction Period Pollution Prevention and Erosion and Sedimentation Control*

The proposed project will provide construction period erosion and sedimentation controls as indicated within the site plan set provided for this project. This includes a proposed construction exit, protection for stormwater inlets, protection around temporary material stockpiles and various other techniques as outlined on the erosion and sediment control sheets. Additionally, the project is required to file a Notice of Intent with the US EPA and implement a Stormwater Pollution Prevention Plan (SWPPP) during the construction period. The SWPPP will be prepared prior to the start of construction and will be implemented by the site contractor under the guidance and responsibility of the project’s proponent.

*Standard #9: Operation and Maintenance Plan (O&M Plan)*

An Operation and Maintenance (O&M) Plan for this site has been prepared and is included in the drainage report (bounded separately). The O&M Plan outlines procedures and timetables for the long-term operation and maintenance of the proposed site stormwater management system, including initial inspections upon completion of construction, and periodic monitoring of the system components, in accordance with established practices and the manufacturer's recommendations. The O&M Plan includes a list of responsible parties and an estimated budget for inspections and maintenance.

*Standard #10: Prohibition of Illicit Discharges*

The proposed stormwater system will only convey allowable non-stormwater discharges (firefighting waters, irrigation, air conditioning condensates, etc.) and will not contain any illicit discharges from prohibited sources. An Illicit Discharge Statement is included in the drainage report (bounded separately).

**Summary**

In summary, no negative impacts to the subject perennial stream and 200-FT Riverfront Area are anticipated as a result of this redevelopment project. Impacts to the resource area from stormwater discharges will be mitigated using sedimentation and erosion control measures during construction as well as BMPs and an Operation & Maintenance Plan once the site is fully constructed and stabilized. The proposed stormwater management system results in a reduction of peak rates of runoff and volume from the subject site when compared to the pre-development conditions for the 2-, 10-, 25- and 100-year storm frequencies. Additionally, the reduction of 2,633± SF of impervious coverage and the proposed best management practices will result in an effective removal of total suspended solids and provides significant improvement to water quality treatment prior to discharge to the resource area as compared to pre-development conditions. The stormwater system will meet the redevelopment requirements of the current Massachusetts Department of Environmental Protection Stormwater Policy Handbook to the maximum extent practicable. The project's conformance with the Massachusetts DEP's current Stormwater Management Standards can be found in the Drainage Report submitted with this filing (bound separately).

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Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands

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Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

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## A. General Information (continued)

6. General Project Description:

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

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

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

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

2. Limited Project Type

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

8. Property recorded at the Registry of Deeds for:

a. County

b. Certificate # (if registered land)

c. Book

d. Page Number

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

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

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



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

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

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

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

2. Width of Riverfront Area (check one):

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

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

4. Proposed alteration of the Riverfront Area:

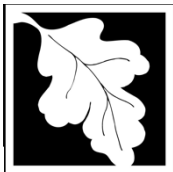
a. total square feet \_\_\_\_\_ b. square feet within 100 ft. \_\_\_\_\_ c. square feet between 100 ft. and 200 ft. \_\_\_\_\_

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

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

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

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



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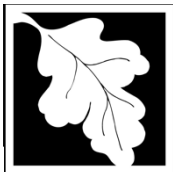
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**B. Buffer Zone & Resource Area Impacts (temporary & permanent) (cont'd)**

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

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

<u>Resource Area</u>	<u>Size of Proposed Alteration</u>	<u>Proposed Replacement (if any)</u>
a. <input type="checkbox"/> Designated Port Areas	Indicate size under Land Under the Ocean, below	
b. <input type="checkbox"/> Land Under the Ocean	_____	
	1. square feet	
	_____	
	2. cubic yards dredged	
c. <input type="checkbox"/> Barrier Beach	Indicate size under Coastal Beaches and/or Coastal Dunes below	
d. <input type="checkbox"/> Coastal Beaches	_____	_____
	1. square feet	2. cubic yards beach nourishment
e. <input type="checkbox"/> Coastal Dunes	_____	_____
	1. square feet	2. cubic yards dune nourishment
	<u>Size of Proposed Alteration</u>	<u>Proposed Replacement (if any)</u>
f. <input type="checkbox"/> Coastal Banks	_____	
	1. linear feet	
g. <input type="checkbox"/> Rocky Intertidal Shores	_____	
	1. square feet	
h. <input type="checkbox"/> Salt Marshes	_____	_____
	1. square feet	2. sq ft restoration, rehab., creation
i. <input type="checkbox"/> Land Under Salt Ponds	_____	
	1. square feet	
	_____	
	2. cubic yards dredged	
j. <input type="checkbox"/> Land Containing Shellfish	_____	
	1. square feet	
k. <input type="checkbox"/> Fish Runs	Indicate size under Coastal Banks, inland Bank, Land Under the Ocean, and/or inland Land Under Waterbodies and Waterways, above	
	_____	
	1. cubic yards dredged	
l. <input type="checkbox"/> Land Subject to Coastal Storm Flowage	_____	
	1. square feet	
4. <input type="checkbox"/> Restoration/Enhancement	If the project is for the purpose of restoring or enhancing a wetland resource area in addition to the square footage that has been entered in Section B.2.b or B.3.h above, please enter the additional amount here.	
	_____	_____
	a. square feet of BVW	b. square feet of Salt Marsh
5. <input type="checkbox"/> Project Involves Stream Crossings		
	_____	_____
	a. number of new stream crossings	b. number of replacement stream crossings



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## C. Other Applicable Standards and Requirements

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

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

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

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

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

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

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

- c. Submit Supplemental Information for Endangered Species Review\*

1.  Percentage/acreage of property to be altered:

(a) within wetland Resource Area \_\_\_\_\_  
percentage/acreage

(b) outside Resource Area \_\_\_\_\_  
percentage/acreage

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

2.  Project plans for entire project site, including wetland resource areas and areas outside of wetlands jurisdiction, showing existing and proposed conditions, existing and proposed tree/vegetation clearing line, and clearly demarcated limits of work \*\*

(a)  Project description (including description of impacts outside of wetland resource area & buffer zone)

(b)  Photographs representative of the site

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

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

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



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

(c)  MESA filing fee (fee information available at <https://www.mass.gov/how-to/how-to-file-for-a-mesa-project-review>).  
 Make check payable to “Commonwealth of Massachusetts - NHESP” and **mail to NHESP** at above address

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

- (d)  Vegetation cover type map of site
- (e)  Project plans showing Priority & Estimated Habitat boundaries
- (f) OR Check One of the Following

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

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

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

3. For coastal projects only, is any portion of the proposed project located below the mean high water line or in a fish run?
- a.  Not applicable – project is in inland resource area only      b.  Yes     No

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

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

North Shore - Plymouth to New Hampshire border:

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

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

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

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

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



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

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

- 4. Is any portion of the proposed project within an Area of Critical Environmental Concern (ACEC)?
  - a.  Yes  No      If yes, provide name of ACEC (see instructions to WPA Form 3 or MassDEP Website for ACEC locations). **Note:** electronic filers click on Website.
  - b. ACEC

---

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

**D. Additional Information**

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

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

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

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



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands

# WPA Form 3 – Notice of Intent

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:

MassDEP File Number

Document Transaction Number

City/Town

## D. Additional Information (cont'd)

- 3.  Identify the method for BVW and other resource area boundary delineations (MassDEP BVW Field Data Form(s), Determination of Applicability, Order of Resource Area Delineation, etc.), and attach documentation of the methodology.
- 4.  List the titles and dates for all plans and other materials submitted with this NOI.

a. Plan Title

b. Prepared By

c. Signed and Stamped by

d. Final Revision Date

e. Scale

f. Additional Plan or Document Title

g. Date

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

## E. Fees

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

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

2. Municipal Check Number

3. Check date

4. State Check Number

5. Check date

6. Payor name on check: First Name

7. Payor name on check: Last Name



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

# WPA Form 3 – Notice of Intent

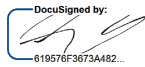
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:	
MassDEP File Number	
Document Transaction Number	
Concord	
City/Town	

## F. Signatures and Submittal Requirements

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

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

DocuSigned by:  
  
619576F3673A482

12/19/2025

1. Signature of Applicant

2. Date

3. Signature of Property Owner (if different)



4. Date

12/22/2025

5. Signature of Representative (if any)

6. Date

### For Conservation Commission:

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

### For MassDEP:

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

### Other:

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

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

**FILING FEE DOCUMENTAION**

- **WPA Form 3 Wetland Fee Transmittal Form**
- **Copies of Application Fee Checks**



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

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



**A. Applicant Information**

1. Location of Project:

a. Street Address \_\_\_\_\_ b. City/Town \_\_\_\_\_  
 c. Check number \_\_\_\_\_ d. Fee amount \_\_\_\_\_

2. Applicant Mailing Address:

a. First Name \_\_\_\_\_ b. Last Name \_\_\_\_\_  
 c. Organization \_\_\_\_\_  
 d. Mailing Address \_\_\_\_\_  
 e. City/Town \_\_\_\_\_ f. State \_\_\_\_\_ g. Zip Code \_\_\_\_\_  
 h. Phone Number \_\_\_\_\_ i. Fax Number \_\_\_\_\_ j. Email Address \_\_\_\_\_

3. Property Owner (if different):

a. First Name \_\_\_\_\_ b. Last Name \_\_\_\_\_  
 c. Organization \_\_\_\_\_  
 d. Mailing Address \_\_\_\_\_  
 e. City/Town \_\_\_\_\_ f. State \_\_\_\_\_ g. Zip Code \_\_\_\_\_  
 h. Phone Number \_\_\_\_\_ i. Fax Number \_\_\_\_\_ j. Email Address \_\_\_\_\_

**B. Fees**

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

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

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

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

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

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

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

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



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

**B. Fees** (continued)

Step 1/Type of Activity	Step 2/Number of Activities	Step 3/Individual Activity Fee	Step 4/Subtotal Activity Fee

**Step 5/Total Project Fee:** \_\_\_\_\_

**Step 6/Fee Payments:**

Total Project Fee: \_\_\_\_\_  
 a. Total Fee from Step 5

State share of filing Fee: \_\_\_\_\_  
 b. 1/2 Total Fee **less** \$12.50

City/Town share of filing Fee: \_\_\_\_\_  
 c. 1/2 Total Fee **plus** \$12.50

**C. Submittal Requirements**

a.) Complete pages 1 and 2 and send with a check or money order for the state share of the fee, payable to the Commonwealth of Massachusetts.

Department of Environmental Protection  
 Box 4062  
 Boston, MA 02211

b.) **To the Conservation Commission:** Send the Notice of Intent or Abbreviated Notice of Intent; a **copy** of this form; and the city/town fee payment.

**To MassDEP Regional Office** (see Instructions): Send a copy of the Notice of Intent or Abbreviated Notice of Intent; a **copy** of this form; and a **copy** of the state fee payment. (E-filers of Notices of Intent may submit these electronically.)

0968

**BOHLER MA**  
SOUTHBOROUGH LOCAL ACCOUNT  
352 TURNPIKE ROAD  
SOUTHBOROUGH, MA 01772

DATE December 22, 2025 1-2/210

PAY TO THE ORDER OF Commonwealth of Massachusetts

\$ 775.00

Seven Hundred Seventy Five and 00/100

DOLLARS

**CHASE**  
JPMorgan Chase Bank, N.A.  
www.Chase.com

*[Signature]*



FOR MAN250062 NOI Filing

WELD TO LIGHT TO VIEW YOUR WATERMARK IN PAPER. HEAT SENSITIVE FIBER LOCK EMPLACEMENT WHEN HEATED.

0969

**BOHLER MA**  
SOUTHBOROUGH LOCAL ACCOUNT  
352 TURNPIKE ROAD  
SOUTHBOROUGH, MA 01772

DATE December 22, 2025 1-2/210

PAY TO THE ORDER OF Town of Concord

\$ 800.00

Eight Hundred and 00/100

DOLLARS

**CHASE**  
JPMorgan Chase Bank, N.A.  
www.Chase.com

*[Signature]*



FOR MAN250062 NOI Filing

**ABUTTER INFORMATION**

- **Affidavit of Service**
- **Abutter Notification**
- **Certified Abutters List**

## AFFIDAVIT OF SERVICE

### Under the Massachusetts Wetlands Protection Act and Town of Concord Wetlands Bylaw

I, John Kucich, PE, hereby certify under the pains and penalties of perjury that I gave notification to abutters in compliance with the Massachusetts Wetlands Protection Act and Town of Concord Wetlands Bylaw in connection of the following matter:

A Notice of Intent, filed under the Massachusetts Wetlands Protection Act and Town of Concord Wetlands Bylaw by Concord Country Store LLC with the Concord Natural Resource Commission on December 22, 2025 for the property located at 166 Commonwealth Avenue, Concord, Massachusetts.

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



12/22/2025

---

Name

Date

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

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

Applicant's Name: Concord Country Store LLC

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

Address where activity is proposed: 166 Commonwealth Avenue, Concord, MA

Brief description of proposed project: The Applicant is proposing the demolition of the existing building and site features to construct a new self-service fuel station and 2,162 SF country store along with new paved parking areas, landscaping, utility connections, and stormwater management system within the Riverfront Area (RFA), Bordering Land subject to Flooding (BLDF), and Buffer Zone (BZ). The proposed redevelopment project will include erosion controls, stormwater management features, and renaturalization within the inner RFA, BLSF, and BZ.

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

A public hearing will be held on January 28, 2025. The hearing will be a hybrid in-person/Zoom meeting with a quorum of the Commission physically present at 141 Keyes Road, 1<sup>st</sup> Floor Conference Room. The public is invited to attend in person or via Zoom. Information on how to participate via Zoom will be provided on the agenda at <https://concordma.gov/AgendaCenter/Natural-Resources-Commission-25>.

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

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

## Abutters List Request Form

### **Instructions:**

This form is to be completed by the Applicant and submitted to the Assessor's Office by email to [assessing@concordma.gov](mailto:assessing@concordma.gov). The Assessor's Office will calculate the number of Abutters to the property at a rate of \$1.00 per abutter which is due upon receipt.

11/26/2025  
Date Requested

166 Commonwealth Avenue  
Property Address(es)

9D-2184-2  
Parcel Number(s)

Bohler - Tina Castelli  
Name of Person Requesting List

tcastelli@bohlereng.com  
Email Address

508-259-8240  
Phone Number

### **The Application will be submitted to the:**

- |   |   |
|---|---|
| <input type="checkbox"/> Planning Board         | <input checked="" type="checkbox"/> Natural Resources |
| <input type="checkbox"/> Zoning Bord of Appeals | <input type="checkbox"/> Other _____                  |

---

### **For Assessors Use Only**

**Date Processed:** \_\_\_\_\_

**Amount Paid:**     \$ \_\_\_\_\_     Check \_\_\_\_\_ Cash \_\_\_\_\_

**\*Note:** A delay in the payment of the Abutters List Fee constitutes an incomplete application and may cause a delay in the opening of a public hearing.



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

### ABUTTERS LIST

**PROPERTY :** 166 Commonwealth Ave.  
Concord, MA 01742

**PARCEL:** 2184-2

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

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

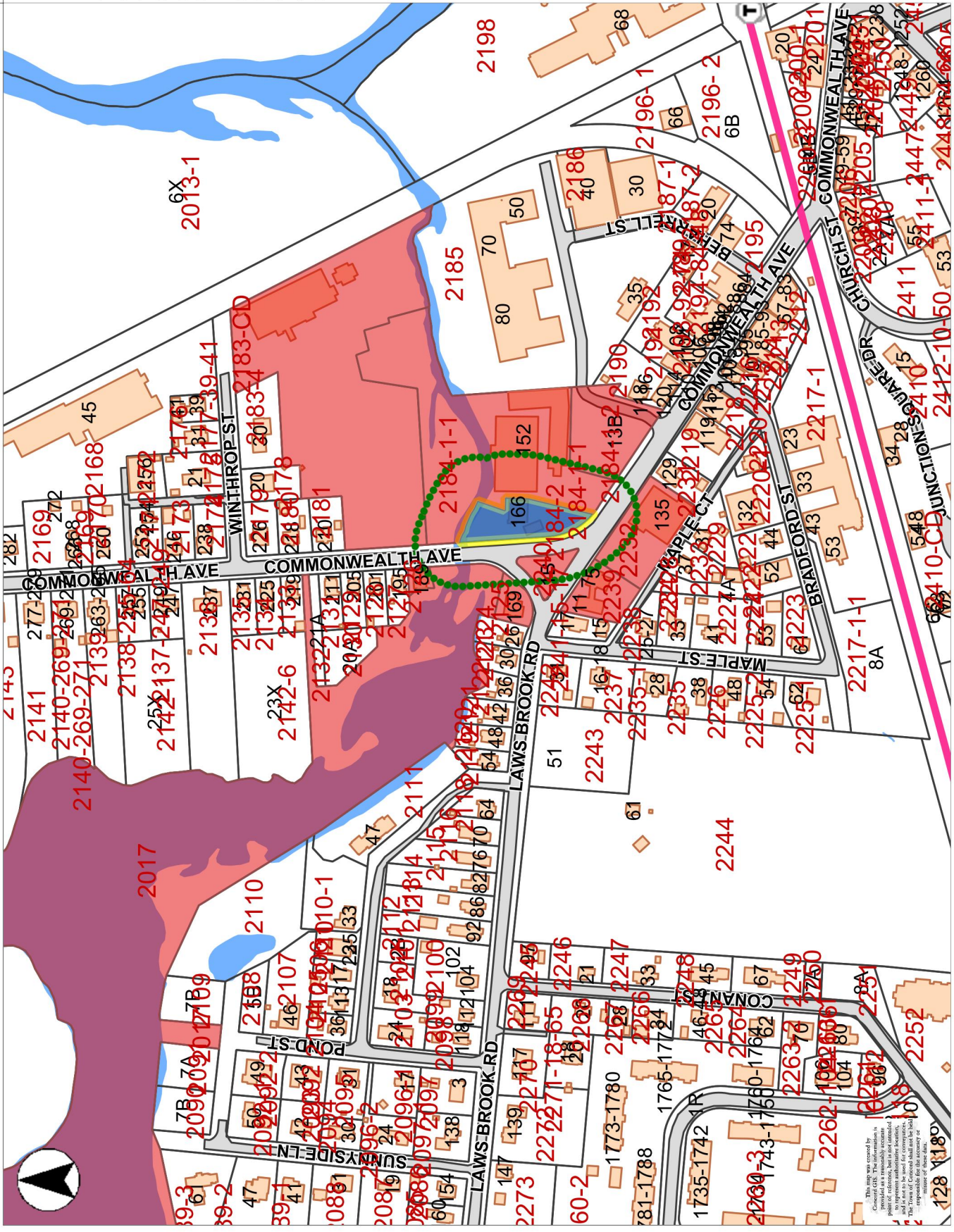
The Board of Assessors hereby certifies that the attached list contains the record owners as of January 1, 2025, recorded on the current tax rolls. In addition, the Board certifies that the list includes owners, as per recorded deeds as received up to October 31, 2025.

*Carolyn Dee*  
Office Administrator

November 26, 2025



- Town Boundary - State Survey
- Address Numbers
- Tax Map Parcel ID Labels
- Buildings (ft)
- Parcel Polygons
- MA Highways
- Interstate
- US Highway
- Numbered Routes
- MBTA Commuter Rail Station
- Railroad
- Streams
- Streets Area
- Rivers & Ponds

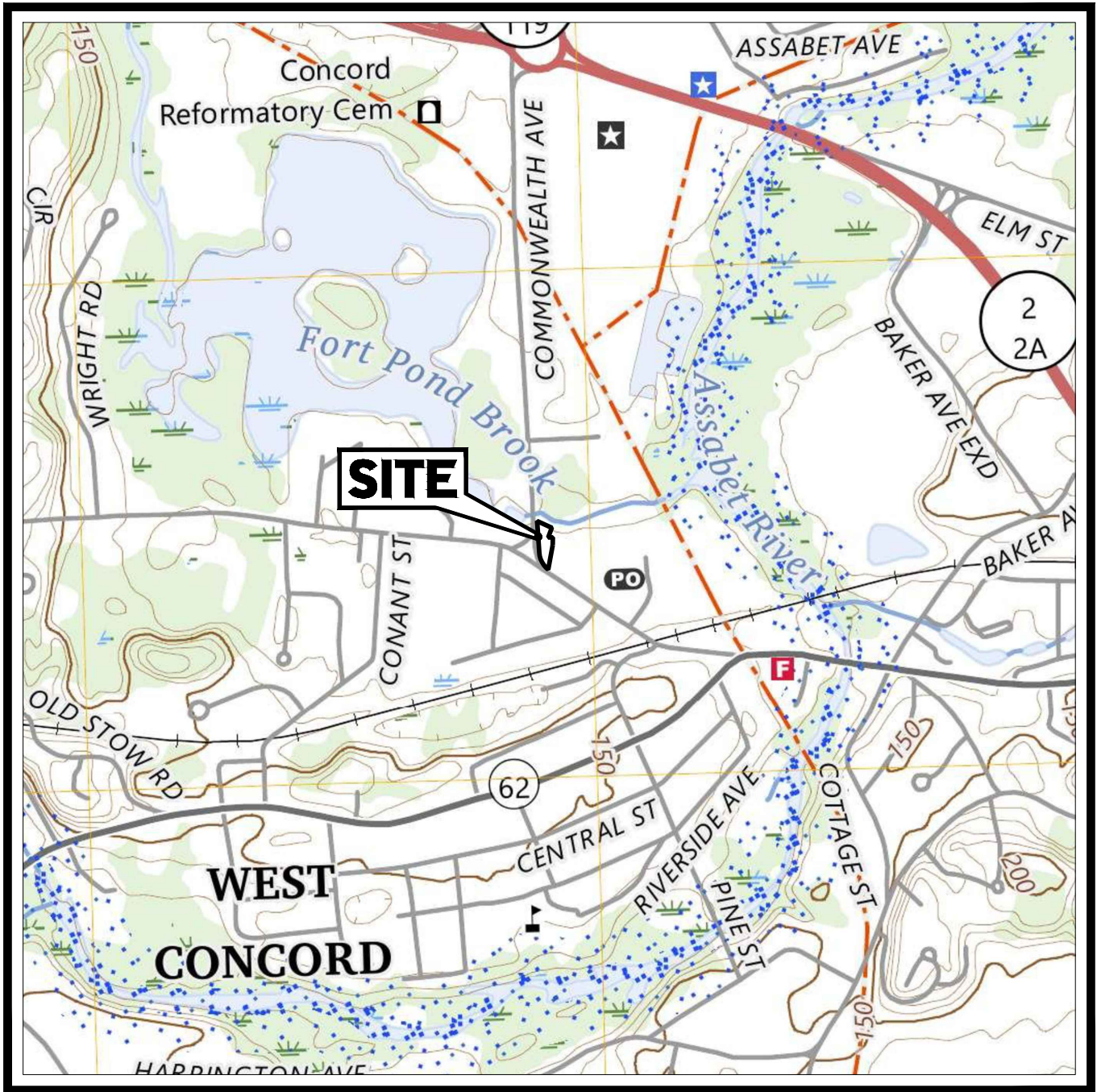


The map was created by  
 Concord GIS. The information is  
 for informational purposes only and  
 does not represent a warranty of  
 accuracy. The Town of Concord  
 is not responsible for any  
 errors or omissions.



Parcel#	Owner	Mailing Address	City	State	Zip	Property Address
2183-2A	56 WINTHROP ST LLC	56 WINTHROP ST # 2	CONCORD	MA	01742	56-2A WINTHROP ST
2183-2B	56 WINTHROP STREET LLC	56 WINTHROP ST	CONCORD	MA	01742	56-2B WINTHROP ST
2017	TOWN OF CONCORD	141 KEYES RD	CONCORD	MA	01742	2X WARNER ST
2125	KRUG RICHARD F JR	169 COMMONWEALTH AVE	CONCORD	MA	01742	169 COMMONWEALTH AVE
2126	DENARO PAUL J	189 COMMONWEALTH AVE	CONCORD	MA	01742	189 COMMONWEALTH AVE
2240	TOWN OF CONCORD	PO BOX 535	CONCORD	MA	01742	1B LAWS BROOK RD
2232	ANTON CHARLES A TR	500 CLARK RD	TEWKSBURY	MA	01876	135 COMMONWEALTH AVE
2184-1-2	13B WC ACQUISITIONS LLC	27 ELIOT ST UNIT 2	JAMAICA PLAIN	MA	02130	13B COMMONWEALTH AVE
2184-1-1	152 LLC	152 COMMONWEALTH AVE	CONCORD	MA	01742	152 COMMONWEALTH AVE
2184-2	CONCORD COUNTRY STORE LLC	8 UXBRIDGE RD	MENDON	MA	01756	166 COMMONWEALTH AVE
2239	CARBONELL TR PABLO F	133 OLD MILL RD	HARVARD	MA	01451	5 LAWS BROOK RD
2183-1	56 WINTHROP STREET LLC	56 WINTHROP ST	CONCORD	MA	01742	56-1 WINTHROP ST
2183-3	56 WINTHROP STREET LLC	56 WINTHROP ST	CONCORD	MA	01742	56-3 WINTHROP ST

**APPENDIX A – USGS MAP**



### **USGS MAP**

SCALE: 1" = 1,000'

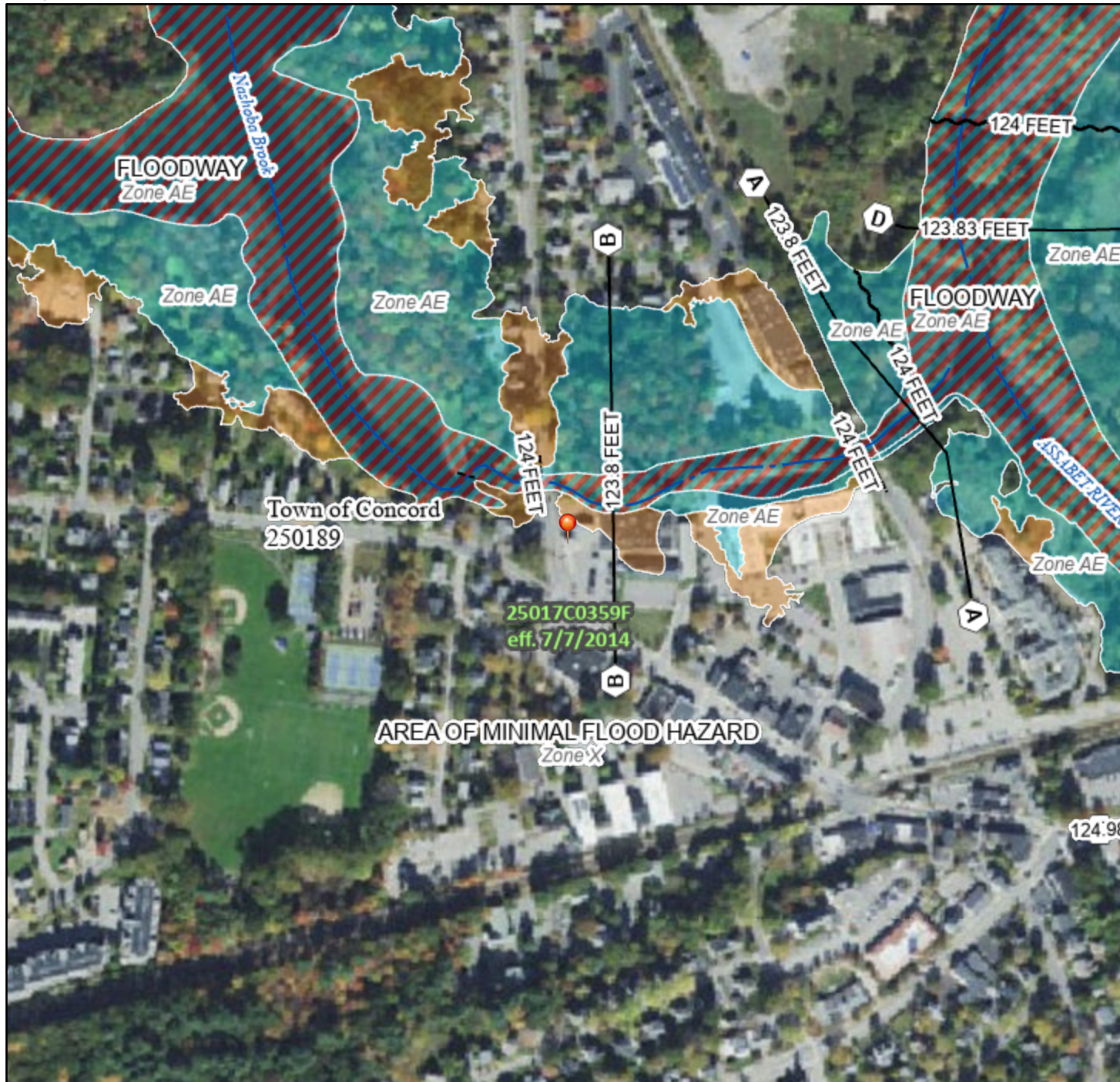
SOURCE: USGS MAYNARD QUADRANGLE

**APPENDIX B – FEMA FLOOD INSURANCE RATE MAP**

# National Flood Hazard Layer FIRMMette



71°24'8"W 42°27'44"N



## Legend

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

SPECIAL FLOOD HAZARD AREAS		Without Base Flood Elevation (BFE) Zone A, V, A99
		With BFE or Depth Zone AE, AO, AH, VE, AR
		Regulatory Floodway

OTHER AREAS OF FLOOD HAZARD		0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile Zone X
		Future Conditions 1% Annual Chance Flood Hazard Zone X
		Area with Reduced Flood Risk due to Levee. See Notes. Zone X
		Area with Flood Risk due to Levee Zone D

OTHER AREAS		NO SCREEN Area of Minimal Flood Hazard Zone X
		Effective LOMRs
GENERAL STRUCTURES		Area of Undetermined Flood Hazard Zone D
		Channel, Culvert, or Storm Sewer
		Levee, Dike, or Floodwall

OTHER FEATURES		20.2 Cross Sections with 1% Annual Chance Water Surface Elevation
		17.5 Cross Sections with 1% Annual Chance Water Surface Elevation
		Coastal Transect
		Base Flood Elevation Line (BFE)
		Limit of Study
		Jurisdiction Boundary
OTHER FEATURES		Coastal Transect Baseline
		Profile Baseline
		Hydrographic Feature

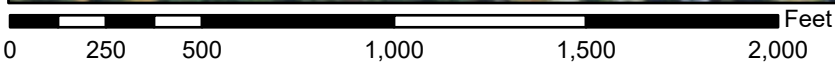
MAP PANELS		Digital Data Available
		No Digital Data Available
		Unmapped

The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

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

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on **11/18/2025 at 6:27 PM** and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

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



1:6,000

71°23'31"W 42°27'17"N

Basemap Imagery Source: USGS National Map 2023

**APPENDIX C – WETLAND BORDER REPORT BY GODDARD CONSULTING, LLC**

## Wetland Border Report

Site Locus: 166 Commonwealth Avenue, Concord, MA 01742

Prepared for: Concord Country Store LLC

Prepared by: Goddard Consulting LLC, 291 Main St, Suite 8, Northborough, MA 01532

Date: 03/11/2025

### INTRODUCTION

On March 7, 2025, wetland resources were delineated for Concord Country Store LLC on land located on or near 166 Commonwealth Avenue in Concord, MA (refer to enclosed locus maps). The wetland border was flagged using the criteria in the most recent edition of the Massachusetts Wetlands Protection Act (WPA) and Regulations (310 CMR 10.00) and the Concord Wetlands Bylaw & Regulations (Article 58 & 59). Hydric soil indicators, vegetation changes, hydrological indicators, and topography were all considered for delineation purposes.

The titles of attached documents are as follows:

- USGS of Locus Site, Goddard Consulting LLC, 1/23/2025
- Orthophoto of Locus Site, Goddard Consulting LLC, 1/23/2025
- FEMA Flood Map of Locus Site, Goddard Consulting LLC, 1/23/2025
- NRCS Soil Survey of Locus Site, Goddard Consulting LLC, 1/23/2025

### SUMMARY OF FINDINGS

The northern boundary of the locus site is bordered by a perennial stream known as Nashoba Brook. The stream flows east from a dam before flowing under Commonwealth Avenue onto the locus site. Bordering Vegetated Wetland exists north of Nashoba Brook off the locus site. The southern Mean Annual High-Water (MAHW) line of the stream is primarily armored by a large rock wall. The southern Mean Annual High-Water line of Nashoba Brook was delineated with flag series GC MAHW1 – GC MAHW7 and GC MAHWB1 – GC MAHWB3.

According to the MassGIS data layers for the Natural Heritage & Endangered Species Program (NHESP), the locus site is not located within Estimated and/or Priority Habitat of Rare Wildlife or an Area of Critical Environmental Concern (ACEC). The site is not located in an Outstanding Resource Waters Area (ORW). The site does fall within a jurisdictional FEMA Flood Zone known as a “Regulatory Floodway” and a non-jurisdictional “Zone X: 0.2% Annual Chance Flood Hazard”. There are no mapped certified or potential vernal pools on site.

The MA Wetlands Protection Act and the Town of Concord take jurisdiction over perennial streams and their associated Riverfront Area. Any work within these resource areas, including the 200-foot Riverfront Area, requires a Request for Determination (RDA) or Notice of Intent (NOI) to be filed with the Concord Conservation Commission.

### DESCRIPTION OF REGULATED INLAND RESOURCE AREA

The table below provides the regulatory jurisdiction, flag numbers/colors, and wetland types and locations for the resource areas delineated.

Resource Area	Regulatory Jurisdiction	Flag Numbers and Color	Wetland Types and Locations
Perennial Stream (Nashoba Brook)	200-foot Riverfront Area	GC MAHW1- GC MAHW7 (Pink flags)	Southern Mean Annual High-Water line of Nashoba Brook (East of Commonwealth Ave)

Perennial Stream (Nashoba Brook)	200-foot Riverfront Area	GC MAHWB1- GC MAHWB3 (Pink flags)	Southern Mean Annual High-Water line of Nashoba Brook (West of Commonwealth Ave)
-------------------------------------	-----------------------------	---	---

**SITE PHOTOS**



**Photo 1.** View Nashoba Brook facing east at the northeastern corner of the locus site.



**Photo 2.** View of Nashoba Brook facing east at northwestern corner of the locus site.



**Photo 3.** View of Nashoba Brook facing the locus site.



**Photo 4.** View of Nashoba Brook west of the locus site.

Please don't hesitate to reach out to our office with questions or concerns.

Sincerely,

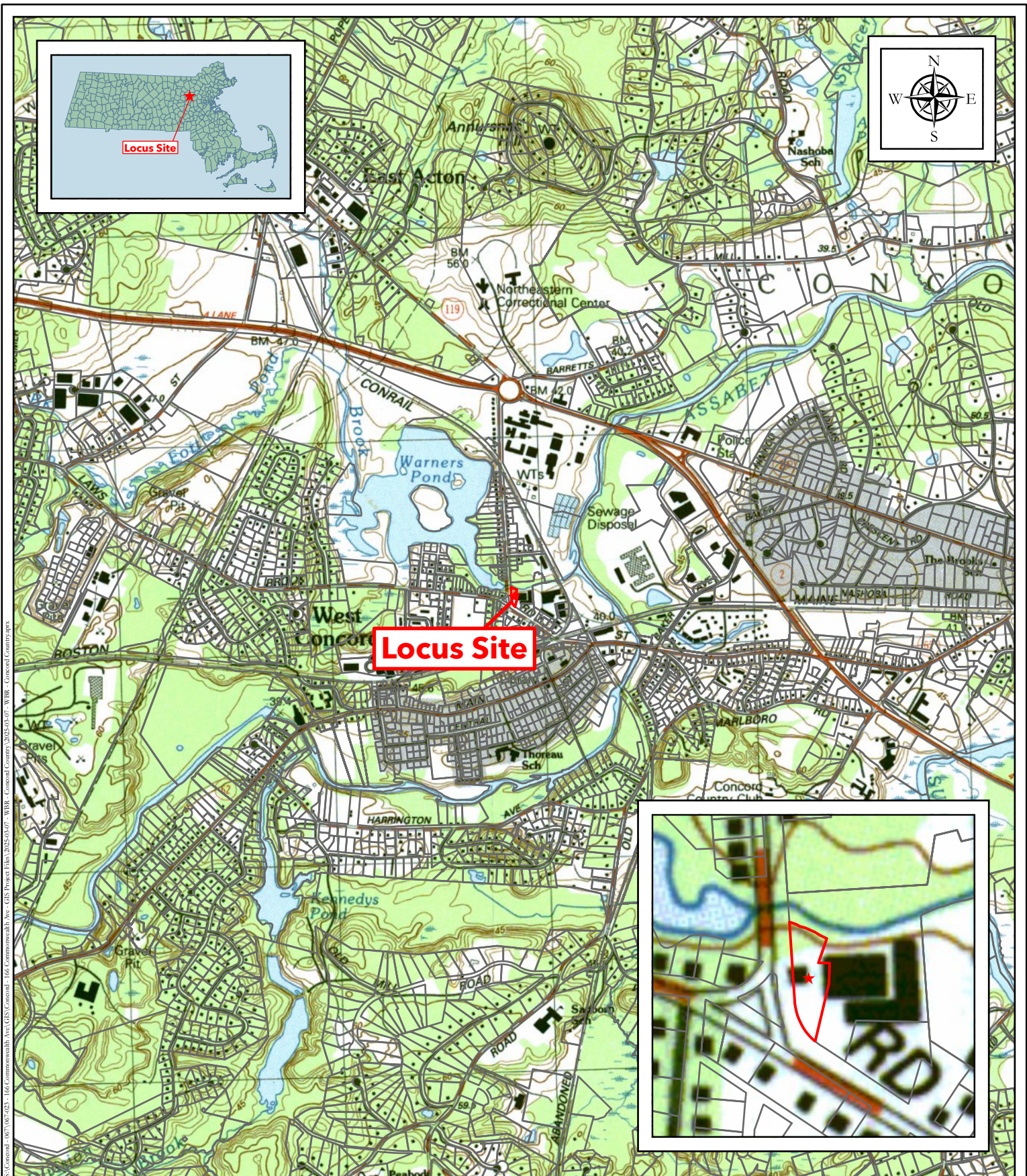
Goddard Consulting, LLC



Tom Schutz, WPIT, WSA  
**Wetland Scientist**



Kristina McEvoy  
**Wetland Scientist**



S:\Concord - 0671067103 - 166 Commonwealth Ave GIS\Concord - 166 Commonwealth Ave GIS Project Files\2025-03-07 - WBR - Concord\Concord\_2025-03-07 - WBR - Concord\Concord.mxd



### USGS of Locus Site

0 1,000 2,000 Feet 1" = 2,000'

71.397022°W, 42.4584588°N

Date: 03/07/2025





166 Commonwealth Avenue  
Concord, MA 01742

Parcel ID: 2184-2



S:\Concord - 07\07-023 - 166 Commonwealth Ave GIS\Concord - 166 Commonwealth Ave GIS\Project Files\2025-03-07 - WBR - Concord County\2025-03-07 - WBR - Concord County.aprx

**Legend**

-  NHESP Potential Vernal Pools
-  Locus Site
-  DEP Delineated Hydrologic Connections
-  DEP Delineated Wetlands



Orthophoto of Locus Site

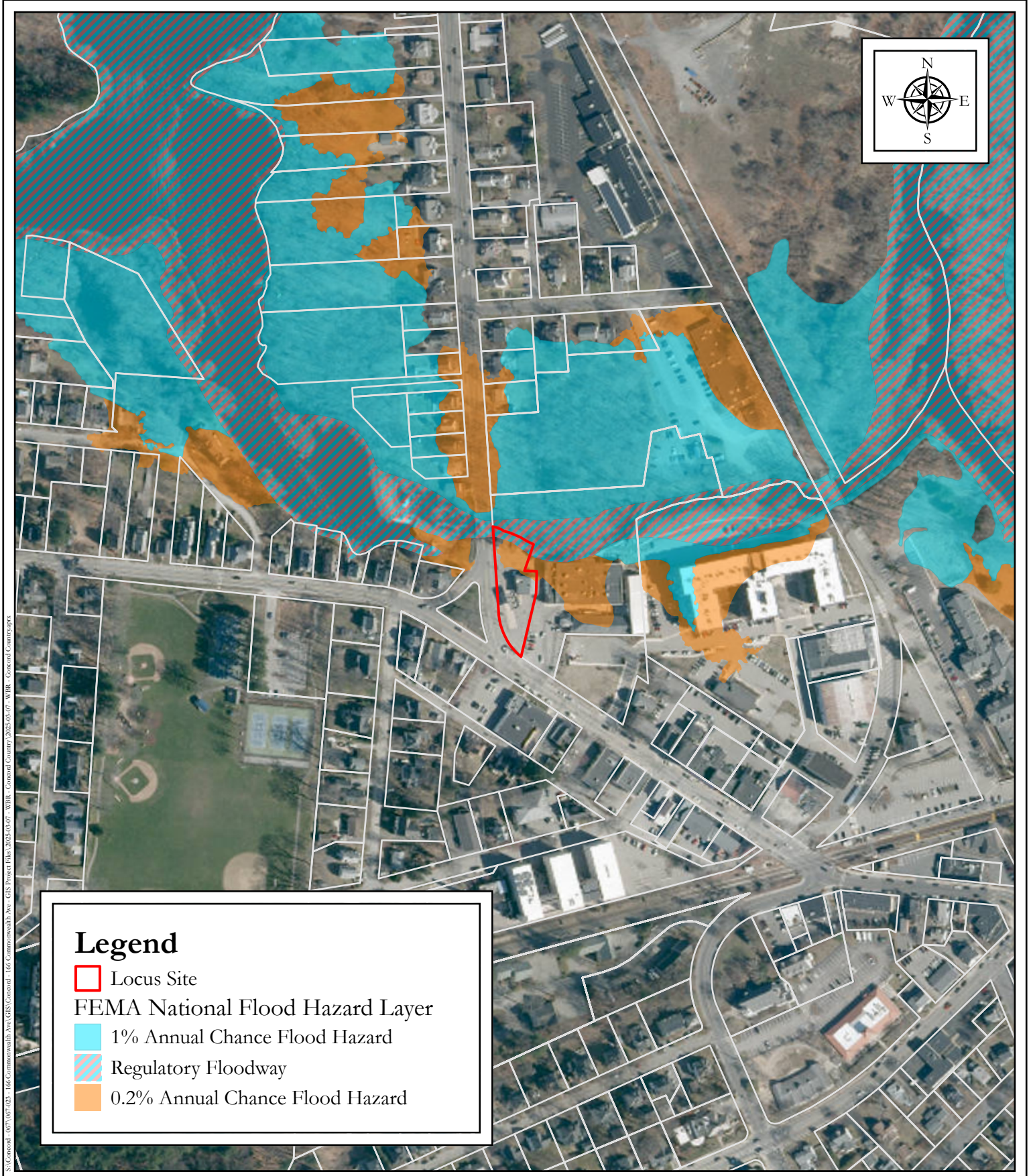
0 150 300 Feet 1" = 300'

71.3967996°W, 42.458582°N

Date: 03/07/2025

166 Commonwealth Avenue  
Concord, MA 01742

Parcel ID: 2184-2



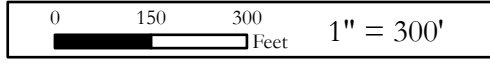
**Legend**

- Locus Site
- FEMA National Flood Hazard Layer
  - 1% Annual Chance Flood Hazard
  - Regulatory Floodway
  - 0.2% Annual Chance Flood Hazard

S:\Concord - 07/07/23 - 166 Commonwealth Ave GIS Concord - 166 Commonwealth Ave GIS Concord - 2025-03-07 - WBR - Concord County.gis



## FEMA Flood Map of Locus Site



71.397022°W, 42.4584588°N

Date: 03/07/2025

166 Commonwealth Avenue  
Concord, MA 01742

Parcel ID: 2184-2



S:\Concord - 03/07/2025 - 166 Commonwealth Ave GIS Project Files\2025-03-07 - WBR - Concord County\2025-03-07 - WBR - Concord County.aprx



## NRCS Soil Survey of Locus Site

0      60      120      1" = 120'  
 Feet

71.397022°W, 42.4584588°N

Date: 03/07/2025

166 Commonwealth Avenue  
Concord, MA 01742

Parcel ID: 2184-2

**APPENDIX D – REGULATORY COMPLIANCE NARRATIVE BY GODDARD  
CONSULTING, LLC**



# **Regulatory Compliance Narrative**

for

166 Commonwealth Ave  
(Map: 9D, Block: 2184, Lot: 2)  
Concord, MA 01742

**DATE:**

December 18<sup>th</sup>, 2025

**ADDRESSED TO:**

Concord Natural Resources Commission  
141 Keyes Road  
Concord, MA 01742

**PREPARED BY:**

Goddard Consulting LLC  
291 Main Street, Suite 8  
Northborough, MA 01532

**PREPARED FOR:**

Concord Country Store, LLC  
8 Uxbridge Road  
Mendon, MA 01756



December 18<sup>th</sup>, 2025

Concord Natural Resources Commission  
141 Keyes Road  
Concord, MA 01742

Re: Regulatory Compliance Narrative  
166 Commonwealth Ave  
(Map: 9D, Block: 2184, Lot: 2)

Dear Concord Natural Resources Commission,

On behalf of Concord Country Store, LLC, Goddard Consulting, LLC (Goddard) is pleased to submit this Regulatory Compliance Narrative for a redevelopment project which involves the demolition of the existing auto care center and fueling stations, the construction of a +/- 2,162 SF country store, four fueling stations with a +/- 800 SF canopy, new paved parking areas, landscaping, and associated stormwater management and utilities.

Nashoba Brook, a perennial stream, is located partially on-site to the north of the property. Work is proposed within the 200-foot RFA, including the demolition of the existing building and fueling stations, the construction of the country store and new fueling stations, new paved areas, and associated stormwater management components and utilities. Additionally, work is proposed within Bordering Land Subject to Flooding (BLSF) including demolition of the auto care center and existing pavement areas, removal of portions of wooded areas, and proposed landscaping, sidewalks, and stormwater management components. The purpose of this performance standard review is intended to review proposed impact to the RFA and BLSF and demonstrate compliance with the MA WPA Riverfront Area Performance Standards (310 CMR 10.58(4), 310 CMR 10.58(5)) and MA WPA Land Subject to Flooding Performance Standards (310 CMR 10.57(4)). No work is proposed to impact Land Under Water Bodies or Waterways nor Bank.

Enclosed are additional supporting documentation for the project for your review and approval. If you have any questions, please feel free to contact this office at (508) 393-3784.

Sincerely,  
Goddard Consulting, LLC

Scott Goddard, PWS, CWS  
*Principal*

Sophie Esdale  
*Wetland Scientist*

CC: Concord Country Store, LLC, 8 Uxbridge Road Mendon, MA 01756  
MassDEP Northeast Regional Office, 150 Presidential Way, Woburn, MA 01801

## 1.0 REGULATORY COMPLIANCE WITH THE MA WPA

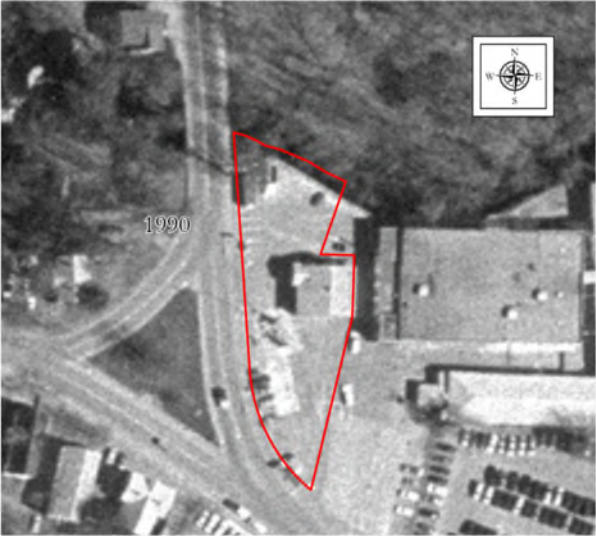
Work within resource areas protected by the MA WPA is being proposed. The project has been designed to meet the MA WPA's general performance standards for work within Riverfront Area and Bordering Land Subject to Flooding (BLSF) and to minimize impacts to the greatest extent practicable. This site has a partially on-site perennial stream, known as Nashoba Brook, located to the north of the proposed work. The perennial stream casts approximately 19,171 SF of Riverfront Area onto the site locus. The site contains jurisdictional FEMA Flood Zone AE with Base Flood Elevation (BFE) 124 to the north of the site. Approximately 3,520 SF of BLSF is on-site to the north of the parcel. An explanation of how the project meets the applicable performance standards of the resource area follows.

### 1.1 RIVERFRONT AREA (MA WPA)

<p><b>§ 10.58</b></p>	<p><b>Riverfront Area:</b>  <b>The area of land between a river's mean annual high-water line and a parallel line measured horizontally</b></p>	
<p><b>Performance Standard</b></p>		<p><b>Compliance</b></p>
<p>10.58 (4)(a)</p>	<p><i>(a) <u>Protection of Other Resource Areas. The work shall meet the performance standards of all other resource areas within the riverfront area as identified by 310 CMR 10.30 (Coastal Bank), 10.32 (Salt Marsh), 10.55 (Bordering Vegetated Wetland), and 10.57 (Land Subject to Flooding). When work in the riverfront area is also within the buffer zone to another resource area, the performance standards for the riverfront area shall contribute to the protection of the interests of M.G.L. c. 131, § 40 in lieu of any additional requirements that might otherwise be imposed on work in the buffer zone within the riverfront area.</u></i></p>	<p>Work is proposed to take place within Land Subject to Flooding located to the north of the site adjacent to Nashoba Brook. The proposed work meets the performance standards for Bordering Land Subject to Flood (BLSF) through a positive net volume of compensatory storage provided compared to the existing volume provided. The project does not propose to restrict flow of the perennial stream, and the locus site is not within NHESP Priority or Estimated Habitat of Rare Wildlife. The project site does not contain other resource areas besides Land Subject to Flooding, Land Under Water, Bank, and Riverfront Area. No work is proposed to impact, either temporarily or permanently, Bank of the perennial stream nor Land Under Water. The project has been designed with sensitivity to all resource areas on-site and has been laid out to avoid impacts on resource areas to the maximum extent feasible. Additionally, the project will result in an overall reduction of impervious surfaces through landscaping and removal of pavement and an improved stormwater management system that will enhance resource areas compared to existing conditions.</p>
<p>10.58 (4)(b)</p>	<p><i>(b) <u>Protection of Rare Species. No project may be permitted within the riverfront area which will have any adverse effect on specified habitat sites</u></i></p>	<p>The locus site is not located in either NHESP Priority or Estimated Habitats of Rare Species. Additionally, there are no certified or potential</p>

	<p><i>of rare wetland or upland vertebrate or invertebrate species, as identified by the procedures established under 310 CMR 10.59 or 10.37, or which will have any adverse effect on vernal pool habitat certified prior to filing the Notice of the Intent.</i></p>	<p>vernal pools on site or within 100' of the site. No adverse effects are expected on rare wetland, upland vertebrate, or invertebrate species.</p>
<p>10.58 (4)(c)(2)</p>	<p><i>2. Scope of Alternatives. The scope of alternatives under consideration shall be commensurate with the type and size of the project. The issuing authority shall presume that alternatives beyond the scope described below are not practicable and therefore need not be considered. The issuing authority or another party may overcome the presumption by demonstrating the practicability of a wider range of alternatives, based on cost, and whether the cost is reasonable or prohibitive to the owner; existing technology; proposed use; and logistics in the light of the overall project purpose.</i></p>	<p>An alternatives analysis is not provided within this application since the project results in a significant decrease in impervious area compared to existing conditions. The 200' Riverfront Area covers a majority of the site, and any alternatives would not provide practicable and substantially equivalent economic benefits and would have the same, if not greater, impacts on resource areas. Additionally, the work is proposed within the footprint of structures and parking lot that existed prior to 1996, and thus, an alternatives analysis is not required. The proposed work has been laid out to avoid impacts to the maximum extent feasible and will result in an overall net benefit to resource areas through less impervious surface and enhanced stormwater management.</p>
<p>10.58 (4)(c)(3)</p>	<p><i>3. Evaluation of Alternatives. The applicant shall demonstrate that there are no practicable and substantially equivalent economic alternatives as defined in 310 CMR 10.58(4)€1., within the scope of alternatives as set forth in 310 CMR 10.58(4)€2., with less adverse effects on the interests identified in M.G.L. c. 131 § 40.</i></p>	<p>An alternatives analysis is not provided within this application since the project results in a significant decrease in impervious area compared to existing conditions. The 200' Riverfront Area covers a majority of the site, and all alternatives would not provide practicable and substantially equivalent economic benefits and would have the same, if not greater, impacts on resource areas. The proposed work has been laid out to avoid impacts to the maximum extent feasible and will result in an overall net benefit to resource areas.</p>
<p>10.58 (4)(d)(1)</p>	<p><i>(d) No Significant Adverse Impact. The work, including proposed mitigation measures, must have no significant adverse impact on the riverfront area to protect the interests identified in M.G.L. c. 131, § 40. 1. Within 200 foot riverfront areas, the issuing authority may allow alteration of up to 5000 square feet or 10% of the riverfront area within the lot, whichever is greater, on a lot recorded on or before October 6, 1997... provided that:</i>  <i>a. At a minimum, a 100 foot wide area of undisturbed vegetation is provided.</i>  <i>b. Stormwater is managed according to standards established by the Department in its Stormwater Policy</i>  <i>c. Proposed work does not impair the capacity of the riverfront area to provide important wildlife habitat function. Work shall not result in an impairment of the</i></p>	<p>The work proposed in this project, including mitigation measures, will have no significant adverse impact on the Riverfront Area and will provide increased benefits to the Riverfront Area through removal of impervious surfaces and improved stormwater management. The project proposes redevelopment of existing degraded Riverfront Area in which impervious surfaces will be reduced by 2,205 SF and improved stormwater management is proposed. The proposed alteration to Riverfront Area is approximately 15,167 SF, with 7,061 SF within the 0-100' RFA and 8,106 SF within the 100-200' RFA.</p> <p>a. The current conditions do not contain a 100-foot-wide area of undisturbed vegetation and therefore, this standard is</p>

	<p><i>capacity to provide vernal pool habitat identified by evidence from a competent source, but not yet certified.</i></p> <p><i>d. Proposed work shall not impair groundwater or surface water quality by incorporating erosion and sedimentation controls and other measures to attenuate nonpoint source pollution</i></p>	<p>not feasible. However, the project proposes approximately 182 native plantings along the perennial stream as well as a portion of existing trees to remain. The project will overall improve the area along the stream through increased vegetation and decreased impervious surfaces.</p> <p>b. A stormwater management system with deep sump and hooded catch basins, an underground infiltration trench, proprietary water quality devices, and an operations maintenance program are proposed to manage stormwater according to MassDEP stormwater management standards.</p> <p>c. There are no certified or potential vernal pools on the project site. The proposed project will not impair wildlife habitat from functioning. Mitigation plantings will provide important wildlife resources through diverse fruit and seeds available.</p> <p>d. Erosion and sedimentation controls of compost filter sock and silt fence will be utilized during the construction of the project to prevent sediment from entering resource areas.</p>
<p>10.58 (4)(d)(2)</p>	<p><i>2. Within the 25 foot riverfront areas, any proposed work shall cause no significant adverse impact by:</i></p> <p><i>a. Limiting alteration to the maximum extent feasible, and at a minimum, preserving or establishing a corridor of undisturbed vegetation of a maximum feasible width. Replication and compensatory storage required to meet other resource area performance standards are allowed within this area; structural stormwater management measures shall be allowed only when there is no practicable alternative</i></p> <p><i>b. Providing stormwater management according to standards established by the Department</i></p> <p><i>c. Preserving the capacity of the riverfront area to provide important wildlife habitat functions. Work shall not result in an impairment of the capacity to provide vernal pool habitat when identified by evidence from a competent source but not yet certified; and</i></p> <p><i>d. Proposed work shall not impair groundwater or surface water quality by incorporating erosion and sedimentation controls and other measures to attenuate nonpoint source pollution</i></p>	<p>a. Minimal amount of work is proposed within the 25' No Disturb Zone and will overall improve this area. The project proposes to remove existing paved areas, new plantings, and a concrete sidewalk for trail access along the stream with the 25' Zone.</p> <p>b. A stormwater management system with deep sump and hooded catch basins, an underground infiltration trench, proprietary water quality devices, and an operations maintenance program are proposed to manage stormwater according to MassDEP stormwater management standards.</p> <p>c. There are no certified or potential vernal pools on the project site. The proposed project will not impair wildlife habitat from functioning. Proposed plantings will</p>

		<p>provide important wildlife resources through diverse fruit and seeds available.</p> <p>d. Erosion and sedimentation controls of compost filter sock and silt fence will be utilized during the construction of the project around the limit of work to prevent sediment from entering resource areas.</p>
<p>10.58(5)(a)</p>	<p><i>(5) Redevelopment within Previously Developed Riverfront Areas; Restoration and Mitigation</i>  <i>Notwithstanding the provisions of 310 CMR 10.58(4)€ and (d), the issuing authority may allow work to redevelop a previously developed riverfront area, provided the proposed work improves existing conditions. Redevelopment means replacement, rehabilitation or expansion of existing structures, improvement of existing roads, or reuse of degraded or previously developed areas. A previously developed riverfront area contains areas degraded prior to August 7, 1996 by impervious surfaces from existing structures or pavement, absence of topsoil, junkyards, or abandoned dumping grounds. Work to redevelop previously developed riverfront areas shall conform to the following criteria:</i></p> <p><i>(a) At a minimum, proposed work shall result in an improvement over existing conditions of the capacity of the riverfront area to protect the interests identified in M.G.L. c. 131 § 40. When a lot is previously developed but no portion of the riverfront area is degraded, the requirements of 310 CMR 10.58(4) shall be met.</i></p>	<p>The proposed work will overall improve existing conditions through removal of impervious surfaces, increased vegetated areas, and enhanced stormwater management. The lot was developed with parking lot and building prior to 1996, as shown in the historic aerial below (MassMapper).</p>  <p>Figure 1. 1990 Historic Aerial of Locus Site showing existing parking lot and building.</p>
<p>10.58(5)(b)</p>	<p><i>(b) Stormwater management is provided according to standards established by the Department.</i></p>	<p>Stormwater management for all portions of this project, including work within the Riverfront Area, is provided and complies with stormwater management standards established by the Department.</p>
<p>10.58(5)(c)</p>	<p><i>(c) Within 200 foot riverfront areas, proposed work shall not be located closer to the river than existing conditions or 100 feet, whichever is less, or not closer than existing conditions within 25 foot riverfront areas, except in accordance with 310 CMR 10.58(5)(f) or (g)</i></p>	<p>Proposed work is not located closer to the river compared to existing conditions which includes existing pavement and a concrete wall. Additionally, impervious surfaces within the 100' Riverfront Area are proposed to be reduced by +/- 1,920 SF.</p>
<p>10.58(5)(d)</p>	<p><i>(d) Proposed work, including expansion of existing structures, shall be located outside the riverfront area or toward the riverfront area boundary and away from the river, except in accordance with 310 CMR 10.58(5)(f) or (g).</i></p>	<p>Portions of the demolition of the existing building and fueling stations, the construction of the country store and new fueling stations, new paved areas, and associated stormwater management components and utilities are within the riverfront area. Proposed work has been laid out to avoid</p>

		impacts to the maximum extent practicable, while also reducing impacts to the Riverfront Area compared to existing conditions.
10.58(5)(e)	<i>(e) The area of proposed work shall not exceed the amount of degraded area, provided that the proposed work may alter up to 10% if the degraded area is less than 10% of the riverfront area, except in accordance with 310 CMR 10.58 (5)(f) or (g).</i>	The existing degraded area is approximately 91% of the existing Riverfront Area on-site. The project proposes to reduce degraded Riverfront Area on-site by 12% to approximately 79%. The site is almost entirely degraded, and the project will improve the site through plantings and removal of pavement, as well as improved stormwater management.
10.58(5)(f)	<i>(f) When an applicant proposes restoration on-site of degraded riverfront area, alteration may be allowed notwithstanding the criteria of 310 CMR 10.58(5)(c), (d), and (e) at a ratio in square feet of at least 1:1 of restored area to area of alteration not conforming to the criteria. Areas immediately along the river shall be selected for restoration. Alteration not conforming to the criteria shall begin at the riverfront area boundary. Restoration shall include: 1. removal of all debris, but retaining any trees or other mature vegetation; 2. grading to a topography which reduces runoff and increases infiltration; 3. coverage by topsoil at a depth consistent with natural conditions at the site; and 4. Seeding and planting with an erosion control seed mixture, followed by plantings of herbaceous and woody species appropriate to the site;</i>	All impervious surfaces proposed on-site are within existing impervious surfaces. The proposed project includes the removal of existing concrete as well as extensive native plantings which will reduce the overall impervious surfaces on-site within the Riverfront Area by +/- 2,205 SF. The proposed alteration will overall result in a significant improvement compared to existing conditions and alteration adheres to the criteria of 310 CMR 10.58(5)(c), (d), and (e).
10.58(5)(g)	<i>(g) When an applicant proposes mitigation either on-site or in the riverfront area within the same general area of the river basin, alteration may be allowed notwithstanding the criteria of 310 CMR 10.58(5)(c), (d), or (e) at a ratio in square feet of at least 2:1 of mitigation area to area of alteration not conforming to the criteria or an equivalent level of environmental protection where square footage is not a relevant measure. Alteration not conforming to the criteria shall begin at the riverfront area boundary. Mitigation may include off-site restoration of riverfront areas, conservation restrictions under M.G.L. c. 184, §§ 31 through 33 to preserve undisturbed riverfront areas that could be otherwise altered under 310 CMR 10.00, the purchase of development rights within the riverfront area, the restoration of bordering vegetated wetland, projects to remedy an existing adverse impact on the interests identified in M.G.L. c. 131, § 40 for which the applicant is not legally responsible, or similar activities undertaken voluntarily by the applicant which will support a determination by the issuing authority of no significant adverse impact. Preference shall be given to potential mitigation projects, if any, identified in a River Basin Plan approved by the Secretary of the Executive Office of Energy and Environmental Affairs</i>	As mentioned previously, the site proposes less degraded Riverfront Area than is currently present on site through removal of pavement and extensive plantings, and all proposed structures are within the existing footprint of impervious surfaces. Therefore, the area of alteration conforms to the criteria and is not required to be mitigated for at a 2:1 ratio.

## 1.2. RIVERFRONT AREA (Town of Concord Wetlands Bylaw)

The Town of Concord Natural Resources Commission Wetlands Bylaw (“the Bylaw”) does not contain direct performance standards for work proposed within Riverfront Area. The Bylaw states that projects should demonstrate “there is no practicable alternative to the proposed project with less adverse effects, and that such activities, including proposed mitigation measures, will have no significant adverse impact on the areas or values protected by this Bylaw” (Article 58 (7.4)). The project avoids and reduces impact on the Riverfront area compared to existing conditions to the maximum extent feasible for the proposed property use. Due to this, there are no feasible alternatives that would provide comparable economic and practical benefits compared to the current design. Overall, the project is significantly improving the site and resource areas through reductions in impervious surfaces and increased vegetation through proposed plantings on-site.

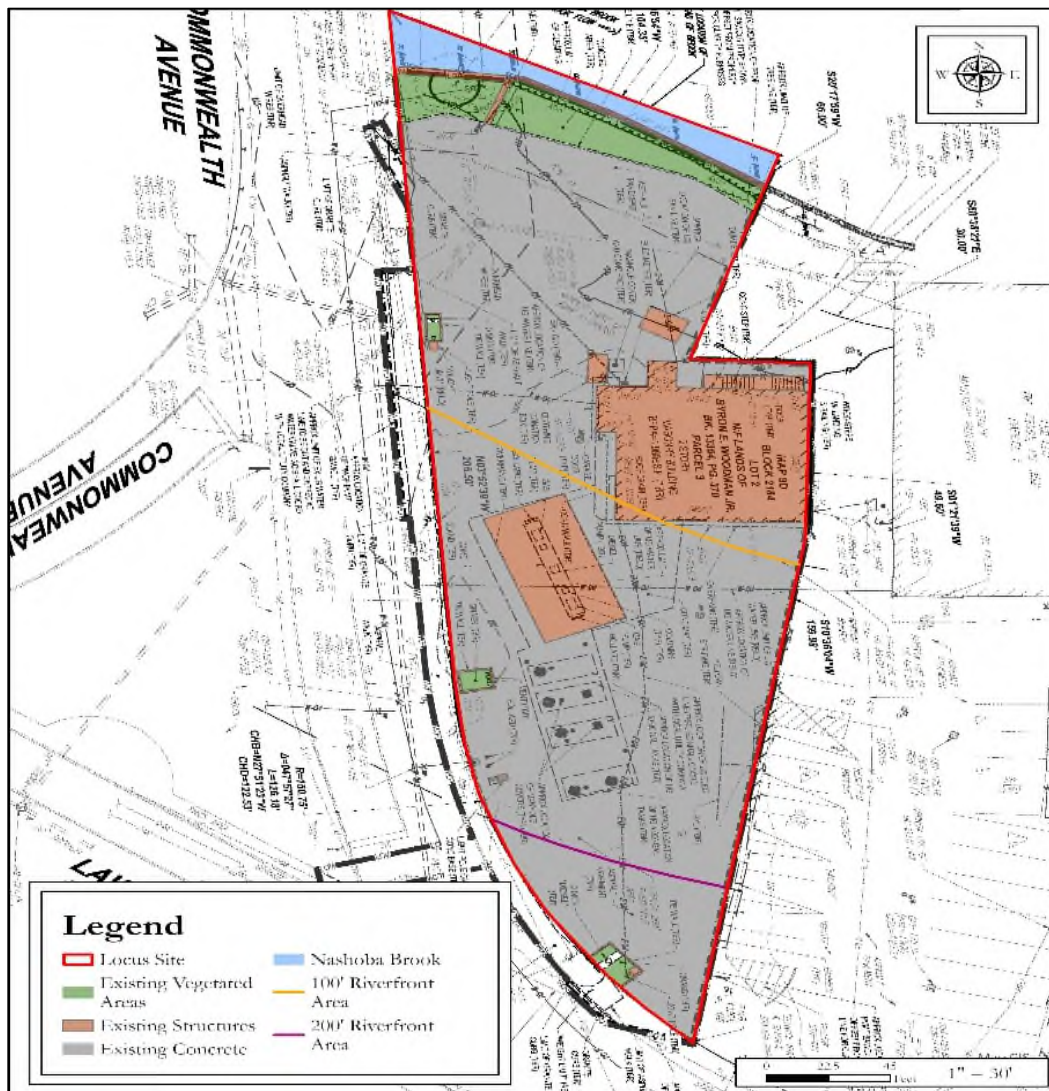


Figure 2. Figure of existing conditions.

Table 1. Riverfront Area (RFA) Existing Impacts

Area	SF (+/-)
Total 200' RFA on-site	19,171
Existing degraded area in 200' RFA	17,372
Existing degraded area in 100' RFA	8,981
Existing degraded area in 50' No Build Zone (Bylaw)	3,661
Existing degraded area in 25' No Disturbance Zone (Bylaw)	1,460
Percent of 200' RFA that is currently degraded	91%



Figure 3. Figure of proposed conditions.

Table 2. Riverfront Area (RFA) Proposed Impacts

Area	SF (+/-)
Total 200' RFA on-site	19,171
Proposed degraded area in 200' RFA	15,167
Proposed degraded area in 100' RFA	7,061
Proposed degraded area in 50' No Build Zone (Bylaw)	1,761
Proposed degraded area in 25' No Disturbance Zone (Bylaw)	413
Percent of RFA proposed to be degraded (no new degraded areas)	79%
Total proposed reduction of degraded RFA	12% (2,300 SF)

1.3 BORDERING LAND SUBJECT TO FLOODING (BLSF) (MA WPA)

<b>§ 10.57</b>	<b>Bordering Land Subject to Flooding (BLSF): An area which floods from a rise in a bordering waterway or water body. Such areas are likely to be significant to flood control and storm damage prevention.</b>	
	<b>Performance Standard</b>	<b>Compliance</b>
10.57 (4)(a)(1)	<p><i>1. Compensatory storage shall be provided for all flood storage volume that will be lost as the result of a proposed project within Bordering Land Subject to Flooding when in the judgement of the issuing authority said loss will cause an increase or will contribute incrementally to an increase in the horizontal extent and level of flood waters during peaks flows.</i></p> <p><i>Compensatory storage shall mean a volume not previously used for flood storage and shall be incrementally equal to the theoretical volume of flood water at each elevation, up to and including the 100-year flood elevation, which would be displaced by the proposed project. Such compensatory volume shall have an unrestricted hydraulic connection to the same waterway or water body. Further, with respect to waterways, such compensatory volume shall be provided within the same reach of the river, stream, or creek.</i></p>	<p>The project proposes to alter BLSF through removal of portions of existing wooded areas, existing pavement, and portions of the existing building. The project additionally proposes plantings, concrete sidewalks, and stormwater management components within BLSF. The total alteration (temporary and permanent) to BLSF proposed through removal of existing structures and construction of new structures is approximately 2,590 SF. Flood storage is proposed from elevation 120 and 124, in the 1-foot intervals. The proposed compensatory volume exceeds the amount displaced, with a net volume increase of 35.6 ft<sup>3</sup>/1.3 yd<sup>3</sup>. The compensatory volume provided is within the same reach of Nashoba Brook (perennial stream) and will not restrict hydraulic connection to the stream.</p>
10.57 (4)(a)(2)	<p><i>2. Work within Bordering Land Subject to Flooding including that work required to provide the above-specified compensatory storage, shall not restrict flows so as to cause an increase in flood stage or velocity.</i></p>	<p>The proposed work within BLSF, including the work required to provide compensatory storage does not propose to restrict flow to Nashoba Brook.</p>

<p>10.57 (4)(a)(3)</p>	<p><i>3. Work in those portions of bordering land subject to flooding found to be significant to the protection of wildlife habitat shall not impair its capacity to provide important wildlife habitat functions. Except for work which would adversely affect vernal pool habitat, a project or projects on a single lot, for which Notice(s) of Intent is filed on or after November 1, 1987, that (cumulatively) alter(s) up to 10% or 5,000 square feet (whichever is less) of land in this resource area found to be significant to the protection of wildlife habitat, shall not be deemed to impair its capacity to provide important wildlife habitat functions. Additional alteration above threshold, or altering vernal pool habitat, may be permitted if they will have no adverse effects on wildlife habitat, as determined by procedures contained in 310 CMR 10.60.</i></p>	<p>The project site is not mapped within NHESP Estimated or Priority Habitat. The site does not contain any Certified or Potential Vernal Pools on-site or within 100' of the site. The site additionally does not propose any work within or on the banks of Nashoba Brook. Therefore, this area is not found to be significant to the protection of wildlife habitat and work proposed will not impair any capacity to provide important wildlife habitat functions.</p>
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Table 3. Existing Impacts and Flood Storage in BLSF

Area	Amount (+/-)
Total BLSF on-site	3,520 SF
Existing impacted (impervious surfaces) BLSF	1,923 SF
Existing compensatory volume provided (yd <sup>3</sup> )	36.1 yd <sup>3</sup>

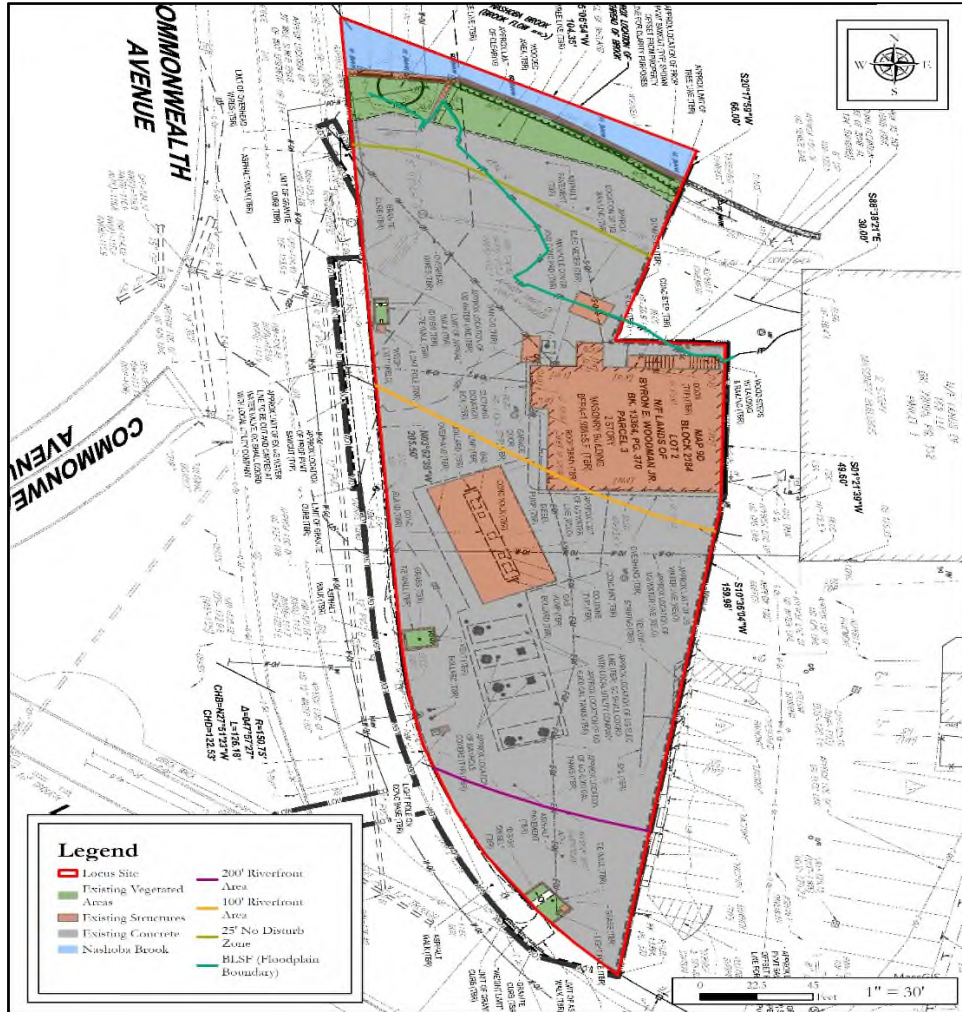


Figure 4. Figure of existing conditions and BLSF boundary.

Table 4. Proposed Impacts and Flood Storage in BLSF

Area	Amount (+/-)
Total BLSF on-site	3,520 SF
Proposed impact (impervious surfaces) to BLSF	730 SF
Proposed compensatory volume provided (yd <sup>3</sup> )	37.4 yd <sup>3</sup>
Net volume provided (yd <sup>3</sup> )	1.3 yd <sup>3</sup>



Figure 5. Figure of proposed conditions and BLSF boundary.

## 20 CONCLUSION

The project has been designed with a high level of sensitivity to the resource areas on site. Proposed construction has been located as far from wetland resources as possible, new stormwater management is provided, and removal of impervious surfaces and new plantings will improve the Riverfront Area. Additionally, compensatory flood storage proposed exceeds the existing conditions. In summary, Goddard Consulting believes that the proposed project will not have any adverse impacts on the interests identified in the MA WPA and will in fact result in a net benefit to the resource areas onsite and improve the economic functionality of the site.

Sincerely,  
Goddard Consulting, LLC



Scott Goddard, PWS, CWS  
*Principal*



Sophie Esdale  
*Wetland Scientist*