

March 20, 2026

Delia Kaye, Natural Resource Director
Town of Concord
Natural Resources Division
141 Keyes Road
Concord, Massachusetts 017421

RE: 107X Lowell Road – CLCT Boardwalk
Notice of Intent Application – NRC & DEP Comments

Dear Ms. Kaye,

Our office has received the Natural Resources Division’s Notice of Intent review comments issued via email on February 13, 2026, relative to the above noted project’s application for an Order of Conditions. Our office also received comments from MassDEP on February 20, 2026. We hope that these responses, updated plans, and supporting documentation are acceptable to your department and the Commission to issue an Order of Conditions at the April 2, 2026 Natural Resource Commission public meeting. For ease of review, the most recent responses are written in blue following the comment text in black.

Concord NRC Comments:

NRC Comment #1: The project location now has an address of 107X Lowell Road. Please update the planset and provide a revised Page 1 of the NOI form to reflect work occurring on the CLCT parcel.

NRC Response #1: The project planset, NOI form, and NOI application book have all been updated to reflect the newly issued address of 107X Lowell Road which is also now identified as Map F05 Parcel 1613-1.

A. General Information		
1. Project Location (Note: electronic filers will click on button to locate project site):		
<u>107X Lowell Road</u>	<u>Concord</u>	<u>01742</u>
a. Street Address	b. City/Town	c. Zip Code
Latitude and Longitude:	<u>42.48277 N</u>	<u>71.37419 W</u>
	d. Latitude	e. Longitude
<u>5F</u>	<u>1613-1</u>	
f. Assessors Map/Plat Number	g. Parcel /Lot Number	

NRC Comment #2: WPA Form 3, 7b. was left blank. Project impacts are below permissible thresholds, and the limited project provision is unnecessary. Please provide a revised Page 2 of the NOI form.

NRC Response #2: The WPA Form, Page 2 Section 7b has been updated to note that the project is not considered as a limited project.

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. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> 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	

NRC Comment #3: Please provide an updated Page 3 with revised impacts to BVW (permanent and temporary) and add Land Under Water impacts. Temporary impacts to resource areas must be included on WPA Form 3. This includes the 2,600 sf of temporary BVW/LUWW impacts from the 8-foot-wide access/construction zone.

NRC Response #3: The WPA Form, page 3, has been updated with revised impacts to BVW (permanent and temporary, and Land Under Water Impacts. This includes updates to impact areas as described in the responses below and updated NOI application book.

Resource Area	Size of Proposed Alteration	Proposed Replacement (if any)
a. <input type="checkbox"/> Bank	1. linear feet	2. linear feet
b. <input checked="" type="checkbox"/> Bordering Vegetated Wetland	65 (Permanent), 5,150 (Temporary)	135
	1. square feet	2. square feet
c. <input checked="" type="checkbox"/> Land Under Waterbodies and Waterways	2.8	0
	1. square feet	2. square feet
	3. cubic yards dredged	
Resource Area	Size of Proposed Alteration	Proposed Replacement (if any)
d. <input checked="" type="checkbox"/> Bordering Land Subject to Flooding	3.1	58.3
	1. square feet	2. square feet
	2.7	30.5
	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 checked="" type="checkbox"/> Riverfront Area	Spencer Brook	
	1. Name of Waterway (if available) - specify coastal or inland	
2. Width of Riverfront Area (check one):		
<input type="checkbox"/> 25 ft. - Designated Densely Developed Areas only		
<input type="checkbox"/> 100 ft. - New agricultural projects only		
<input checked="" type="checkbox"/> 200 ft. - All other projects		
3. Total area of Riverfront Area on the site of the proposed project:		250,933 square feet
4. Proposed alteration of the Riverfront Area:		
2,375	1,835	540
a. total square feet	b. square feet within 100 ft.	c. square feet between 100 ft. and 200 ft.

NRC Comment #4: On WPA Form 3 under the MESA section, the first question about the project being located within estimated habitat of rare wildlife isn't answered. Please provide an updated Page 5 of the NOI form.

NRC Response #4: The WPA Form 3 under the MESA section has been updated to note that the project is not located in Estimated Habitat of Rare Wildlife as indicated on the most recent Estimated Habitat Map published by the NHESP map dated August 1, 2021.

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.

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**

August 1, 2021
b. Date of map

NRC Comment #5: *The floodplain elevation should be noted in bold on the plans.*

NRC Response #5: The floodplain elevation has been boldly noted on the updated plans and the boundary of the floodplain / BLSF has been increased in width for better visibility. An additional plan, Sheet C131 “Floodplain / BLSF Impact & Compensatory Storage Plan”, has also been added to the overall plan set and documents floodplain impacts at each helical pile location with supporting compensatory flood storage calculations.

NRC Comment #6: *Please provide a new plan sheet that identifies impacts to all wetland resource areas (BVW, BLSF, Land Under Water, and Riverfront and Buffer Zone). The “exempt impacts” provided in the narrative do not need to be quantified or noted on this plan.*

NRC Response #6: Sheet C120 “Site Layout & Grading” has been updated to include a table which identifies impacts to all wetland resource areas including BVW, BLSF, Land Under Water, Riverfront, and Buffer Zone. Additional plans have been added to the overall plan set which provide additional detail on BVW and BLSF impacts with proposed mitigation including sheets C130 “BVW Impact & Replication Plan” and sheet C131 “Floodplain / BLSF Impact & Compensatory Storage Plan”.

NRC Comment #7: *On the profile drawing (Sheet C501) please include the existing elevation, floodplain elevation, MAHW, and the height of the boardwalk above the wetland.*

NRC Response #7: Sheet C502 has been added to the plan set which includes sections along the boardwalk. The proposed boardwalk is generally consistent in elevation of boardwalk decking so the provided section page more clearly defines how the height of the boardwalk maintains a consistent elevation and minimum height above the surface of the wetlands and land under water such that it does not create shading impacts. A portion of the boardwalk will create a shading impact on the east side of Spencer Brook due to boardwalk meeting existing grade on the eastern bank but has been mitigated against with the proposed wetland replication area. (See response to DEP Comment #4 and #5)

NRC Comment #8: *Please update the impact/mitigation table in the narrative to note impacts to each resource area by activity/structure, including temporary impacts.*

NRC Response #8: The impact/mitigation table has been added to the Site Layout & Grading Plan (Sheet C120) and notes impacts to each resource area by activity/structure, including temporary impacts.

NRC Comment #9: Please provide a detail and more information on the silt boom in the sedimentation and erosion control plan notes. Please also update the Erosion Control Narrative on Sheet C.111 to apply to this boardwalk/trail construction project.

NRC Response #9: A sediment boom detail has been added to Sheet C500 “Site Details” and has been included in the Sedimentation and Erosion and Sedimentation Control Notes (Sheet C111). The notes on Sheet C111 have also been updated to be more specific to the proposed boardwalk/ trail construction project.



NRC Comment #10: Please include more information on expected construction methods (equipment type, mechanical work versus manual work, establishment of 8-foot wide construction zone, anticipated timing of work, etc.). How will work in Land Under Water be accomplished? Please address temporary impacts of the construction zone and how restoration will be completed.

NRC Response #10: As noted above, the plans have been updated to include a 16-foot-wide temporary construction area to construct the boardwalk. This increase in width is to allow the use of a floating excavator as described below. Upon further investigation into site accessibility the only way to properly access the development area is from the construction easement to the east from 1075 Lowell Road. The existing gravel path to the east is too narrow and connects to a public road through several private properties which the Owners do not have the ability to access. The construction of the boardwalk will follow the general outline included below.

- Land surveyor to stake out location and elevations of boardwalk, concrete abutments, walking path, and limit of work boundary
- Install sediment control devices
- Remove vegetation within work limits
- Walk amphibious excavator, at reduce track width of 11-feet, and supporting materials and equipment to work area along the 15' wide temporary easement on the 1075 Lowell Rd. property
- Set excavator at the end of upland area and prepare floating sediment boom
- Walk amphibious excavator across the land under water pulling the sediment boom along the resource area and ahead of the limit of work
- Begin pile installation utilizing the swamp excavator and helical pile installation attachment
- Utilize “Marsh Master” vehicle to convey piles and lumber materials behind the excavator
- Install lumber along boardwalk
- During the construction of the boardwalk the grading of the western 3-foot wide path will begin. The work includes minimal cut and fills to construct the path at grade.

Construction equipment anticipated to construction the boardwalk and walking path include the following.

1. Amphibious Excavator – EIK AM 1 40-4 E (or similar). This excavator utilizes large pontoon like tracks in order to traverse across open water and swamp / marshes. Although the overall width of the temporary is noted as 16-feet-wide the actual impact from the excavator will be from the surface of each track which is only 4-feet wide per track / float.
2. Marsh Master Amphibious Vehicle (or similar). This vehicle is similar to the above excavator and utilizes pontoon like tracks to travers across open water and swamp / marshes. The width of the tracks spreads the weight of the vehicle across the water and marsh area to traverse across the area with limited impact to the surface.
3. Skid Steer A typical wheeled or tracked skid steer will be utilized in upland areas to convey materials from the stockpile area to the proposed work area. The skid steer can also be utilized in rough grading for the trails, wetland replication area, and compensatory flood storage area. The skid steer can utilize various attachments to conduct the various construction activities while minimizing impacts.



The proposed amphibious excavator has the ability to reduce the overall track width to 11 feet while traversing flat, upland areas. Once the excavator reaches the work area along the existing gravel path the excavator will extend its tracks to full width of 16 feet and then traverse down the slope to the end boardwalk location. The proposed plans have been updated to include the location of the 16-foot-wide impact area within the upland portion. This location will allow the excavator to safely traverse down the slope without the need to remove any significant trees except for the 14-inch diameter tree which has been proposed to be removed due to its proximity to the end of the boardwalk. The location of the proposed 3-foot-wide path is travers along the slope and with existing mature vegetation would create more impactful disturbance within the buffer zone. Due to the sensitive nature of the buffer zone the applicant has proposed to store the excavator in the upland area adjacent to the boardwalk. The excavator will be inspected at the end of each work day for any leaks or spills. The contractor will then install spill containment mats and absorbent materials below and around the excavator to prevent any contamination within the upland area and adjacent resource area. Additionally, the sediment barrier along the work area will be closed at the end of each work day. The plans have been updated include notes referencing this equipment storage and daily inspections.

NRC Comment #11: Please provide information on how/why there are no reasonable alternatives that would result in less wetland resource area impacts. The proposed boardwalk is 6 feet but could be narrowed to 5 feet (as was approved for the Deaconess boardwalk). Please also describe why the width of the trail is proposed at 5 feet rather than a more standard width of 3 to 4 feet.

NRC Response #11: The proposed boardwalk includes an overall width of 6-feet, edge to edge, however the accessible portion of the boardwalk is only 5-feet wide. This proposed width will allow for accessibility and passage for pedestrians utilizing the boardwalk and in the event groups are passing each other on the boardwalk. The proposed boardwalk has an overall length of 370-feet which is considerably longer than the Deaconess boardwalk, therefore the 6-foot overall width is necessary to support accessibility and avoidance of crossing conflicts with pedestrians, pets, and outdoor recreation equipment such as bikes, cross country skiers, etc.

The narrowing of the boardwalk width would not reduce wetland resource area impacts as BVW, BLSF, and Land Under Water impacts are generated by the individual helical support piles. The number of proposed piles would not be decreased by a reduction in the boardwalk width. The proposed boardwalk has also been elevated to provide adequate separation from the ground surface.

Response to MassDEP Comment 7 below provides a complete alternatives analysis for BVW impacts and compliance with the performance standards of the Wetlands Protection Act.

The applicant has updated the proposed trails to be 3 feet wide. The proposed width will follow FSTAG guidelines for accessibility since other elements (i.e. trail running slope) are designed to FSTAG standards as well.

NRC Comment #12: *Proposed mitigation for wetland resource areas and buffer zone impacts includes invasive species removal within the 25-foot NDZ and BLSF. The WPA regulations require that wetland impacts are mitigated by wetland creation at a 1:1 ratio. RFA/buffer zone impacts can be mitigated through invasive species removal followed by mitigation plantings. Creation of the trail, which appears to be the primary impact in the RFA and Buffer Zone, may not need mitigation.*

NRC Response #12: **The proposed boardwalk project has proposed wetland replication at a 2:1 ratio, above the 1:1 requirement. Sheet C130 of the project plan set details wetland impacts from the helical piles and disturbance of woody vegetation and the proposed replication area.**

Riverfront Area (RFA) / buffer zone impacts have been mitigated through invasive species removal. The plans have been updated to note that the applicant's request to remove invasive species within the entirety of the RFA within their property. Mitigation plantings in the form of shrubs and trees have not been proposed with the exception of the proposed shrub plantings in the wetland replication area. The property is densely vegetated and mitigation plantings for invasive species removal would not be appropriate with these site conditions.

NRC Comment #13: *Please replace the tree detail with the Town of Concord tree protection detail. Please also note on the plans removal of the one tree discussed at the site visit.*

NRC Response #13: **The tree protection detail on Sheet C500 "Details" has been updated with the Town of Concord tree protection detail.**

The plans have been updated to include the removal of a 14-inch diameter tree which is located adjacent to the beginning of the boardwalk on the eastern side of the site. To mitigate against the removal of this tree and the smaller vegetation that would be impacted by the construction equipment accessing the work area the applicant has included the planting of one white pine tree in addition to an extensive invasive species removal program.

NRC Comment #14: *The temporary stockpile detail on sheet C500 includes Note 7. "Stockpiles shall not be located within 100 feet of any natural resource area.". The erosion and sedimentation control plan (sheet C110) states that "Contractor shall utilize existing gravel path for all construction materials and equipment storage. Contractor shall provide and maintain spill prevention material for all construction materials during times of no use.". Please provide more detail about stockpiling and equipment storage locations. In the eastern project area, the gravel path is fairly narrow and much of it lies within 100 feet of BVW. Please identify stockpiling location(s) on the plans.*

NRC Response #14: **The Erosion Control Plan has been updated to include additional detail regarding equipment and material stockpiling locations. Due to the constraints of the site's accessibility and to minimize new disturbance the contractor will not stockpile earth materials within 100 feet of any resource area. The contractor will utilize the existing gravel paths on the subject property for storage of lumber and helical piles.**

The area of the proposed cut for the compensatory flood storage area is minimal and the material from this cut area will be utilized in the filled areas on the southern side of the proposed path. Material cut from the northern portion of the trail on the east side will be immediately moved to the southern side of the trail so there will be minimal to no stockpiling of earth materials on the site. These areas of earthwork will be immediately stabilized with jute matting and seed mixes. The small volumes earth materials will be stored outside of the 100' buffer zone to BVW within the prior amphitheater area to the east on the subject property as noted on the plan. Material stockpiles for the wood products and helical piles will be located along the existing access road as they are not susceptible to erosion. The amphibious excavator will need to be stored within the 100-foot buffer zone due to accessibility limitations and minimize disturbance attributed to tracking the excavator up and down the slope at the end of each workday. The excavator will be stored outside of the resource area boundaries but within the buffer zone at the end of each workday. Spill containment pads and absorbent mats will be placed beneath and around the excavator at the end of each workday to prevent any drippings for the excavator onto the ground. The excavator will also be inspected at the end of each workday to check for any leaks as noted in the erosion control plan notes (Sheet C110).

MassDEP Comments:

DEP Comment #1: *BVW - Project does not appear to meet performance standards for BVW alterations as proposed.*

DEP Response #1: The plans and supporting documentation have been updated to include 2:1 replication for proposed BVW impacts. Additional information has been provided in the response to Comment #7 below regarding compliance with Section 10.55(4)(b) of the Wetlands Protection Act.

DEP Comment #2: *NOI notes the project is not requesting review as a Limited Project. If project is not reviewed as a Limited Project, performance standards must be fully met.*

DEP Response #2: Acknowledged.

DEP Comment #3: *NOI notes no wetland replication proposed, but the narrative refers to management of invasive plants as mitigation for BVW impacts. Management/removal of invasive plants may not be used to meet 10.55(4)(b).*

DEP Response #3: Acknowledged, the project has been updated to include wetland replication as mitigation for BVW impacts.

DEP Comment #4: *Total BVW impacts include permanent plus temporary alterations. NOI alteration numbers are incorrect and must be revised. Permanent BVW alterations include: cutting woody vegetation from the path of the boardwalk, as well as shading of vegetation below the boardwalk, if/where boardwalk is not raised to a height that allows sufficient sunlight to support vegetation growth. The general rule of thumb is a minimum 0.5' in height for each 1' in width, with 1:1 preferred.*

DEP Response #4: The project has been updated to note a total of 65 SF of permanent BVW impact. BVW impact includes the area located between the delineated BVW boundary and the delineated boundary of Mean Annual High Water / Bank. This includes 64.9 SF of impact related to removal of woody vegetation on the east side of the boardwalk. This area is roughly 10 feet in length and 6 feet in width for the proposed boardwalk. Although the area of woody vegetation is far less the applicant has utilized a conservative value for overall BVW impact and has proposed a 2:1 wetland replication area to further utilize conservative values. The proposed 6-foot-wide boardwalk as it crosses the BVW will be set 3 feet above the surface of the BVW. This meets the general rule of thumb of 0.5 feet in height for each 1-foot in width. An increase to the 1:1 preferred height is not feasible as that would raise the boardwalk to 6 feet above the surface and create additional impacts related to increases in pile sizes and spacing between piles. The plans and details of the project plan set have been updated to note the height of the boardwalk above each resource area and location of each resource area boundary including the addition of sections for each section of the proposed boardwalk.

DEP Comment #5: *Understanding that the height above BVW surface will vary across the boardwalk's length, plans do not note height of boardwalk above BVW surface, so MassDEP is unable to make a determination about BVW impacts from shading.*

DEP Response #5: The project plan set's plans, profiles, and details have been updated to include additional sections and profiles along each portion of the proposed boardwalk to provide additional information supporting that the boardwalk will be set at an elevation that limits any shading impacts on the BVW. A portion of the boardwalk on the eastern side of the crossing is less than 3-feet in height from the surface of the BVW and has been included as impact area with proposed wetland replication mitigation provided.

DEP Comment #6: *A restoration plan for temporary BVW alterations is needed, which includes monitoring for two years.*

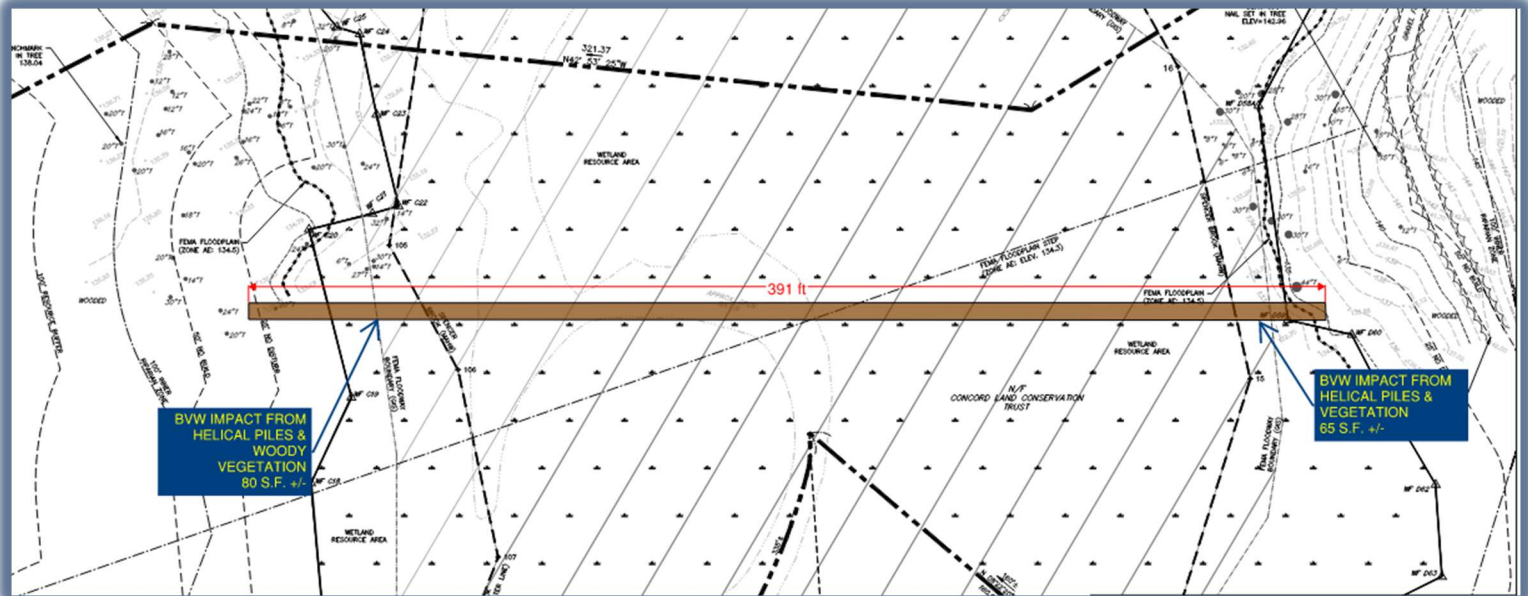
DEP Response #6: A restoration plan for temporary BVW alterations has been provided on the Sheet C130 "Wetland Impact and Replication Plan". The plan includes section of notes detailing the temporary alteration area restoration scope of work and includes a provision for a 2-year monitoring period which will be completed along with the 2-year monitoring of the wetland replication area.

DEP Comment #7: *An alternatives analysis is needed for BVW impacts to show that impacts have been avoided where possible, minimized where unavoidable, and mitigation provided for impacts that cannot be avoided or minimized. This is needed for the ConCom to meet requirements in the last sentence of 10.55(4)(b), regarding exercising its discretion for BVW impacts.*

DEP Response #7: The following defines compliance with the General Performance Standards for BVW impact, Section 10.55(4)(b) of the Wetlands Protection Act and includes an Alternatives Analysis for BVW impacts.

Alternative Boardwalk #1

Conceptual alternatives for the boardwalk layout were examined during the design process to determine if the proposed boardwalk could be located in various locations across the CLCT property that would be least impactful on resource areas. One alternative includes installing the boardwalk further south while still utilizing helical pile foundations for the boardwalk. This boardwalk location would create nearly double the BVW impacts (125 SF) due to the additional disturbance of the BVW from the helical piles and foundations and removal of woody vegetation. Along the eastern and western bank, the area of BVW is increased as there is more separation from the BVW boundary to the boundary of MAHW. This alternate location would require additional Riverfront impacts on the east side of the BVW as well as additional impacts to Land Under Water and Bordering Land Subject to Flooding (BLSF) as the overall boardwalk length increases from 370-feet to 390 feet. Due to the increases in resource area impacts and additional costs related to constructing a longer boardwalk and additional mitigation measures, this alternative was not selected.



Alternative Boardwalk #2

An alternative approach to the boardwalk would be to construct the boardwalk utilizing timber piles and concrete foundations. These timber posts would reduce construction costs compared to the use of helical piles so this alternative was considered but not selected due to the increase in resource area impacts. The timber posts would utilize 4"x4" timber posts and therefore would create an additional 0.23 SF of impact per pile. This increase in impact would equate to an additional 16 SF of impact to land under water, bordering land subject to flooding, and BVW and would require additional compensatory flood storage compared to the preferred alternative. Due to the increases in resource area impacts and additional costs related to additional mitigation measures, this alternative was not selected.

Alternate Sites

There are no other parcels available for the CLCT objectives to connect the existing trail system to the north and west to the trail systems to the south / east.

Preferred Alternative

The preferred alternative is to construct the boardwalk at the proposed location, which is the shortest point between the two BVW boundaries. On the western side of Spencer Brook the preferred alternative boardwalk location is sited in an area where the boundary of the MAHW line and BVW boundary is within 2-feet of each other which results in minimal BVW land area and reduces the impact to that area as there is no pile installations within the BVW and no removal of woody vegetation. On the eastern side of Spencer Brook, the BVW alteration is minimal.

The preferred alternative has been designed in accordance with the project goals which includes the protection of the Riverfront, Land Under Waer, and Bordering Land Subject to Flooding to the greatest extent practicable. Mitigation measures have been incorporated into the proposed project

for unavoidable impacts. Overall, the proposed project including mitigation measures, will have no significant adverse impact on the BVW and meets the performance standards of the Wetlands Protection Act as noted below.

“Notwithstanding the provisions of 310 CMR 10.55(4)(a), the issuing authority may issue an Order of Conditions permitting work which results in the loss of up to 5000 square feet of Bordering Vegetated Wetland when said area is replaced in accordance with the following general conditions and any additional, specific conditions the issuing authority deems necessary to ensure that the replacement area will function in a manner similar to the area that will be lost:”

The proposed boardwalk project includes the loss of 65 SF of BVW which is below the 5,000 SF threshold.

1. the surface of the replacement area to be created ("the replacement area") shall be equal to that of the area that will be lost ("the lost area");

The proposed project proposed the replication (“replacement”) of 135 SF BVW to mitigate the proposed 65 SF of BVW area that will be lost.

2. the ground water and surface elevation of the replacement area shall be approximately equal to that of the lost area;

The proposed wetland replacement area is a 4-foot-wide area along the eastern side of the BVW. Due to the proximity in minimal width of the replacement area to the boundary of the BVW, the proposed replacement area will match the ground water and surface elevation of the replacement area. The plans have been designed as such to match existing grade of the adjacent resource area. Due to the minimal width of the replication area and site observations conducting groundwater elevation analysis is not necessary.

3. The overall horizontal configuration and location of the replacement area with respect to the bank shall be similar to that of the lost area

As noted above, the proposed replacement area is located at a consistent 4-foot width to the existing BVW boundary and will mimic existing conditions with final grading.

4. the replacement area shall have an unrestricted hydraulic connection to the same water body or waterway associated with the lost area;

The proposed replacement area has an unrestricted hydraulic connection to the same water body / waterway associated with the lost area as it is located directly adjacent to the resource area and will be graded to follow the elevation of the existing BVW.

5. the replacement area shall be located within the same general area of the water body or reach of the waterway as the lost area;

The replacement area is located roughly 6-feet north of the lost area and in the same general area of the water body / reach of the waterway as the lost area.

6. at least 75% of the surface of the replacement area shall be reestablished with indigenous wetland plant species within two growing seasons, and prior to said vegetative reestablishment any exposed soil in the replacement area shall be temporarily stabilized to prevent erosion in accordance with standard U.S. Soil Conservation Service methods; and

The proposed replacement area will be established with indigenous wetland plant species. The replacement area will include the planting of 5 shrub plantings including high-bush-blueberry and Clethra which were documented in the existing area of the BVW. The area will also be seeded with a wetland seed mix. Temporary stabilization to prevent erosion in accordance with the U.S. Soil Conservation methods will be provided upon completion of earthwork which includes the installation a hay and organic mix to stabilize the area until wetland seed growth matures.

7. The replacement area shall be provided in a manner which is consistent with all other General Performance Standards for each resource area in Part III of 310 CMR 10.00. In the exercise of this discretion, the issuing authority shall consider the magnitude of the alteration and the significance of the project site to the interests identified in M.G.L. c. 131, § 40, the extent to which adverse impacts can be avoided, the extent to which adverse impacts are minimized, and the extent to which mitigation measures, including replication or restoration, are provided to contribute to the protection of the interests identified in M.G.L. c. 131, § 40.

An alternatives analysis has specific to the impacts to BVW has been provided above.

DEP Comment #8: Bank/Land Under Water - Locations of helical pilings/posts not shown on the plan. Will they be within the stream channel and/or Floodway? Will Bank be altered?

DEP Response #8: The locations of the helical pilings have been added to the plans. There a total of fifty-six (56) piles located between the MAHW boundaries (Land Under Water). An additional six (6) piles are located within the floodway boundary.

The bank will not be altered by the installation of the piles. Sheet C502 includes a profile of the resource area boundaries and locations of the proposed helical piles.

DEP Comment #9: *No details provided to demonstrate how Stream Crossing Standards are met. One sentence in the Narrative is insufficient. Cross-section details needed.*

DEP Response #9: **The proposed boardwalk has been designed in compliance with The Commonwealth of Massachusetts Division of Ecological Restoration Massachusetts Stream Crossing Handbook, 2nd Edition Reprint May 2018. The following details compliance with the stream crossing standards.**

1. TYPE OF CROSSING:

- **General:** *Spans (bridges, 3-sided box culverts, open-bottom culverts or arches) are strongly preferred*
- **Optimum:** *use a bridge*

The proposed boardwalk meets the optimum standard as the proposed boardwalk is considered a bridge.

2. EMBEDMENT:

- *All culverts should be embedded (sunk into stream) a minimum of 2-feet, and round pipe culverts at least 25%.*
- *If pipe culverts cannot be embedded this deep, then they should not be used.*
- *When embedment material includes elements > 15 inches in diameter, embedment depths should be at least twice the D_{84} (particle width larger than 85% of particles) of the embedment material*

The proposed boardwalk does not include embedment and therefore this standard has been met.

3. CROSSING SPAN:

- **General:** *Spans channel width (a minimum of 1.2 times the bankfull width of the stream).*
- **Optimum:** *Spans the streambed and banks (at least 1.2 times bankfull width) with sufficient headroom to provide dry passage for wildlife.*

The proposed boardwalk meets the general standard by achieving a crossing span of 1.2 times the bankfull width of stream.

Width of Stream (MAHW boundaries) = 294 ft.

Crossing Length = 378 ft.

Crossing Span = Width of Stream / Crossing Length)

Crossing Span = 1.286

OPENNESS:

- **General:** Openness ratio (cross-sectional area / crossing length) of at least 0.82 feet. The crossing should be wide and high relative to its length.
- **Optimum:** Openness ration of at least 1.64 feet and a minimum height of 6-feet. If conditions significantly reduce wildlife passage near a cross (e.g.. steep embankments, high traffic volumes, and physical barriers), maintain a minimum height of 8 feet and openness ration of 2.46.

The proposed boardwalk meets the general standard. The openness of the proposed structure meets the minimum openness ratio of the optimum standard however it does not meet the minimum height of 6-feet as that would be infeasible for a crossing of this length and this scope of work.

$$\begin{aligned} \text{Cross-Sectional Area} &= 18 \text{ feet} \\ &= (3' \text{ Height} \times 6' \text{ Width}) \\ \text{Crossing Length} &= 11 \text{ feet (distance between piles)} \end{aligned}$$

$$\begin{aligned} \text{Openness} &= \text{Cross-Sectional Area} / \text{Crossing Length} \\ \text{Openness} &= 1.64 \end{aligned}$$

4. SUBSTRATE:

- Natural bottom substrate should be used within the cross and it should match the upstream and downstream substrates. The substrate and design should resist displacement during floods and maintain an appropriate bottom during normal flow.

The proposed boardwalk will provide a natural undisturbed bottom substrate and therefore this standard has been met.

5. WATER DEPTH & VELOCITY:

- Water depths and velocities are comparable to those found in the natural channel at a variety of flows.

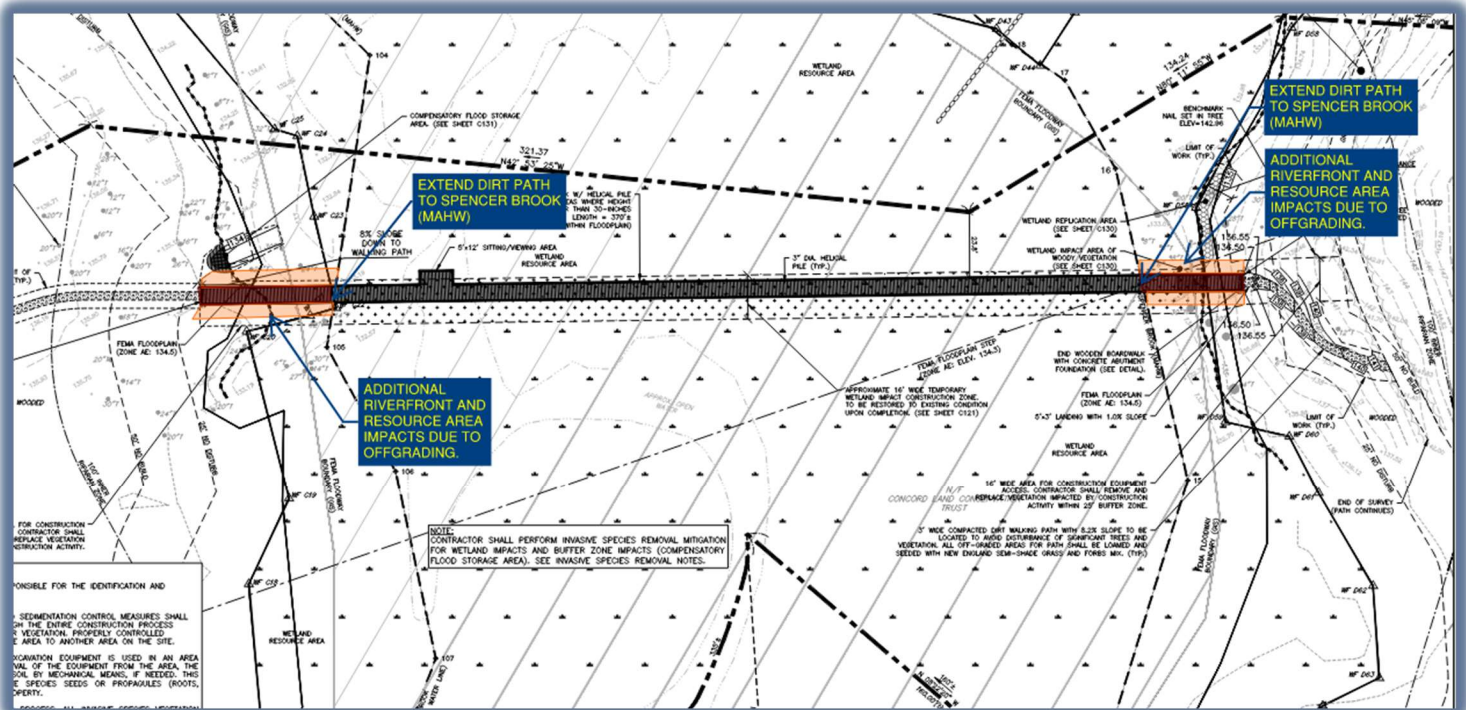
The water depth and velocities will remain unchanged with the construction of the boardwalk. Water depth will not impacted as noted by the compensatory flood analysis. This standard has been met.

DEP Comment #10: Riverfront Area - Riverfront Alternatives analysis is insufficient. It must be more than a larger crossing option, a no build option, or the preferred alternative.

DEP Response #10: An updated Riverfront Alternatives analysis has been provided below.

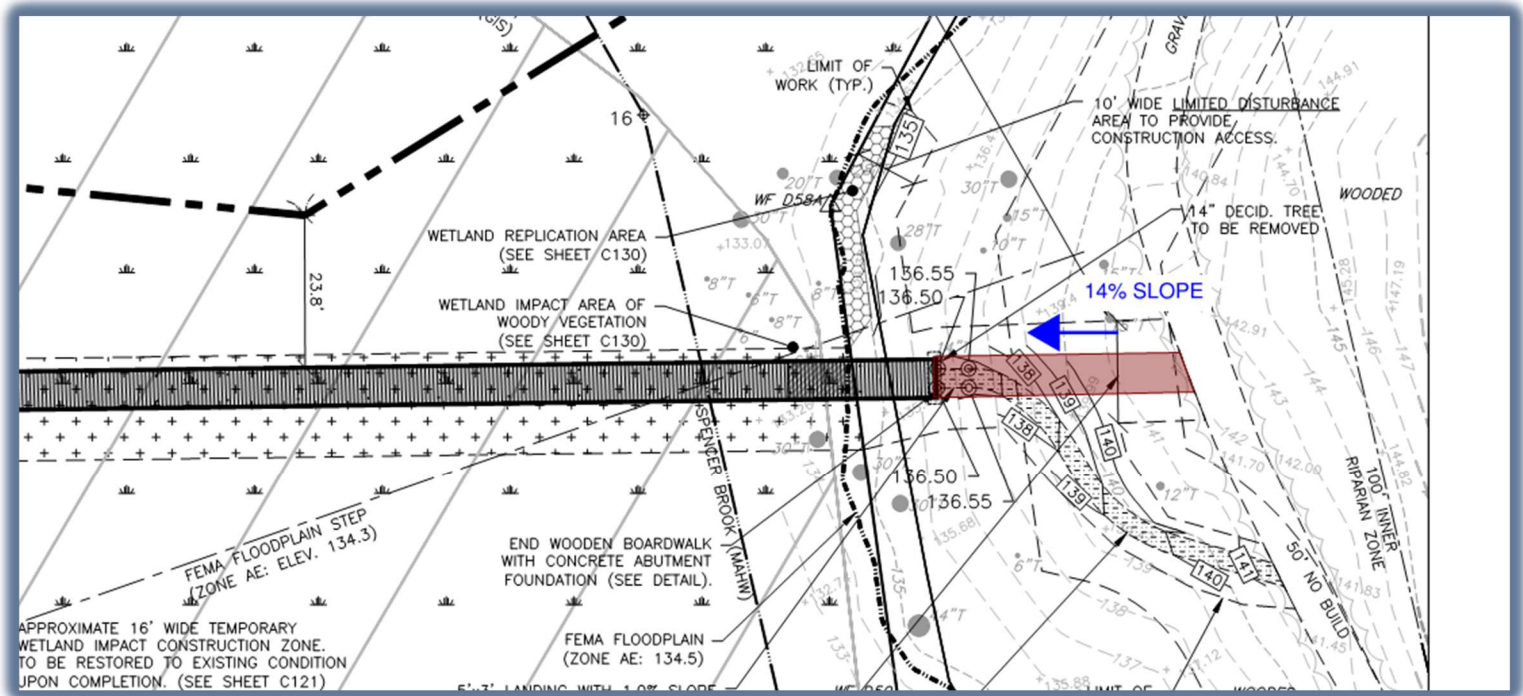
Alternative Connection #1

Conceptual alternatives for the boardwalk layout were examined during the design process to determine if the proposed boardwalk could be designed in a manner that would minimize impacts on the resource areas while still providing access across Spencer Brook. One alternative reviewed during the design process included ending the boardwalk structure at the edge of Spencer Brook (MAHW) / bank boundary to minimize the installation of helical piles and the boardwalk structure materials in the BVW and Riverfront Area. This alternative would create additional impacts to the BVW, Bordering Land Subject to Flooding, and Riverfront area due to the increased area of off grading, tree / vegetation disturbance, fill materials and larger compensatory flood storage and wetland replication areas that would need to be created to accommodate this connection. Due to these increases in protected resource area impacts this alternative was not selected.



Alternative Connection #2

An additional alternative that was considered the design of the boardwalk was the extension of the trail that would result in more direct path to the boardwalk from the existing main trail. Due to existing grades in this area, a direct path which would reduce Riverfront Impacts would require the installation of steps and a railing within the Riverfront Area due to the 7-foot grade difference between the existing trail and the proposed boardwalk. The use of steps and railing would not meet the goals of the Concord Land Conservation Trust which is to provide an accessible path for pedestrians who may walk the path as well as use recreation equipment on the path and boardwalk. The steps may also lead to safety concerns during winter months and create issues with erosion during storm events. Due to these considerations this alternative was not selected.



Alternative Construction Methods

Alternative construction / material specifications were also reviewed during the design process for the proposed boardwalk. Alternative construction methods include the installation of precast concrete piers or timber piles. Timber piles are a common, cost-effective option for deep, soft wetland soils, however the timber piles would require a 4"x4" post with gravel or concrete foundations that would create additional impacts above the preferred helical piles. Timber piles would also increase impacts to the Border Land Subject to Flooding and create additional lost flood storage that would need to be mitigated against require additional disturbance within the Riverfront. Due these additional resource area impacts this alternative construction method was not selected.

Alternate Sites

There are no other parcels available for the CLCT objectives to connect the existing trail system to the north and west to the trail systems to the south / east.

Preferred Alternative

The preferred alternative would be to construct the boardwalk that spans Spencer Brook and extends into the Riverfront Area as currently proposed in the application. This boardwalk allows the Land Trust to utilize the large central portion of the property and connect trails between their two abutting properties. Without this wetland crossing, a large portion of the property would be unusable for the purposes of the Land Trust and the connection of the acres of open space to the north owned by CLCT would not be able to be connected to the acres of land to the south.

The preferred alternative has been designed in accordance with the project goals which include the protection of the Riverfront and abutting Resource Areas to the greatest extent practicable. Mitigation measures have been incorporated into the proposed project for unavoidable impacts. Overall, the proposed project including mitigation measures, will have no significant adverse impact on the Riverfront Area or values protected by the Wetlands Protection Act and local Bylaws compared to the various alternative developments described above. Unlike the No-Build Alternative the Preferred Alternative fully meets the project goals.

DEP Comment #11: BLSF - Unable to determine if 10.57(4)(a) is met for compensatory flood storage at each incremental elevation of fill. A cut and fill table is needed. As elevation varies across the footprint of the boardwalk, plan details are needed that show the elevation across each post/piling in BLSF and the volume of fill at each elevation for each post. Spencer Brook is a FEMA Regulatory Floodway.

DEP Response #11: The plan set has been updated to include Sheet C130 “Floodplain / BLSF Compensatory Flood Storage Compliance” which includes a flood storage lost (fill) and flood storage added (cut). The plan also includes the existing grade elevations at each of the proposed piling location utilizing LIDAR topography due to access limitations.

Flood Storage Lost			
Elevation Range	Surface Area (sf)	Incremental Area (cf)	Cumulative Area (cf)
133.0 To 133.5	0	0	0
133.5 To 134.0	2.8	1.1	1.1
134.0 To 134.5	0.3	1.6	2.7

Flood Storage Proposed			
Elevation Range	Surface Area (sf)	Incremental Area (cf)	Cumulative Area (cf)
133.0 To 133.5	0	0	0
133.5 To 134.0	31.9	8.0	8
134.0 To 134.5	26.3	22.5	30.5

The prior plan noted a total of 60.2 cubic feet of lost volume for the proposed piles located within the floodplain / BLSF area. In updating these values at each pile and elevation step an error in the prior calculations was discovered when converting square inches to square feet which improperly listed

the volume as 0.6 square feet per pile when the correct value is 0.049 square feet pile. Additionally, the prior calculations assumed a conservative value of 133.0 feet for the elevation of the resource area within the floodplain when the LIDAR topography generally ranges from 133.5 to 133.7. The previously listed floodplain / BLSF impact was listed as 61.2 cubic feet when the correct value, utilizing the updated information and calculation is 2.70 cubic feet of lost flood storage.

The existing grade elevations across the area generally remain consistent and therefore a table has been provided depicting the calculation of each elevation range.

DEP Comment #12: *Will pilings in Floodway result in buildup of debris, which would restrict flows? The ConCom should work with the town's Floodplain manager to ensure that a No Rise determination is made.*

DEP Response #12: The pilings in the Floodway will not result in a buildup of debris which would restrict flow. The floodplain elevation of the floodway within the River is 134.5 while the surface of the boardwalk is 136.5. The bottom of the boardwalk structure (bottom of joist) and the supports which run perpendicular to the flow of water is elevation 135.5 which leaves 1.0 feet of freeboard above the 100-year floodplain. With the spacing of 11 feet between each 3 inch diameter pile adequate space is provided that debris would not build up along the boardwalk and restrict flow.

The applicant has reached out to the Town of Concord “Floodplain Manager” which is the Building Department’s Building Commissioner Kevin Pickering. The “No-Rise” determination from Mr. Pickering. The applicant anticipates that a supporting letter will be issued to the Natural Resource Commission ahead of the April 1st public meeting.

In addition to this determination the applicant will be responsible for filing a Self-Verification under the Department of the Army, General Permits for the Commonwealth of Massachusetts, General Permit 17 for Residential, Commercial, and Institutional Developments and Recreation Facilities for work within the Floodway. The proposed project falls within the Self-Verification Eligible conditions noted as “1. In non-tidal waters, the combined permanent and temporary impacts are (a) <5,000 SF, and (b) not located in riffle and pool complexes and non-tidal vegetated shallows. 2. Stream channelization or relocation resulting in loss of streambed that is <200 LF.” The applicant will be responsible for filing this self-verification with the Army Corp of Engineers (USACE) 30-days prior to construction per Section II of the Department of the Army General Permits for the Commonwealth of Massachusetts.

On behalf of the entire project team, we appreciate the opportunity to provide these responses and clarifications. If you have any additional questions or comments, please do not hesitate to contact us directly at either mcosta@bealsassociates.com or by phone at 781.248.4037. We would be happy to meet with the Natural Resources Division at your convenience to discuss and review these responses and provide any additional information needed to support the proposed project and issuance of an Order of Conditions at the April 1st, Natural Resources Commission meeting.

Sincerely,

Beals Associates, Inc.



Matthew E. Costa
Senior Project Manager

CC: Concord Land Conservation Trust (CLCT)
Alicia Geilen, MassDEP (alicia.geilen@mass.gov)

Enc.: WPA Form 3 (updated)
Riverfront & Buffer Zone Impact Plans (updated)
Plans to Accompany CLCT Boardwalk - Last Revised March 20, 2026 (*Under Separate Cover*)

File: C-956.06 Concord



Massachusetts Department of Environmental Protection
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WPA Form 3 – Notice of Intent

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Important:

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



Note:
Before completing this form consult your local Conservation Commission regarding any municipal bylaw or ordinance.

A. General Information

1. Project Location (**Note:** electronic filers will click on button to locate project site):

107X Lowell Road

a. Street Address

Concord

b. City/Town

01742

c. Zip Code

Latitude and Longitude:

42.48277 N

d. Latitude

71.37419 W

e. Longitude

5F

f. Assessors Map/Plat Number

1613 -1

g. Parcel /Lot Number

2. Applicant:

Jane

a. First Name

Gruba-Chevalier

b. Last Name

Concord Land Conservation Trust

c. Organization

175 Sudbury Road

d. Street Address

Concord

e. City/Town

MA

f. State

01742

g. Zip Code

978.369.6526

h. Phone Number

i. Fax Number

jane@concordland.org

j. Email Address

3. Property owner (required if different from applicant): Check if more than one owner

a. First Name

b. Last Name

c. Organization

d. Street Address

e. City/Town

f. State

g. Zip Code

h. Phone Number

i. Fax Number

j. Email address

4. Representative (if any):

Matthew

a. First Name

Costa

b. Last Name

Beals Associates, Inc

c. Company

2 Park Plaza #200

d. Street Address

Boston

e. City/Town

MA

f. State

02116

g. Zip Code

617.242.1120

h. Phone Number

i. Fax Number

mcosta@bealsassociates.com

j. Email address

5. Total WPA Fee Paid (from NOI Wetland Fee Transmittal Form):

\$165.00

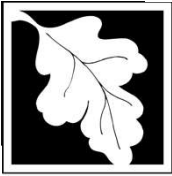
a. Total Fee Paid

\$70.00

b. State Fee Paid

\$95.00

c. City/Town Fee Paid



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A. General Information (continued)

6. General Project Description:

The project involves the construction of the wooden pedestrian boardwalk crossing bordering wetlands, Spencer Brook and FEMA in the central area of the property as well as the development of walking trails.

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:

Middlesex South

a. County

85154

c. Book

b. Certificate # (if registered land)

124

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 checked="" type="checkbox"/> Bordering Vegetated Wetland	<u>65 (Permanent), 5,150 (Temporary)</u> 1. square feet	<u>135</u> 2. square feet
c. <input checked="" type="checkbox"/> Land Under Waterbodies and Waterways	<u>2.8</u> 1. square feet 3. cubic yards dredged	<u>0</u> 2. square feet

Resource Area	Size of Proposed Alteration	Proposed Replacement (if any)
d. <input checked="" type="checkbox"/> Bordering Land Subject to Flooding	<u>3.1</u> 1. square feet <u>2.7</u> 3. cubic feet of flood storage lost	<u>58.3</u> 2. square feet <u>30.5</u> 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. Riverfront Area

1. Spencer Brook
1. Name of Waterway (if available) - **specify coastal or inland**

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: 250,933 square feet

4. Proposed alteration of the Riverfront Area:

<u>2,375</u>	<u>1,835</u>	<u>540</u>
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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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 checked="" type="checkbox"/> Project Involves Stream Crossings		
	_____	_____
	1	
	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

- 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.

- 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**

August 1, 2021
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*

- Percentage/acreage of property to be altered:
 - (a) within wetland Resource Area _____ percentage/acreage
 - (b) outside Resource Area _____ percentage/acreage

- Assessor’s Map or right-of-way plan of site

- 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

Division of Marine Fisheries -
North Shore Office
Attn: Environmental Reviewer
30 Emerson Avenue
Gloucester, MA 01930
Email: 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)

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

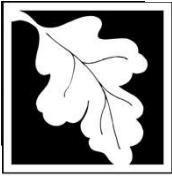
- This is a proposal for an Ecological Restoration Limited Project. Skip Section D and complete Appendix A: Ecological Restoration Notice of Intent – Minimum Required Documents (310 CMR 10.12).

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.

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



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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.

Plans to Accompany Permit Documents - CLCT Boardwalk

a. Plan Title

Beals Associates, Inc

b. Prepared By

Todd P. Morey, P.E.

c. Signed and Stamped by

January 28, 2026

d. Final Revision Date

1"=40'

e. Scale

1075 Lowell Rd., Concord - CLCT Parcel - Notice of Intent Application Book

f. Additional Plan or Document Title

1/28/2026

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:

1174

2. Municipal Check Number

1/23/2026

3. Check date

1173

4. State Check Number

1/23/2026

5. Check date

Beals Associates, Inc.

6. Payor name on check: First Name

7. Payor name on check: Last Name



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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.

1. Signature of Applicant	<i>Jane M. Hallock</i>	1/27/2026
3. Signature of Property Owner (if different)	<i>[Signature]</i>	1/27/2026
5. Signature of Representative (if any)		1/27/2026

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.



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:

107X Lowell Road

a. Street Address

Concord

b. City/Town

1173

c. Check number

\$70.00

d. Fee amount

2. Applicant Mailing Address:

Jane

a. First Name

Gruba-Chevalier

b. Last Name

Concord Land Conservation Trust

c. Organization

175 Sudbury Road

d. Mailing Address

Concord

e. City/Town

MA

f. State

01742

g. Zip Code

978.369.6526

h. Phone Number

i. Fax Number

jane@concordland.org

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
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B. Fees (continued)

Step 1/Type of Activity	Step 2/Number of Activities	Step 3/Individual Activity Fee	Step 4/Subtotal Activity Fee
1(a) Sitework w/o a house & Riverfront	1.5	\$110	\$165
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

Step 5/Total Project Fee: _____

Step 6/Fee Payments:

Total Project Fee:	<u>\$165.00</u>
	a. Total Fee from Step 5
State share of filing Fee:	<u>\$70.00</u>
	b. 1/2 Total Fee less \$12.50
City/Town share of filing Fee:	<u>\$95.00</u>
	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

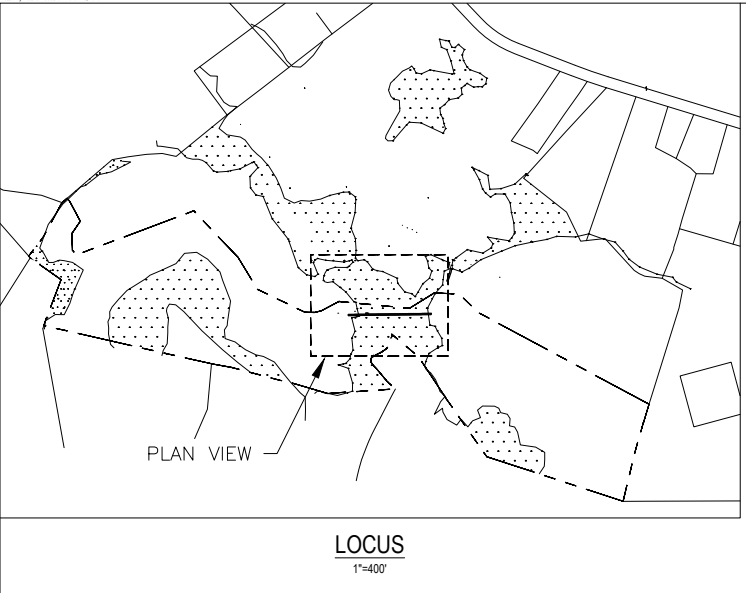
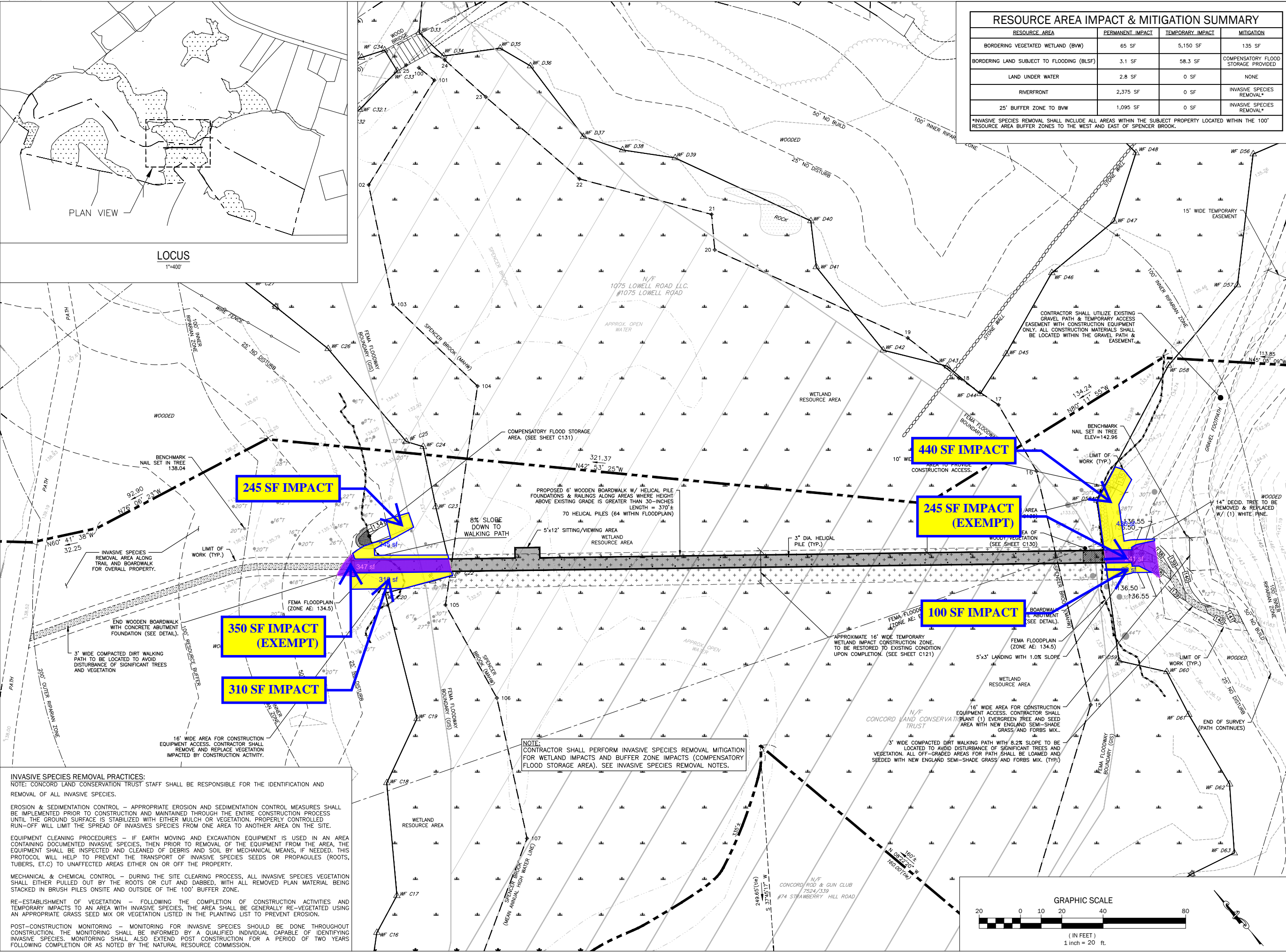
b.) **To the Conservation Commission:** Send the Notice of Intent or Abbreviated Notice of Intent; a **copy** of this form; and the city/town fee payment.

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.)

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 Project: C-956-06 Concord - 0217-1-2020-03-22 Plans to Accompany Permit Documents, 01/28/2020, 01/28/2020

RESOURCE AREA IMPACT & MITIGATION SUMMARY			
RESOURCE AREA	PERMANENT IMPACT	TEMPORARY IMPACT	MITIGATION
BORDERING VEGETATED WETLAND (BVW)	65 SF	5,150 SF	135 SF
BORDERING LAND SUBJECT TO FLOODING (BLSF)	3.1 SF	58.3 SF	COMPENSATORY FLOOD STORAGE PROVIDED
LAND UNDER WATER	2.8 SF	0 SF	NONE
RIVERFRONT	2,375 SF	0 SF	INVASIVE SPECIES REMOVAL*
25' BUFFER ZONE TO BVW	1,095 SF	0 SF	INVASIVE SPECIES REMOVAL*

*INVASIVE SPECIES REMOVAL SHALL INCLUDE ALL AREAS WITHIN THE SUBJECT PROPERTY LOCATED WITHIN THE 100' RESOURCE AREA BUFFER ZONES TO THE WEST AND EAST OF SPENCER BROOK.



245 SF IMPACT

440 SF IMPACT

245 SF IMPACT (EXEMPT)

350 SF IMPACT (EXEMPT)

100 SF IMPACT

310 SF IMPACT

NOTE:
 CONTRACTOR SHALL PERFORM INVASIVE SPECIES REMOVAL MITIGATION FOR WETLAND IMPACTS AND BUFFER ZONE IMPACTS (COMPENSATORY FLOOD STORAGE AREA). SEE INVASIVE SPECIES REMOVAL NOTES.

INVASIVE SPECIES REMOVAL PRACTICES:
 NOTE: CONCORD LAND CONSERVATION TRUST STAFF SHALL BE RESPONSIBLE FOR THE IDENTIFICATION AND REMOVAL OF ALL INVASIVE SPECIES.

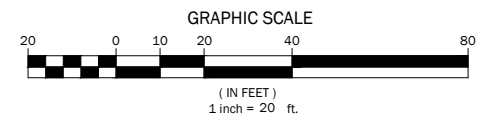
EROSION & SEDIMENTATION CONTROL - APPROPRIATE EROSION AND SEDIMENTATION CONTROL MEASURES SHALL BE IMPLEMENTED PRIOR TO CONSTRUCTION AND MAINTAINED THROUGH THE ENTIRE CONSTRUCTION PROCESS UNTIL THE GROUND SURFACE IS STABILIZED WITH EITHER MULCH OR VEGETATION. PROPERLY CONTROLLED RUN-OFF WILL LIMIT THE SPREAD OF INVASIVE SPECIES FROM ONE AREA TO ANOTHER AREA ON THE SITE.

EQUIPMENT CLEANING PROCEDURES - IF EARTH MOVING AND EXCAVATION EQUIPMENT IS USED IN AN AREA CONTAINING DOCUMENTED INVASIVE SPECIES, THEN PRIOR TO REMOVAL OF THE EQUIPMENT FROM THE AREA, THE EQUIPMENT SHALL BE INSPECTED AND CLEANED OF DEBRIS AND SOIL BY MECHANICAL MEANS, IF NEEDED. THIS PROTOCOL WILL HELP TO PREVENT THE TRANSPORT OF INVASIVE SPECIES SEEDS OR PROPAGULES (ROOTS, TUBERS, ETC.) TO UNAFFECTED AREAS EITHER ON OR OFF THE PROPERTY.

MECHANICAL & CHEMICAL CONTROL - DURING THE SITE CLEARING PROCESS, ALL INVASIVE SPECIES VEGETATION SHALL EITHER PULLED OUT BY THE ROOTS OR CUT AND DABBED, WITH ALL REMOVED PLAN MATERIAL BEING STACKED IN BRUSH PILES ONSITE AND OUTSIDE OF THE 100' BUFFER ZONE.

RE-ESTABLISHMENT OF VEGETATION - FOLLOWING THE COMPLETION OF CONSTRUCTION ACTIVITIES AND TEMPORARY IMPACTS TO AN AREA WITH INVASIVE SPECIES, THE AREA SHALL BE GENERALLY RE-VEGETATED USING AN APPROPRIATE GRASS SEED MIX OR VEGETATION LISTED IN THE PLANTING LIST TO PREVENT EROSION.

POST-CONSTRUCTION MONITORING - MONITORING FOR INVASIVE SPECIES SHOULD BE DONE THROUGHOUT CONSTRUCTION. THE MONITORING SHALL BE INFORMED BY A QUALIFIED INDIVIDUAL CAPABLE OF IDENTIFYING INVASIVE SPECIES. MONITORING SHALL ALSO EXTEND POST CONSTRUCTION FOR A PERIOD OF TWO YEARS FOLLOWING COMPLETION OR AS NOTED BY THE NATURAL RESOURCE COMMISSION.



BEALS ASSOCIATES INC.
 25 STATE PLAZA SUITE 200 BOSTON, MA 02116
 PHONE: 617-552-1212
 FAX: 617-552-1213
 *PLANNING *ENGINEERING *PERMITTING *MANAGEMENT

Applicant / Owner
 Concord Land Conservation Trust
 175 Sudbury Rd
 Concord, MA 01742

CLCT Boardwalk
 107X Lowell Road
 Concord, MA

Revised Per NRC and DEP Comments	Date

Permit Documents
 Designed by: MEC Checked by: TPM
 Proj. No.: C-956-06 Issue Date: 01/28/20
 Drawing Scale: 1"=20'

WETLAND BUFFER IMPACT PLAN
 Sheet Number

WB-1

Not for Construction