



TOWN OF WAYLAND
MASSACHUSETTS
01778
CONSERVATION COMMISSION

TOWN BUILDING
41 COCHITUATE ROAD
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DATE: November 6, 2017
TO: ZBA, Geoff Larsen
CC: Nan Balmer
FROM: Linda Hansen, Conservation Administrator
SUBJECT: Cascade Wayland Application for Comprehensive Permit
113-119 Boston Post Road

The previous memo submitted by the Conservation Commission discussed two approaches to the redevelopment of the former Mahoney's Garden Center under the Wetland Protection Act. The purpose of this memo is to clarify the requirements of one approach: Redevelopment Within Previously Developed Riverfront Areas: Mitigation and Restoration (10.58(5)). The regulations state that the 'issuing authority MAY allow work to redevelop a previously developed riverfront area, provided the proposed work improves existing conditions'. The responses below are criteria for redevelopment in the riverfront:

- a. 'At a minimum, proposed work shall result in an improvement over existing conditions.' The proposed work located within the riverfront area of Pine Brook includes the majority of the two leaching fields, the garage foundation, and housing complex; the entire infiltration basin, the septic tanks, the addition of enormous amount of fill to raise the septic system by 10 feet in elevation, and extensive grading of the lot to accommodate the proposed development. This proposed development does not meet the condition that the work improves existing conditions.
- b. 'Stormwater management is provided according to standards established by the Department [DEP].' The project requires a stormwater management plan and shall be included as part of the submittal to the Conservation Commission.
- 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. The office building currently on site is approximately 39 feet from the Mean Annual High Water (MAHW). The proposed infiltration basin and associated grading is within 12 feet of MAHW; the septic leaching field and associated grading is within 23 feet and the garage foundation is within 30 feet. The proposed work does not meet this requirement.
- 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.

The proposed structures are located closer to the MAHW and the project does not meet this requirement.

- 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. Assuming that approximately 80% of the two lots are within the riverfront area, then the Conservation Commission MAY allow up to 22,600 square feet of alteration within the 100 to 200 foot riverfront area (the Garden Center currently occupies approximately 20,000 square feet). The degraded area within the 100 foot inner riverfront area occupies approximately 5,000 square feet. Without any proposed restoration or mitigation of the riverfront area, the Conservation Commission will not permit redevelopment in the inner riparian zone greater than existing. The proposed development allows very little space for restoration or mitigation of the riverfront area.

The State has designated Pine Brook as a cold water habitat of Eastern Brook Trout and is considered a critical area under the state regulations, including DEP's stormwater policy. The applicant will need to provide evidence that the proposed redevelopment of the Mahoney's Garden Center will not impact the habitat value of Pine Brook.