

## Reef, Elizabeth

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**From:** Steven Zieff <szieff@edenmanagementinc.com>  
**Sent:** Thursday, June 14, 2018 6:48 PM  
**To:** Reef, Elizabeth  
**Cc:** Joseph D. Peznola; Amy E. Kwesell (AKwesell@k-plaw.com)  
**Subject:** Cascade, Boston Post Road Wayland  
**Attachments:** 56.05 Tabulation of Building and Program\_06\_14\_18.pdf; Cascade Wayland Waivers Requests\_06\_14\_18.pdf; Request for Response to Comments\_06\_14\_18.pdf

Liz

The history of this application indicates there are 5 items that we owe the ZBA.

Attached you will find the following:

1. Tabulation of Building Program. Pages 2 and 3 provide additional context in relation to various community comments.
2. Waiver requests.
3. Response to Department Head comments.

The disposition of the 2 remaining issues are:

HydroGeo Study - in the process of correcting a mathematical issue – anticipate available next week.

Base Flood Plain Elevation calculation – per our Waiver request we do not believe we are subject to this requirement. Article 17 indicates we would be subject to this with “a development of greater than five acres within Zone A”. Our calculations indicate we do achieve this hurdle.

Please let me know if you have any questions.

Regards

Steven

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**Cascade** 113, 115, 117, 119 Boston Post Road Wayland

6/14/2018

760 CMR 56.05 Tabulation of proposed building by type, size (number of bedrooms, floor area) and ground coverage, and a summary showing percentage of the tract occupied by buildings, by parking and other paved vehicular areas, and open area:

line #		Acres	Square Feet	%		
1	Total Site	6.48	282,407	100%		
2	Building Footprint	0.59	25,903	9%		
3	Parking and other paved areas	0.53	23,217	8%		
4	Total Altered Land, includes #2, #3 plus off grading, basins, SAS	3.42	148,903	53%		
5	Total Land remaining in existing or improved state	3.06	133,504	47%		
6						
7	Building Square footage					
8	4th Floor	18,025 s.f				
9	3rd Floor	21,325 s.f.				
10	2nd Floor	20,773 s.f				
11	1st Floor	21,284 s.f				
12	Garage	25,903 s.f				
13						
14	<table border="1" style="display: inline-table;"> <tr> <td>Total Units 60</td> <td>Total Bedrooms 89</td> </tr> </table>		Total Units 60	Total Bedrooms 89	For breakdown see below	
Total Units 60	Total Bedrooms 89					
15						
16						
17						

Total Habitable Space 81,407 s.f.

Total Units 60      Total Bedrooms 89      For breakdown see below

Type	Floor	Total DU				Type	Total BR
		1st	2nd	3rd	4th		
Studios		4	4	3	3	14	14
1 Bedrooms		3	4	5	11	23	23
2 Bedrooms		5	5	5	2	17	34
3 Bedrooms		2	2	2	0	6	18
DU Total / Floor		14	15	15	16	60	89

**Particulars**

- 25 6.48 Size of Site in Acres
- 26 60 Dwelling Units (DU)
- 27 9.26 DU / Acre
- 28 98 Parking Spaces
- 29 89 Bedrooms (BR)
- 30 10 % 3 BR DU
- 31 4 Height in Stories
- 32 1.63 Parking per DU
- 33 1.10 Parking per BR

SEE PAGE 2, 3 for pertinent COMPARISONS

Particulars of selected Wayland 40B and Zoned Affordable Projects

line		Cascade	Rivers Edge	373 Commonwealth
1	Size of Site in Acres	6.48	8.24	3.14
2	Dwelling Units (DU)	60	188	52
3	DU / Acre	9.26	22.82	16.56
4	Parking Spaces	98	289	98
5	Bedrooms	89	286	82
6	% 3 BR DU	10	0	10
7	Height in Stories	4	4	3
8	Parking per DU	1.63	1.54	1.88
9	Parking per BR	1.10	1.01	1.20

Source: Cascade, Town of Wayland

**Cascade** 113, 115, 117, 119 Boston Post Road Wayland  
 Boston Post Road (Route 20) Comparisons except as noted

6/14/2018

		# Boston Post Road	Square Feet	Vs. Cascade	Dwelling Units except as noted
To the West					
Sudbury	Sudbury Crossing	435	88,846	109%	
Sudbury	Offices	490	85,226	105%	
Sudbury	Meadowwalk	526, 530, 536			
	Avalon				250
	Pulte				57
	Epoch AL				48 beds
	Whole Foods				
Sudbury	Coolidge I	187			56 3 acres
Sudbury	Coolidge II	189			64 3 acres
Sudbury	Bosse	141	62,894	77%	
Sudbury	Nursing Home	136	66,946	82%	
Wayland	Rivers Edge	183	307,625	378%	188
Wayland	Stop & Shop	400	44,300	54%	
Wayland	Balance of retail		79,542	98%	
	Townhouses	combined	123,842	152%	42
Wayland	High School	260 OCP	180,352	222%	
Wayland	Town Building	41 Cochituate	56,202	69%	
Framingham	Walmart	121 Worcester Rd	107,520	132%	
Wayland	Shir Tikva	141	31,940	39%	
	reads larger due to double height				
Subject	Cascade	113, 115, 117, 119	81,407	100%	60
Across the Street					
Wayland	Northbridge	134	59,057	73%	65 beds
To the East					
Weston	Monster	133	402,414	494%	

Source: Cascade, City of Framingham, Towns of Sudbury, Wayland, Weston

*Development: Cascade*

*113, 115, 117, 119 Boston Post Road*

**EXHIBIT A – WAIVER LIST – APPROVAL DECISION**

The Applicant provides the following information to assist the permit granting authority in analyzing the project and assessing the likely impact on the community as defined in 760 CMR 56. The project meets the intent of each and every by-law, rule, and regulation in terms of interests sought to be protected thereunder. The Applicant provides the following waiver language to allow the permit granting authority to easily adopt or modify as it deems appropriate.

The Board of Appeals authorizes the following waivers from the requirements of the Wayland Zoning Bylaw and other local by-laws, rules, and regulations listed in this Exhibit A if and only if the Comprehensive Permit for the Project containing the Conditions identified in the attached Comprehensive Permit Application is finally issued and only to the extent necessary and sufficient to construct, occupy, and maintain the project in accordance with the Comprehensive Permit, the Conditions, and Plans and Specifications listed in the Comprehensive Permit Decision, and provided that the project is in fact constructed in accordance with the Comprehensive Permit, the Conditions, and the Plans and Specifications. Once the project has been fully constructed and Certificates of Occupancy have been issued, these Waivers, the Comprehensive Permit and the Conditions shall not authorize any further waiver of the Wayland Zoning Bylaws or other local bylaws, rules, or regulations; any proposed further modification of the project or any unit within the project thereafter must conform to the Wayland Zoning Bylaw and other local bylaws, rules, and regulations, subject to the regulations concerning modifications of comprehensive permits found at 760 CMR 56.05(11).

EXHIBIT A-1

CHAPTER 198  
ZONING BYLAWS OF THE TOWN OF WAYLAND

In supplementation of the general information contained on page 1 of Exhibit A, the Applicant believes the following waivers are required for issuance of the Comprehensive Permit and therefore requests the permit granting authority issue waivers relative to the following requirements:

<b>Section Number</b>	<b>Title</b>	<b>Requirement, Waiver Requested</b>
Section 198-501.1;	SIGNS AND EXTERIOR LIGHTING	The zoning by-laws require a 15-foot front yard setback for any signage or exterior lighting. The proposed project includes signs and exterior lighting fixtures within 15-feet. Waiver requested from the minimum setback requirements for exterior lighting and signage. To provide effective way finding for resident, guest and visitors, and pedestrians we will install identification and wayfinding signs in walls or low shrubbery behind the edge of sidewalk on either side of the entrances proximate to the R.O.W. The signs will be up lit with low voltage lighting. The setback may be as little as 1 foot.
Section 502.1; 502.2; 502.3	TEMPORARY SIGNS	The zoning by-laws prevent temporary signs to exceed 15 square feet and prohibits more than one temporary sign during construction. Applicant requests a waiver to allow developer and general contractor to place several mandated or necessary temporary signs during construction. These include DEP, construction safety, construction ingress / egress to minimize fouling of Route 20, responding to questions, emergency / afterhours contacts, affordable housing, NPDES, contractor, lender and team identity and contacts.
Section 504.1	EARTH REMOVAL	The proposed Project includes earth removal more than 500 cubic yards. Waiver requested from the by-laws which restricts earth removal in excess of 500 cubic yards in the Residential zoning district. It is estimated the building foundation will require the movement of approximately 9,100 cubic yards. Subject to the quality of the material some of the parent material will be utilized for backfill.

Section Number	Title	Requirement, Waiver Requested
Section 506.1.10	OFF-STREET PARKING	Applicant requests a waiver from the minimum parking spaces required by the by-laws by providing 64 spaces in the garage and 34 exterior spaces for a total of 98 spaces.
Section 506.8	LANDSCAPING IN PARKING FACILITIES	Applicant requests waiver to the bylaw. Nature of design, adjacencies and safety makes it impossible to screen the parking area from residences across the street. The definition of “10%...shall be landscaped” is arguable to interpret. Applicant proposes preliminary landscape design demonstrates the project in compliance of the bylaw.
Section 506.7.5	STANDARD PARKING DIMENSIONAL REGULATIONS	Applicant requests relief from the required parking dimensional regulations to allow normal and compact spaces as shown on the proposed plans. Excepting Handicap spaces, all exterior stalls shall be 9 x 18.5. Excepting handicap spaces all interior stalls shall be 8 x 18.
Section 804; Table of Uses (4) & (57)	SCHEDULE OF USES	The proposed Project includes a multi-family structure which is not allowed as a matter of right within all zoning districts. Waiver requested from the use regulations to allow multi-family dwellings.
Section 901	SINGLE RESIDENCE DISTRICT	The zoning by-laws prohibits business or office use. Applicant requests waiver to allow leasing and management facilities for the benefit of the residents and visitors as demonstrated in the project plans.
Section 704	LOT COVERAGE	Lot coverage for Multifamily use is not defined in the Table of Dimensional Requirements. Including the parking and paved areas the use is approximately 17% lot coverage. The building alone is approximately 9% lot coverage.
Section 701	HEIGHT RESTRICTIONS	We request a waiver from the height regulation to allow a structure of four (4) stories. Under the Mass State Building Code the building is considered 46.75 feet. Under Wayland’s regulations the building is considered 53.0 feet. In either case we seek a waiver of stories and height.
Section 702	Setbacks	Setbacks for Multifamily use is not defined in the Table of Dimensional Requirements. We request a waiver from the Bylaw for a design which reflects a 46’ front yard setback, 150’ side yard setback and a 130’ rear yard setback.

Section Number	Title	Requirement, Waiver Requested
Article 17	Floodplain, Federal Flood Protection and Watershed Protection Districts	Flood Plain Bylaw indicates a minimum requirement of “or other developments greater than 5 acres within Zone A”. The site’s area under development is less than 5 acres (+/-4.6 acres) of which the majority is uplands. Therefore the site is exempt. The Wayland Federal Floodplain Protection District, Bylaw 302.1.2 references the June 4 2010 Zone X FIRM without contemplating a subsequent map. The design is up gradient of the 2014 or 2010 FEMA line.
Article 22	INCLUSION OF AFFORDABLE HOUSING	The Zoning Board of Appeals shall act as the comprehensive permit permitting authority.



EXHIBIT A-2  
 CHAPTER 193  
 WAYLAND STORMWATER AND LAND DISTURBANCE RULES AND REGULATIONS

In supplementation of the general information contained on page 1 of Exhibit A, the Applicant believes the following waivers are required for issuance of the Comprehensive Permit and therefore requests the permit granting authority issue waivers relative to the following requirements:

Section Number	Title	Requirement, Waiver Requested
Chapter 193	STORMWATER AND LAND DISTURBANCE	Applicant seeks a waiver from this Chapter as the Zoning Board of Appeals is provided with the authority to issue all local approvals. The Project meets the intent of the DEP Stormwater Handbook and will be subject to a Notice of Intent.
Section 1	PURPOSE AND OBJECTIVE	The purpose of the Wayland Stormwater and Land Disturbance Regulations is to “expand upon the requirements of state and federal statutes and regulations relating to stormwater and illicit discharges [.]” Applicant requests a waiver from these requirements and states further that the Project will Comply with the State and Federal wetlands regulations.
Section 4	APPLICABILITY	The local regulations require issuance of a Stormwater Management and Land Disturbance Permit (SMLDP). Applicant requests a waiver from this requirement.
Section 5	WAIVER	The Commission is allowed to waive strict compliance with any requirements of Chapter 193. Applicant seeks a waiver from this section as the Zoning Board of Appeals is provided with the authority to issue all local approvals.
Section 7	ENFORCEMENT	Applicant seeks a waiver from this section as the Zoning Board of Appeals is provided with the authority to issue all local approvals.

EXHIBIT A-3

CHAPTER 194  
WAYLAND WETLAND AND WATER RESOURCE BY-LAWS

In supplementation of the general information contained on page 1 of Exhibit A, the Applicant believes the following waivers are required for issuance of the Comprehensive Permit and therefore requests the permit granting authority issue waivers relative to the following requirements:

Section Number	Title	Requirement, Waiver Requested
Chapter 194	WETLAND AND WATER RESOURCE	<p>Applicant seeks a waiver from this section as the Zoning Board of Appeals is provided with the authority to issue all local approvals.</p> <p>Applicant will Comply with the Massachusetts Wetlands Protection Act, G.L. c. 131, § 40 and 310 CMR 10.00 et. seq.</p>
Section 1	PURPOSE	<p>The purpose of the Wayland Wetlands and Water Resources Protection Regulations is to provide a greater degree of protection of wetlands, buffer zones, and related water resources, than the protection of these resources areas provided under M.G.L. c. 131, § 40. Applicant requests a waiver from these requirements and states further that the Project will Comply with the Massachusetts Wetlands Protection Act, G.L. c. 131, § 40 and 310 CMR 10.00 et. seq.</p>
Section 3(A)	PROCEDURE	<p>Per the Wayland regulations, a written application and a filing fee for Request for Determination or Notice of Intent is required in conjunction with filings under G.L. c. 131, § 40. Applicant requests a waiver from this requirement and will Comply with the Massachusetts Wetlands Protection Act, G.L. c. 131, § 40 and 310 CMR 10.00 et. seq.</p>
Section 3(B)	PROCEDURE	<p>The regulations require a review by other Town boards and officials; issuance of “wetlands and water resources permit” in conjunction with order of conditions pursuant to G.L. c. 131, § 40. Applicant requests a waiver from this requirement and will Comply with the Massachusetts Wetlands Protection Act, G.L. c. 131, § 40 and 310 CMR 10.00 et. seq.</p>

Section 4	PUBLIC HEARING	Applicant requests waiver from public hearing to address local wetlands by-laws. Applicant will have a public hearing under State WPA.
Section 8	BURDEN OF PROOF	The regulations place the burden on the Applicant of proving by a preponderance of the credible evidence that the work proposed in the notice of intent will not cause harm to the functions and values sought to be protected by this Chapter. The Applicant requests a waiver from this burden and further states that it will Comply with the Massachusetts Wetlands Protection Act, G.L. c. 131, § 40 and 310 CMR 10.00 et. seq.
Section 9	SECURITY	Section 9 allows the Commission to require a security in addition to any security required by any other Town or state board, commission or agency. Applicant will Comply with the Massachusetts Wetlands Protection Act, G.L. c. 131, § 40 and 310 CMR 10.00 et. seq.

Chapter 194 General Regulations dated June 12, 2014:

Section C (4)	ENFORCEMENT ORDERS	The regulations provide the Conservation Commission with the authority to issue an Enforcement Order for a violation under Chapter 194 of the Wayland bylaws. The Applicant requests a waiver from this burden and further states that it will Comply with the Massachusetts Wetlands Protection Act, G.L. c. 131, § 40.
Notification of Watercourse Alternation	RIVERFRONT AREA	Applicant proposes work will alter a riverfront. The Applicant requests a waiver from this burden and further states that it will Comply with the Massachusetts Wetlands Protection Act, G.L. c. 131, § 40 and 310 CMR 10.00 et. seq.
Notification of Watercourse Alternation	STREAMS	The Applicant requests a waiver from this burden and further states that it will Comply with the Massachusetts Wetlands Protection Act, G.L. c. 131, § 40 and 310 CMR 10.00 et. seq.



EXHIBIT A-4

WAYLAND BOARD OF HEALTH REGULATIONS

In supplementation of the general information contained on page 1 of Exhibit A, the Applicant believes the following waivers are required for issuance of the Comprehensive Permit and therefore requests the permit granting authority issue waivers relative to the following requirements:

Section Number	Title	Requirement, Waiver Requested
Board of Health Regulations	BOARD OF HEALTH REGULATIONS	Applicant seeks a waiver from this section as the Zoning Board of Appeals is provided with the authority to issue all local approvals.
Floor Drain Regulation Wayland Board of Health	FLOOR DRAIN REGULATION WAYLAND BOARD OF HEALTH	As part of the Project the snowmelt and other rain will need to be collected in a floor drain and discharged to an industrial holding tank. The collected rain and snowmelt will not go into a septic system. The Applicant requests a waiver from this local regulation.
Regulations for On-Site Subsurface Disposal Systems  Section 3	GROUND WATER TESTING SEASON	Applicant requests waiver from the limitations of the ground water testing season as required by Section 3.
Section 4	PERIODIC FLOODING	Applicant request a waiver from the Board of Health's requirements of periodic flooding. Applicant will meet state regulations.
Section II (C)(1)	LEACHING FACILITIES	The Board of Health Regulations sets a maximum volume of sewage design flow to 165 gallons per bedroom per day for new construction of multiple dwelling units. The Applicant requests a waiver from this local regulation and will comply with the requirements of 310 CMR 15.203 which is a design flow

		of 110 gallons per bedroom per day.
Section II (C)(2)	LEACHING FACILITIES	The Board of Health allows leach fields, leaching trenches, leaching pits and leaching galleys to be designed to Title 5 standards with approval of the Director of the Board of Health. Applicant requests a waiver from the requirement to obtain approval from the Director as the Zoning Board of Appeals is provided with the authority to issue all local approvals.
Section II (D)	DISTANCES	Section II (D) regulates the location of disposal facilities. The Applicant requests a waiver from the local regulations to build the Project as proposed by the Plans, which are in conformance with state regulations.
Section II (E)	FLOOD PLAINS AND LAND	Section II (E) regulates the location of disposal facilities. The Applicant requests a waiver from this local regulation to build the Project as proposed by the Plans, which are in conformance with state regulations.
Section II (G) (2)	PUMP DESIGNS	Board of Health Regulations require no more than 1 inch of effluent on each dose cover. Applicant requests a waiver to have effluent greater than 1 inch.
Section II (G) (5)	PUMP DESIGNS	Board of Health regulations require that the distribution boxes shall be “back vented” to the pump chamber with a minimum 2 inch PVC schedule 40 pipe. Applicant requests waiver from this requirement.



TOWN OF WAYLAND  
MASSACHUSETTS  
01778  
BOARD OF APPEALS

TOWN BUILDING  
41 COCHITUATE ROAD  
TELEPHONE: (508) 358-3600  
FAX: (508) 358-3606

**REQUEST FOR RESPONSE TO COMMENTS**

**CASCADE WAYLAND, ZBA Case No. 17-19  
113-115 Boston Post Road, Wayland, MA**

**June 14, 2018**

To respond to Department Head's comments and for all matters related to the submission's design we are guided by the Comprehensive Permit regulations. 760 CMR 56.00 et. seq.:

For matters of site design the regulations 760 CMR 56.05(2)(a) require the submission of "preliminary site development plans showing locations and outlines of proposed buildings; the proposed locations, general dimensions and materials for streets, drives, parking areas, walks and paved areas; and proposed landscaping improvements and open areas within the site."

For matters of building design the regulations 760 CMR 56.05(2) (c) require the submission of "preliminary, scaled, architectural drawings. For each building the drawings shall be prepared by a registered architect, and shall include typical floor plans, typical elevations, and sections, and shall identify construction type and exterior finishes;"

Before you is found a compliant PRELIMINARY Design.

While we appreciate the department head's comments, many exceed the level of design mandated by the Comprehensive Permit requirements, Many of these specifics will be appropriately addressed by the Board of Health Septic Permit Application, the Water Department Water Connection Permit Application, the Conservation Commission Notice of Intent (NOI) and Building Department's Building Permit Application. This will take place after issuance of the Comprehensive Permit. Many of these comments and questions have also been responded to as part of the ZBA's Peer Review process.

In addition to the local protections / requirements stated above, this will be a Control Construction Building with its associated Permit requirements. These include ICO and Massachusetts Building Regulations, NFPA and Massachusetts Fire Regulations, Elevator, Architectural Access Board, Plumbing and Sanitary Regulations, Americans with Disabilities (ADA) and other codes and good practices in place at the time of the building permit submission.

As a result most of the department head comments are not appropriate to this process and will be more addressed during other jurisdictional applications. That being said, in the spirit of cooperation we have attempted to address the comments to the extent appropriate given the constraints of the preliminary plans.

<u>Town Board or Department</u>	<u>Last Dated</u>	<u>Applicant's overall response.</u>
1) <u>Building Department</u>	<u>February 6, 2018</u>	
2) <u>Conservation Department</u>	<u>February 8, 2018</u>	<u>Primarily Notice of Intent issues.</u>
3) <u>Board of Health</u>	<u>February 9, 2018</u>	<u>Primarily Septic Permit issues.</u>
4) <u>Police Department</u>	<u>February 9, 2018</u>	<u>See TEC responses.</u>
5) <u>Department of Public Works</u>	<u>February 12, 2018</u>	<u>See Tetra Tech and TEC responses.</u>

### **1) FEBRUARY 6, 2018 BUILDING DEPARTMENT COMMENTS**

- As of today the Building Department is not aware of the applicants' request to waive §198-1702.2 of Town zoning. (see 1.24.18 e-mail notifying applicant of zoning requirements, including applicant to provide base flood elevation data when not provided by FIRM). See Requested Waivers.
- The Engineer that prepared the current revised site plans (received 1.18.18) does not specify in NOTES that the current proposed building is to be located outside of the SFHA/Zone A. To be affirmed with Building Permit set.
- Though the 9.23.16 Project Eligibility/ Site Approval states that, "The proposed building and associated infrastructure are all located in an upland area..." it appears that currently proposed site improvements continue to be located in the SFHA/ Zone A where the applicant does not provide base flood elevation data. (see finished grade related to proposed elevated septic system, the proposed emergency access road and proposed impervious parking). See Requested Waivers.
- Applicants' certification that "All" proposed encroachments will not result in an increase in said flood levels is to be based upon the best available floodway data. The required data and certification is crucial to the proposed development of this site and should be provided as soon as possible in order to facilitate the ZBA's review of your application. Please provide a timetable. See Requested Waivers.

### **2) FEBRUARY 8, 2018 CONSERVATION DEPARTMENT COMMENTS**

Most of these comments pertain to a Stormwater Management Plan which was submitted and reviewed by TetraTech, the ZBA's Civil Engineering consultant. TetraTech has substantially agreed with the Applicants characterization of RFA and the acceptability of the Stormwater Management Plan.

- The determination of the degraded areas within the riverfront area at the proposed Cascade development is not consistent with my observations at the site. All the photographs submitted with the soil logs, with the exception of one, show plants and root material, indicating the location of the test hole is not degraded, possibly



disturbed. My previous estimate that approximately 5,000 sf of the inner riparian area is degraded is more accurate than the estimate presented on plan dated Jan. 16, 2018. Much of the inner riparian area was used for the storage of nursery plants and the disposal of dead plants. This area is not degraded. We respectfully disagree with the above characterization. We will submit a Notice of Intent and updated Stormwater Management Plan at a later date which supports our proposal and may be deliberated by the Conservation Commission.

- Under the Massachusetts Stormwater Handbook regulations, the Cascade project does not meet the definition of redevelopment because the project will result in an increase in impervious surfaces, therefore all applicable Stormwater Management Standards need to be met. The statement that the current site contains 3.60 acres of impervious surfaces includes gravel areas. The gravel areas are pervious and need to be eliminated from this value and results in 1.085 acres of existing impervious surface versus 1.58 acres under post-development conditions. While all Stormwater Management Standards have been met, we respectfully disagree with the commission's characterization. Again, the ZBA's consultant TetraTech supports the applicants Stormwater Management Plan and proposition that the site qualifies as redevelopment. We will submit a Notice of Intent and updated Stormwater Management Plan at a later date which supports our proposal and which may be deliberated by the Conservation Commission.
- Pine Brook is a cold-water fishery as designated in 310 CMR 9.02 and 10.04. Stormwater discharges near or to any critical area requires the use of specific source control and pollution prevention measures and specific structural stormwater best management practices determined by DEP to be suitable for managing discharges. Noted.
- Stormwater Management Standard 1 requires no new stormwater conveyances may discharge untreated stormwater directly to or cause erosion in wetlands or waters of the Commonwealth. The statement on page 5 claims compliance with this Standard; however the Checklist on page 3 of the Stormwater Report does not indicate compliance with "outlets have been designed so there is no erosion or scour to the wetlands and waters of the Commonwealth". This project needs to comply with Stormwater Standard 1. If any omissions exist they will be remedied with the NOI submission.
- The applicant claims that Standard 2 has been met and post-development peak discharge rates do not exceed pre-development peak discharge rates. The applicant will need to eliminate the gravel areas from the impervious surface value and then evaluate Standard 2 using the correct impervious value. We respectfully disagree with the above characterization. We will submit a Notice of Intent and updated Stormwater Management Plan at a later date which supports our proposal and may be deliberated by the Conservation Commission.

- Standard 3 requires that the infiltration volume of precipitation into the ground under post-development conditions is at least as much as the infiltration volume under pre-development conditions. The applicant claims compliance with this Standard even after removing the gravel areas from their total impervious area. The infiltration basin is undersized for this proposed development. The available storage in the infiltration basin is 8,615 cf, whereas the volume of water generated from post-development impervious surfaces during a 10 year is 20,538 cf (and 32,344 cf during a 100-year storm). [Note, I used the NOAA Atlas 14 precipitation data, not the data used by the applicant.] According to the area listings in the stormwater report, 0.606 acres of roofs and pavement are not connected to stormwater management, although these should be treated and infiltrated. In addition, the routing diagram provided is impossible to follow on the preceding site plan. The diagram shows that PDA-4 discharges to the abutting property. The diagram does not show what roofs and impervious surfaces are not captured. We respectfully disagree with the above characterization. We will submit a Notice of Intent and updated Stormwater Management Plan at a later date which supports our proposal and may be deliberated by the Conservation Commission.
- Standard 3 also requires at least 44% of the total suspended solids (TSS) must be removed prior to discharge to the infiltration structure when the discharge is near a critical area. Standard 3 needs to be met. We will submit a Notice of Intent and updated Stormwater Management Plan at a later date which supports our proposal and which may be deliberated by the Conservation Commission.
- Standard 4 requires that stormwater management systems shall be designed to remove 80% of the average annual post-construction load of TSS. The Stormwater Report summary claims to meet this requirement, however, the Stormwater Report Checklist does not indicate how the BMP can meet Standard 3 and remove at least 44% TSS prior to infiltration. Standard 4 needs to be met or the applicant needs to provide the proper documentation. We will submit a Notice of Intent and updated Stormwater Management Plan at a later date which supports our proposal and which may be deliberated by the Conservation Commission.
- Standard 5 does not apply to this proposed project. We will submit a Notice of Intent and updated Stormwater Management Plan at a later date which supports our proposal and which may be deliberated by the Conservation Commission.
- Standard 6 requires the use of specific source control and pollution prevention measures and specific structural stormwater best management practices determined by DEP to be suitable for managing discharges to critical areas. The summary claims compliance with Standard 4, but this is not sufficient for Standard 6. Standard 6 requires 44% TSS removal prior to infiltration, 80% TSS removal prior to discharge, and thermal controls on the discharge waters. Source controls and pollution prevention are particularly important to critical areas and that includes proper management of snow and deicing chemicals. Standard 6 need to be met. We will

submit a Notice of Intent and updated Stormwater Management Plan at a later date which supports our proposal and which may be deliberated by the Conservation Commission.

- Standard 7 does not apply to this proposed project because the amount of post-development impervious surface is greater than pre-development. All Stormwater Standards, with the exception of Standard 5 need to be met. We will submit a Notice of Intent and updated Stormwater Management Plan at a later date which supports our proposal and which may be deliberated by the Conservation Commission.
- Standard 8 requires a plan to control construction related impacts. A Construction Period Pollution Prevention and Erosion and Sedimentation Control Plan and a copy of the SWPPP were included in the Stormwater report but not reviewed at this time. Noted.
- Standard 9 requires submittal of a long-term Operation and Maintenance Plan. Based on my review, I expect that changes to the Stormwater report will initiate changes to the O&M Plan, thus, further review of this plan will be required. We will submit a Notice of Intent and updated Stormwater Management Plan at a later date which supports our proposal and which may be deliberated by the Conservation Commission.
- Standard 10 states that all illicit discharges to the stormwater management system are prohibited. An illicit discharge compliance statement was included in the stormwater report, but not signed. Standard 10 prohibits illicit discharges to stormwater management systems, not only municipal systems as stated in the compliance statement. No site map was included in the stormwater report as required by this standard. The discharge conveyances from Route 20 are not shown on the site plans. Standard 10 needs to be met. We will submit a Notice of Intent and updated Stormwater Management Plan at a later date which supports our proposal and which may be deliberated by the Conservation Commission.

#### 1) **FEBRUARY 9, 2018 BOARD OF HEALTH COMMENTS**

- **Accurate list of waivers:** We request a list of the BoH waivers being requested in writing by the applicant. Originally the waiver list referenced waivers from, “all BoH Regulations” which is not acceptable.  
See June 14, 2018 submission.
- **Missing information:** The architectural plans have been revised including the footprint of the building and the outline of the proposed leaching areas. On 2/7 we received site plans that include deep test hole locations, and numbers for identification, however, the outline of the 2 leaching areas is not shown. We request this be added to the plan and a full sized plan be provided, otherwise it is

not useful for our review. The soil testing details from 11/10/17 in the storm water drainage area(s) have still not been provided.

Subject to receipt of the HydroGeo report the Board of Health is in receipt of all plans and material requested and sufficient for a Comprehensive Permit review. A fully documented Septic Permit will be submitted at a later date.

- **Hydrogeo study not provided:** this was requested by BoH to assist in our review due to concerns for; the design flow of 9,900 gpd, the soils/ESHGW/ledge/offsets, and waivers being requested. This study has been going on since 10/31/17. The study will include a mounding analysis. The 50 foot offset to wetlands will be measured from the edge of the mound and I do not know if required offsets can be met. We were advised by Joe Peznola that the study is expected around February 19th and given the timetable, this does not allow adequate time for review. I urge the ZBA to require that the study be provided and request an extension for this project to allow adequate time for staff and peer review of the study once it is provided.

The Board of Health directed the applicant that a HydroGeo study would only be acceptable if ESHGW was established in late March or April 2018. We complied with this directive and will deliver the HydroGeo Study accordingly at a later date.

- **Additional soil testing due to concern for ledge:** I request additional soil testing and investigation to be done by the project applicant based on concerns for ledge (bedrock). I have serious concerns regarding the areas of ledge that have been encountered due to the large size of the system, close proximity to wetlands, cold water brook, and no alternative area to relocate the system. Untreated sewage can move quickly from the leaching area into ledge fractures and contaminate the brook. When Title 5 Regulations were created they did not expect systems this size/gpd to be proposed, wetland offsets in Title 5 did not consider these large systems as they expected wastewater treatment facilities to support these large flows. This issue could also impact stormwater. The following investigation is requested to be provided by the developer as part of the HydroGeo study: Determine the integrity of the ledge; is it porous and/or rotten rock, research and map the underground topography; depth of ledge and depth/extent of soils as per Title 5 15.240, show the delineation of ledge on a map (where the ledge begins and ends).

The proponent acknowledges that additional testing within the footprint of the existing buildings and/or septic system will most likely be required at such time as the structures are removed. However, all test pits shown within the proposed areas on the latest site plan submitted were witnessed by the Board of Health. For the test pits conducted by Onsite, the suitability of the soils was determined in the field in concert with the Health Agent and the practical limits of suitable soils were established. This was done as a matter of standard practice for soil testing for septic systems, as required in 310 CMR 15.000

(Title 5). This information was used as the basis of the septic system layouts proposed.

As shown on the submitted testing soil logs and septic system layout plan, the site has been extensively tested beyond the minimum requirements set for in 310 CMR 15.240 and the test pits within the proposed effluent disposal areas have a minimum four feet of parent material and do not contain unsuitable soils. However, as part of the formal permitting process, hydraulic profiles of the proposed effluent disposal systems, with mounded groundwater offsets and depths to ledge (as determined from the test pits and soil borings) will be provided as part of the final septic system design submitted during the disposal works application process.

- Updated site plans must be provided showing the revised footprint of the buildings and outline of septic system leaching areas and septic components, soil test hole locations, associated numbers and any monitoring wells onsite.  
Plans sufficient for a Comprehensive Permit submission and review have been received by the Board of Health. Septic Permit specific plans will be tendered at a later date.

**2) FEBRUARY 9, 2018 POLICE DEPARTMENT COMMENTS. These are redundant with the Town's transportation consultant TEC comments.**

- Parking Concerns – Is there adequate parking for residents and guests? Wayland is a rural community. There are no public transportation options in Wayland. Most residences have one vehicle per licensed driver. Cascade reflects more than 1.6 parking spaces per unit. This is greater than the Town's own design of Rivers Edge at 1.5 spaces per unit. To that end we have proposed a level of resident and visitor parking which comports with other comparable suburban rental residential environments which lack public transportation availability.
- Pedestrian Safety – Provide a safe location/area designated for school bus pick up and drop off. We anticipate developing a plan in concert with the Wayland School Department as part of MASSDOT permit.
- Increased Traffic – This project will add several hundred additional vehicle trips each day to Boston Post Road. The TIAS has been substantially agreed upon between the Zoning Board of Appeals Transportation consultant TEC and the Proponent. To wit under rush hour conditions Cascade is expected to add between 30 and 50 additional hourly vehicle trips to the Route 20 corridor, a roadway that currently carries between 1,200 and 1,400 vehicles per hour. This reflects a 2-3 percent increase over current volumes and is consistent with the levels for when the previous garden center was in use.

**3) FEBRUARY 12, 2018 DEPARTMENT OF PUBLIC WORKS COMMENTS – the majority of these comments are redundant with Tetra Tech Comments and / or exceed the level of preliminary detail appropriate to a Comprehensive Permit filing and will be addressed at a later date through various construction permits.**

The proposed project involves the construction of 60 apartments in a single multi-story building (project). This submittal represents a significant change from the original project submitted in August of 2017. Substantial modification to the existing parcel is required in order to accommodate the new project. The project results in significant modification to the existing features with the demolition of all existing structures and the removal of a substantial portion of the existing natural cover. The modifications result in a significant increase in impermeable and low permeable area. The project will also require modification of the water connections and the modification of existing curb cuts. Cascade represents an improvement in site particulars and operation as evidenced by the submissions to date including the Stormwater Management Report and River Front Area analysis.

**Water Connections**

The plans currently depict all existing water services as being connected to the new 12" ductile iron water main located on the north side of the Road. The new water services do not appear to be reflected on the limit of work C101.

Based upon a review of our records, the Mahoney's Garden Center and the 113 Boston Post Road property have a total of 3 service connections to the water main on Rt. 20:

1. 6" Fire Service with a 1" domestic service line tapped on the property feeds the main building and rear greenhouses.
2. The large greenhouse has its own 1" water service tapped on Rt.20.
3. The 113 Boston Post Road property has a 1" water service tapped on Rt. 20.

The project documentation depicts two existing services tapped from an abandoned 6" water main. The sizes of the proposed water services are not indicated. All existing water services are indicated to be abandoned and capped at the property line. Based upon the proposed project the following considerations should be included in the project documentation.

1. Any abandoned water services (the existing 6" and 1" water services) that feed the property and 113 Boston Post Road) must be cut and capped at the water main. They cannot be abandoned at the property line.
2. The fire service line for the new complex will be sized by the MA Fire Protection Professional Engineer.
  2. The domestic water service and fire service line must be in separate trenches (5 feet apart), with a minimum of 10' separation from other utilities.

All of the above water issues will be addressed by the Applicant's Wayland Water Service Applications and / or the Building Permit submission.

Fire flow testing for the project was conducted and no issues were identified. Existing customers should not be impacted by the new demands on the system.

The Town is currently limited from a water supply standpoint. We request the project proponent provide information on the average annual water use demand. The Proponent anticipates a peak water usage of 4,895 GPD peak. If Wayland suffers a limited water availability it is not due to this project or peak pumping capacity / safe yield but a result of a limiting Water Management Act permit (WMA). A limiting WMA is primarily due to system management or is a political matter that can be resolved by interaction with the Water Resource Commission. The Applicant Team welcomes the opportunity to assist the Town, as it has in other Massachusetts communities.

The project depicts the preservation of the on-site well. There are several requirements associated with the reuse of the well that must be complied with as part of its use in the Town. Any formal irrigation systems must be permitted through the Department of Public Works and is subject to Conservation Commission requirements. Additionally, backflow prevention protection may be required and permitted through the Water Department.

Further detail is required to assess the plans with regards to the onsite configuration and metering. Details regarding the construction and the connection to the existing water system are required before the approval of the connection can take place. Acknowledged.

Permits will be required from the DPW related to the water improvements associated from the project. Acknowledged – see above.

Proponent needs to update the plans to reflect the conditions indicated. The plans will be updated and submitted upon Water Connection and / or Building Permit.

### Transportation

No off-site improvements are proposed to accommodate the changes in vehicle trips that will occur as a result of the project.

The traffic study noted that the Project will not impact current operations and, therefore does not recommend any off-site roadway improvements. The Town's Peer Review consultant, TEC, concurred with this assessment. The Applicant will work with MassDOT to finalize the design of the driveways. See ZBA record re TIAS.

No improvements are presented to restore/improve the former curb cuts within the right of way. It is recommended that comprehensive improvements be required to restore pedestrian walks and eliminate the existing to be abandoned curb cuts. MADOT jurisdiction.

As noted, the applicant is obligated to work with MassDOT to develop the driveway openings to the Project site as well as address the disposition of any former curb cuts

and/or sidewalks along the site frontage.

Permits will be required from the DPW related to the construction of utilities on the site associated with the project. Acknowledged.

Proponent needs to update the plans to represent the final project conditions within

the right-of way. The final conditions will be memorialized as part of securing

the MADOT permit.

### Construction Protection

Boston Post Road (Route 20) is a state highway and under the jurisdiction of the Massachusetts Department of Transportation. Any work within the state road layout will be subject to their permitting and requirements. It is noted that the construction staging plan proposes a construction pad within the right of way. This area is currently used by pedestrians and others. The plans should be revised to have the construction pad to be located entirely within the project site.

As noted, the applicant is obligated to work with MassDOT to develop the driveway openings to the Project site as well as address the disposition of any former curb cuts and/or sidewalks along the site frontage. Any use of MassDOT owned State Highway Layout will be coordinated with MADOT.

No protection of the existing stormwater system, silt sacks or similar, is depicted on the plans during construction. The DPW is concerned that materials from the site may be tracked by vehicles and be deposited in the stormwater system ultimately leading to a discharge to a Town controlled waterway. The incorporation of more extensive requirements for debris control, as well as the installation of appropriate siltation protection is recommended within the right of way. In order to institute sufficient protections we will submit a Notice of Intent and updated Stormwater Management Plan in addition to construction documents, SWPP and NPDES submissions at a later date.

The Civil Plans provide details on the use of sedimentation controls for the project. The locations of the sediment control are not depicted Plans. Soil stockpiling will likewise occur. The proponent should update the plans to depict the locations and types of sedimentation control and soil stockpiling that are likely to occur on the site. Uncontrolled sediment discharges to the Brook will result in substantial and unnecessary damage to the Brook. Sediment discharges will decrease the capacity of the Brook and result in the increased risk of flooding. In order to institute sufficient protections we will submit a Notice of Intent and updated Stormwater Management



Plan in addition to construction documents, SWPP and NPDES submissions at a later date.

The topic of following Stormwater Management Plan discussion has been reviewed by Tetra Tech and substantially approved. The comments to this section exceeds the purpose of a Comprehensive (Preliminary) Plan and are redundant with other comments proffered to date.

The project proposes to manage the stormwater created by the development - reduced porosity/impervious surfaces through a combination of treatment, Infiltration, and discharge to land immediately adjacent Pine Brook. The existing conditions and proposed stormwater management system was modeled using Microsoft HydroCAD for the 2-year, 10-year 25-year and 100-year Middlesex County storms. A number of the assumptions provided in the report do not appear to reflect the existing site conditions.

1. The existing conditions modeling assumes that the existing gravel surfaces are primarily impervious in nature. This is counter to the accepted practice of the incorporation of gravel in new projects for its property of facilitating the infiltration of stormwater. Proponent needs to provide information that supports their analysis concerning the existing conditions of the "gravel". In order to institute sufficient protections we will submit a Notice of Intent and updated Stormwater Management Plan in addition to construction documents, SWPP and NPDES submissions at a later date.
2. The existing on-site conditions do not reflect a largely impervious surface. Limited ponding occurs in the area of the parking lot to the immediate south area of Route 20. Other areas are largely free of standing water even in areas that contain depressions. This would indicate the existing conditions support the Infiltration of stormwater. Proponent needs to further information that supports the analysis concerning the existing conditions of the impervious "gravel". In order to institute sufficient protections we will submit a Notice of Intent and updated Stormwater Management Plan in addition to construction documents, SWPP and NPDES submissions at a later date.
3. The Riverfront Area analysis submitted provides profiles of the in-situ soils throughout the property. The profiles present information that the existing conditions contain good draining soils. Proponent needs to provide information that supports the Riverfront Analysis soil research does not represent good draining soils. In order to institute sufficient protections we will submit a Notice of Intent and updated Stormwater Management Plan in addition to construction documents, SWPP and NPDES submissions at a later date.
4. A review of the edges of the property do not provide any visual indications of large volumes or high velocity discharges that would be indicated by the existing conditions modeling parameters. Proponent should provide information that supports

the existence of high velocity /large volume discharges from the site. In order to institute sufficient protections we will submit a Notice of Intent and updated Stormwater Management Plan in addition to construction documents, SWPP and NPDES submissions at a later date.

5. The storms modeled do not represent the most up-to-date estimates of rainfall for the modeled events. Proponent should update modeling to include up-to-date values. In order to institute sufficient protections we will submit a Notice of Intent and updated Stormwater Management Plan in addition to construction documents, SWPP and NPDES submissions at a later date.

6. Any modification to the modeling may result in the need to manage significantly more stormwater on the site. Increased volumes at higher discharge rates to Pine Brook cannot be allowed as they will result in further capacity concerns with the DPW's culvert located immediately downstream of the project on Pinebrook Road. Proponent should clearly indicate that the modeling provided represents the conditions of the existing and proposed conditions. In order to institute sufficient protections we will submit a Notice of Intent and updated Stormwater Management Plan in addition to construction documents, SWPP and NPDES submissions at a later date.

A proprietary Stormceptor® with an infiltration/detention basin is proposed to provide stormwater management. The report indicates the unit will be sized to handle the 1-inch storm. The detail on the Civil Plans does not provide any information on how storms that exceed the 1-inch size will be managed. In those cases, it is typical that no treatment will be provided, resulting in the discharge of untreated stormwater to the basin. This may result in the discharge of stormwater with sediments to the Brook. Sediment discharges will decrease the capacity of the Brook and result in the increased risk of flooding. The proponent should provide additional detail on how stormwater sediments will be managed under storm condition exceeding the Stormceptor® capacity. Proponent should provide information on the configuration of the system to manage flows that exceed 1-inch. In order to institute sufficient protections we will submit a Notice of Intent and updated Stormwater Management Plan in addition to construction documents, SWPP and NPDES submissions at a later date.

1. The basin is located in an area that has not received any test pit or other sub-surface soil analysis to determine if adequate distance between the existing groundwater elevation and the bottom of the basin exists. Proponent needs to provide information relating to these design considerations. In order to institute sufficient protections we will submit a Notice of Intent and updated Stormwater Management Plan in addition to construction documents, SWPP and NPDES submissions at a later date.
2. The HydroCAD model output lacks detail in which a clear understanding of the operation of the system under the differing modeled storms. **I**t appears the "outflow" elevation is about 155+ feet, which does not corroborate with the Civil Plans. Proponent needs to provide additional details on the modeling output. In order to institute sufficient protections we will submit a Notice of Intent and updated Stormwater Management Plan in addition to

construction documents, SWPP and NPDES submissions at a later date.

3. The model indicates that for the 2-year 24-hour storm only about 0.004 acre feet (1,300 gallons) of stormwater placed into the basin is infiltrated with the rest discharged to Pine Brook. Proponent needs to provide clear information on the basis of the model inputs as compared to the Civil Drawings. In order to institute sufficient protections we will submit a Notice of Intent and updated Stormwater Management Plan in addition to construction documents, SWPP and NPDES submissions at a later date.
  
4. The Civil Plans and the HydroCAD modeling do not contain consistent information regarding the size, capacity and elevations for the basin. The modeling indicates the bottom elevation is 155, but the plans provide a detail that states the "1=157.20" as the bottom of the basin. Based upon the higher elevation the capacity of the basin is only about 2,000 cubic feet. These conditions are not representative of the modeling. The impervious area draining to the basin provides approximately 4,000 cubic feet of stormwater, which will result in the discharge of the flow to the Pine Brook during a 1-inch event. This will result in increased volumes and sediment discharges to the brook. Sediment discharges will decrease the capacity of the Brook and result in the increased risk of flooding. In order to institute sufficient protections we will submit a Notice of Intent and updated Stormwater Management Plan in addition to construction documents, SWPP and NPDES submissions at a later date.

Proponent needs to clarify the details of the design of the basin and provide one set of assumptions as well as modeling regarding the project. In order to institute sufficient protections we will submit a Notice of Intent and updated Stormwater Management Plan in addition to construction documents, SWPP and NPDES submissions at a later date.

The outfall from the basin is directed to a slope immediately adjacent to Pine Brook. This area according to the plans has a significant slope, about 25% (1 in 4). The outfall volume and velocity will result in significant scour to the area immediately beyond the constructed flow spreader. This will result in damage to the banks and deposition of sediments to the Brook downstream. The proponent needs to provide information regarding the management of flows and the impacts to the bank of the Brook. Proponent needs to identify means that will be used to prevent erosion. These drawings are meant to be preliminary in nature. The plans will be amended for purposes of construction, NPDES, SWPPP to more accurately reflect the necessities of purpose and operation.

Flood Insurance maps were reviewed in the context of the project. The 100-year recurrence storm limits appear to have been depicted in the approximate locations on the plans. No elevations are identified on the maps. Changes to the elevations of in those areas are proposed as part of the project. No mitigation is depicted on the plans for the changes within the flood plain. The proponent needs to provide the 100- year elevation and provide information on the projects impacts as well as mitigation. This is a zoning / building code issue and will be addressed at the time of our building permit application.

The proponent was advised of existing drainage piping on the property serving catch basins located on the MassDOT roadway, Route 20, through a previous review of the project by the

DPW. After investigations by the project proponent, we were advised that the drainage piping did exist. The Civil Plans do not depict the piping or any improvements that would allow the drainage to be continue to be used as part of the project. Any disruption to this piping will result in flooding to Route 20 and further abutters downgradient of the project along Route 20, including Pinebrook Road. The proponent should provide information regarding the coordination and details regarding the continuation of the use of this drainage as part of the project. The alleged Boston Post Road / Route 20 drainage problem is a Town of Wayland problem. It represents conveyance of stormwater onto anther's property which is a potential violation of the Massachusetts Stormwater Protection Act. As an accommodation we look to the Town to work with us and MassDOT to identify any piping into the stream with the exception of the greenhouse foundation and floor drains. We are willing to work with and help the Town mitigate its Route 20 drainage problem.

The Stormwater Pollution Prevention Plan (SWPP) and was not reviewed by the DPW. This submittal is a Federal requirement for a construction project of this size and scope. The expectation of submitting the SWPPP at this stage is premature. In order to institute sufficient protections we will submit a Notice of Intent and updated Stormwater Management Plan in addition to construction documents, SWPP and NPDES submissions at a later date.