



**TOWN OF WAYLAND**  
MASSACHUSETTS  
01778  
**BUILDING DEPARTMENT**

Geoffrey S. Larsen, CFM  
Building Commissioner

TOWN BUILDING  
41 COCHITUATE ROAD  
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July 10, 2018

Zoning Board of Appeals  
41 Cochituate Road  
Wayland, MA 01778

Re: 113,115,117 and 119 Boston Post Road, Map 30 Parcels 70, 71; Eden Management Inc. application under c.40B; Federal Flood Hazard Area Regulations.

Dear ZBA members,

To date I am not aware that the applicant has provided a certification that the current proposed building footprint is actually outside the special flood hazard area following the construction of associated proposed infrastructure as was indicated in the September 23, 2016 project eligibility/ site approval. (see Attachment 1 Environmental Resources, p.9)

The applicant does however assert as recently as June 24, 2018 that the "design" is up gradient of the 2014 or 2010 FEMA line. (see Exhibit A-1 supplemental list of requested waivers)

The information I reviewed from both FEMA and the MA Department of Conservation and Recreation agree that if the size of the property to be developed is greater than 5 acres there is no exemption from US Code of Federal Regulations Title 44 part 60.3 (b)(3). This Federal regulation would require that the applicant include base flood elevation data even if the BFE is not included on the current FEMA flood maps (FIRM). It would be reasonable to have expected the applicant's determinations being provided earlier as part of the applicant's long standing assertion of exemption from flood hazard area requirements despite the site having a special flood hazard area with no FEMA determined BFE provided.

Whereas the applicant has as of June 18, 2018 requested a waiver of the Town's Federal Flood Plain Protection District requirements it appears that the applicant has determined that the Board's action related to the Comprehensive Permit does not first require satisfying Federal flood hazard requirements.

Respectfully,

Geoffrey S. Larsen  
Building Commissioner

CC: gsL file; Town Counsel, Applicant, Mr. Peznola, DCR