



M.A. KABLACK & ASSOCIATES, P.C.

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176 East Main Street, Suite 3, Westborough, MA 01581  
phone 508-366-2900 fax 508-366-1089

MARK A. KABLACK  
email mkablack@kablacklaw.com

November 16, 2017

**Via Email and Hand Delivery**

Linda Hansen  
Conservation Administrator  
Town of Wayland  
41 Cochituate Road  
Wayland, MA 01778

Re: 24 School Street, Wayland, MA (the "Property")  
Windsor Place-Notice of Intent (the "Project")

Dear Commission Members:

As you may know, this office serves as legal counsel to Windsor Place LLC in connection with its proposal to redevelop the Property into twelve residential townhomes in accordance with our Notice of Intent filing. We understand that the Commission seeks to retain technical review of the Project, including the Stormwater Report prepared by Metrowest Engineering, Inc. and "site plan review." You have provided a Scope of Services (attached) that lists six (6) bulleted review items. We reject this Scope of Services as we believe it is overly broad as written and redundant of technical review already provided to the Town in connection with this Project.

In conjunction with our application to the Zoning Board of Appeals for a Comprehensive Permit, which permit includes all local bylaw permits and approvals, including approvals under the local wetlands bylaw, the Zoning Board of Appeals has retained the services of TEC, Inc. to provide review of the Stormwater Report and site plan. The Town entered into a contract for same on September 21, 2017 (attached). Furthermore, TEC, Inc. provide a report to the Town dated October 6, 2017 (attached). To the extent the Commission's Scope of Work seeks to repeat the review already performed for the Town by TEC, Inc., this review is redundant, and, therefore, unnecessary.

Windsor Place LLC is in the process of completing a groundwater mounding analysis of the Project in response to concerns raised by the Commission and the Zoning Board of Appeals. We are receptive to that analysis being reviewed by a third-party technical consultant. However, as we have stated to the Zoning Board of Appeals at our most recent hearing, which was also attended by the Chair of the Commission, such additional review should be coordinated between the agencies of the Town (Conservation Commission, Zoning Board of Appeals and Board of Health), so as to avoid further redundancy.

Linda Hansen  
Conservation Administrator  
November 16, 2017  
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We are receptive to reviewing a revised Scope of Work consistent with the provisions of this letter.

Sincerely,

*Mark A. Kablack*

Mark A. Kablack

cc: Joseph Peznola  
Elizabeth Reef  
Carolyn Murray, Esq.

Peer Review Scope of Services for 24 School Street Notice of Intent application:

1. Site inspection to evaluate and confirm existing site conditions
2. Stormwater report and site plan review. Review original stormwater management report and all revisions, comment letters, and mounding analysis prepared by applicant's engineer. The stormwater evaluation will be performed by a MA professional engineer with stormwater design expertise.
3. NOI application review of the stormwater related sections
4. Prepare a letter report summarizing compliance of the project design and stormwater approach relative to the Act and regulations, and evaluating the overall design.
5. Perform one follow up review to responded by the Applicant.
6. Review the draft decision prepared by the Conservation Commission.

**TOWN OF WAYLAND  
ON-CALL ENGINEERING SERVICES  
CONTRACT NO. 18-2003  
TASK ORDER NO. 3**

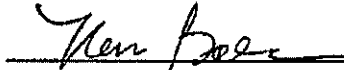
**CIVIL ENGINEERING & STORMWATER PEER REVIEW 24 SCHOOL STREET**

The above-referenced contract between the Town of Wayland and TEC, Inc. - "The Engineering Corporation, 65 Glenn Street, Lawrence, MA 01843 will be amended to include a Task Order as follows:

This Task Order is for the provision of Engineering Services to conduct Civil Engineering and Stormwater Peer Review for proposed 40B Housing Proposal at 24 School Street, Wayland, MA as specified in the attached proposal, dated September 14, 2017, at a cost not to exceed \$4,900 (Four Thousand Nine Hundred Dollars and no cents).

All other particulars will remain the same and in accordance with the original contract dated July 27, 2017.

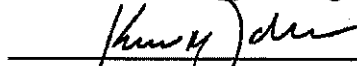
**TOWN OF WAYLAND**

  
\_\_\_\_\_

Nan Balmer, Town Administrator

Date: 9-21-17

**TEC, Inc. - "The Engineering Corporation"**

  
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Signature

Date: 9/19/2017

Kevin R. Dandrade - Principal / Vice President

Print Name & Title

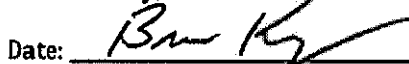
**APPROVED AS PROJECT MANAGER:**

  
\_\_\_\_\_

Geoffrey S. Larsen, Building Commissioner

Date: 9-20-17

\_\_\_\_\_  
Brian Keveny, Director of Finance

Date:   
\_\_\_\_\_

Appropriation No.: 10-25804

Purchase Order No.: N/A

In accordance with M.G.L. C.44, Section 31C, this is to certify that an appropriation in the amount of this contract is available therefor and that the Town Administrator has been authorized to execute the contract and approve all requisitions and change orders.



65 Glenn Street | 169 Ocean Blvd.  
Lawrence, MA 01843 | Unit 101, PO Box 249  
Hampton, NH 03842  
T: 978.794.1792 | T: 603.601.8154  
TheEngineeringCorp.com

## CLIENT AUTHORIZATION

- ☐ New Contract  
☒ Amendment No.: 1

Project No.: T0737.01  
Date: September 14, 2017

**Project Name:** Civil Engineering & Stormwater Peer Review – Proposed 40B Housing Proposal  
24 School Street – Wayland, MA

**Client:** Ms. Elizabeth Reef, Administrator  
Town of Wayland ZBA  
41 Cochituate Road  
Wayland, MA 01778

Fee Proposal	
Civil Engineering Peer Review	\$4,900.00
Response to Comments Review	Included
Meeting Labor	Included
Expenses & Admin Fee	Included
<b>TOTAL</b>	<b>\$4,900.00</b>

Requested by: Joe Peznola, Hancock Assoc.

- ☒ Lump Sum  
☐ Cost + Fixed Fee  
☒ Time & Expenses  
☐ Other  
Estimated Date of Completion: As required by Town

### Scope of Services:

The Town of Wayland Zoning Board of Adjustment (Client) is retaining TEC, Inc. to perform civil engineering and stormwater report review services associated with the review of a Comprehensive Permit application for a proposed 40B residential development to be located at #24 School Street in Wayland. TEC will conduct a review of the Applicant's site plans and stormwater report; and prepare a letter summarizing the findings of a peer review for submission to the Town's ZBA.

The original scope of work for Tasks 1 through 3, related to traffic engineering review services, has a contract limit of \$3,750.00. The scope of work associated with Task 4 (Civil Engineering Review) has a value of \$4,900.00. The total upset limit for this assignment is hereby increased to \$8,650.00.

The following provides a summary of the civil engineering scope of services associated with this effort:

#### Task 4 – Civil Engineering Peer Review

##### Document Review

TEC will review the Site Plans and pending Stormwater Management Report for the proposed project submitted by the Applicant's design team. Our review of these materials will focus on Site Plan conformance to the Town of Wayland Zoning Ordinance and the stormwater management analysis and plan, including its conformance to the Massachusetts Stormwater Handbook and other industry-accepted best management practices.

##### Recommendations for Applicant Mitigation

TEC will review the recommendations and proposed stormwater mitigation for the housing development to ensure that the improvements proposed by the Applicant are appropriate to mitigate project-related impacts. Where stormwater impacts will not be properly mitigated by the Applicant's proposed mitigation measures, TEC may recommend additional measures to mitigate these impacts.

##### Materials Not Submitted

TEC will identify any items that should have been provided by the Applicant to comply with the Town of Wayland or MADEP standards that were not included within the Applicant's submittals to the Town. TEC can offer a fee proposal for any subsequent materials that may require a detailed technical review.

### Deliverables

TEC will prepare a written letter report to the Zoning Board of Appeals, with copies supplied to the Applicant and their key team members, summarizing the findings of our site plan stormwater management engineering peer review. Copies of the letter will be delivered no later than two weeks following notice to proceed and receipt of all relevant reports and analysis from the Applicant.

TEC anticipates that the Applicant's team will prepare a 'response to comments' document to respond to the peer review report discussed above. TEC will prepare a subsequent peer review letter to document the appropriateness of any responses or changes in the study. TEC will issue a letter to Town staff within two weeks following TEC's receipt of the materials and any appendices.

### Meetings

TEC will be available to attend staff meetings or Zoning Board meetings, as necessary, to review the findings of the peer review. TEC has prepared this proposal assuming attendance at the following meetings:

- One (1) meeting with Town staff and/or Applicant's team to review the results of the site plan review, stormwater management analysis, drainage improvements, and potential mitigation;
- Two (2) Zoning Board hearings to review the stormwater management findings for the project.

Engineering labor, meeting time, and expenses may include time associated with preparation of graphics and other materials for the meeting, reproduction, travel expenses, etc.

As part of Task 4, TEC will not exceed a total lump sum fee of \$4,900.00 for the labor and expenses noted above, unless approved by the Client.

### Note:

Should the Applicant's consultants prepare additional response to comments or supplemental analysis documents, TEC will be available to review these documents at a commensurate increase in the labor fee. TEC will secure written approval from the Client prior to completing any out-of-scope services. Email authorizations are acceptable as a Notice-to-Proceed on subsequent tasks.

Time associated with the scope of services for Task 4 listed above will be billed on a lump sum basis. Any supplemental services will be billed in accordance with the ENGINEER's standard billing rate and fee schedule on a time-and-expenses basis.

**Prepared by:** Peter F. Ellison, PE

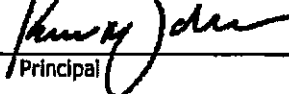
**Project PM:** Kevin R. Dandrade, P.E., PTOE

Please execute this Client Authorization for TEC, Inc. to proceed with the above scope of services at the stated estimated costs. No services will be provided until it is signed and returned to TEC.

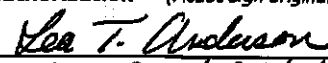
☐ Subject to attached terms & conditions

☒ Subject to terms & conditions in our original agreement

#### **TEC, Inc. Authorization**

By   
Title Principal  
Date 9/14/2017

#### **Client Authorization** (Please sign original & return)

By   
Title Chair Board of Selectmen  
Date 9/18/17



65 Glenn Street | 169 Ocean Blvd.  
Lawrence, MA 01843 | Unit 101, PO Box 249  
Hampton, NH 03842  
T: 978.794.1792 T: 603.601.8154  
TheEngineeringCorp.com

Jonathan M. Sachs, Chair  
Zoning Board of Appeals  
Town of Wayland  
41 Cochituate Road  
Wayland, MA 01778

October 6, 2017

Attn: Elizabeth Reef, ZBA Administrator

Ref. T0737.03

Re: 24 School Street Comprehensive Permit  
Civil/Stormwater Peer Review

Dear Mr. Sachs and ZBA Members:

On behalf of the Town of Wayland, TEC, Inc. reviewed documents as part of the civil engineering and stormwater management peer review for the Comprehensive Permit Application for the proposed Windsor Place Townhome Project to be located at 24 School Street. The following documents were received as part of our review:

- *Existing Conditions Site Plan (1 sheet)* – 24 School Street, prepared by MetroWest Engineering, Inc., dated May 23, 2017;
- *Proposed Site Plans (6 Sheets)* – 24 School Street, prepared by MetroWest Engineering, Inc., dated September 6, 2017;
- *Stormwater Report* – 24 School Street, prepared by Metrowest Engineering, Inc., revision dated September, 2017;

TEC completed a review of these documents for the Town of Wayland and compiled the following comments during our review:

#### **General Civil Review Comments**

TEC developed the following comments based on the Town of Wayland Zoning Bylaws and engineering industry standards:

1. It appears that over time, the previous property owner has encroached upon the neighboring parcel, owned by the Town of Wayland. The Applicant has indicated that the encroachment will be removed and a wildflower seed mix will be spread in the area. TEC recommends that the Town of Wayland Conservation Commission provide a list of desired restorative features this area, including native trees and bushes.
2. The Board should note that the Applicant has requested a waiver from the following Zoning Bylaws:
  - 198.70 Front Setback – 30 feet required, (20.3 feet requested)
  - 198.701.1 Max Stories – 2.5 stories required (3 stories requested)

Plan | Permit | Design | Construct

3. The Board should note that the Applicant has requested a waiver from the following Board of Health Regulations:

- II.C.1 Design flow – 165 GPD required (110 GPD requested)
- II.D.1 Offset to Wetlands – 100-feet required (54.6-feet requested)

TEC recommends that the Board use caution before approving these waivers which could affect the nearby wetlands. TEC recommends that the Board only approve these waivers after being reviewed by an environmental specialist.

4. The Applicant proposes a wastewater soil absorption system approximately 5 feet from a new retaining wall. Although TEC is not conducting a review of the proposed septic system as part of this assignment, the Board may wish to have a specialty soils consultant provide a review to make sure the system meets all state requirements and a project-specific groundwater mounding analysis.
5. The Applicant has indicated that a 30-foot rear yard setback is required, however the proposed structure (Unit 6B) is 15.3 feet from the rear lot line. The Applicant will need to request an additional waiver for rear yard setback.
6. The Applicant has indicated a Building Coverage of 20% and 17.4% in the Zoning Table on the Proposed Layout Plan. The Applicant should clarify the required and proposed Building Coverage.
7. The Site Plans do not indicate any area for dumpsters or trash removal. The Applicant should indicate how trash removal will occur and provide turning templates for a truck if it will be required to enter the site for pickup operations.
8. The Applicant should review the potential need for an ADA-accessible parking stall within the visitor parking area.
9. The Proposed Grading Plan shows several areas within proposed pavement area that is between 10-14% slope. This is extremely steep and could be unsafe during winter months. TEC recommends that the proposed grading within proposed pavement be reviewed and attempt to reduce grades closer to 5% maximum.

### **Stormwater Review Comments**

TEC developed the following comments based on the Massachusetts Stormwater Management Handbook, published by the Massachusetts Department of Environmental Protection (MassDEP):

10. The Applicant has conservatively assumed that the entire site is a Hydrologic Soil Group B. TEC agrees with this approach, however, based on the NRCS soil map, a portion of the site is within a Hydrologic Soil Group D. The Applicant should revise the stormwater report to include this soil group.
11. The Applicant should provide full-size, scaled Watershed Delineation Plans for TEC's review.
12. The boundaries of E.C.B-1 & 2 should be revised based on the existing contours.

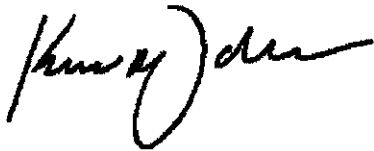


13. The boundaries of P.D.B-2 & 4 should be revised based on the high point in the proposed driveway.
14. Based on the provided calculations, the project will result in a reduced peak rate of runoff and total volume of runoff for the 2-, 10-, 25-, and 100- year storm events.
15. The Applicant has indicated an infiltration rate of 1.02 inches per hour, which is a standard infiltration rate for sandy loam soils.
16. TEC recommends that the Applicant use rainfall data from the Extreme Precipitation Tables published by the Northeast Regional Climate Center. The higher rainfall rates will provide for a more conservative design of the infiltration basin.
17. The Applicant should provide calculations for the time of concentration for existing and proposed watersheds.
18. The Applicant should add overall pervious/impervious values for the entire site to the Watershed Delineation Plans.
19. The Existing Conditions Plan shows two different locations for Percolation Test 5 & 6. The Applicant should clarify where these tests were performed.
20. Based on the provided test pit logs, the Estimated Seasonal High Groundwater (ESHGW) was observed at elevation 156.60 feet (DTH-5 elevation 162.60 feet, redoximorphic features observed at 72 inch depth). The vertical separation from the bottom of the exfiltration system (bottom of stone elevation 158.00 feet) to the ESHGW is 1.40 feet AND the recharge system is proposed to attenuate the peak discharge from a 10-year, 24-hour storm. Per Volume 3, Chapter 1 of the MassDEP Stormwater Handbook, a mounding analysis is required and must demonstrate that the Required Recharge Volume is fully dewatered within 72 hours. As noted in Comment #4, the Board should expand the review, directly or through TEC's contract, to engage a groundwater expert to review requested analysis.
21. Per Volume 2, Chapter 2 of the MassDEP Stormwater Handbook, infiltration basins must have a minimum separation from seasonal high groundwater of at least 2 feet. The Site Plans should be revised to meet this requirement.
22. The project utilizes BMPs including deep sump and hooded catch basins, water quality units, and a subsurface infiltration basin to achieve the required 80% TSS removal.
23. The Applicant should provide documentation that the proposed water quality units have been sized based on MassDEP guidance. Refer to "Standard Method to Convert Required Water Quality Volume to a Discharge Rate for Sizing Flow Based Manufactured Proprietary Stormwater Treatment Practices" published by MassDEP, dated Sept. 10, 2013.
24. Per MassDEP guidance, proprietary stormwater treatment devices shall be designed "offline", unless approved otherwise by MassDEP.
25. Per MassDEP guidance, the proposed subsurface infiltration basin should include an overflow pipe for large storm events.

26. The stormwater calculations indicate an 8-foot crest length and crest elevation of 162.80 feet. The Applicant should clarify what the 8-foot crest refers to.
27. The stormwater calculations for the 100-year storm event indicate that a flow of 0.09 cubic feet per second will flow thru an overflow device. The Applicant should indicate if an overflow device will be provided, and where the runoff will be directed.
28. MassDEP recommends that one foot of free board be provided in infiltration basins to account for design uncertainty.
29. TEC recommends that all deep sump catch basins be cleaned by vacuum truck, not clamshell bucket.
30. The Operation and Maintenance Plan should be revised to provide a detailed explanation of how the subsurface infiltration basin will be cleaned.

If you have any questions regarding the peer review, please do not hesitate to contact us at (978) 794-1792. Thank you for your consideration.

Sincerely,  
TEC, Inc.  
*"The Engineering Corporation"*



Kevin R. Dandrade, PE, PTOE  
Principal



Peter F. Ellison, PE  
Senior Civil Engineer