

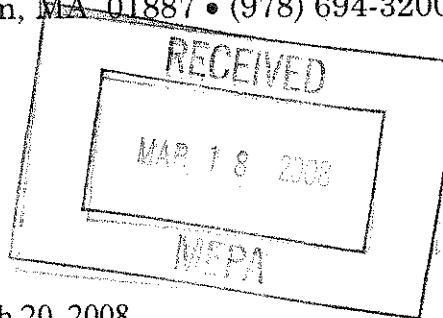


COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF ENERGY & ENVIRONMENTAL AFFAIRS
DEPARTMENT OF ENVIRONMENTAL PROTECTION
NORTHEAST REGIONAL OFFICE

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March 20, 2008

Ian Bowles, Secretary
Executive Office of
Environmental Affairs
100 Cambridge Street
Boston MA, 02114

RE: Wayland
Wayland Town Center
400 Boston Post Road
EEA # 13844

Attn: MEPA Unit

Dear Secretary Bowles:

The Massachusetts Department of Environmental Protection (MassDEP) has reviewed the second Final Environmental Impact Report (FEIR) to be submitted by Twenty Wayland LLC to construct a mixed-use commercial, residential, municipal development on a 56.5-acre site of the former Raytheon Corporation in Wayland (EEA #13844)¹. At full build out, it is anticipated that the project would consist of 155,000 square feet of commercial space, 10,000 sf of office space, 100 residential units (167,500 sf), a 40,000 square foot municipal facility, and parking for 1,296 vehicles. The layout of the project has been modified since the DEIR to avoid impacts to Priority Habitat 107(PH 107) and Estimated Habitat 765 (EH765), and to satisfy site design requirements of the town for the municipal building. The Department provides the following comments.

Wastewater

MassDEP raised a number of issues in comments on the DEIR and first FEIR relative to managing wastewater from the proposed Wayland Town Center project. This second FEIR includes additional information in response to those comments, though a number of issues remain.

The FEIR (in Appendix C) includes a Draft Assessment Study for the Wayland Wastewater Management District Commission (WWMDC) dated September 21, 2007. This study confirmed MassDEP concerns, and noted that the "(e)xisting WWTP appears to be at the end of its useful life," with little salvage value. The study recommends that a new treatment

¹ The Department commented previously on an FEIR for the Wayland Town Center on November 8, 2007. However, that FEIR was withdrawn on November 26, 2007.

facility be constructed and be operative as quickly as possible. MassDEP agrees with the findings of the study, especially since the WWMDC draft NPDES discharge permit includes more stringent limits, which could not be met by the existing facility. The study includes an implementation strategy, which involves a public-private partnership to expedite construction of the plant. MassDEP supports cooperation between the project proponent and WWMDC so that the new facilities can be put in place quickly. However, the project proponent should be diligent in reviewing the legal requirements for such a partnership, which may include the need for special legislation to support the design-build approach presented in the study.

While construction of new treatment facilities will address the aging infrastructure at the existing treatment plant, MassDEP also noted that there are issues related to the flow limitation in the WWMDC permit. The plant is presently receiving approximately 8,300 gallons per day of flow on average. The peak flows projected from the Town Center project to the treatment plant are estimated to be 45,000 gallons per day, which when combined with existing flows would exceed the flow limitation in the present NPDES permit, 52,000 gallons per day. On November 19, 2007, MassDEP issued a letter to the project proponent indicating that a MassDEP sewer connection permit will be required for this project, in accordance with 314 CMR 7.04, since MassDEP has determined that violations would ensue from connection of the full flows projected for the proposed project. Upon completion of the MEPA process, the proponent should arrange to meet with MassDEP and WWMDC to discuss the phased construction program, and the necessary sewer connection permit.

Wetlands

The Department appreciates that this FEIR includes a table of wetlands impacts, excluding Riverfront area. Comparing information from the previous FEIR suggests that the impact area data has changed somewhat. Impacts to bordering vegetated impacts (BVW) are estimated at 2,125 sf, bordering land subject to flooding (BLSF) totals 580 cubic yards, and bank is less than 300 sf. Riverfront impacts into vegetated, previously disturbed areas are greater than previously estimated at about 21,670 sf, and the project would be sited on about 67,250 square feet of disturbed Riverfront.

	Town Center	Rt 20 at 27/126	Rt 20 Entrance	Rt 27 Entrance
BVW		2,000 sf	75 sf	50 sf
BLSF		248 cy	314 cy	18 cy
Riverfront	3,500 sf + 16,170 sf stormwater	2,000 sf	Impact not quantified	
Bank		<300 sf		

The FEIR indicates that there are two potential areas available for replication of BVW and BLSF. Since these same replication areas are identified for BVW and BLSF, and the FEIR has not clarified that one area would be used for BVW and the other for BLSF, it is unclear that the proposed replication would meet the Performance Standards in the wetlands regulations. If the BLSF to be filled is not within BVW, then compensatory flood storage must be created in an upland area. If the BLSF is contained within the BVW, then the BVW should be replicated at an elevation where the same volume of storage is provided, but the incremental elevation requirement does not have to be met.

The information on compensatory flood storage remains confusing. Table 4-2 for Area 2 provides one set of data and the plan in Figure 4-1 uses another set of data for Area 2. Which data are correct? The plans also show that compensatory flood storage is being provided within a bioretention basin, which is designed for compliance with the stormwater management policy and/or regulations. The Department raised concerns previously about this design, which have not been considered in the FEIR. It also is noted that the design of the bioretention basin (Area 1, Figure 4-1) appears to have a restricted outlet, which is inconsistent with the Performance Standards in the wetlands regulations.

Stormwater

The Department has reviewed the second FEIR for compliance with the Stormwater Management Policy (SMP) and standards, which appear to be applicable to this project, since the project obtained an Order of Resource Area Delineation, prior to the January 2, 2008 effective date for the stormwater management regulations, which include revised standards (DEP File #32-0664, dated October 26, 2006).

The FEIR indicates that the bioretention areas and water quality swales will be unlined/unsealed because the proponent is proposing a high level of pre-treatment. If the bioretention is proposed in a formerly contaminated area or where there is the potential for groundwater to mobilize contaminants downgradient, the bioretention (and all other infiltration BMPs) should be sealed or the bottom should be impervious. From the 1997 Stormwater Management Handbook, Volume 1, page 1-24, lining/sealing basins is a requirement of Standard 5 for runoff from an area of higher potential pollutant load. This restriction is carried forward in the revised Stormwater Handbook, Volume 1, Chapter 1, Table RR, where infiltration is required to the maximum extent practicable in an area that has been classified as contaminated or where groundwater flows toward a 21E site. As this project would only require 580 cf of infiltration, it is recommended that stormwater system infiltrate rooftop runoff, and that infiltration be located only in an uncontaminated area where recharge can be accomplished without also potentially mobilizing contaminants downgradient.

The FEIR has revised peak rates of runoff (Appendix B, pages 16-17) from the previous FEIR, which now shows that post-development peak rates are lower than pre-development peaks, in compliance with the Stormwater SMP.

As mentioned in the previous comment on the first FEIR, it should be possible to relate the total suspended solids (TSS) calculations (Appendix B) to the stormwater system design (Figure 4-2) at each discharge point, in order to confirm that 44 percent TSS removal is provided by the pretreatment before the infiltrating bioretention basins and that at least 80 percent TSS removal would be achieved at the discharge points. However, the plans do not show the catch basins, and there appear to be drainage areas, such as the main site driveway where the BMP treatment train may only include catch basins and a water quality swale.

As with the previous FEIR, there was no information to show that the stormwater management system is designed to capture and treat one inch or runoff multiplied by the impervious area, for compliance with the Critical Area Standard 6.

The Department recommends that signs be posted to identify the areas where snow is not to be plowed and stockpiled.

Construction Period Air Quality

MassDEP appreciates the project proponent's commitment to seek construction contractors that participate in the MassDEP Diesel Retrofit Program to mitigate the construction-period impacts of diesel emissions to the maximum extent feasible.

Recycling Issues

The Department also acknowledges the proponent's commitment to recycle demolition and construction debris, as described in Section 8.2 (page 8-7). It is anticipated that the steel frame will be recycled from the 400,000 sf building to be demolished. Major equipment also is expected to be recycled.

The MassDEP appreciates the opportunity to comment on this proposed project. Please contact George Kretas at (978) 694-3245 for further information on the wastewater issues and Rachel Freed at 978-694-3258 for information on wetlands issues. If you have any general questions regarding these comments, please contact Nancy Baker, MEPA Review Coordinator at (978) 694-3338.

Sincerely,



John D. Viola
Deputy Regional Director

cc: Brona Simon, Massachusetts Historical Commission
Jerome Grafe, MassDEP-Boston
Eric Worrall, Kevin Brander, Claire Golden, Rachel Freed, Jill Provencal, George Kretas,
MassDEP-NERO
Town of Wayland, Department of Public Works and Conservation Commission