

**Johnson, Holly (ENV)**

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**From:** Jane Sciacca [jane\_sciacca@comcast.net]  
**Sent:** Thursday, January 11, 2007 5:23 PM  
**To:** Johnson, Holly (ENV)  
**Subject:** Wayland Town Center, EOE #13844

Wayland Historical Society, Inc.

P.O. Box 56

Wayland, MA 01778

January 11, 2007

Stephen R. Pritchard

Executive Office of Environmental Affairs

Attn: MEPA Office

Holly Johnson

100 Cambridge Street

Boston, MA 02114

Subject: EOE #13844, Wayland Town Center: Widening of Route 20

Dear Mr. Pritchard,

I am writing in response to a meeting I attended last night regarding possible mitigations for the traffic problems created by the construction of the "Town Center" project. One of the proposals involves taking land from the historic green in Wayland's town center to widen Route 20. The Wayland Historical Society is headquartered in the 1740 Grout-Heard House in Wayland's Historic District. The Grout-Heard House is the oldest structure in the Historic District, yet it is younger than the town green [also known as the Mellen Law Office Green] which is also a part of the Historic District. Precious little now remains of the public space which has served as a town green since the 1720s. The proposal last night, if implemented, will further reduce this historic remnant of the town. Throughout history, New England town greens [or commons] have served as the quintessential link of the modern community with the richness of its past. Any change to the existing green is unacceptable to the Board of Managers of the Wayland Historical Society. It seems unconscionable to destroy the old town center which has remained

public open space for almost 300 years to construct a shopping and living complex that has purported to be a new "Town Center" when, in reality, it is a private development.

Jane H. Sciacca, President

Wayland Historical Society



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

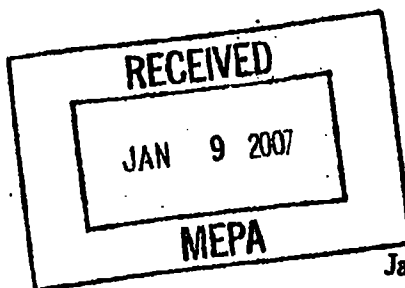
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IAN BOWLES  
Secretary

ARLEEN O'DONNELL  
Commissioner



January 5, 2007

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

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

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ANNING BOARD

Attn: MEPA Unit

Dear Secretary Bowles:

The Massachusetts Department of Environmental Protection (MassDEP) has reviewed the Draft Environmental Impact Report (DEIR) 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 (EOEA #13844). 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), 40,000 square foot municipal facility, and parking for 1,296 vehicles. The Department provides the following comments.

**Wastewater**

The Wayland wastewater treatment plant (WWTP) was designed to treat a maximum average daily flow of 52,000 gpd of sanitary waste from several office buildings in a complex once owned by Raytheon Corporation and most recently Wayland Business Center. Presently, the plant is receiving an average of 8,300-8,400 gpd of flow from various commercial and domestic sources. The plant has had some problems, such as grease contamination periodically, but has remained in compliance with its discharge permit at these lower flows.

The above project proposes to discharge an additional 45,000 gpd of commercial and domestic waste. The proposed flow will increase the total flow entering the plant to approximately 53,000 to 54,000 gpd, which exceeds the permitted flow of 52,000 gpd. The use of water-saving devices has been proposed, which would reduce the volume of water discharged to the plant. This also will increase the loadings and concentrations of the parameters, BOD, TSS, ammonia and phosphorus, which will further stress plant operations. The treatment plant

This information is available in alternate format. Call Donald M. Gomes, ADA Coordinator at 617-556-1057. TDD Service - 1-800-298-3207.  
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will need to be updated and upgraded to be able to handle the treatment of the proposed incoming flow.

The increased loadings may present a problem with the treatment plant's biological treatment, since it was initially designed to only treat typical sanitary waste from lavatories in business offices. The plant has only one primary tank to reduce BOD and TSS to below their permitted limits. There is no procedure to increase process or retention time and be able to handle a continuous flow to the plant. There is only one clarifier tank as part of the treatment operation and its operation has been problematic over the past few years. The wastewater plant needs to be replaced or upgraded to include redundancy in some of its processes. The overall process may have to be modified so that retention times in some of the processes may be varied, in order to insure complete treatment, and with an additional tank or tanks to handle the incoming flow during any increased process time.

The proposed flow and the loading will increase both the operator sludge handling time and the volume of waste sludge being generated. The plant presently has a small tank to receive and store the waste sludge. It should be noted that the plant is currently rated as a Grade 4 municipal treatment facility and has a part-time contract operator. A full time operator may be required because of the increased attention to the plant's processes and possibly an additional operator, if the treatment plant is upgraded or that one operator is insufficient to handle the workload.

The DEIR mentions that the developer would conduct a study of the plant and assess the need to upgrade the plant. This study should be completed in support of the project, and presented in the FEIR, and any recommendations for process or operational improvements should be implemented before occupancy of the proposed project, so that NPDES permit violations will not ensue. The FEIR should also include any written agreement between the proponent and the town of Wayland to upgrade and/or modify the plant before the Wayland Town Center project begins discharging to the treatment plant.

The proposed flow of 9,900 gpd to a proposed septic system is apparently to insure that the flow to the treatment plant does not exceed the flow limits of the plant, but also that this proposed flow is under the 10,000 gpd threshold which would require a more restrictive groundwater permit. The proponent should be aware that a MassDEP groundwater discharge permit is required anytime flow to an onsite system exceeds 10,000 gallons per day, or when any volume of industrial waste is to be discharged to the ground, as noted in 310 CMR 15.004.

The additional subsurface disposal of 9,900 gpd sanitary waste to a septic system within a Nitrogen Sensitive Area (Zone II), requires that the septic system shall not be designed to receive or shall receive more than 440 gpd/acre of design flow pursuant to Title 5, 310 CMR 15.214. Thus, the developer would need 22.5 acres of land to discharge the proposed 9,900 gpd of flow. With the proposed use of a FAST treatment system, in conjunction with 310 CMR 15.217, the required acreage could drop to 18 acres. The proponent may also need to have an aggregate determination to further reduce the required acreage, which would be in conjunction with 310 CMR 15.216 or may be required to submit an application to the MassDEP for a Title 5 approval for one or more of the above. Epsilon Associates also noted that additional soil evaluations



would take place in the spring of 2007. MassDEP requests notice for all future soil evaluations and a copy of the final soil evaluation report for review.

The Department again requests that the EIR separately identify the average and peak wastewater flows from the proposed development. Table 5-1 is entitled Estimated Peak Wastewater Generation; however, a footnote to the table indicates that the flows are equivalent to the estimated average flows. The facilities and associated wastewater flow discharging to the wastewater treatment works should be identified separately from those that would be discharging to the proposed septic system. Information provided in the report should demonstrate that the flow to each of the two treatment systems would be separate and distinct.

#### **Diesel Retrofit Program**

MassDEP request that efforts to evaluate participation in the diesel retrofit program be undertaken prior to submittal of the FEIR in order to make a commitment to participate in the diesel retrofit program, which can be included in a Section 61 Finding.

#### **Wetlands**

The document notes that the identified non-state wetland areas on the site may be subject to federal jurisdiction. It would be helpful to MassDEP's review if the federal status of these areas was determined. The applicant proposes that compensatory flood storage for disturbance of the 100-year floodplain associated with the parking lot for the municipal building will be provided in areas adjacent to non-state wetlands # 3, 4, or 5. Additional details showing the proposed grading of the compensatory flood storage and any impacts it might have on the boundaries of the non-state wetlands will be needed for review during permitting. If the total amount of impacts to bordering vegetated wetlands (BVW) and non-state, federal wetlands exceeds 5,000 square feet, an individual 401 Water Quality Certification will be required.

According to the report, wetland replication will be provided at a ratio of 1.5:1 for impacts to BVW. The precise amount of wetland alteration is not known, but will be determined once a preferred alternative to widening Route 20 has been chosen. It is MassDEP's opinion that the preferred alternative should entail the least amount of wetland alteration over the long term. The MEPA document briefly describes the two alternatives on the north side of Route 20, but does not discuss whether some widening might be done on the south side of the road. This possibility should be addressed. Disturbance of Riverfront Area should be mitigated in accordance with the standards contained in the wetlands regulations, and may include additional plantings and enhancement of wildlife habitat within the Riverfront Area.

#### **Stormwater**

The stormwater management plan should consider alternatives to stormwater infiltration. The project site should be considered an area of higher potential pollutant load given the history of contamination on the project site and that the activity and use limitations (AUL) restrict subsurface activities, unless certified by the LSP that there is no substantial hazard, no significant risk, and generation of contaminated waste would be unlikely. For compliance with the Stormwater Management Policy (SMP), Standard 5 in areas of higher potential pollutant load, there are prohibitions on the use of infiltration best management practices (BMPs) when the area

also is a critical area. These prohibitions would apply to the project site because a Zone II for public water supplies is a critical area.

The Department requests that plans of the stormwater management system be provided to locate the BMPs and outfalls within the drainage system on site. The next report also should provide designs of BMPs and information on unconventional BMPs, which are not rated in the SMP for total suspended solids removal (e.g., bioretention basins), as described in Appendix D of the Volume Two: Stormwater Technical Handbook.

Taking into consideration both the Drinking Water regulations, (310 CMR 22.21 (2)), and the Stormwater Management Policy, the FEIR should explain how the stormwater management system will be designed, as stated in the DEIR, "(t)o meet DEP stormwater quality standards for Zone II Wellhead Protection Areas" (page 4-16).

MassDEP also reminds the proponent that pollution prevention and source control measures are required for compliance with the total suspended solids Standard 4 in the Stormwater Management Policy. The source control and pollution prevention plan for this project should specify that snow shall not be plowed toward the wetlands and that snow shall be managed in accordance with the MassDEP Snow Disposal Guidelines. These guidelines are available at the following MassDEP website: <http://mass.gov/dep/water/laws/policies.htm#storm>. The snow disposal plan should show the location on or off-site where snow will be plowed or disposed. The plan also should commit to using the minimum amount of deicing and abrasive agents, and include catch basin stenciling to discourage illicit discharges to storm drains on site. In addition a schedule for parking lot sweeping should be timed to occur a minimum of twice per year in about October and March for removal of leaves and sand.

#### **Hazardous Waste**

The proponent is seeking an amendment to the Activity and Use Limitations (AUL) that is applicable to the entire project site, in order to proceed with development that is restricted currently to maintain a condition of No Significant Risk on the property (page 6-6). As required and laid out in greater detail in the AUL, changes in activities, uses, and/or exposures require prior evaluation by the LSP in accordance with 310 CMR 40.1080 *et seq.*, and additional response actions, if necessary to achieve or maintain a condition of No Significant Risk or to eliminate substantial hazards.

The MassDEP has records of two Release Tracking Numbers, RTN 3-22408 and RTN 3-13302, which is linked to several other RTNs 3-1783, 3-13574, 3-14042, and 3-19482. RTN 3-22408 identifies for remediation chlorinated volatile organic compounds (CVOC) impacts to groundwater in the northern portion of the site, arsenic in the wetlands and groundwater in the western portion of the site, and methyl tertiary-butyl ether (MTBE) in groundwater in the southern portion of the site. RTN 3-13302 identifies remediation of heavy metals, polychlorinated biphenyls (PCBs), and polyaromatic hydrocarbons (PAHs) impacts in wetlands located in the western portion of the site, and CVOCs and chromium impacts in groundwater in the southern portion of the site.

The next report should explain how construction work would be carried out to avoid impacts to the site remediation activities.

**Recycling Issues**

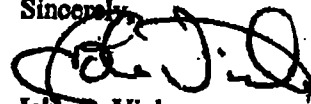
Although the DEIR acknowledges the MassDEP request for recycling, the limited statement, "To the extent feasible the project will recycle C & D waste." does not provide an understanding of the waste stream that could be recycled and how the proponent would proceed with a program to recycle.

The DEIR also is vague with respect to a commitment for long term recycling. Recycling areas should be included in a building design with minimal obstructions to trash receptacles and bins. The businesses should be supplied with easy to understand educational materials on the recycling program. The use of trash chutes facilitates high levels of participation in recycling programs and has proven to reduce cleaning costs by 20 percent to 50 percent. Site designs that provide sufficient space and electrical services will support consolidating and compacting recyclable material and truck access for recycling material collection. Management intervention to field complaints and to keep track of the recycling services is necessary for a recycling program's success. Social marketing to promote public participation also improves waste recovery rates, as is well demonstrated by the effective recycling program described on the following residential development website:  
[http://www.maplestreetapartments.com/lmw\\_rcp.htm](http://www.maplestreetapartments.com/lmw_rcp.htm).

In 2004, Massachusetts generated a total of 13.93 million tons of waste, including 8.72 million tons of residential and commercial waste and 5.16 million tons of construction and demolition waste (C&D). On average, this rate equates to each person in Massachusetts generating approximately 1.3 tons of waste a year.

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. Should you have any questions regarding air quality issues, please contact Jerome Grafe at 617-292-5708. If you have any general questions regarding these comments, please contact Nancy Baker, MBPA Review Coordinator at (978) 694-3338.

Sincerely,



John D. Viola  
Deputy Regional Director

cc: Brana Simon, Massachusetts Historical Commission  
Jerome Grafe, MassDEP-Boston  
Kevin Brander, Claire Golden, Richard Tomczyk, Rachel Freed, MassDEP-NERO  
Town of Wayland, Department of Public Works and Conservation Commission



THE COMMONWEALTH OF MASSACHUSETTS  
EXECUTIVE OFFICE OF TRANSPORTATION

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PLANNING BOARD

January 5, 2007

Ian Bowles, Secretary  
Executive Office of Environmental Affairs  
100 Cambridge Street, Suite 900  
Boston, MA 02114-2150

RE: Wayland – Wayland Town Center – DEIR  
(EOEA #13844)

ATTN: MEPA Unit  
Holly Johnson

Dear Secretary Bowles:

On behalf of the Executive Office of Transportation, I am submitting comments regarding the proposed Wayland Town Center project, as prepared by the Office of Transportation Planning. If you have any questions regarding these comments, please call J. Lionel Lucien, P.E., Manager of the Public/Private Development Unit, at (617) 973-7341.

Sincerely,

Kenneth S. Miller, P.E.  
Deputy Secretary for Planning

KSM/jll

cc: Luisa Paiewonsky, Commissioner  
John Blundo, P.E., Chief Engineer  
Thomas Waruzila., District 3 Highway Director  
Neil Boudreau, State Traffic Engineer  
PPDU files  
MPO Activities files  
Planning Department, Town of Wayland  
Boston Region Metropolitan Planning Organization

COMMONWEALTH OF MASSACHUSETTS  
EXECUTIVE OFFICE OF TRANSPORTATION  
OFFICE OF TRANSPORTATION PLANNING

MEMORANDUM

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JAN 10 2007

PLANNING BOARD

TO: Kenneth S. Miller, P.E., Deputy Secretary  
Executive Office of Transportation

FROM: J. Lionel Lucien, P.E., Manager  
Public/Private Development Unit

DATE: January 5, 2007

RE: Wayland-Wayland Town Center – DEIR  
(EOEA #13844)

The Office of Transportation Planning has reviewed the Draft Environmental Impact Report (DEIR) for the Proposed Wayland Town Center mixed-use development project. The property, which has housed the former Raytheon Corporation, Polaroid Corporation and other businesses, is located on 56.5 acres, bounded by Boston Post Road (Route 20) and the Massachusetts Bay Transportation Authority (MBTA) right-of-way to the north, Old Sudbury Road (Route 27) to the west and the Sudbury River to the east. The project entails the reduction of 38,000 square feet of structural development, and the construction of approximately 100 residential units, 155,000 square feet of retail space, 10,000 square feet of office space, and a 40,000 square foot municipal building. Based on ITE Land Use Codes 230 (Residential Condominiums/Townhouse), 710 (General Office), 590 (Library), and 820 (Shopping Center), the project is expected to generate 11,682 vehicle trips on an average weekday. A MassHighway permit is required for access to Route 20. The project is categorically included for the preparation of an Environmental Impact Report.

The DEIR included a Traffic Impact Study that generally conforms to the EOEA/EOT Guidelines for Traffic Impact Assessments. The proponent has committed to a number of roadway and traffic signal improvements to mitigate the impacts of the project.

In addition to the daily vehicle trips, the project is expected to generate 14,854 daily vehicle trips on a Saturday and 5,614 daily vehicle trips on a Sunday. The proponent has applied a 25% pass-by rate to the retail portion of the site and a 3% rate for internal trips because of the mixed-use nature of the development. With this pass-by and internal trip reduction the number of new vehicle trips will be reduced from 11,682 vehicle trips to 9,404 on an average weekday, from 14,854 vehicle trips to 11,786 vehicle trips on an average Saturday, and from 5,614 vehicle trips to 4,616 vehicle trips on an average Sunday. We do not object to the pass-by or internal trip credit given the nature of this development.

The proponent has presented two access alternatives in the DEIR. The first access alternative will include two access driveways; the first entrance will be along Route 20 and the

second along Route 27. Given the existing alignment of both Route 20 and Route 27 within the vicinity of the site, the two driveways will create a by-pass route that will divert traffic volume from the intersection of Route 126/Route 27/Route 20. The second access alternative proposes a single driveway along Route 20. MassHighway is supportive of the first access alternative, however; there are a number of issues and concerns regarding this access alternative that should be addressed in the Final EIR (FEIR).

The FEIR should include the back up data and assumptions made in estimating the by-pass volumes that would be diverted from the Route 126/Route 20/Route 27 intersection under the first access alternative. The design of the internal roadway and the intersection of Route 27/Site Driveway should not detract from the attractiveness of this by-pass route. The proponent should consult with the Town of Wayland to determine the feasibility of designating the internal roadway as a public way, which would increase its use as a by-pass. MassHighway has concerns about the use the by-pass route to mitigate the impacts of the left-turn to Route 27 if it were to remain a private way, given the volume of traffic that would be diverted from the state highway system. In addition, the maintenance of this roadway including wear and tear and snow and ice operations should be addressed if the road is to be considered a by-pass route.

To address the traffic impacts of the project, the proponent has committed to implement traffic mitigation measures at the Route 20/Site Driveway, the Route 126/Route 20/Route 27 intersection, (both under the control of MassHighway), and the Route 27/Route 126 intersection. MassHighway supports the incorporation of the Russell's Garden Center driveway into the proposed Route 20/site driveway intersection as an access management measure. The FEIR should also include a signal warrant analysis for the Route 20/Site Driveway intersection. In addition, a table summary of the delay and average and 95<sup>th</sup> percentile queue analysis for the proposed mitigation measures should be included.

The proponent has committed to install a new traffic signal at the intersection of Route 27/Route 126. Although this intersection is under local jurisdiction, the proponent should submit these roadway improvement plans to MassHighway for review because this intersection is in close proximity to the intersection of Route 20/Route 27/Route 126 and the proponent intends to interconnect and coordinate these two traffic signals.

The project proponent should meet with MassHighway prior to the FEIR submission regarding specific design relating to the intersections along Route 20 and Route 27. If you have any questions regarding these comments, please contact Erin Kinahan at (617) 973-8059.

Jeffrey R. Porter  
62 Glezen Lane  
Wayland, Massachusetts 01778

January 5, 2007

**By Courier**

Secretary Ian A. Bowles  
c/o Ms. Holly Johnson  
Executive Office of Environmental Affairs  
MEPA Office  
100 Cambridge Street, Suite 900  
Boston, Massachusetts 02114

Re: EOEA #13844, Wayland Town Center – Comments on Draft Environmental  
Impact Report

Dear Secretary Bowles:

I respectfully request your consideration of the following comments regarding the Draft Environmental Impact Report (the "DEIR") respecting the proposed Wayland Town Center project (hereafter referred to as "the Project") submitted by Epsilon Associates Inc. on behalf of the Project proponent, Twenty Wayland, LLC.

The Project would consist of approximately 370,000 feet of retail, residential and other development adjacent to the Great Meadows Wildlife Refuge in Wayland. In recognition of the significant impacts the Project would have on the community in which it would be located, and its environment, Secretary Golledge's August 25, 2006 Certificate of the Secretary of Environmental Affairs on the Environmental Notification Form ("the ENF Certificate") demanded that the Project Environmental Impact Report precisely define the Project's several impacts including, but not limited, to those on wetlands, the Town's wastewater flows, water usage and motor vehicle traffic that are discussed below.

The DEIR fails to address several of the Secretary's specific requests. I request that the Project proponent be instructed to address these deficiencies in a Final Environmental Impact Report (FEIR).

**Wetlands**

**ENF Certificate Requirement**

At page 8 of the ENF Certificate, Secretary Golledge recognizes that the Project site is adjacent to the Great Meadows National Wildlife Refuge including the Sudbury



Secretary Ian A. Bowles  
c/o Ms. Holly Johnson  
January 5, 2007  
Page 2

River, a Wild and Scenic River of the Commonwealth. Accordingly, the Secretary concluded that "[t]he EIR should discuss the visual impact of the proposed buildings and parking structures (if proposed) on the recreational and aesthetic values of the Sudbury River."

### **DEIR Response**

None. I can find no discussion in the DEIR of the potential impact of the Project on the recreational and aesthetic values of the Sudbury River. In fact even the discussion of physical alterations of areas protected by the Commonwealth's Wetland Protection Act is limited to assertions that those impacts "will [be] further assess[ed]." See, for example, DEIR at pages 4-13 and 4-15 ("[T]his issue will be resolved . . ."). The Project proponent should be instructed to provide this discussion in the FEIR.

### **Wastewater**

#### **ENF Certificate Requirements**

A. Secretary Golledge recognized the likelihood that the volume of the Project's wastewater discharge might exceed the capacity of the Wayland Municipal Wastewater Treatment Plant (the "WMWTP") and the Sudbury River. For that reason, at page 10 of the ENF Certificate, Secretary Golledge required that the EIR "include a detailed history and summary of the permitting and treatment capabilities of the WMWTP, including flow sources and the relationship of discharge areas to the Sudbury River. The EIR should provide an update on the NPDES permitting process for the WMWTP and how potential limitations on discharges may affect site development."

B. The Secretary also required that the EIR include "an analysis of the WMWTP's viability and recommendations for upgrades" as well as "a discussion of the possibility of expansion of the WMWTP. . ."

C. The Secretary also required that the EIR "provide the results of . . . subsurface testing" to determine whether a septic system might handle 9,900 gallons per day of projected flow that could not currently be received by the WMWTP. The Secretary recognized that "if subsurface capacity cannot be achieved on-site, the development program would [have] to be revised to provide uses with lower wastewater generation rates." I add that the flow that is projected to be received by an on-site septic system happens to be a mere one-hundred gallons per day less than that which would require a significant groundwater discharge permit from the Department of Environmental Protection. Although the Secretary did not note this in the ENF Certificate, the prospect of the need for a groundwater discharge permit would be addressed by the documentation regarding flows that the Secretary did require as is discussed in the next paragraph.

D. The Secretary also specifically required that "the EIR should demonstrate that the flow to each of the two proposed treatment systems (septic and the WMWTP) would be separate and distinct. The EIR should provide information regarding treatment areas, conformance with Title V discharges within Zone II wellhead protection areas, and areas adjacent to Outstanding Resource Waters (ORW) as well as feasibility for groundwater discharge given anticipated Activity and Use Limitations (AULs) and deed restrictions on the Project Site."

#### **DEIR Responses**

A. The DEIR says only that the issuance of a new NPDES permit with "stricter discharge limits" and no permitted increase in flow is anticipated and that the Project proponent will conduct an evaluation of how to respond to those limits. The Project proponent should be instructed to provide in the FEIR the detailed summary of the WMWTP's treatment capabilities, flow sources and discharge areas requested by Secretary Golledge in the ENF Certificate. Likewise, the Project proponent should be instructed to specifically discuss the effect of the WMWTP's limitations on the Project. A meaningful review of the impact of the Project on the community and the environment cannot occur in the absence of this information.

B. As is discussed above, the DEIR concedes that an analysis of the viability of the WMWTP has not been completed.

C. The DEIR indicates that the suitability of the Project Site for the proposed on-site septic system will not be determined until the spring of this year.

D. None. The DEIR contains no specific discussion of the separation of flows to the proposed treatment systems or information regarding treatment areas, conformance with Title V discharges within Zone II wellhead protection areas, and areas adjacent to Outstanding Resource Waters or the effect of historic releases of oil and hazardous materials at the Project Site on the feasibility of on-site wastewater disposal.

In sum, the DEIR does no more than concede the current lack of sufficient wastewater treatment and disposal facilities to address the projected wastewater flow from the Project. In light of the immediate proximity of the Project Site to an Outstanding Resource Water of the Commonwealth, and drinking water supplies of the Town of Wayland, the Project proponent should be required to address in the FEIR those elements of the ENF Certificate not addressed in the DEIR so that a meaningful analysis of the potential impact of the Project on these resources can occur.

## **Water**

### **ENF Certificate Requirement**

At page 11 of the ENF Certificate, Secretary Golledge requested that the EIR confirm "that the breakdown of uses within the development area will not exceed estimated water usage in excess of 45,000 GPD . . .".

### **DEIR Response**

In the DEIR, the Project proponent now estimates that the Project will demand 80,000 gallons of water per day, nearly double the demand estimated in the ENF. See DEIR, page 5-4. The DEIR indicates that this estimate is "very conceptual." However, as the Project proponent recognizes in Section 5.2.3.2 of the DEIR (at pages 5-6 and 5-7), water is in short supply in Wayland. In fact, the Town of Wayland is subject to an Administrative Consent Order with the Department of Environmental Protection owing to past violations of the Water Management Act. Accordingly, the Project proponent should be required to provide in the FEIR a current assessment of the Town's water supply and water usage in the Town of Wayland (e.g, for calendar years 2004 through 2006), a specific assessment of the projected water usage of the Project and an evaluation of the relationship between supply and projected demand.

## **Traffic**

### **ENF Certificate Requirement**

At page 4 of the ENF Certificate, Secretary Golledge instructed that "the EIR should include documentation to demonstrate that the site activity has not exceeded the three-year time limitation allowed for trip credit."

### **DEIR Response**

At page 2-3 of the DEIR, the Project proponent makes the inconsistent statements that the lease of Polaroid Corporation, the tenant of "80 percent of the space" at the Project site, expired on March 31, 2004, **and** that Polaroid occupied the Project site "through July 2006." No documentation is provided for either statement. Both of these statements are inconsistent with findings by the Commonwealth of Massachusetts Appellate Tax Board that Polaroid rejected its lease in **August 2002** (not 2004 or 2006). See Wayland Business Center Holdings, LLC, et al. v. Board of Assessors of the Town of Wayland, Commonwealth of Massachusetts Appellate Tax Board Docket Numbers

Secretary Ian A. Bowles  
c/o Ms. Holly Johnson  
January 5, 2007  
Page 5

F271146 and F272457 (September 26, 2005). Since the Project proponent's "no-build alternative" was defined by reference to the "re-occupation" of the space leased by Polaroid (as well as space that was never occupied), the Project proponent should be instructed to provide the documentation requested by Secretary Golledge by way of a supplement to the DEIR, explaining the inconsistent statements and findings referenced above, so that an appropriate "no-build alternative" for consideration in the FEIR can be confirmed.

I thank you sincerely for your consideration of these comments. The Project is the largest in our Town's history. The impact it will have on our infrastructure and natural resources is indisputable. I very much appreciate your continued careful consideration of these impacts and appropriate mitigation of those impacts.

Very truly yours,



Jeffrey R. Porter



**TOWN OF WAYLAND**  
MASSACHUSETTS  
01778  
**PLANNING BOARD**

JOSEPH LAYDON  
TOWN PLANNER  
TOWN BUILDING  
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LAWRENCE STABILE  
DANIEL MESNICK  
ANETTE LEWIS, ASSOC.

*via e-mail & U.S. mail*

January 5, 2007

Secretary Robert W. Golledge, Jr.  
Executive Office of Environmental Affairs  
Attn: Holly Johnson, MEPA Office  
100 Cambridge Street, Suite 900  
Boston, MA 02114

Re: EOEA No. 13844 – Wayland Town Center Project, Wayland, MA

Dear Secretary Golledge:

Thank you for the opportunity to comment on the November 30, 2006 Draft Environmental Impact Report (DEIR) for the Wayland Town Center Project being proposed at 400-440 Boston Post Road, Wayland, on the property locally known as the former Raytheon Site. This letter is submitted in response to the filing of the DEIR and the potential impacts this development may have on the Town of Wayland.

After reviewing the DEIR, the Project Proponent's responses to our August 16, 2006 letter to your office, and the August 25, 2006 MEPA Scope, the Planning Board requests that additional information be included in the Final EIR to respond to our comments. In addition, we noted factual inaccuracies and substantive typographical errors that should be corrected in the Final EIR.

Wetlands, Waterways and Stormwater

1. The Sudbury River has been designated a federal Wild and Scenic River Corridor. In our August 16, 2006 comments, the Planning Board requested that the Project Proponent provide information regarding the visibility of the project from the river due to the specific concern that the buildings may be visible to recreational users of the river. The Proponent responded, "This matter is not within the MEPA Scope." However, the August 25, 2006 MEPA Scope, at p. 8 under "Wetlands", does require the issue to be addressed. The Final EIR should provide information responsive to the MEPA Scope.

2. Because the former Raytheon Site is currently undergoing clean-up activities under M.G.L. c.21E and the Massachusetts Contingency Plan, in its August 16, 2006 comment letter, the Planning Board requested that the EIR consider the location of contaminated areas in the design of the stormwater management system and take steps to ensure that clean-up activities are not impacted and that sensitive areas are avoided as necessary. The Proponent responded that "Hazardous waste issues are discussed in Section 6.0" of the DEIR. Neither Section 6.0 nor Section 4.2 "Stormwater Management" address the issue. The Board requests that the Final EIR provide an analysis of and a statement concerning the suitability or unsuitability of the clean-up locations for use as part of a stormwater management system.
3. The DEIR states there will be wetland impacts as a result of the proposed traffic mitigation on the eastern leg of the Route 20/27/126 Intersection. Due to the extensive wetland system adjacent to Route 20 and the associated flooding that periodically occurs at the intersection, the Final EIR should include information describing the impact of the mitigation on the wetlands and the availability of compensating flood storage capacity.

#### Traffic

1. There are factual errors in the descriptions of several roadways within the Town of Wayland. For example, at several places in the DEIR (see especially Table 1-2 at p. 1-21 and 3.5.2.5 at p. 3-115) there are statements that there is a five-lane cross section at the intersections of Route 20 and Routes 27/126. The DEIR is incorrect. That intersection is comprised of a total of four-lanes on Route 20 and three lanes on Route 27/126. See also p. 3-8 which needs to be corrected to state that the southern terminus of Training Field Road is Route 126. We request that the Proponent carefully review the background factual information contained in the traffic section to assure that all of the information is correct.
2. There is no mention in the traffic section that much of the mitigation is going to occur in a designated historic district. That information and a description of the affected lands within the historic district should be provided in the Final EIR. The triangle of land known as the Mellon Law Office Green, located within the historic district in the center of Wayland and bordered by Pelham Island Road, Route 27/126, and Route 20 (Boston Post Road), is park land and we believe that any land takings may require action by the State Legislature. We note that Alternative B would require the use of this land for roadway widening and would greatly reduce the size of the triangle.
3. The DEIR appears to take credit for past site activities and past traffic generation in this submittal. The DEIR reports at p. 2-3, that

"During the 3-year period from July 2003 through July 2006 the Wayland Business Center building at 400-40 Boston Post Road was occupied by a major tenant, Polaroid Corporation, which had a lease on 80 percent of the space, and two additional tenants, Hewlett-Packard and Moldflow Corporation that had leases on the remaining space totaling 400,000 square feet. The additional 10,500 square-foot building at the southwestern corner of the site was never occupied for its intended purpose due to constraints by Raytheon Company.

Polaroid's lease expired on March 31, 2004. Hewlett-Packard's lease expired March 31, 2005 and Moldflow's lease expired August 31, 2005."

However, based on evidence presented by the property owner during the successful appeal for a tax abatement from the Town for fiscal years 2003 and 2004, the Appellate Tax Board's September 26, 2005 decision states that in October 2001, Polaroid (which had been occupying 82% of the building) declared bankruptcy and said that it would vacate the site; in August 2002, Polaroid repudiated the lease in a bankruptcy proceeding; starting in September 2002, a successor to Polaroid occupied 30,000 sq. ft. for a period of 18-months; and it appears that since that time, the building has essentially been vacant. (see Wayland Business Center v. Town of Wayland at [www.mass.gov/atb/findings05.html](http://www.mass.gov/atb/findings05.html)). As was previously requested in an August 14, 2006 memorandum from J. Lionel Lucien, Public/Private Development Unit of EOT, the EIR should provide "documentation demonstrating that site activity has not exceeded the three year time limitation for trip credit."

4. The DEIR states that the Proponent will investigate creating a shuttle service to connect to the MBTA's Lincoln and/or Natick commuter rail stations as well as other services to Wayland. The Final EIR should include information regarding the Proponent's willingness to coordinate with and participate in a regional transit authority as recently authorized by the State and Town of Framingham, should one be developed to service Wayland and Route 20.
5. The Town's traffic consultant has undertaken a peer review of the traffic section but has not been able to complete his review to date. We anticipate that he will be providing extensive comments for our use and for presentation to the Proponent during the Special Permit public hearing process required by the Town's zoning bylaws. As of this date, the Proponent has not yet submitted an application to begin that process. Hopefully, any relevant feedback that we are able to provide to the Proponent either before or during that process will be taken into account when the Final EIR is prepared.

#### Water

1. Section 5.2.3.2 "Water Management Act Compliance", at p. 5-7 of the DEIR, states "the Town of Wayland has reduced its water usage below the permitted levels through conservation measures, leak detection, water use restrictions, and public education." While the DEIR contains a calculation for projected water demand, the DEIR does not state how the projected water demands will impact the Town's permissible level of water withdrawal. The Project Proponent should include in the Final EIR information quantifying the proposed water use for the project and summarizing its impact on the Town's permissible volume of water withdrawal and the requirements of the DEP Administrative Consent Order.

#### Project Description

1. The DEIR, at page 1-9, states "The Proponent is providing \$4.2 million to the Town of Wayland to address a number of community mitigation requirements for the project." This information differs from the financial gift and mitigation funds detailed within the Development Agreement between the Town and the Proponent. The Proponent should

specify within the Final EIR the breakdown of the "community mitigation" to accurately reflect the correct dollar amount for mitigation versus other costs associated with the review of the project.

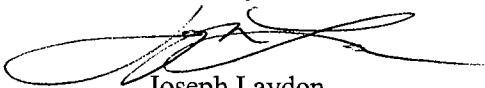
2. Section 1.4 of the DEIR outlines the Proponent's anticipated Phasing Schedule for the project. However, the actual phasing of the project build-out will be reviewed during the Town's local Master Special Permit zoning review process. The Final EIR should make explicit that the phasing schedule as outlined by the Proponent may change as a result of more detailed review during the local Master Special Permit zoning process. The applicable Town of Wayland Mixed-Use Overlay District Zoning Bylaw may, as a condition to approval, require "a phasing schedule for construction of each component part of the project which ensures integration of residential, nonresidential, and municipal uses." Code of the Town of Wayland §198-2306.1.1.

Sustainable Design

1. The placement of uses, the design of the project, and the development of pedestrian amenities can encourage visitors and residents to walk rather than use automobiles for trips to, within and from the Town Center Project. The Proponent should include information in the "Sustainable Design" section of the Final EIR regarding how it intends to incorporate land use, urban design, and pedestrian systems into the project as integral parts of Sustainable Design.

The Town of Wayland's Planning Board will be following this project as it moves forward in the MEPA process and will provide additional information and comment as needed. Thank you for taking our concerns into account.

Sincerely,



Joseph Laydon  
Wayland Town Planner

CC: Wayland Board of Selectmen  
Wayland Board of Health  
Wayland Board of Road Commissioners  
Wayland Conservation Commission  
Wayland Historic District Commission  
Wayland Historical Commission  
Wayland Park & Recreation Commission  
MetroWest Growth Management Committee  
Francis X. Dougherty, Twenty Wayland LLC



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JAN 8 2007

*Planning*



PLANNING BOARD

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TOWN OF WAYLAND  
**BOARD OF HEALTH**

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January 5, 2007

Secretary Robert W. Golledge Jr.  
Executive Office of Environmental Affairs  
Attn: Holly Johnson, MEPA Office  
100 Cambridge Street, Suite 900  
Boston, MA 02114

Re: EOEa No. 13844 – Wayland Town Center, Wayland, MA

Dear Secretary Golledge:

This letter is written to address the Wayland Board of Health concerns with the Draft Environmental Impact Report for the Proposed Wayland Town Center Project located at 400-440 Boston Post Road on the Former Raytheon property. We have organized our concerns in the order that the subject matter is presented in the report as we believe it relates to our areas of legal responsibility and obligations in the realm of Public Health and Environmental Health.

1. On page 1-10 the Proponent states that they want to grant a Conservation Restriction and Easement to a ten-acre portion of the property to be held for the public.... The Board of Health has a concern that steps may not be taken to ensure that the entity that gets control over that land will not restrict the Town from exercising mosquito control in the area if it is warranted. We continue to be concerned with the threats of West Nile Virus and Eastern Equine Encephalitis and would be very concerned if we were not able to conduct appropriate mosquito control in an area that is adjoining up to 100 housing units and a large, multi-use commercial and office center that would draw large numbers of people into the area. Provisions should be established to explicitly provide for the Town's ability to exercise needs for mosquito control and other public health issues deemed appropriate for this area.
2. Section 5.1.2.1 WWTP NPDES Discharge Permit. The Board of Health agrees that a comprehensive evaluation, Assessment Study, be conducted on the current and future capabilities of the existing wastewater treatment

plant. The plant is extremely old and while it has continued to work with relatively low flows, we have concerns that it may become stressed with an additional 45,000 gallons per day being added to it along with the added flow from the 40B project currently under construction that will contribute an additional 8,000 plus or minus gallons per day when fully utilized. We are also concerned with DEP ensuring that an effective contingency plan, addressing all users of the treatment plant, not just the project user's portion of the plant capacity, be established in the event of interim and catastrophic failures of the system, as repairs and maintenance of key critical components of the extremely old system could result in extended timelines for repair and placing the system back online.

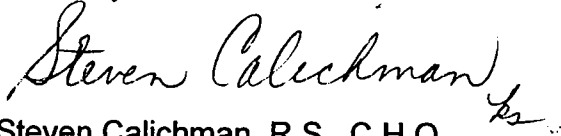
3. Section 5.1.3 Subsurface (Sewage) Disposal. The applicant proposes to discharge an additional 9,900 gallons per day of sewage effluent using a septic system with some type of advanced treatment because the site is within a Zone II of a municipal water supply. This type of advanced treatment has to be approved first by the DEP as an acceptable nitrogen reducing technology, and also separately by the Town Board of Health. We also think that it is important for you and the applicant to know that while the applicant states that the "system will be designed in accordance with Title V (5) of the State Environmental Code and the Town of Wayland Board of Health Regulations", the basis for sizing the septic system only seems to use Title 5 numbers. The Town BOH regulations require 165 gallons per day per bedroom for new construction and 70 gallons per restaurant seat. The decision on which flows are directed to use the septic system rather than the wastewater treatment plant may have a serious impact on the size of that portion of the project. We further recommend that any associated DEP approval for such a system, expressly state that any change in the proposed mix of use, which will result in any increase in flows, is prohibited for the development.
4. Section 5.2.2 Water Conservation Measures. While the Board of Health encourages water conservation we would like assurances that the "harvesting rainwater for irrigation..." will not create mosquito breeding areas. Again, based upon experience in some of the Western States, water storage and irrigation practices have led to large outbreaks of West Nile Virus. The Board of Health has serious concerns given that the western boundary of the site is the Sudbury River and its related wetlands that make up one of the largest fresh water systems in Massachusetts. Given the fact that it is an important flyway for migrating birds, we could have a potential problem if there is mosquito breeding of "bridge" mosquitoes in the same area. Further, because harvesting of rainwater may result in attracting large volumes of migratory birds such as geese, which can result in health hazards, we would like to see the DEP incorporate a requirement for a control plan for this situation.

5. Section 6.0 Hazardous Waste and 6.2 Activity and Use Limitations (AUL's). The Board of Health wants to point out that "there have been seven separate releases of oil or hazardous materials at the project site as reported to the Massachusetts Department of Environmental Protection per the Massachusetts Contingency Plan (MCP)". Figure 6-1 shows that a large area of the site has been impacted by these releases. The Board of Health is concerned that the proposed construction and flow from the proposed septic system does not displace, change the direction of flow, or impact any of the remedial work that is currently being done on the site or interfere with any future remedial work. We want assurances and DEP oversight to insure that neither the oil nor the hazardous waste will become a threat to the Town's Municipal Wells, private wells, or the Sudbury River and associated wetlands. Furthermore, we strongly urge that only proper slab construction be used for any proposed buildings along with construction methods and utility installations that will not allow any hazardous material to migrate into any proposed buildings on the site. We have some concerns about the use of heat pumps and have concerns that there will be self-contained wells drilled on the site to provide heating and cooling. If this is the case, we strongly advise against their use. We also have concerns for sump pumps, which may be used to keep water out of buildings and carry the water into the drainage systems, as any hazardous materials may be imported to the drainage area and distributed throughout the entire area. We are also concerned about operations and storage of fuel and chemicals, and fueling and maintenance of vehicles and equipment on the site, during the extended multi-phased construction period. Although there is indication of reaction to these issues in the draft report, we recommend that the DEP establish strict controls and procedures and volume restrictions regarding these areas, including, requirements for equipment leaking fluids or fuels to be immediately removed from operation and away from the area until fully repaired.
6. Construction Period. The Board of Health agrees with the Potential Impacts and Mitigation that has been proposed but we thought this would be the proper place to also point out that we have well founded concerns with the demolition portion of the project that is going to result in a very large amount of C and D material. The last time we had a major demolition and remodel on this site we had to respond to a major problem of particulate air pollution and concerns of potential water pollution from the water spray that had to be instituted to deal with the excessive dust. We urge that a proper plan be developed to address these issues in order to protect the on-site workers as well as people and property downwind of the site. We are also concerned about vehicles being washed within the project area, as hazardous materials could be carried into the water systems. Because construction of the site will be phased, this concern extends to all buildings and appurtenances which may be built and/or occupied, and the occupants and users of those buildings. We

recommend that DEP establish strict and effective controls for road dust mitigation, mitigation of risks associated with stockpiled materials, and mitigation controls for all vehicles exiting the complex and/or moving from under-construction areas within the project to already-constructed areas in the project to mitigate pollution.

In closing, we wish to thank you for the opportunity to respond to the draft report and hope that you will take our comments into consideration when you consider the final report.

Sincerely,

A handwritten signature in black ink that reads "Steven Calichman". The signature is fluid and cursive, with a small flourish at the end.

Steven Calichman, R.S., C.H.O.

Director of Public Health

For the Wayland Board of Health

cc: Wayland Board of Selectmen  
Wayland Planning Board ✓  
Wayland Conservation Commission  
Wayland Board of Road Commissioners  
Wayland Historic District Commission  
Wayland Historical Commission  
Francis X. Dougherty, Twenty Wayland LLC



**TOWN OF WAYLAND**  
MASSACHUSETTS  
01778  
**CONSERVATION COMMISSION**

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PLANNING BOARD

TOWN BUILDING  
41 COCHITUATE ROAD  
TELEPHONE: (508) 358-3669  
FAX: (508) 358-3046

January 5, 2007

Secretary Ian Bowles  
EOEA - MEPA Office  
Attn: Holly Johnson, EOEA No. 13844  
251 Causeway Street Suite 900  
Boston, MA 02114

Re: Draft EIR – “Wayland Town Center” Wayland MA  
EOEA No. 13844

Dear Secretary Bowles,

The following comments are being submitted on behalf of the Wayland Conservation Commission.

The Conservation Commission does not support any encroachment into wetlands, riverfront area, floodplain, and other resource areas on the site, be it state regulated wetlands (“WPA”) or wetlands regulated by the Wetlands and Water Resources Bylaw. The plan included in the DEIR does show parking for the municipal building, considered part of the “Concept Plan” in these comments as well as one housing structure near the northwestern corner of the property that encroach on state regulated Riverfront and buffer zone to BVW and to locally regulated isolated wetland resource areas. These components should be moved east, for the municipal parking lot, and south for the residential building to permit no impact on the wetlands and not less than a 30’ undisturbed buffer around the wetlands.

The Conservation Commission did issue an Order for Resource Area Delineation (“ORAD”) for both the site and the eastern portion of Route 20 at Routes 27/126. That decision does not include the definition of all the resource areas at either site – in particular it did not define the bank of the stream. There has been no formal ORAD for Route 20 west of this intersection.

The DEIR does address NHESP habitat but does not adequately address other wildlife values of the wetlands, riverfront area, and the buffer zone. In fact the report seemingly dismisses habitat value of the wetlands. The wetlands and buffer zone along the Sudbury River were studied as part of the Raytheon site clean-up and the environmental risk assessment prepared at that time provides more information on additional wildlife and endangered species

observations on and adjacent to the project site. The Riverfront area is not shown on the plan outlining NHSEP priority resource areas. Note that much of the Riverfront at the Site is covered as NHSEP priority resource area.

The DEIR also should further explore wildlife and habitat in the wetlands that may be impacted to make the off-site improvements. There is a potential for some significant alteration of resource areas at Route 20. These wetlands should be presumed to have wildlife habitat value and any mitigation provided should consider this value. The project proponent has been urged to avoid attempting to address multiple resource area values, i.e. floodplain and flood storage, with the values of the wetlands and riverfront area that may be impacted. As discussed later in this correspondence the Commission hopes other traffic improvements will be given greater consideration and the resource areas on Route 20 east of the intersection of Routes 126/27 not impacted at all.

Water quality is an important value of the wetlands along Route 20. The MHD project had very few improvements to drainage such that water quality would be improved in this area. New construction along the roadway should incorporate more water quality measures for runoff from the roadway. The Commission fails to see the benefits that the traffic improvements at the intersection of Routes 20, 27, and 126 particularly in light of the further impact to important resource areas and the character of that portion of Route 20. The Commission hopes more consideration and a commitment would be made to implementing traffic calming measures on other roads that may be impacted by vehicles seeking alternatives routes to this intersection. Mass Highways, which have already had an impact on the resource areas, made a number of improvements to the intersection and the Commission is very reluctant to see further impacts.

Cutting vegetation near or in the first 100 feet of riverfront area must be restricted as a matter of avoiding a significant environmental impact. The area has been identified as having habitat value as noted above and other interests under the WPA. The applicant should carefully assess the need to alter any riverfront area and should, as a rule, avoid the first 100 feet of riverfront. The riverfront area should only be impacted to improve the values for wildlife and/or to enhance the wild and scenic nature of the Sudbury River. Any portion of a parking lot, manicured landscaping, or building should be removed from the riverfront area and minimized in the buffer zone of all of the wetlands, locally regulated or protected by the Wetlands Protection Act. The Commission seeks at least a 30 foot undisturbed natural buffer area around wetlands that are not within other resource areas such as the riverfront.

There is a stream along the southeastern corner of the property. The Commission left open the question as to the status of the stream, perennial or intermittent, under the Town's Wetlands Bylaw. No field evidence has been provided to document that the stream flows intermittently – the State designation is based upon an analysis of the watershed area. There is a grocery store proposed in this location with the loading dock and service area in the vicinity of the stream. There must be attention paid to the water quality of this stream during and after construction of the proposed project and in particular the grocery store.

The DEIR discusses irrigation systems. The DEIR estimates that up to 25,000 gpd will be used for irrigation. Alternative landscaping should be further explored and irrigation systems not used at all. The Town has a limitation on the amount of new irrigation systems permitted and the DEIR estimate exceeds the threshold for such systems. Providing alternative landscaping is a

means to demonstrate leadership in responsible water consumption and proactive landscaping projects. Irrigation should either be eliminated or greatly reduced to reduce water consumption and to incorporate more sustainable land use practices.

Where it is determined that a traffic improvement is needed there should be a much stronger commitment to alternative construction techniques which would reduce the impact to resource areas. An example of this is a retaining wall, which can be used to reduce the affect of filling to create more upland.


The Applicant proposes changes to possibly include added traffic lanes at the intersection of Routes 20/Route 27&126 that might involve filling of wetlands and/or work within flood plain. While traffic improvements are being considered the negative impact on the resource areas even with mitigation should be given greater weight before more traffic alterations are pursued. The Commission has issued an ORAD for the site and for portions of Route 20/Route 27. However, it is not complete. No formal definition of resource areas has been done along Route 20 west of the intersection of Routes 27/126 although work is contemplated in this area. The applicant must file appropriate applications with the Conservation Commission for all work subject to WPA and local By-Law jurisdiction. While traffic improvements are considered the impact on the resource areas should be given greater weight before more alterations are pursued. If a bigger road is built generally more cars use the road and the level of service will not necessarily improve.

The Conservation Commission is seeking more projects to use pervious asphalt as a tool to minimize the impact of development. This site increases impervious surfaces and the use of pervious asphalt should be one low impact development tool that the project proponents commit to for some component of the development. Any proposed parking within the buffer zone or riverfront area (which the Commission would hope would be minimal or not proposed) should be pervious pavement. This would promote recharge of groundwater in a Zone II aquifer as well as providing water quality benefits.

In conclusion the redevelopment of the site should have a clearer statement of avoiding impact to resource areas both on and off the site. The DEIR lacks specificity on avoidance of resource areas, commitment to water conservation, and low impact development.

Thank you for the opportunity to present these comments.

Sincerely,



Brian J. Monahan,  
Conservation Administrator

Cc    Conservation Commissioners  
      Board of Selectmen  
      Planning Board  
      Board of Health  
      F. Dougherty, Arrowstreet, Inc.  
      File



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## TOWN OF WAYLAND

MASSACHUSETTS

01778

## HIGHWAY DEPARTMENT

PLANNING BOARD

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SHAWN FENNELLY  
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via e-mail to [holly.s.johnson@state.ma.us](mailto:holly.s.johnson@state.ma.us) & facsimile 617/626-1181

January 5, 2007

Secretary Robert W. Golledge, Jr.  
Executive Office of Environmental Affairs  
Attn: MEPA Office – Holly Johnson  
100 Cambridge Street, Suite 900  
Boston, MA 02114

Re: EOEA No. 13844 – Wayland Town Center, Wayland, MA

Dear Secretary Golledge:

We appreciate the opportunity to comment on the Draft Environmental Impact Report (“DEIR”) submitted by Twenty Wayland, LLC (the “project Proponent”) for the construction of a mixed-use development known as the Wayland Town Center Project being proposed at 400-440 Boston Post Road in Wayland.

With regard to our comments on the ENF submitted by letter of August 15, 2006, we request that the Final EIR respond more fully to the following:

1. Highway Department's Original Comment: “Present an analysis of the areas within both the State’s and Town’s rights-of-way where roadway widening and/or placement of new pavement may be considered or expected and assess the associated environmental impacts – consider especially the impacts on wetlands, flood plain, parkland, conservation land, and the Town’s Historic Districts.”

Response: The response provided to this comment by the project Proponent is that “Wetland resources areas on the project site are discussed in Section 4.0” of the DEIR. Section 4.0 does not appear to address the need for creating compensating storage within the flood plain nor the location of such compensating storage. Also missing from the DEIR is any mention of the impact of roadway widening on parkland, conservation land,



and the Town's Historic District, all of which are located within or immediately adjacent to the areas proposed for roadway work. The Final EIR should describe these impacts.

2. Highway Department's Original Comment: Identify the routes to be used: a) by construction vehicles during build-out; and b) by re-supply vehicles on an on-going basis.

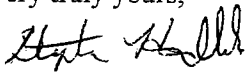
Response: The response provided to this comment by the project Proponent does not address the routes to be used by delivery vehicles that will be re-supplying commercial and large residential establishments after the initial project construction phase has been completed. The Final EIR should provide responsive information.

Our review letter lacks specific comments on the traffic analysis and impacts because the Town's traffic consultant is currently reviewing the traffic section but has not yet completed his review. The Town will be providing additional comments to the project Proponent once that review has been completed and we request the opportunity to present that information to your office for consideration in your review of the Final EIR.

Without being able to assess its significance, we note that much of the data and information used in the Proponent's traffic study was collected in 2005 before MassHighway began the major reconstruction of the intersection of Routes 20/27/126 and before the portion of Pelham Island Road north of Route 20 was made into a one-way road in a westerly direction.

Thank you for considering these comments.

Very truly yours,



Stephen Kadlik  
Director of Highway Operations

cc:   Wayland Board of Selectmen  
      Wayland Board of Road Commissioners  
      Wayland Conservation Commission  
      Wayland Historic District Commission  
      Wayland Historical Commission  
      Wayland Park and Recreation Commission  
      ✓Wayland Planning Board  
      Kevin Dandrade, TEC, Inc.  
      Mark Lanza, Esq.  
      Kenneth S. Miller, Executive Office of Transportation  
      J. Lionel Lucien, Massachusetts Highway Department



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Doug Gillespie, Chairman (Weston Board of Selectmen)  
John Stasik, Vice-Chairman (Framingham Board of Selectmen)  
Ken Soderholm, Clerk (Natick Planning Board)  
Marc Draisen, MAPC Executive Director  
Charlie Gaffney, Past Board Member (Southborough Planning Board)  
Philip Jack, Member-At-Large (Ashland Board of Selectmen)  
Ann Welles, Member-At-Large (Framingham Planning Board)  
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August 14, 2006

Stephen R. Pritchard, Secretary  
Executive Office of Environmental Affairs  
100 Cambridge Street Suite 900  
Boston, MA 02114

Attention: MEPA Unit– Holly Johnson

**RE: ENF Comments for  
EOEA # 13844 Wayland Town Center**

Dear Secretary Pritchard:

MetroWest Growth Management Committee (MWGMC) includes leaders from Ashland, Framingham, Holliston, Marlborough, Natick, Southborough, Sudbury, Wayland, Wellesley, and Weston. Local leaders face significant challenges. MWGMC helps local leaders meet growth management challenges by facilitating inter-local collaborative planning and problem solving to enhance the quality of life and economic competitiveness of the MetroWest region. In addition, MWGMC is the oldest subregion of the Metropolitan Area Planning Council (MAPC).

Through the MWGMC Regional Impact Review (RIR) program, we review proposed developments deemed to have significant regional impacts to assess regional impacts and to influence local and state permitting of development. The review process was created by unanimous agreement of MWGMC members to better understand and mitigate negative impacts, and enhance the positive impacts of development in the MetroWest region. MWGMC supports economic growth and understands the need for a diversified tax base; however, this growth should be sustainable and not come at the cost of undue strains on natural resources or public services.

The communities of Framingham, Southborough, Sudbury, Wellesley, and Wayland participated in the review of the proposed Wayland Town Center project. We understand that the proposed project involves redevelopment of a 56.5 acre parcel currently undergoing brownfield remediation. The proposed project would result in a maximum of 167,500 square feet of residential use (not more than 100 units), 156,750 square feet of retail space, 8,250 square feet of office space and a parcel that will be deeded to the Town of Wayland for a future 40,000 square foot municipal building..

In general, the RIR Committee (the Committee) had an almost completely positive reaction to the proposal, and was pleased with that the Commonwealth's Smart Growth Principles are reflected in the proposed redevelopment project. The Committee offers the following comments from its regional perspective.

*A coalition of MetroWest communities working to address issues that transcend our municipal borders.  
Ashland – Framingham – Holliston – MAPC - Marlborough – Natick – Southborough – Sudbury – Wayland – Wellesley – Weston*

### 1. Locus

The locus of this project lies within close proximity to the Sudbury River, a wild and scenic river that lies within the SuAsCo river basin. The Sudbury River is an important environmental and recreational asset. Every effort should be made to ensure that there will be no adverse impacts to this important natural resource. The parcel of land has frontage on both Route 20 and Route 27 and is in close proximity to the intersection of Routes 126/27 and 20. These roads experience very heavy traffic volumes in the AM and PM peak period.

### 2. Sewer Treatment Capacity

The proponent proposes to connect to the municipal wastewater treatment plant, and to construct an on-site subsurface disposal system to provide flexibility in the types of land uses that could be sited there. The proponent is proposing a subsurface system that could handle up to 9,900 gpd. Given the proximity of the project to the Sudbury River, we believe that nitrogen removal should be required. Because the proposed system is so close to the requirements for a tertiary treatment system, we strongly recommend that a tertiary treatment plant be constructed in lieu of the proposed subsurface disposal system.

### 3. Water Supply

MetroWest is one of the two fastest growing regions of the Commonwealth and is predicted to continue to be one of the four economic growth areas in the Commonwealth through the next two decades. However, this growth could be seriously constrained due to water supply and the related water withdrawal caps. Water Supply is a serious issue facing all communities in MetroWest. The proponent must clearly identify how much water will be needed for the project, and should factor in high water users such as restaurants, which seem to be a natural fit for the proposed project.

### 4. Smart Growth

Now that we've discussed the most serious environmental challenges facing the proponent, I'd like to make some recommendations that would provide a financial benefit for the proponent and help the Town of Wayland and the region with water supply issues. In addition they would be in concert with the Commonwealth's Smart Growth Principles.

Although the proposed Wayland Town Center does not have to comply with Stormwater regulations because it is a redevelopment project, this project is ideally suited for the use of Low Impact Development (LID) principles and techniques. Conventional design and construction methods generally use expensive systems of curbs, gutters, pipes, and ponds to collect and treat runoff. In contrast, the LID development approach uses a more decentralized approach to reduce the amount of runoff and treat it closer to the source using smaller, less expensive techniques. Some LID techniques can cost more than conventional approaches, but overall LID is cost-competitive or lower because it can reduce the size of stormwater pipes and downstream ponds, reduce the amount spent on paving, and enhance site aesthetics and value. The life-cycle cost of green roofs is lower than conventional roofs due to a much longer life span and considerable savings on heating and cooling costs. Additional information about these techniques can be found at [www.mass.gov/czm](http://www.mass.gov/czm) and [www.metrowestgrowth.org](http://www.metrowestgrowth.org).

Basic LID design strategies should be required to reduce the extent of rooftops and paved areas. The use of infiltration techniques such as bioretention areas and grass swales will help to improve water quality and to reduce the amount of land devoted to stormwater management because smaller detention ponds are necessary. These same LID techniques can also be employed to fulfill site landscaping and open space requirements.

We strongly urge the proponent to use green building materials and to seek LEEDs certification for the new buildings to comply with green building criteria. The proponent shared with us that they would consider the use of xeriscape on the portions of the site where it would be appropriate. As part of the approval process, we ask that the Town urge the proponent to utilize LID techniques to reduce stormwater runoff and to treat non-point source pollution such as:

Dry wells for rooftop runoff	Grassed (vegetated) swales;
Filter buffer strips	Bioretention areas
Sand/organic filters	Permeable pavers
Green roofs	Rain barrels and cisterns; and
Stormwater planters.	

## 5. Background Growth

The project proponent should carefully review the background growth for the site locus. A quick tally of the residential projects that have been recently approved or are in the permitting pipeline shows another 3500 houses in MetroWest within the next 2-3 years. In addition, commercial growth is picking up rapidly. Westborough, Framingham, Natick and Northborough have recently approved over 2 million square feet of commercial floor area and EMC has just filed an application for a new 2.1 million square foot facility on the Southborough town line. Just these few approved and proposed projects bring the total of new commercial growth to almost 4 million square feet.

## 6. Traffic and Parking

The journey to work data for the MetroWest region is virtually a black blob when mapped due to the varied commuting patterns. Current conditions indicate that commuting trends that emerged in the 1980s, continued into the 1990s and the early 2000s are still relevant: Major highways such as nearby I-90 and I-95, and Routes 20, 9, 30 all experience extremely heavy traffic during peak commuting hours. This is exacerbated by extensive commercial/industrial development along Routes 495 and 9, I-90 and I-95, which continue to expand as foci of employment in MetroWest.

The intersection of Route 20/27 and 126 is at level of service F. Routes 27, 20, 126 and 30 are a gridlock in the peak commuting hours. We applaud the fact that the project proponent will contribute \$4.2 million to address community mitigation needs, particularly, the proposed widening of the westbound lanes of Route 20 to provide additional turning lane length. We urge the Secretary to facilitate the proposed reduction of curb cuts along Route 20 at Russell's Garden Center, and the signalization of the intersection of Routes 27 and 126. We also applaud the proposal too turn the MBTA right-of-way into a bicycle and pedestrian trail.

The proposed project includes a reduction in parking spaces. We recommend that a significant number of spaces be "reserved" for future use if needed. In addition, we recommend that a combination of pavers and porous pavement be utilized wherever feasible.

## 7. Mitigation

There has been a steady growth of significant employment centers and concentrations of population in the MetroWest region. On April 11<sup>th</sup>, we held our second annual transportation event, “Gridlock or Green Light?”, at Fidelity Investments in Marlborough. The symposium brought together local officials, legislators, representatives from regional economic organizations, and state officials for an annual review of the transportation issues in the communities between interstates 495 and 95. The issue in MetroWest is suburban mobility. We have to continue our economic development, and increase our transportation capacity to accommodate that growth. But we can't continue to keep putting people in cars on our already overcrowded roads.

The following are some additional measures the Planning Board may wish to employ.

- The Planning Board may want to consider the requirement of sustained membership in the 495/MetroWest Transportation Management Association (TMA) as a condition of approval. The TMA has many programs that can influence worker behavior and help them to consider alternatives to single occupant vehicle commuting.
- Transportation Demand Management (TDM) techniques should be a routine practice for all future tenants and employers. We believe that additional TDM measures can contribute toward a solution to regional and local traffic congestion.
- Another TDM measure that should be explored is the use of monetary incentives provided to employees who elect not to commute. This incentive could be easily employed and may provide a further benefit to the project proponent through potential tax benefits to the employers.

In summary, the Committee believes that the proposed Wayland Town Center would make an important contribution to economic development in the region. At the same time, it would fulfill its core function as a mixed use town center in a manner that largely minimizes potential impacts.

Thank you for the opportunity to comment on the proposed Wayland Town Center.

Sincerely,

Donna M. Jacobs  
Director

cc: Members of the Regional Impact Review Committee  
Metropolitan Area Planning Council  
Joseph Laydon, Wayland Town Planner  
Frank Dougherty, Twenty Wayland, LLC  
Corinne Snowdon, Epsilon Associates, Inc.



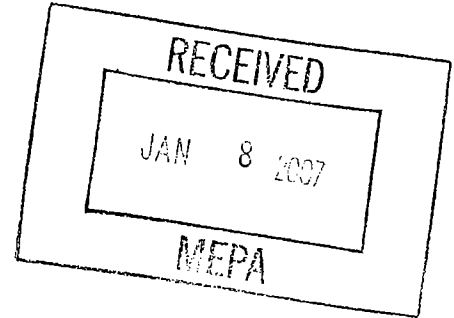
# Metropolitan Area Planning Council

60 Temple Place, Boston, Massachusetts 02111 617-451-2770 fax 617-482-7185 www.mapc.org

*Serving 101 cities and towns in metropolitan Boston*

January 5, 2006

Ian Bowles, Secretary  
Executive Office of Energy and Environmental Affairs  
Attention: MEPA Office  
Holly Johnson, MEPA # 13844  
100 Cambridge Street, Suite 900  
Boston, MA 02114



RE: Wayland Town Center, Wayland, EOE # 13844 DEIR

Dear Secretary Bowles:

The Metropolitan Area Planning Council (MAPC) regularly reviews proposals deemed to have regional impacts. The Council reviews these projects for consistency with MetroPlan, the regional policy plan for the Boston metropolitan area, MAPC's Smart Growth Principles, and the Commonwealth's Sustainable Development Principles, as well as for their impacts upon the environment. MAPC has reviewed the project's Draft Environmental Impact Report (DEIR) and offers the following comments.

The proposed Wayland Town Center project will create a mixed use development on property formerly occupied by Raytheon Corporation on Boston Post Road. The project will include up to 100 residential units, 156,750 square feet of retail space, 8,250 square feet of office space, a "town green" open space, public amenities, and a future municipal building.

Wayland Town Meeting approved a Mixed Use Overlay district for the project and the proponent has committed to \$4.2 million in traffic mitigation and \$250,000 for a potential bike path on a dormant MBTA right-of-way.

MAPC supports this project, which is consistent with many of our Smart Growth Principles. We applaud the proponent's commitment to redevelop an underutilized site and to minimize impact on undeveloped and sensitive land. The proponent has shown a commitment to work with area residents and the mixed-use nature of the site will provide a strong foundation for a town center in Wayland.

We are pleased that the proponent has integrated progressive analysis tools into the traffic study, including shared parking analysis and a reasonable passby and trip capture analysis.

We are also pleased that the proponent has committed to providing the town with \$250,000 to develop a rail trail along the MBTA right-of-way. However, we would like to see greater controls placed on the use of these funds in the event that the proposed rail trail project does not proceed within the two year life of the funding agreement, to ensure that the funds are used to develop bicycle and pedestrian accessibility to the town. The FEIR should include an explanation of this process and a plan that includes secondary mitigation investments for the funds, should the rail trail prove infeasible due to right-of-way conflicts or other issues.

We encourage the proponent to incorporate access for potential future transit service into the project site design. For the site to truly be a "town center" it should be designed in such a way that includes bus access and locations for future bus stops. We would also like to see multiple access points for future adjacent development like the Wayland Common Condominiums.

Water supply is a critical issue in Wayland, since average day demand exceeds the town's Water Management Act withdrawal limit, and peak day demand has been about 80 percent greater than average day demand over the last 5 years. This suggests the need to implement effective water conservation measures, especially for landscape irrigation. The DEIR mentions possible use of drought resistant native plant materials and rain water harvesting for irrigation, but does not commit to specific mitigation measures. Given the DEIR's estimated irrigation demand of 25,000 gallons per day (compared to 51,735 gpd for all residential and commercial uses on the site), the Final EIR should include mitigation commitments that significantly reduce the irrigation water demand. Given the location of the wastewater treatment plant on the site, the use of reclaimed water is another option that should be considered.

MAPC is pleased to see that the DEIR proposes the use of Low Impact Development (LID) techniques such as vegetated swales, rain gardens, and bioretention cells. Although these are described in the text of Appendix B, the DEIR does not include a clear delineation of LID measures on the site plan. This was specifically called for in the Certificate on the ENF, and we request that it be included in the FEIR. It is understood that the details and exact locations of such features will likely change as project design is refined, but the MEPA filing should at least give an idea of how LID and other stormwater management features can be incorporated into the project.

Sincerely,



Marc D. Draisén  
Executive Director

cc: Mary M. Antes, MAPC Representative, Wayland  
Donna Jacobs, Metro West Growth Management Committee



HL  
**RECEIVED**

**JAN 11 2007**

**MEPA**

January 5, 2007

Mr. Ian Bowles  
Secretary of Energy and Environmental Affairs  
MEPA Office; ATTN: Holly Johnson  
100 Cambridge Street Suite 900  
Boston, MA 02114

Dear Mr. Bowles,

Thank you for the opportunity to review and comment on the Draft Environmental Impact Report for the Wayland Town Center Project, EOE#13844. We have been following the development of this project with great interest because of its proximity to the Sudbury River, a federally recognized Wild and Scenic River.

The River Stewardship Council is responsible for protecting the outstanding resource values of the Sudbury, Assabet and Concord Wild and Scenic Rivers, including their ecology, recreation, scenery, history and literary value. Our comments and concerns focus on protecting these resources.

The DEIR has begun to address many of our concerns and recognizes the need to be sensitive to the natural and cultural resources of the site. The developers have a seemingly irresistible opportunity to make this project a showcase if they go beyond the letter of the law and use low impact development and water conservation techniques to build a development truly sensitive to the environment. The State should continue to encourage this, even if it cannot require it. There are so many opportunities, such as:

- Design landscaping that does not require an irrigation system. Use drought tolerant plants and direct runoff where irrigation is needed. Note: the nearby demonstration organic lawn in Wayland (sponsored by the River Stewardship Council) does not use any irrigation.
- Use this project to experiment with the use of grey water for irrigation.
- Where consistent with Chapter 21E demands, depress parking lot "islands" rather than raise them so that they improve recharge rather than promote stormwater run-off. In the same way, depress green strips between sidewalks and streets for further recharge.
- Build smaller (thinner), curbless streets internal to the project.
- Utilize porous pavement where appropriate.

The RSC will be working with the developers to incorporate low impact development techniques into project plans as they evolve. It would be exciting to see this project held up as a demonstration of landscaping achieved without the use of irrigation, similar to the demonstration organic lawn.

To put less strain on the municipal water system, and the water supply wells, water conservation should be encouraged where it is not required. To enhance the proposed sustainable design, the residential units of this development should be outfitted with high efficiency clothes washers and dishwashers. This, in addition to required low-flow toilets and showerheads, will help to minimize water use in the homes.

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SUDBURY VALLEY TRUSTEES • U.S. FISH AND WILDLIFE SERVICE • WAYLAND

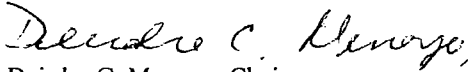


The RSC continues to be concerned about the water resource use of the project, and how it fits into the larger context of water resources of the Sudbury River. The river is a system, and this project should be evaluated in the context of low flow conditions and water quality in the river as well as water withdrawals, both up and downstream. We recommend that environmental agencies within EOEA:

- Work with The US Geological Survey to expand the ongoing study of the upper Sudbury River to determine causes of low flows and potential impacts on habitat in this portion of the Sudbury River.
- Reevaluate water quality data, especially with regard to nutrients, and undertake a nutrient TMDL so that increases in wastewater flow to the river from this site can be evaluated in this broader 'river system' context.
- DEP should determine if water supply wells in close proximity to the river are hydrologically connected to the river, and then determine if increased demand from this project will impact flow in the river. The DEIR concluded that the water system can deliver the increased water demanded, but there is no assessment of impact on the resource itself. Hopefully any re-issuance of Water Management Act permits will include this analysis.
- Consider the use of compensatory water conservation efforts to offset the projected increases in water use. This could include seminars to demonstrate how low-water – use landscaping can be used replicated in every yard, town mailings to educate homeowners etc.

Thank you for the opportunity to comment. If you have any questions please contact Lee Steppacher, coordinator for the Sudbury, Assabet and Concord Wild and Scenic River at 617-223-5225, or [Lee\\_steppacher@nps.gov](mailto:Lee_steppacher@nps.gov).

Sincerely,



Deirdre C. Menoyo, Chair  
Sudbury, Assabet and Concord Wild and Scenic  
River Stewardship Council

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**Johnson, Holly (ENV)**

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**From:** Tom Sciacca [tsciacca@comcast.net]  
**Sent:** Friday, January 05, 2007 3:16 PM  
**To:** Johnson, Holly (ENV)  
**Subject:** Comments, Wayland Town Center, #13844

January 5, 2007

Stephen R. Pritchard  
Executive Office of Environmental Affairs  
ATTN: MEPA Office  
Holly Johnson, EOEA # 13844  
100 Cambridge Street, Suite 900  
Boston, MA 02114

Dear Mr. Pritchard,

Thank you for the opportunity to comment on the Wayland Town Center Project Draft EIR, MEPA # 13844.

In general, I find the Draft EIR unresponsive to the comments I made on the ENF dated August 15. My comments required a quantitative response, while the Draft EIR sections referenced by the proponent as responses are generally qualitative and general in nature. In addition, the Draft EIR is highly compartmentalized, while my comments in many cases requested aggregate affects from all sources. Specifically:

1. My ENF comment said:

"nutrient loading on the Sudbury is a major problem in Wayland. The Wild and Scenic Study report found that the river is nitrogen limited, although EPA and DEP advise that phosphorus controls also deserve continued emphasis as generally more practical in most situations.

However, the developer should be asked to show the impact of loading from both nutrients and from all sources related to the development, whether through the Wayland WWTP, groundwater discharge, stormwater, particulate emissions from venting of proposed restaurants, or any other mechanism. Consideration should be given to the fact that some of these sources are removable, i.e., the developer has stated that elimination of the proposed septic system would merely change some proposed uses, not downsize the proposal."

This concern requires a quantitative response, such as pounds per year of nitrogen and phosphorus released to the river. No such information is presented.

2. My ENF comment said:

"In evaluating the impact of additional traffic and parking area, in contrast to the historical use as an office building, consideration should be given to the effect of short term parking of warm vehicles and the attendant increased leakage of fluids versus leakage rates from vehicles parked for an entire day. The effects of particulate emissions from tire and brake dust on the wetlands and the river should also be included."

This issue is not addressed at all in the traffic study. It requires a quantitative response, such as percentage increase in vehicle fluid leakage or gallons per year of additional contaminants, along with removal efficiency numbers for the planned stormwater controls.

3. My ENF comment said:

"Water use of the development from Wayland town wells, all of which are located in the aquifer that provides river base flow, should be included. The effect on late summer river flow and higher nutrient concentration due to lower dilution should be studied."

ough water usage is quantified, the effect on river flow and nutrient loading is not  
essed.

4. My ENF comment said:

"The effects on the proliferation of troublesome exotic species in the river, such as water chestnut, resulting from flow and nutrient alterations caused by the development should be examined."

This is not addressed in the Draft EIR. It requires a quantitative response, such as a percentage increase in acreage covered by invasive species as a result of increased nutrient loading.

5. My ENF comment said:

"Effects on extent of flooding, including the 100 year flood events which appear to occur about once a decade, should be studied. During floods water backs up from the river, up Mill Brook just south of the Pelham Island Bridge, and into the intersection of Route 20 and 27/126.

Any increase in the frequency with which this intersection is entirely blocked should be calculated. Conversely, when the intersection is even partially flooded traffic disruptions are severe under current conditions, and increased traffic will clearly be even more heavily affected. This should be quantified."

Since the Draft EIR speaks of compensatory flood storage creation for wetlands filling it implies, though it never states, that there will be no increase in flooding as a result of this project. However, the issue of traffic effects when the adjacent roads are blocked by flooding is not mentioned. Since this has the potential to create regional gridlock lasting many hours, it needs to be addressed. It could be dealt with by, for example, including a legal provision in all retail establishment leases to shut down whenever floodwaters overtop local roadways.

6. My ENF comment said:

"Regarding traffic, calculations should be provided as to the increased number of minutes or hours per year that the average current user of Wayland Center roads will spend traversing the area as a result of this development."

The delay times included in the traffic study appear to provide the information needed for any resident to calculate his yearly wasted time as a result of this project. I thank the proponent for this information.

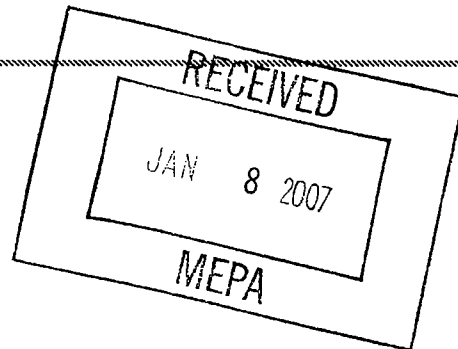
Very truly yours,  
Thomas Sciacca  
31 Rolling Lane  
Wayland, MA 01778  
508-358-2980  
tsciacca@comcast.net

113

**From:** Martha Harris  
**To:** holly.s.johnson@state.ma.us;  
**CC:** "Snowdon, Corinne"; martha@espy.com;  
**Subject:** EOEa No. 13844  
**Date:** Friday, January 05, 2007 3:26:05 PM  
**Attachments:**

Secretary Robert W. Golledge, Jr.  
EOEA, Attn: MEPA Office  
Holly Johnson, EOEa No. 13844  
100 Cambridge Street, Suite 900  
Boston, MA 02114

January 5, 2007



To whom it may concern:

As property owners at 19 Old Sudbury Road, we wish to respond to the DEIR report for the Wayland Town Center, EOEa No. 13844. The report, which we received from Epsilon Associates in on December 8<sup>th</sup>, is very long and detailed. Given the limited time for public review and the length and complexity of the report itself, our comments here are based only on a general overview of the report. It is our hope that boards representing the Town will perform a more thorough review and act in the best interest of the residents of Wayland.

Our comments are as follows:

- (1) As indicated above, the period of public review for this DEIR was very short. Because this report was released during the busy holiday season, opportunities were limited for Town boards to complete a review and have public meetings to discuss their comments. Given the length and complexity of the report, we do not feel that adequate time was afforded for its review. For example, the Board of Selectmen, Board of Road Commissioners and the Planning Board will hold a joint meeting on January 10<sup>th</sup> to discuss issues covered in the report, but this will occur after the deadline for public review has passed.
- (2) It is our understanding that restrictions have been in place for quite some time which limit the use of the driveway on Route 27, Old Sudbury Road. Portions of the report, however, focus on the impact of and plans for traffic which assume the use of that driveway for access to and egress from the

new Town Center. Changes to the current restrictions would have a direct and substantial impact on the surrounding neighborhood and this impact would extend to many roads studied in the report. It is our hope that all concerned with the future use of the driveway will have an opportunity to address this issue in a public forum. As this stretch of Old Sudbury Road is residential, it is our hope that use of the driveway would be limited to residential traffic only.

(3) With regard to the plans show on page 182 of the report (which assumes access to the new Town Center from Route 27), the widening and striping of a stretch of Old Sudbury Road to accommodate a left turn lane heading north will result in traffic being directed to the right in direct proximity to two driveways, raising safety concerns. In addition, widening the road in this location could impact the one remaining shade tree on the west side of the street. That elm tree lies within the 50-foot wide right of way in that location. Furthermore, other shade trees are growing within the Town's right of way on the east side of the street as well.

(4) It is our understanding that the Town has hired a traffic consultant to review the report. It is imperative that the consultant have ample time to review the report and prepare and present his/her own comments. The consultants hired by the town should be reporting to the Town and its residents on the validity of the data and the accuracy of the conclusions. When the data and conclusions of the report are confirmed by the Town's consultant, or comments are available to the contrary, residents can make more informed comments regarding the impact of this project.

We hope to be able to make additional comments following hearings about the report and following the report from the Town's traffic consultant.

We will attempt to fax this letter as well to 617-626-1181. If you do not receive the fax, kindly reply to this email, and we will try again.

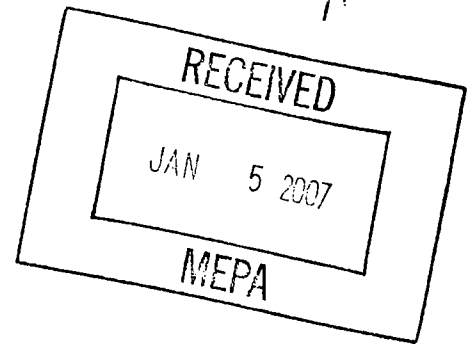
Thank you,  
Martha and Whitney Harris  
19 Old Sudbury Road  
Wayland, MA 01778

1/5/07

41 Woodridge Rd  
Wayland MA 01778

Secretary of Environmental Affairs  
EOA, MEPA Unit

Attention: Ms Holly Johnson [holly.s.johnson@state.ma.us](mailto:holly.s.johnson@state.ma.us)  
100 Cambridge Street, Suite 900  
Boston MA 02114-2524  
MEPA Fax: 617 626 1181



RE: Wayland Town Center, 400 Boston Post Road, **EOEA #13844**

Dear Ms. Johnson:

1. DEP Deputy Regional Director John Viola, in his communications to your office on this EOE #13844, dated 8/15/06 and 8/16/06, identified a number of omissions in the ENF for this project, and enumerated a number of DEP's concerns about the project, which he requested to be addressed by the DEIR. I call your attention to these letters, because the submitted DEIR does not provide adequate technical information as is needed to ensure that these concerns have been adequately considered by the Applicant and that alternatives to concerns raised as a result of that analysis have been developed, as required by 301 CMR 11.07(6)(f).

This lack of technical detail within the DEIR is not simply an issue for DEP. Wayland is a small town, and does not have adequate technical expertise of its own to bring to bear during its own municipal review process of this project. This is a major project, and the site has quite a few issues associated with it. The environmental analysis of all of them is complicated by the fact of their interrelatedness. A negotiated Development Agreement did call for a number of modest studies, but they have either not occurred, or have not been tasked with addressing the complexities of the environmental issues on this site. This is a concern for the residents of Wayland, because the interrelatedness of those issues both amplifies the consequences of an error, and constrains our ability to correct or recover from errors, should they occur, after-the-fact.

I recognize that the normal MEPA process is that issues with the ENF, are addressed within the DEIR, and that issues with the DEIR are addressed within the EIR. However, when substantive and significant detail are omitted from both an ENF and DEIR, as I believe they have, I believe it defeats the purpose of the MEPA process, to allow those issues to be further deferred until the EIR. Allowing them to be deferred prevents stakeholders from being able to review the technical data, review (and or call for) the alternatives, and to generally participate in the process by which alternatives are chosen, until, for practical purposes, it is too late to do so. The alternatives which need attention in the DEIR, are details, such as the location and elevation of the sewer pump which collects sewage from the gravity main, not high-level alternatives such as "No Build" vs "Build with Mitigation", which are not realistically under consideration at all.

It is my understanding that under 301 CMR 11.06(9)(c) that you may define the content and level of detail to be included in a DEIR, and I therefore request that you enforce Director Viola's specific requests for content to be included in the DEIR, and that your review of the DEIR and the public comment upon it, focus upon whether there is adequate technical information, to enable your office, as well as the readers of the DEIR and EIR, to have confidence that diligence and technical expertise were exercised in the permitting of this project. Such detail, and subsequent approval of that detail, will go a very long way, towards calming a persistent concern among a large number of residents of our town, that this project is too large, too risky, too reckless, and has not been adequately vetted. A DEIR which met these conditions, would be able to serve as the technical reference for our local boards, who need the content that it would contain, for their decisions.

Therefore, we need you to ensure that the content of the DEIR is comprehensive in scope, analytical, and adequately technical to settle our concerns about this project.

2. As a Commissioner of the Wayland Wastewater Management Committee (WWMDC), which is

responsible for the town's WWTF, I wish to reinforce Director Viola's concern about the fact the the ENF and DEIR have not adequately addressed the wastewater issue. My concerns about Section 5 of the DEIR are as follows:

#### Concerns about the Capacity calculations

- a. No data are provided in the DEIR to justify the coefficients in Table 5-1. It is not hard to obtain these from a back-of-the-envelope calculation based upon concept plans, but it is important to recognize that the treatment options being proposed barely meet the capacity requirements for proposed space usage, and as currently proposed, neither can be expanded, should future market realities require alternative uses for the developed space. Under the circumstances of this site, a "flows and loads" analysis which makes educated projections of the to effluent characteristics (eg, ammonia and gpd of flow) is moderately important. This study should not only estimate the flow characteristics for the project upon opening, but should consider the desire for future build-out on this site, because it has been clear from the project's inception, that the developer would like to build a bigger project than has been negotiated with the Planning Board. These estimates are very important to the WWMDC, because once the applicant is connected, we are responsible for servicing the wastewater load, even if it increases.
- b. In Table 5-1, the wastewater allocation of 110GPD/bedroom is not compliant with Wayland BOH bylaw, which currently requires 165GPD/bedroom. The 110GPD/bedroom was appropriate when a 40B was being proposed for the site, because the 40B did not have to comply with the BOH regulation. However since the project is not a 40B, it does need to comply. While it is possible that BOH would grant a variance for political reasons, the precedent which it would establish this would effectively "gut" that part of the bylaw, and therefore may face significant push-back.
- c. In Table 5-1, the Municipal allocation of 3000 gpd was arrived at based upon "what was left over", rather than reflecting the capacity which would be needed based upon the use of the building. Some proposed uses of this property could require 2-3x the allocation.

#### Concerns about the inadequacy of the WWMDC's WWTF

- d. The DEIR is silent upon the fact that the operators of the current WWTF have warned the WWMDC that the WWTF is not capable of handling the flows which it expects to receive once the Town Center is occupied, nor meet its proposed effluent standards, nor will have any capacity for future requirements after the Applicant connects. Applicant has agreed to fund a basic plant assessment, to confirm this assertion, but has refused to fund an analysis of plant alternatives, or to pay for a Comprehensive Wastewater Plan. In fairness to the Applicant, the responsibility for these is Wayland's, not the Applicant's, however, it is critical that this issue be addressed and resolved as part of the DEIR.

All of the problems associated with this are too complicated to go into within this document, but an outline of them is the following:

- \* This project will consume the entirety of the WWTF's capacity, and additional capacity is clearly needed to meet immediate, near-term, and long-term wastewater processing needs;
- \* WWMDC has been told that EPA's long-term goal is to phase out all surface water discharges, even for graywater, and that its WWTF will not be permitted a surface water increase without committing to a schedule for moving to a groundwater discharge;
- \* For a variety of reasons the WWTF needs to be replaced (it's worn out, odor control and esthetics, inability to meet discharge standards with activated sludge technology);
- \* a conventional groundwater discharge of the treated effluent will require a large and expensive leach field; it is not clear where this could be sited, due to fact that fact that most of the area within a sewerable distance either has high groundwater, is with an IWPA Zone II, NSA, or Aquifer Protection district;
- \* Applicant is aware of the Town's need for an increased capacity WWTF. Applicant is probably supportive of having a new WWTF be constructed, but has stated his opposition to having the WWMDC seek a capacity increase as part of a WWTF renovation/replacement, because increasing the WWTF would trigger its own MEPA review, with a possible delay in the Town Center Project's permitting.
- \* The WWTF is expecting a new, tougher permit. But because of the need to put a contract out to bid for a WWTF upgrade within the next 6-9 months, in order to online before the Town

Center opens, we will need to assume some permit conditions, before we have received our permit.

#### Concerns about the Subsurface Disposal Area

- e. Because the site is within a Nitrogen Sensitive Area, an IWPA Zone II, and the Aquifer Protection District, the flows must not exceed 440 gallons/building acre, per 310 CMR 15.310, 15.214, and 15.215, which would therefore require a 22.5 acre leach field. Applicant is proposing a 25,000 square foot (1/2 acre) disposal area, resulting in 2.52 gpd/sqft, which far exceeds the (310 CMR 15.242) limit of 0.74 gal/sqft allowed for class 1 soils having perc rate of <5min/inch by. This needs to be explained.
- f. It is my understand that it is DEP's policy that groundwater discharges which are within 2 year travel time of drinking wells must have have a 5 mg/l total nitrogen limit. As of 2002, there were 2 private wells within a one-mile radius of the Town Center project, and the Baldwin Field drinking wells are within 0.75 miles. A review of the hydrogeologic studies done for Wayland Meadows Project, immediately adjacent to the locus, found a horizontal hydraulic conductivity (Kh) in the intermediate sand stratum of 6'/day in the Upper Sand, a Kh=100 in the Intermediate Sand, on the southern part of former Raytheon site of 100 ft/day. Thus, *if* the soils between on the Town Center and Baldwin Field were found to consistently have a 6'/day conductivity, the treatment technology would have to meet the 5mg/l TN limit. Applicant has proposed using a FAST system, however DEP has certified the Smith and Loveless FAST system only at 19mg/l TN. The DEIR should therefore justify the use of the FAST system, by documenting the groundwater travel time between the leachfield and 3 aforementioned wells. (I note that DEP has recently warned the Wayland Sudbury Septage Facility, on the other side of the river, a much further distance away, that *it* might be within 2 years travel time of the Baldwin Field wells.)
- g. DEIR Section 5.2.1 reports that during the summer months, as much as 80,000 gpd of freshwater will be consumed on site. Upto 22,500 of this is expected to go into the WWMDC's WWTF, and 9900 will go into the leachfield. This leaves 47,600 gpd, or approximately 12 acre-inches/week unaccounted for. Depending upon how localized this irrigation is, it may or may not be an issue. But given the fact that the "green" is expected by our residents to be lush and "green", I am concerned about how much irrigation and fertilization it will receive, given the presence of the leach field underneath it. In short, I believe the gallons per square foot which are realistically expected from irrigation above the leach fields, should be included in the loading computations for sizing the leach field under the green, and suggest therefore that you have the DEIR include details of irrigation rates, and locations.
- h. It is my understanding that "existing and new permitted groundwater discharges exceeding 10,000 gallons per day into the approved Zone IIs for public water supply wells are considered a form of reuse and are governed by the MA water reuse guidance standards. Because permitting for reclaimed water usage is new to Massachusetts, the Groundwater Discharge regulations do not presently contain standards and conditions specific to reclaimed water use. Until new regulatory provisions are adopted, all groundwater discharge permits issued for reclaimed water projects will contain conditions incorporating the applicable standards for Urban Reuse, Discharge of Treated Wastewater into Zone II of a Community Water System, or Toilet Flushing as set forth in this Interim Guidance." [From MA Water Reuse Regs].

The petition before you is proposing to discharge 99% of this limit on an average basis. It is reasonable to expect therefore that there will be exceedances. Given how strict these standards are, I believe the FAST technology is an inappropriate proposal for this site. I understand the attractiveness of the FAST system to the Applicant, but allowing the FAST technology to be used in a context as environmentally sensitive as this one, I believe will have effect of gutting DEP's regulatory policy that 10,000 gallon discharges into a Zone II are a form of reuse.
- i. During a previous review of some of the Town Center documents, which showed detailed elevations, I was able to note that some of the excavation of the site would result in some land above elevation 124' (Flood Zone C) being brought down into Flood Zone B, thereby subjecting it to higher risk of flooding (in the back parking lot proposed for the Town building) and changing the flood storage volume. The DEIR does not include a grading plan, nor comprehensive before-and-after elevations, sufficiently adequate to enable determination of whether flood storage



has changed. I suggest you require this be added to the DEIR.

- j. During a previous review of some of the Town Center documents which included the survey gradients and proposed sewer lines, and sewer pump locations, I was able to determine that the separation between the bottom of the leach fields and the top of groundwater appeared to be only 3 to 5 feet. Likewise the information which I reviewed enabled me to identify a potential sewage mounding over/breakout issue, namely that the bottom of the leachfield appeared to be higher than the surface roadway at a lower elevation, a short distance away. The DEIR does not include elevations at this level of detail, in order to identify problems such as this. I request that you call for the level of detail necessary to enable people to review these data, and raise questions to experts such as you, for resolution.
- k. During a previous review of some Town Center documents, I determined that there was a septic pump station on the south central portion of the site, collecting from an 8" gravity main, pumping into the above discussed leach fields. The elevation of this pump is roughly 130', which is above the above described roadway at elevation 126'. I suggest the 8" gravity line be extended westward, south of the town pad, and that this pump station be relocated to that extension point, at an elevation lower than the roadway and Town parking lot/pad, so that, in the event of pump failure, there is no risk of sewage breakout into roadway or onto Town pad property and parking lot. Since the DEIR does not include these diagrams, you are not able to see the health risks of a failed w/w pumps. I suggest you call for this detail in your DEIR.

Therefore, I believe the only prudent response can be to require Wayland to expand its WWTF during the upgrade to the WWTF required by this project, and disallow the proposed subsurface discharge. In this case DEP and EPA should seek to ameliorate the pain of this decision, by fast-tracking the MEPA review which would be required to increase the WWTF's capacity. There is a serious problem of where the greywater from the WWTF would be infiltrated, but, 2 proposals have been floated to the WWMDC, which could make this affordable. I encourage you to challenge Wayland to develop alternatives which are in its long-term interest. Left to its own devices, Wayland will leave the long-term planning in the Applicant's hands.

Respectfully,

R. Blair Davies, 41 Woodridge Rd, Wayland MA  
Wayland Wastewater Management Commissioner  
Vice Chairman of the Wayland Sudbury Septage Committee  
(I am sending this as an individual, not on behalf of my Committees.)

January 5, 2007

Secretary Robert W. Golledge, Jr.  
Executive Office of Environmental Affairs  
Attn: MEPA Office, Ms. Holly Johnson  
100 Cambridge Street, Suite 900  
Boston, MA 02114

Re: Wayland Town Center, EOEI No. 13844

Dear Secretary Golledge:

This letter is in response to the request for public comment regarding the Draft Environmental Impact Report submitted by Epsilon Associates for the proposed Wayland Town Center development.

As a general comment, I feel that the review period of approximately one month, which included the end of year holiday period, was totally inadequate for a proper reading, analysis and comment preparation in response to such an extensive and detailed technical document. In my opinion, the critical feedback that the process is intended to generate is jeopardized as a result of the compressed schedule.

Below are comments relating to and in addition to comments submitted in my letter of August 13, 2006 concerning the scope of the EIR.

Site Contamination – Although the report addresses many issues, there remain on-going site cleanup issues such as the plan, currently on hold, to construct a coffer dam and remove earth at the suspected head of a major contamination plume source.

Action Requested: Require full-time monitoring of site construction activities for compliance with all environmental regulations.

Aquifer Impact - As the project site is located within the Town's Aquifer Protection Overlay District, the importance of a design of the storm water management system to meet Zone II Wellhead Protection Area standards is critical.

Action Requested: Require detailed design plans to assure compliance.

Water Supply – The report indicates that the Town's consultant has determined that adequate volume and pressure can be provided to the site. The Report does not address the fact that currently the water quality supplied on Old Sudbury Road is not useable for drinking or cooking.

Action Requested: Require water quality and any other relevant data to demonstrate that the development will not further degrade water quality as water is drawn deeper from the wells to meet the additional demand.

#### Transportation

1. Future Traffic Volumes - Future traffic volumes, and the routes along which they will be distributed, are of the utmost concern to local residents. Unfortunately, some data is presented in Section 3.3.2.7 (i.e., Future Traffic Volumes – Build Condition) of the DEIR beginning at page 3-71 but no analysis is provided. The difficulty is further compounded because of erroneous references to various tables in other sections of the report. The text of the DEIR states: "The site-generated traffic presented in Table 3-9 has been distributed within the study area according to the percentages shown in Table 3-11." Note that site-generated traffic is not presented in Table 3-9. Table 3-9 at page 3-38 is entitled "License Plate Summary". In addition, there are no percentages shown in Table 3-11 entitled "Municipal Trip Generation Comparison" which appears on page 3-47. Because of this confusing presentation, the reader cannot tell what, if any, credits or off-sets have been taken for intercepted pass-by trips, internal trips, etc.

Action Requested: Prior to issuance of the Final EIR, the Proponent should prepare, and submit through the MEPA process, a clearly presented analysis of the traffic impacts and required mitigation. In that way the public and each of the regulatory bodies with jurisdiction over the Project can carefully review and comprehend the significance of the information before them.

2. Recently Completed Route 20/27/126 Intersection Reconstruction - The roadway geometry and traffic control information (page 3-3) as well as some of the traffic volume information (page 3-15) relied upon in the report was collected in February 2005. In the interim, MassHighway has undertaken and almost completed reconstruction of the Route 20/27/126 Intersection and associated improvements. New concrete sidewalks with brick pavers are located along the roadways throughout the Historic District and beyond. Granite and brick paver crosswalks have been installed. There are now dedicated left and right turn lanes in the area. Traffic signalization has also been upgraded to allow for dedicated left and right turns in the area. Pelham Island Road heading west between Route 27/126 and Route 20 has been made one-way. Numerous traffic signs have been installed.

Action Requested: Prior to issuance of the Final EIR, the Proponent should prepare and submit through the MEPA process, a clearly presented analysis of the traffic impacts and required mitigation. The Proponent should conduct its analysis based on current conditions and data. Only in that way can the public and each of the regulatory bodies with jurisdiction over the Project carefully review and comprehend the significance of the information.

3. Current Site Access Points - The DEIR erroneously states at 3.2.4.2 that Route 27 currently provides access to the site (page 3-20). Use of the Route 27 (Old Sudbury Road) driveway accessing the existing office building is governed by a Zoning Board of Appeals Special Permit. Originally, the access from Old Sudbury Road was specifically addressed in the original 1954 Zoning Board of Appeals decision permitting Raytheon to construct its research laboratory at the proposed development site. That decision reads in part: (2a) "Except as provided in (2b) all access shall be from State Road (i.e. Rt.20). (2b) The only provision for access to or from Old Sudbury Road shall be one driveway, which shall have a surface prepared for travel not more than 25 feet in width. Said driveway shall enter Old Sudbury Road northwest of the Heard property, not less than 100 nor more than 500 feet from the northwesterly boundary of said property. Adequate provision shall be made to prevent its use otherwise than by passenger vehicles and to prevent its use as an entrance or exit to any parking area for not more than 40 vehicles. At any times when a guard system is not maintained, there shall be maintained such barriers as the Board may from time to time require to prevent use of such driveway (except in case of fire or other emergency) as an entrance or exit to other driveways or any parking area other than the 40-vehicle parking area." Based on zoning decisions that are currently in effect, that driveway can only be used for emergency access by public safety vehicles. It is my understanding that Wayland's Town Counsel recently prepared an opinion for the Planning Board that confirms that fact.

Action Requested: The statement should be corrected. In addition, any analysis of traffic based on existing conditions or no-build conditions, that relies on traffic entering and exiting the site through the Route 27 access point, should be re-done to properly reflect that, without additional zoning relief, the site may not be accessed through Route 27.

4. Trip Distribution and Assignment - The figures that depict trip distribution and assignment for each of the Access Alternatives (Figures 3-18 through 3-25) appear to show changes in the numbers of vehicles only at the access points. It is counter-intuitive to believe that no matter which access point is employed, the exact same number of vehicles will be entering and exiting, for example, Glezen Lane. There is no explanation in the text (page 3-58).

Action Requested: A full explanation of the methodology and reasons for this needs to be provided.

5. Route 27 and Glezen Lane Intersection – Proposed mitigation recommendations include signalization and removal of the existing island (Figure 3-38). Yet in 3.5.2.1 the report states that a traffic signal would not meet the criteria used by MassHighway to determine need for signalization. Further, the existing island, which is across the street from one of the oldest homes in Wayland, has been a well tended garden for years which helps to preserve the historical and aesthetic environment for the neighborhood. Its removal would urbanize the intersection and destroy a landmark site.

Action Requested: Eliminate signalization as a possible mitigation and specifically prohibit the alteration of the existing island.

Thank you for this opportunity to comment.

Sincerely,

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Alan D. Mandl  
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Wayland, MA 01778  
[amandl@comcast.net](mailto:amandl@comcast.net)

January 4, 2007

Mr. Robert W. Golledge, Jr.  
Secretary of Environmental Affairs  
MEPA Office; Attn: Holly Johnson  
100 Cambridge Street, Suite 900  
Boston, MA 02114

Re: EOEA #13844, Wayland Town Center

Dear Secretary Golledge:

I am submitting these comments on the traffic portion of the November 30, 2006 Draft Environmental Impact Report ("DEIR") filed by Twenty Wayland LLC. My August 10, 2006 public comments on the Environmental Notification Form ("ENF") are on file in this matter.

The proponent has failed to adhere to the Secretary's directives in the August 25, 2006 ENF Certificate. Pursuant to 301 CMR Section 11.08(8)(b) of MEPA's regulations, the Secretary should determine that the DEIR is inadequate and require the proponent to file a supplemental draft EIR in accordance with 301 CMR Section 11.07. I have provided specific recommendations for supplemental information that should be required.

I also respectfully recommend that the Secretary require the proponent to submit a reduced-build alternative as one traffic mitigation measure. The addition of this alternative will enable consideration of the feasibility and effectiveness of this measure by itself and in conjunction with other traffic mitigation measures, including but not limited to restrictions on the use of any Route 27 access point for residential and emergency uses only. In combination, these measures would (1) reduce traffic impacts on Route 20 and roads that feed into or from Route 20 and (2) reduce the use of local residential roads as cut-throughs.

An overriding concern is that the proponent has understated the traffic-related impacts of its proposed project. The proponent has failed to come to grips with the fact that a reduced-build alternative needs to be implemented in order to lower the volume of traffic to be added to an already burdened Route 20 and avoid merely shifting traffic problems from Route 20 to local residential roads. Developments of this type and large scale are typically sited within 1 mile of a major highway such as Routes 9 and 128.

The mitigation measures discussed by the proponent do not constitute “a rigorous set of mitigation measures” (October 15, 2001 Certificate on Draft EIR for Stoneham Executive Center at 1) committed to by the proponent, and these measures have not been shown to be feasible or effective. No coherent set of feasible and effective traffic mitigation commitments has been made to keep cut through traffic out of local residential streets. Because of the need to balance impacts on Route 20 and local residential roads, the Secretary should direct the proponent to submit a reduced-build scenario. Otherwise, mitigation of a traffic problem in one location simply shifts traffic problems to other roads.

The MEPA process is especially critical here because Wayland’s mixed use overlay district bylaw does not allow the Planning Board to reduce the square footage or density of uses of the project as a means for mitigating against traffic-related or other negative impacts. MEPA review, however, considers project impacts and requires that they be mitigated. In addition, the Secretary has previously noted that “if [traffic] impacts cannot be adequately mitigated, then the proponent will need to consider a reduced-build alternative.” (EOEA #12372, October 15, 2001 Certificate on Draft EIR for Stoneham Executive Center at 1; *See also*, EOEA #12928, March 31, 2006 Certificate on Draft EIR for Chesnut Hill Square at 4).

**A. The Proposed Project is Inconsistent with Wayland’s 2004 Master Plan and the Proponent has Failed to Address these Inconsistencies in the DEIR**

At page 4 of the ENF Certificate, the Secretary directed the proponent to demonstrate in the DEIR the proposed project’s “...consistency with local land use plans, including the updated Master Plan.

At pages 1-15 through 1-17 of the DEIR, the proponent asserts that the proposed project is consistent with Wayland’s August 2004 Master Plan because the 2004 Master Plan discusses the use of the former Raytheon site as a location for a mixed use development.

However, the proponent has deliberately ignored patent inconsistencies between the traffic-related land use policies contained in Wayland’s 2004 Master Plan and its proposed project.

**1. Wayland's 2004 Master Plan Sought To Discourage Large Scale Development That Would Worsen Route 20 Traffic Conditions in Village Areas**

The proposed project is inconsistent with the traffic portions of the 2004 Wayland Master Plan because it generates a substantial amount of traffic that the Route 20 village historic district simply cannot handle.

A major problem is caused by the large size of this project. It is not the quaint New England village represented by the developer in April 2005. The large size of the project will attract high traffic levels in the historic village area that Wayland's Master Plan sought to avoid.

The 2004 Master Plan at page 186 stated that the Town should discourage intense commercial uses of Route 20 that would generate greater traffic volumes in the historic district area of Wayland where Route 20 intersects Routes 27 and 126:<sup>1</sup>

Wayland should demonstrate to its neighbors that the Town's village areas are a priority and should be protected from traffic impacts. Another way to address traffic impacts is to try to assist neighboring Towns to route traffic for large-scale commercial development away from Wayland's small villages. (emphasis added).

Clearly, the proposed project does just the opposite-it is designed to attract more traffic to Wayland's small historic district area. The proponent's own traffic studies demonstrate this fact.

**2. Wayland's 2004 Master Plan Disfavors Development That Would Flood Scenic Roads and Residential Neighborhoods With Large Volumes Of Traffic.**

The proposed project produces excessive volumes of traffic that will cut through narrow scenic roads in adjacent residential areas in order to get to and from the shopping center. Wayland's 2004 Master Plan states that "[T]raffic cutting through residential neighborhoods creates safety, noise and speed problems." (2004 Wayland Master Plan at 89). This concern is similar to the Secretary's own statements that cut through traffic should be mitigated "by keeping it off of local residential streets." (EOEA #12928, March 31, 2006 Certificate on Draft EIR for Chesnut Hill Square at 6).

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<sup>1</sup> It is important that the Secretary understand that when the Master Plan was written in 2004, a small, local town center like Weston or Concord was in mind, not a mall or shopping center merely branded as a town center.

This situation is exacerbated by the inclusion in the preferred design of a “connector” that cuts through the project and creates a link between Routes 20 and 27. Under the preferred option, the Route 27 access point would be open for commercial use. Given the literally thousands of vehicle trips assumed by the proponent to make use of the “connector” it becomes obvious that many of these same vehicles will turn adjacent scenic ways like Bow Road and Glezen Lane into extensions of the “connector.” These narrow, winding residential roads were not designed to function in this way and cannot handle the projected traffic levels.

The massive size of the proposed project in light of existing roadway infrastructure and traffic conditions, combined with the preferred commercial use of the “connector,” creates a “perfect storm” for serious adverse traffic and public safety impacts upon scenic roads in neighboring residential areas.

Minor mitigation measures that address only the flood of traffic that will occur on these roads (e.g., making it go slower) do not keep cut through traffic off of local residential roads and further ignore the core of the problem-an oversized development that will generate traffic far in excess of the capabilities of scenic roads that are not designed to function as extensions of the “connector.”

Wayland’s 2004 Master Plan (Master Plan at 98, 99) recognized the importance of these same scenic roads to the recreational needs of our community and the region:

Many roads in Wayland are signed with Share the Road signs which encourage vehicles and bicycles to use the road together. In 1996, the MetroWest Growth Management Committee along with local bicycle enthusiast groups produced a map identifying the best routes for cyclists in the region. Several Wayland roads are recommended for bicycling, including...Glezen Lane...Claypit Hill/Plain Road, Plain Road/Millbrook Road/Pelham Island Road....”

These scenic roads serve as pedestrian and bicycling routes today, especially on mornings, early evenings and weekends. Befitting of scenic roads, there is very little street lighting and no sidewalks. These scenic roads are right in the crosshairs of the significant traffic flows that the proposed development would generate as shoppers and delivery trucks rush to and from the proposed Route 27 access point under the developer’s preferred scenario.

For these reasons, the proposed project materially conflicts with the 2004 Master Plan.



**3. Contrary to Wayland's 2004 Master Plan, the Proposed Project Offers Piecemeal Traffic Mitigation Measures that Simply Shift a Problem from One Road to Another**

The "connector" through the proposed project enables traffic to cut through the project in order to shift projected traffic flows between Routes 20 and 27. In turn, traffic is attracted to and from an access point on Route 27. deposited violates that part of the 2004 Master Plan that rejects piecemeal measures that simply shift some problems from one road to another. The "connector" and unrestricted use of the Route 27 access point merely shift traffic from a state highway (Route 20) on to narrow scenic roads in residential areas, contrary to the Master Plan. (Master Plan, page 186).

The "connector" and unrestricted use of the Route 27 access point attempt to mask the serious overburdening of Route 20 that is caused by a project that is simply too large for its location. By diverting a substantial number of trips through the "connector" and using the Route 27 access point to attract the use of scenic roads as an alternative to Route 20, the developer has merely shifted the adverse effects of its oversized project to local residential roads that cannot absorb this traffic.

The State's consideration of a highway access permit for Route 20 must take into account the effects of a project of this massive size in relation to the capacity of existing roadways. The State should not award a highway access permit based on Route 20 mitigation measures suggested by the proponent where (1) they have not been demonstrated to afford any effective mitigation and (2) they depend upon shifting large volumes of traffic on to neighboring narrow scenic roads that run through residential areas used today for biking and walking.

As discussed below, mitigation measures discussed in reference to neighboring scenic roads in residential areas do not satisfy ENF Certificate directives. These mitigation "suggestions" of the developer do not keep cut through traffic off of the impacted local roads. Nor have they been demonstrated to be feasible or effective as traffic mitigation measures in this situation. The lack of commitment by the proponent to mitigation measures shown to be feasible and effective renders the DEIR inadequate.

For these reasons, it is critical that the Secretary direct the proponent to prepare and submit a reduced-build alternative that relies upon a lessening of traffic volumes as one mitigation measure. This alternative should be coupled with additional mitigation measures, such as the exclusion of commercial use of the Route 27 access point, in order to effectively mitigate the traffic impacts of the project on impacted residential roads.

**B. The Draft EIR does Not Comply with ENF Certificate Directives Regarding Traffic Mitigation**

The DEIR does not comply with page 7 ENF Certificate directives that the EIR “...demonstrate that the proposed mitigation measures are feasible and will effectively mitigate the impacts of each alternative...” and that the proponent “...provide a clear commitment to implement mitigation measures and...describe the timing of their implementation based on phases of the project.”

**1. The Proponent has Made No Clear Commitment to Implement Mitigation Measures Based on the Development Agreement**

The proponent has relied upon conditional undertakings in its Development Agreement with the Town as evidence of its commitment to implement mitigation measures. See, ENF Certificate at 2. DEIR at 1-9, 1-10, Appendix C. In addition, it presumes future Town expenditures that would mitigate vehicular traffic, but which it does not commit to fund and which may not occur.

Under Section G of the Development Agreement, the proponent may terminate the Development Agreement and avoid virtually all of the \$4.2 million in community mitigation payments “[i]n the event that Developer does not receive the Raytheon Approvals, in form and substance satisfactory to Developer....” The “Raytheon Approvals” include “all permits, approvals, waivers and clearances to construct the proposed [project] from Raytheon Company and MDEP, including, without limitation, release or modification by Raytheon Company and MDEP of the Activity and Use Limitation (“AUL”)...restricting the development of residential uses and open spaces on the Property.”

The proponent can readily avoid paying the Town the \$3,030,000 “financial gift” under Section J of the Development Agreement by exercising its right to terminate under Section G. Under these circumstances, no source of funds would be available for (1) construction and maintenance of sidewalks needed to enable safe pedestrian access from Route 20 and 27; (2) construction of any traffic mitigation measures to or on affected scenic roads located in neighboring residential areas and admittedly impacted significantly by traffic caused by the project (Section 3.0 of DEIR; 3-107).

Even if the Development Agreement’s “financial gift” is taken into account, it cannot be treated as a commitment to traffic mitigation measures. The Development Agreement does not obligate the Town to spend these funds or any portion of them on traffic mitigation measures. Therefore, no commitment to traffic mitigation measures can be assumed based on the Development Agreement.

**2. Mitigation Measures Proposed for Glezen Lane and Other Scenic Roads in Residential Neighborhoods Impacted by the Project Have Not Been Shown to be Feasible and Effective, Do Not Constitute Clear Commitments and Their Timing is Speculative**

The mitigation measures discussed by the proponent in the DEIR do not comply with ENF Certificate requirements.

First, at pages 3-17 and 3-108, the proponent describes pre-existing uses of Glezen Lane, a narrow, winding scenic road that carries commuter traffic during morning and evening commuter hours on weekdays. One end of Glezen Lane opens on to Route 27, north of the proposed project.

At this stage of the DEIR, the proponent does not discuss the impacts of the proposed project on Glezen Lane or other scenic roads impacted by the proposed project. Thus, the mitigation measures described as “possible mitigation” do not address mitigation of proposed project impacts. No analysis of the feasibility or effectiveness of these “possible mitigation” measures was provided as to existing conditions. Of course, these measures do not address projected traffic impacts of the proposed development and their feasibility and effectiveness as mitigation measures regarding proposed project impacts has not been evaluated or established.

At 3-112, the proponent again discussed only existing conditions, not conditions to be created by the increased traffic associated with its project, and the measures discussed do not deal with project traffic levels and impacts on Glezen Lane and other scenic roads (the other impacted scenic roads, except for Bow Road, are not discussed at all here).

The proponent at 3-127, in connection with its preferred design alternative, offers up “suggested measures” for traffic calming on Glezen Lane and Bow Road only, without any evaluation or conclusions about the feasibility and effectiveness of any specific measures. For example, “reducing the width of Glezen Lane between Route 27 and Training Field Road” by 2 feet over a distance of 100 feet makes no sense at all, given the fact that Route 27 and Training Field Road are at opposite ends of Glezen Lane. Even if this measure made any geographic sense, its feasibility and effectiveness as a traffic mitigation measure have not been documented. Moreover, such a measure does nothing to limit the use of Glezen Lane by motorists looking to avoid Route 20 on their way to and from the proposed shopping center.

The proponent has not committed to any specific measures, but has simply tossed out “suggestions” without regard to feasibility and effectiveness and without any commitment to employ any specific measure(s).

The exact timing of mitigation measures has not been explained. No discussion of the steps or time lines required to carry out these measures has been included. Dependency upon unappropriated municipal funds for unspecified projects with unknown costs hardly amounts to a commitment to feasible and effective traffic mitigation measures.

The proponent also failed to discuss the effect of any individual or collective measures upon pedestrian and bicycle traffic on Glezen Lane and other neighborhood roads that attract walkers and cyclists during the business hours of the proposed shopping center. No analysis has been provided regarding truck traffic after the construction period.

The cost of mitigation measures for Glezen Lane and the many other adversely impacted scenic roads is not being borne by the proponent. The Town may lack the funds needed to carry out these measures or fail to appropriate funds for these measures. The Development Agreement cannot be relied upon as a source of funds for these measures. Under these circumstances, the Secretary cannot conclude that such measures are feasible, effective and committed to by the proponent (this situation may be contrasted with one where the proponent has costed out the proposed mitigation measures, agreed to specifically pay for them and vouched for their effectiveness in light of clearly identified traffic impacts of the project on each affected road covered in the Development Agreement).

**C. Flaws in the Traffic Impact Study Need to be Corrected in a Supplemental EIR Filing**

Traffic impacts of the proposed project have been understated or otherwise not adequately substantiated. The proponent has concealed the magnitude of the traffic problems associated with its planned development in an unsuitable location for a large scale mixed use project. Shopping centers of the type proposed are typically located within a mile of a major highway. They are not located on already burdened 2 lane roads bordered by wetlands and a federally protected scenic river.

**1. The Study Period of 5 years is Much Too Short**

At 3-39, the developer states that a 5 year study period between 2006 and 2011 was used to determine the impact of site-generated traffic volumes on the roadway network under future conditions.

The selected study period is too short and results in an understatement of traffic impacts. Given the size of the proposed project and the time required to complete a full build out, the Secretary should require a 10 year study period commencing in 2011, when the proposed project is expected to be completed.

It would make no sense to have much of the study period predate the actual occupancy of the proposed project-but that is what the proponent has done.

In comparison, Wayland urged Framingham to require a study period longer than 5 years in the case of the nearby Danforth development in Framingham. Wayland also used a 10 year study period for its own evaluation of traffic in connection with its planning for improvements of the Route 27/ Route 30 intersection.

Given that proposed mitigation measures will disrupt only now just completed intersection reconstruction work paid for in part with state funds, the Secretary should require a longer term study period so the true impacts of traffic on these intersections and the feasibility and effectiveness of proposed mitigation measures can be evaluated.

The DEIR should be redone based on a longer study period that covers at least 5 years following the expected date for full occupancy of the proposed project. The longer study period is needed, in part, to capture the full extent of background traffic growth that can be expected to occur up to the time that full build out and occupancy of the proposed project is expected.

## **2. Failure to Disaggregate Commercial Uses**

The Secretary should require the proponent to supplement the DEIR with an alternative analysis that employs separate land use codes for supermarkets, drugstores and restaurants. LUC 850 should be used for the supermarket, for example, for the significant square footage provided in the bylaw for a supermarket, in place of LUC 820.

This type of disaggregation is needed in order to better evaluate the traffic impacts that can be expected, based upon the developer's statements that the project will include a very large supermarket, a drugstore and multiple restaurants. Each of these types of uses can be expected to generate more traffic than smaller retail stores.

Separate ITE land use codes exist for the very reason that different land uses may have different traffic impacts. The shopping center land use code can be used to cover the remaining commercial uses, assuming that they qualify for treatment under that land use code. It should not be used to mask traffic impacts of very significant land uses that the developer has identified as components of the commercial space.

## **3. Use of 1 Percent Background Traffic Growth Has Not Been Justified**

No showing has been made by the proponent that the use of a 1 percent factor for background traffic growth is reasonable. At 3-41, the proponent explains that this factor was based on data from Wayland and "surrounding towns." The comparability of the

locations from which data was compiled and the location of the project has not been established. Appendix A Transportation Data was not provided and may or may not include details to show how the background traffic growth factor was derived. No explanation has been given why this data should be regarded as representative of background traffic growth for purposes of an EIR.

The Secretary should direct the proponent to provide the data on which it is relying and submit a complete justification for the use of this data as a basis for projecting background growth.

In addition, given the need to extend the study period, as discussed above, supplemental information is needed to assess traffic impacts due to background traffic growth over a longer time frame.

#### **4. The Size of Study Area Should be Expanded**

In the case of the Wayland Commons housing development adjacent to the proposed project, that developer was requested to reflect in its traffic impact study the traffic to be generated by the planned Danforth development in Framingham (a small portion is located in Wayland). There is no reason why a similar requirement should not be imposed here for purposes of traffic impact evaluation and the assessment of mitigation feasibility and effectiveness.

Given the size of the project and its need to draw traffic from a wide circle in order to claim commercial viability, the proponent should be required to supplement its DEIR with an evaluation of traffic impacts due to specific development by others beyond the general background traffic growth rate. A review of the geographic area from which the project would need to draw traffic was included in the fiscal impact analysis of the project conducted by Town consultant Judi Barrett. A similar sized study area therefore should be included for purposes of determining traffic impacts due to other developments.

#### **5. The DEIR Fails to Adequately Consider Pedestrian and Bicycle Impacts**

The DEIR traffic section repeats a flaw previously noted by the Town's peer review traffic consultant. The movement of traffic will be impacted by pedestrian and bicycle activity that the proponent has been directed to encourage and which it claims it will encourage. For example, the increased use of cross walk lights would affect traffic congestion. If steps are taken to improve access between the project and existing businesses along Route 20, then the effects of such access on Route 20 traffic must be considered in a supplemental filing.

At present, no formal bicycle paths exist and there are no sidewalks on the north side of Route 20 or along Route 27. The developer has made no commitment of funds required to pay for improving pedestrian and bicycle access to the proposed project (as noted above, Development Agreement payments are speculative and are not dedicated to traffic mitigation measures).

#### **6. The DEIR Fails to Consider Post Build Out Commercial Vehicle Impacts**

There is no evidence that the proponent has properly evaluated the impact of commercial vehicle traffic after build out. Such traffic includes delivery trucks. This type of traffic surely will increase in light of plans for a supermarket, drug store and restaurants. The effects of such traffic on queuing and on adjacent narrow scenic roads (that the developer suggests be made even narrower) needs to be evaluated and presented for review.

#### **7. The DEIR Fails to Address Access to and From Existing Commercial Uses on Route 20**

Another flaw that must be addressed in a supplemental DEIR filing is how the projected traffic from the project will impact and be impacted by the need for vehicles to access and exist existing commercial locations on Route 20, across from and nearby the project. The only business that appears to have been considered is Russell's Garden Center. No consideration has been given to the impacts of this traffic and what, if any measures, should be taken to address the reciprocal negative impacts that are likely to occur as drivers jockey to turn on to or off of Route 20.

#### **8. Negative Project Impacts on Access to and From the Public Safety Building Have Not Been Addressed**

The DEIR does address the impacts of increased traffic and queuing on the ability of police and fire vehicles to move through impacted intersections at Routes 20/27/126 and from their Public Safety Building location. Queuing could readily block vehicular access for precious seconds or minutes. No mitigation measures have been provided to deal with this negative impact upon critical public safety functions. Supplemental information should be required.

#### **9. Negative Project Impacts on EMT Services Have Not Been Addressed**

Similarly, the proponent has not acknowledged the adverse impacts of increased traffic upon the movement of EMT vehicles. A concern has been expressed by residents that life and death access to ambulance services should not be compromised by clogged

intersections caused by a sale at the mall. Equally problematic is the ability to get an ambulance to the planned shopping center or residential units.

This problem could be mitigated to some extent by the proponent paying for additional public safety vehicles to be at the project site, much in the same way that ambulances are kept on the ready at concerts or sports events. The proponent should be required to evaluate this issue and provide additional mitigation measures that are feasible and effective.

#### **10. Traffic Generation for Former Uses Must be Further Evaluated**

The proponent implies that significant traffic volumes should be attributed to former use of the site for purposes of evaluating incremental impacts of the proposed project on certain intersections (see 1-19, 3-41). As in the Stoneham Executive Center Certificate on the draft EIR, the Secretary should request more information on the history of occupancy at the site. It is well known that over a several year period this site suffered from a lack of tenants, as a prior owner allowed it to revert to its lender before buying it back at an amount well below the amount of the loan that it failed to pay.

#### **D. Effects of Site Pollution on State Highway Access Permitting**

We have learned from the Raytheon pollution remediation LSP that a plume of pollution is migrating from the site toward Russell's Nursery, directly across Route 20 from the entrance to this site. This situation needs to be thoroughly investigated and no required state highway access permit should be issued without more comprehensive disclosure of these facts. The proponent should be directed to supplement its DEIR with a thorough discussion of this issue and its likely and potential impacts.

#### **E. No Clear Commitment to Transportation Demand Management Was Made**

The ENF Certificate at 6 required the proponent to "provide a clear commitment to implement and continuously fund any evaluated TDM measures deemed feasible to sustain and increase mode usage." No such commitments were made in the DEIR. The discussion at 3-131 and 3-132 falls short of the required commitments. The Secretary should direct the proponent to supplement the DEIR with definite commitments regarding shuttle services and continuous funding of this measure. Consideration should be given to the establishment of remote locations from which shuttle services could be run for use by patrons, not just employees and residents(e.g., Weston Center, Wayland High School, a similar location in Sudbury, perhaps even the expanded Natick Mall).



**F. The Proposed Project Creates Negative Impacts that Can Best be Addressed Through the Commonwealth Requiring Limitations on the Extent of Use of the Site**

The Secretary has previously recognized that where a project may meet local zoning requirements but cause negative traffic impacts on adjoining communities or residential roads in a town, the project developer will need to consider reducing the size of the project. (Certificate on Draft EIR, Stoneham Executive Center, October 15, 2001 at 1).

This precise situation exists here. A review of this project confirms the obvious-it is simply too large for this location and existing roadways, even with the mitigation measures discussed, do not effectively mitigate the many negative impacts that the project imposes on Route 20 and the multiple residential neighborhood roads. Attempts to divert traffic from Route 20 on to and over narrow scenic roads in residential neighborhoods merely shift problems from one road to another, something that Wayland's 2004 Master Plan condemns.

The short answer to this dilemma is a smaller project.

A smaller project also is important to evaluate in connection with the proponent's alternative plan to limit the use of the Route 27 access point to residential and emergency traffic. I strongly support the State's requiring a smaller project as a condition for any access permit for Route 20. A smaller project is important in the case of the proponent's alternative plan with limited access to and from Route 27.

**G. Proposed Commercial Use of a Connector Road should be Discouraged in Light of its Impacts on Affected Residential Areas**

The proponent's alternative design, which limits the use of the Route 27 access point to residential and emergency uses, is far preferable to an unrestricted use of this access point from a traffic mitigation standpoint. The proponent stated publicly that its project can work with a single Route 20 access point for commercial traffic. This alternative would reduce the amount of traffic using narrow residential roads as extensions of the "connector." This approach is a critical component of any traffic mitigation plan and would be consistent with Wayland's land use history for this site for more than 50 years.

For over the past 50 years, residential neighborhoods adjacent to the former Raytheon site (site of the proposed project) have been protected against the impacts of traffic associated with the site.

Prior to 1954, the land north of Boston Post Road and northeast of Old Sudbury Road was zoned as a Single Residence District. In 1954, the Town considered an

application by Raytheon Manufacturing Company to zone a portion of the land as a Limited Commercial District. In the Town's decision approving Raytheon's application, the Town was explicit in expressing grave concerns with the commercial development of property in this area. The foremost concern identified even in 1954 was traffic. The Board of Selectmen was persuaded to approve Raytheon's application to create a Limited Commercial District as the proposed commercial use was to erect a laboratory which would employ about 1,500 people. The Town was careful to consider alternative uses in the event the building was abandoned for laboratory use. Specifically, the Town stated that, "[w]arehouses require few employees and cannot be objectionable unless used to offensive materials." It continued, "We also feel that offices are desirable provided the density of employees is controlled as we have provided in the permit."

Thus, for many decades, the Town was careful to restrict the number of people using the site and expressed serious concerns with traffic issues and the impact of traffic on the residences surrounding the property. The Town's initial careful decision transferring this land from a residential district to a limited commercial district reflects that traffic, density and the number of vehicles entering and exiting the site has always been of paramount concern.

Also in 1954, the Town permitted a driveway leading from Old Sudbury Road to the limited commercial district for the limited purpose of fire protection. Any signs on the driveway were limited to only those of a type found at a residence and were intended to "warn off traffic which is not to use the driveway, prevent parking on the driveway, etc."

The Town never intended to permit the widespread use of this surface. In fact, the only type of emergency vehicles that were even authorized to pass were for fire protection. Since 1954, the Town maintained great concern for use of this driveway and its implications to neighboring residents. Changes to the use of the driveway have been carefully monitored and extremely limited in scope.

In 1971, Raytheon sought to modify its Special Permit to permit use of the driveway only for use Monday through Fridays for access to and egress from certain parking areas by passenger vehicles of Raytheon employees living northwest of the plant (Application #71-8). The Town approved the application, but in significantly more limited manner than Raytheon sought. Specifically, the Town required that Raytheon limit use of the driveway to the following:

"(a) those persons who are presently permitted to use it as provided under the permit as previously in effect [namely for fire protection] and (b) those employees of its Wayland facility who principally reside in the following 15 towns northwest of the Wayland plant: Acton, Bolton, Boxborough, Carlisle, Chelmsford, Clinton, Harvard, Hudson, Lancaster, Littleton, Maynard, Stowe, Sudbury (northern portion) Westford and West Concord."

The Town required that Raytheon follow a detailed system to enforce the above limitation. This included creating a separate parking area (known as Area # 3) able to hold a maximum of 350 cars which would be only available for those employees who met the aforementioned residency requirements and whose vehicles displayed a special identification sticker. Furthermore, Raytheon was required to carefully control and monitor access to and from Area #3 through the use of gates manned by security personnel. The only other vehicles allowed to use the driveway were a limited number of management personnel and visitors and only for two hours per weekday. Finally, all vehicles authorized to park in Area #3 were required to turn left onto Old Sudbury Road when leaving Raytheon and had to remain on Old Sudbury Road until they reached the Wayland-Sudbury line.

Finally, the Town stated in 1971 that the modification to Raytheon's special permit would expire in two years unless extended by the Board of Selectmen upon application, notice and hearing, to give the Town an opportunity to review the plan's operation.

Thus, the authority Raytheon received to expand the use of the driveway was extremely limited and a careful and extensive system was put in place to ensure that the permitted use would not be abused. Furthermore, it appears that this limited use expired in 1973, as there is nothing in the Town's Building Department's files to indicate that Raytheon applied for a continuation of the 1971 modification to its Special Permit. Thus, apparently Raytheon's special permit reverted back to its initial terms and conditions, namely that the driveway could only be used for fire protection.

Nevertheless, in 1976, Raytheon applied for a limited expansion of its use of the driveway (Application #76-1) to permit use of the driveway for access to or from Old Sudbury Road between 7:00 and 9:00 a.m. and 4:00 and 6:00 p.m. Monday through Friday for passenger vehicles of employees and visitors to specific parking areas. The Town did not grant Raytheon's request, however. Instead, the Town limited yet again the use of the driveway, only permitting its use for employees *entering* for work in the morning. Those same employees were required to depart from Area #3 in the afternoon through the main gate on Boston Post Road.

Finally, in 1998, Dean Stratouly, as Manager for Wayland Business Center (and a member of Twenty Wayland LLC), applied for permission to reinstitute use of the driveway for passenger vehicles of employees and visitors and for deliveries to the site. A number of town residents submitted a letter expressing concerns with the proposed driveway access as it would create a significant increase in vehicular traffic on Bow Road and Glezen Lane during morning and evening commuting hours, effectively making these ways extensions of the proposed roadway. The Town considered that the narrow, winding roads are without sidewalks, serve as bus stops for small children, attract walkers and bicyclists and already experience heavy cut-through traffic by commuters.

Following at least one Zoning Board of Appeals hearing, the applicant withdrew its request to gain access to the site from Old Sudbury Road and in Decision 98-34, the Town recognized Wayland Business Center's request to withdraw its application for a variance to use the driveway.

In summary, the Town to date has been extremely vigilant in limiting any access from the former Raytheon site to Old Sudbury Road. It repeatedly denied Raytheon's requests to expand use of the driveway, recognizing the negative impact that such use will have on traffic in the area and on residents in the Town. Traffic in this area, and specifically use of nearby roads as cut-throughs, has been recognized as a serious public health and safety concern to the Town and use of the "driveway" has historically been limited extensively.

Limiting the use of the Route 27 access point to residential users and emergency vehicles also would help address traffic problems. Permitting residential access would enable the residents of both the mixed use development and the adjacent Wayland Commons housing development to share the access point and keep down the number of curb cuts needed on Route 27. The developer is on record that a larger project rejected by Town Meeting in November 2005 would work in the absence of commercial use of the Route 27 access point.<sup>2</sup> Thus, this limitation should not adversely affect the proposed project. At the same time, such limited use would significantly reduce the amount of traffic that would be directed into neighborhood roads.<sup>3</sup>

Limiting the use of the connector between Routes 20 and 27 is a vital step toward protection of the public from adverse project impacts. A second vital step is for the Commonwealth to condition any highway access permit to Route 20 upon a smaller project than the maximum allowed under Wayland's amended zoning bylaws (the maximum was approved without benefit of detailed traffic studies and without any study of the impacts of the proposed project upon the multiple scenic roads in residential areas next to the project).

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<sup>2</sup> In fall 2005, the project developer stated that its project would work without the Route 27 access point (see DVD mailed to every household in fall 2005, just prior to a Town Meeting that failed to pass the zoning bylaw amendment permitting the project; see September 2005 videotaped statement made by LLC member Charles Irving to Board of Selectmen).

<sup>3</sup> This is not to say that all traffic impacts on neighborhood roads would be avoided. Additional mitigation measures still need to be considered, and they would likely be more effective and less disruptive if they were geared toward mitigating a smaller traffic problem.

#### **H. Reduction in Project Size also would help Reduce Traffic Queuing and Related Public Safety Problems**

A smaller project would reduce traffic volumes and also reduce the length of traffic queues that will admittedly clog the Routes 20/27/126 intersections in Wayland's historic district.

Many residents are very concerned about the negative public health and safety impacts caused by excessive queuing at these intersections. Significant reductions in the size and intensity of uses are needed to help mitigate traffic affecting other resident "experiences" on our roads. We are concerned about the lengthy queuing of traffic that would paralyze already busy intersections and foul existing weekend traffic patterns, such as a Cochituate or North Waylander resident's trip to our landfill. This traffic also would impair the ability of public safety officials to respond to emergencies, especially if their vehicles were blocked by traffic queued up past Millbrook, where our police and fire Public Safety Building is located. Queuing problems would be exacerbated by additional traffic lights that have been proposed near the library. Queuing problems have not been adequately addressed by the developer.

#### **I. Mitigation and Draft Section 61 Findings Are Inadequate**

As explained above, the proponent has failed to submit adequate information in compliance with ENF Certificate requirements. The letter to MassHighway to aid its preparation of Section 61 findings, contained in Section 10.2 of the DEIR, reflects the proponent's (1) failure to recognize substantial traffic problems for Route 20 functionality arising out of the volume of traffic that its projects depends on and will cause; (2) reliance upon mitigation measures that simply shift the consequences of excessive traffic generation into residential roads, due to high volume cut through traffic; (3) failure to even offer mitigation measures for many impacted residential roads specified in the ENF Certificate, much less demonstrate the feasibility and effectiveness of such measures; (4) failure at 10-4 to address commercial traffic that will inundate Glezen Lane and Bow Road, which will be turned into 2 way extensions of the "connector" roads internal to the proposed project, or propose feasible and effective mitigation measures to deal with this high volume of commercial traffic (the proponent's suggested mitigation measures address only "use of Glezen Lane, Bow Road and other local streets by residents of the Wayland Town Center project, leaving out the thousands of vehicle trips by shoppers, vendors and others")<sup>4</sup>; (5) failure to commit to specific mitigation measures related to all residential road cut through traffic volumes caused by the project; (6) failure to fund specific mitigation measures related to all residential cut

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<sup>4</sup> If the proponent has volunteered to accept a restriction on the use of the connector road to limit its use to residential and emergency uses, then that would be a step in the right direction. The analysis of Route 20 traffic absent commercial use of the connector road would need to be considered. I did not read the DEIR in that manner, but the Section 61 findings appear to reflect this restriction. This issue needs to be clarified in a Supplemental EIR.

through traffic volumes caused by the project; and (7) failure to demonstrate the feasibility or effectiveness of the suggested measures at 10-4.

The proponent's discussion of Traffic Demand Management lacks similar definition and commitment. An example is the commitment to install bicycle racks at a site that currently has no convenient or safe way for cyclists to reach those racks. The proponent has not committed to pay for sidewalks or roadway space that would allow for safe bicycle and pedestrian access to the site. Another example is the \$250,000 "donation" to the Town. This "gift" is subject to preconditions regarding the developer's satisfaction with the "Raytheon Approvals" discussed above in regard to the Development Agreement and is purely speculative. Moreover, the Town is not bound to expend this money on a walkway/bikeway along an existing MBTA ROW. The sufficiency of this "gift" for the stated purpose has not been demonstrated.

Reduced building is an accepted Traffic Demand Management measure, but it has not been discussed by the proponent as an alternative to its preferred approach.

MassHighway and the Secretary should not be positioned to choose between the Scylla of Route 20 traffic gridlock and the Charybdis of massive cut through traffic pouring from State Highways into residential roads.

These are the very circumstances in which a reduced build is needed to feasibly and effectively limit the volumes of traffic that will be placed on already narrow and burdened State and local roads. While the connector road may alleviate some of the burdens to be placed on Route 20, all that is accomplished is shifting the problems to residential roads that are even less equipped to manage such volumes of traffic. This problem will be especially acute on weekends, when recreational use of these roads is greater and shopping center traffic will be great.

Downscaling the size of the proposed development would curb the traffic congestion that threatens the functioning of Route 20 and related intersections. It might also limit the need for certain measures that would encroach upon wetlands, exacerbate queuing and cause changes in intersections that have just been reconstructed with state aid.

By omitting the downscaling alternative under these circumstances, the proponent has failed to comply with 301 CMR 11.07(6)(f)'s requirement that it describe and analyze "all feasible alternatives, including but not limited to those indicated in the Scope..."<sup>5</sup>

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<sup>5</sup> I am not suggesting that every DEIR must include a downscaling alternative. However, the facts evident in the case of this specific project compel consideration of a downscaling alternative. It is critical that the State impose this requirement because Wayland's zoning bylaw does not allow the Planning Board to order a downsizing of the project.

**J. Conclusion**

Thank you very much for the opportunity to submit these comments on the DEIR. It is vitally important that the Secretary understand that the Wayland Planning Board cannot order a reduction in the size of the project under the terms of its zoning bylaws, as amended. Residents therefore depend upon the Secretary to request in a supplemental EIR the evaluation of options that involve a smaller project.

A smaller project also would limit the negative wastewater management impacts of the proposed project.

Very truly yours,

Alan D. Mandl

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JAN 6 2007

MEPA

161 Plain Road  
Wayland, MA 01778  
January 4, 2007

Robert W. Golledge Jr.  
Secretary of Environmental Affairs  
MEPA Office, Attn: Holly Johnson  
100 Cambridge Street, Suite 900  
Boston, MA 02114

RE: EOE #13844  
Comments on Draft Environmental Impact Report  
Wayland Town Center

Dear Secretary Golledge:

Thank you for the opportunity to comment on the Draft Environmental Impact Report (DEIR) prepared and filed on behalf of Twenty Wayland, LLC (proponent) for the proposed Wayland Town Center project. Please find below my comments for your consideration on Sections 1, 3, 4, 5, 6 and 8 of the DEIR.

1.0 Project Description

The proponent in Section 1.4 "Project Phasing" states that the "project may be constructed in two phases..." with only a portion of the residential units in the first phase and the remaining residential units "in a second phase, depending on market conditions." This statement is in total disagreement with the history and intent of this project.

The square footage of the commercial and residential components was set in essentially equal proportions - 165,000 s.f. commercial/167,500 s.f. residential - after many meetings with the proponent and financial projections by a town consultant. Throughout the discussion of the proposals and the review of the project by the town boards, it was the stated intention of the proponent and the representatives of the town that any phasing be done proportionally so that an equally weighted mixed-use development would be maintained throughout construction. In addition the zoning bylaw requires a phasing schedule "which ensures integration of residential, non-residential, and municipal uses."

**Should the proponent determine that it would be in its financial interest to construct fewer residential units, the intended balance of the development could only be maintained by also reducing the square footage of the commercial component.**

Presumably any change in the phasing and/or square footage would also affect the traffic projections for the project, requiring further traffic studies by the proponent.



### 3.0 Transportation & Air Quality

**In view of the nature, frequency and sum total of the omissions, inaccuracies and inconsistencies related to transportation in the DEIR, and failures to mitigate traffic impacts of the project as required by the ENF certificate, the proponent should be required to submit corrected information related to transportation with detailed analysis and a revised and/or supplemental DEIR prior to submission of the EIR.**

In Section 3.1 "Project Description" the proponent states that it used a "library" as a potential use of the municipal pad site. However, at the onsite meeting this past summer, Ms. Johnson requested that **a community center with a swimming pool be considered as an alternative**, which was reiterated in the ENF certificate.

In Section 3.1.1 "Study Methodology" on page 3.3 the proponent indicates that the "primary conditions evaluated in the traffic operations analysis include 2006 Existing, 2011 No-Build, and 2011 Build. The planned time frame is for the project to be built and fully operational prior to 2011." It is my understanding that it is standard practice to determine the anticipated year of project construction and full occupancy and to then forecast and analyze traffic conditions at least 5 years after that date. In this case the planning horizon should be at least 2016. **The proponent should be required to evaluate future no-build and build conditions based on at least a 10-year planning horizon, extended to at least 2016**, or whichever other future year is compatible with MassHighway guidelines and requirements, to ensure the adequacy of road and intersection capacity.

#### Section 3.2.3.1 "Roadways"

##### Route 27/Route 126 at Pelham Island Road and Millbrook Road

Pelham Island Road heading west from Millbrook Road has been changed to one-way. This change was referred to in the DEIR but **treated inconsistently throughout**. This is a significant change in the traffic pattern in the center of town and needs to be studied as it affects project traffic.

##### Plain Road at Claypit Hill Road

The Plain Road intersection with Claypit Hill Road is now a **five-way intersection that will affect travel along this route to the project**.

##### Route 20 at Pelham Island Road

The proponent failed to mention that **this intersection is also the site of Blacksmith Green**, a town park and significant historical asset.

In Section 3.2.4 "Traffic Volumes" on page 3-17 the proponent indicates that peak-period manual turning movement counts were conducted on specific dates in May and June and "in October 2006." It is my understanding that the October 2006 **counts at the Sudbury locations were done on a highly observed Jewish holiday** which would significantly affect the results.

In this same section on page 3-18 the proponent indicates that “during the initial studies for this project, traffic counts were not conducted at the Route 20 intersections with Pelham Island Road, Routes 27/126 and Millbrook Road, as well as Route 27 and Route 126.” Since these intersections would be significantly impacted by this project, these are serious omissions that potentially affect the total traffic projections. In addition on pages 3-18 and 3-19, the **proponent apparently did not consider how cut-through traffic will affect Plain Road**. This road is already a heavily used cut-through route between Route 126 and Route 20; it is used to avoid existing traffic on Route 20, either by traveling the length of Plain Road, or by way of Glen Road, Millbrook Road, and/or Claypit Hill Road. This alternative route to and from Route 20 in Weston should have been included in Figure 3-3 Cut-through Routes and Approximate Cut-Through Volumes.

The use of Plain Road as a cut-through is evident in Figure 3-17 “Retail Trip Distribution” on pages 3-57 and on 3-58 where it is indicated that cars would travel the length of Plain Road, turn left on to Route 126 and then right on to Route 27 to use the proposed Route 27 access road in Alternative A, and/or travel from Plain Road to Claypit Hill Road, cross Route 126 on to Glezen Lane, and turn left on to Route 27 to use the access road. The proponent states that this traffic is expected to come from “North Wayland neighborhood” when in fact this project will more likely be drawing traffic from regional towns along Route 20 to Plain Road and beyond.

In Section 3.2.4.2 “Existing Site Generated Traffic Volumes” on page 3-20 it is **incorrectly stated** that both “Routes 20 and 27 currently provide access to the site.”

In Section 3.2.7, Table 3-4 “Motor Vehicle Crash Data” on page 3-28 the proponent apparently **omitted data** for numerous study area intersections including Route 126 at Plain Road, Plain Road at Claypit Hill Road and Plain Road at Glen Road. In Table 3-5 “WPD Motor Vehicle Crash Summary on page 3-30, the proponent apparently used data for the years 2003 through 2205 while claiming it represented 2004 through 2006.

In Section 3.3.1.1 “Specific Development by Others” on page 3-40 the proponent has **identified Wayland Commons as the only planned development in Wayland** that would be expected to be completed by 2011. A more complete list would include such ongoing and/or anticipated projects as: 40B housing development at 137 Boston Post Road (Route 20); development of former Lee’s Farm Market on Boston Post Road; development of property including Lynch Landscaping on Route 27; 40B housing development(s) on Route 30; development of 525-unit condominium complex, Villages at Danforth Farm on Route 126 (in Framingham at border of Wayland); office complex on Route 20 in Weston at Route 128.

In Section 3.3.1.2 “Background Traffic Growth” on page 3-41 the proponent used a 1% percent per year compounded annual background traffic growth rate. The assumptions made by the proponent in forecasting non-site traffic are critical. **The proponent should be required to provide a more thorough explanation and rationale for its selection of**

**the 1% growth rate.** A higher annual growth rate may be justified in view of the potential for future development in the area and the significant impact this project will have on the roads and town of Wayland.

Traffic due to deliveries as described in Section 3.4.3.2 "Loading" on page 3-106 could significantly impact local neighborhoods. **Deliveries should be prohibited from using "local residential streets," which should be defined** so as to include all the roadways in Wayland listed in Section 3.2.1 "Study Area" other than Route 20: Route 27, Route 126, Bow Road, Claypit Hill Road, Glen Road, Glezen Lane, Millbrook Road, Moore Road, Pelham Island Road, Plain Road, River Road, Training Field Road, and Winthrop Road. It is noted that most of these roadways have been designated as scenic roads by the town.

#### 4.0 Wetlands & Drainage

**Both Alternatives 1 and 2 in Figure 4-4 on page 4-11** (which I assume refer to Access Alternatives A and B in Section 3) **will further reduce the size of the Mellen Law Office Green in the center of Town.** This triangular town green at the intersection of Route 20, Pelham Island Road and Cochituate Road features mature trees and one of the few surviving examples of an early nineteenth century two-room law office.

As you may be aware, the Green was a gift to the Town in 1933 to be used as a public park. It is my understanding that the Green cannot be altered except by action of the State legislature unless the affected part is in the Mass Highway right of way. I also understand that there is a **10-year moratorium imposed by MassHighway on any alterations to this intersection** due to the recent project that is still under construction. The proponent did not adequately discuss in the DEIR the "relationship of any proposed improvements for the ...project to restrictions (procedural, geometrically...) associated with this intersection," specifically, how any proposed plans could be implemented due to this moratorium. The proponent did not "discuss the right of way implications of widening and describe how such rights of way would be acquired." The proponent noted only in Section 3.5.5.3 "Land Taking" on page 3-144 that "land that will be used is located within existing rights of way, or land from the town of Wayland or the MBTA." **The DEIR does not "demonstrate that the proposed mitigation measures are feasible and will effectively mitigate the impacts..."** as required by the ENF Certificate.

Figure 4-4 is **based on an outdated 2001 GIS rather than the available 2006 GIS.** In addition the proponent has not delineated the edge of Route 20 west of the intersection either in its pre- or post-construction state. As a result of these errors and omissions, the change in the Green due to the current MassHighway project cannot be accurately determined from Figure 4-4.

Attached please find a copy of the current MassHighway plan as it affects Mellen Law Office Green. The Green prior to MassHighway's current project is highlighted in

“green,” the current bounds in “black” and the right of way in “blue.” As indicated the current project required taking land of the Green from the right of way, apparently to within one foot of the parkland (see Attachment A).

Figures 3-39 and 3-40 on pages 3-116 and 3-118, respectively, which were apparently based on the current MassHighway plan, indicate that any Route 20 “improvement plan” would further reduce the size of the Green. Alternative A (“1?”) proposes an additional taking from the right of way along Route 20. Alternative B (“2?”) proposes cutting well beyond the right of way and taking a significant portion of the parkland from the Green. Both of these alternatives would diminish the size and stature of this very important historical asset and seriously threaten the viability of the existing mature trees. **The current Mellen Law Office Green as well as all of the trees should be preserved; it would be a tremendous and unacceptable loss to the Town if the character of its center were depreciated by further widening of Route 20.**

#### 5.0 Wastewater & Water

The proponent stated in the ENF that its water use would not exceed an estimated 45,000 GPD. The proponent has previously stated at public meetings that the project could include numerous cafes and restaurants, various sized stores, and a health club in addition to the 45,000 s.f. super market. I requested in my letter that the proponent specify the commercial uses that will be included in this project. Yet the **proponent has failed to identify the commercial uses with specificity**, other than to list “Retail/ Restaurants/ Supermarket.” I noted in my letter that the water demand of this project could significantly affect Wayland’s public water supply by dramatically increasing the usage of the Town’s water resources, whether the public water system and/or private wells drawing from the same aquifer were used.

The ENF certificate required the proponent’s “confirmation that the breakdown of uses within the development area will not exceed estimated water usage in excess of 45,000 GPD.” But the proponent now states that its water consumption will be 80,000 GPD (see “Summary of Impacts and Mitigation Measures,” Table 1-2 on page 1-22 and Table 10-1 on page 10-10). MEPA did not include water in the scope of its review apparently based on the proponent’s previous estimates and statements. **Due to the apparently significant increase in the use of Wayland’s water resources, from estimated 45,000 to 80,000 GPD, the project may in fact require a State agency permit associated with water usage and it may exceed a threshold under the MEPA regulations.**

In my letter I also pointed out that various uses for the municipal space have been suggested by the Town and its residents; the Town could decide to fund a library or a facility such as a community center with a swimming pool which would presumably require more GPD. I requested that water demand for such a community center, a potential alternative municipal use, be determined. At the onsite meeting this past summer, Ms. Johnson also requested that this particular use be considered as an alternative, which was reiterated in the ENF certificate. The proponent has failed to

consider this alternative in either Section 5.0 or Section 3.0 (see Table 3-11 "Municipal Trip Generation Comparison," page 3-47). It also appears that the proponent completely omitted the municipal use from Table 5-2 "Water Demand Summary," page 5-5; this calls into question the accuracy of the projected water demand and the adequacy of available water flow and pressure for the project. **The proponent should be required in the revised and/or supplemental DEIR and the EIR to calculate and analyze available water flow and pressure based on complete data.**

The ENF certificate required "confirmation of sufficient water capacity to serve the estimated demands generated by the project from the Wayland municipal water system." Based on the report of Tata & Howard dated January 22, 2004 (see Attachment B: page 1 of letter), the proponent states that in 2003 the town's average daily water demand was 1.62 MGD, approximately 0.15 MGD less than the permitted withdrawal of 1.77 MGD. These calculations were based on a total water usage of 589,721,077 GPD (see Attachment C: Section D.1. of the 2003 Annual Statistical Report filed by the Wayland Water Department (WWD) with the DEP, and Attachment D: "Attachment A, Historical Residential Per Capital Consumption" referred to in Tata & Howard's letter).

**The proponent glaringly omits any WWD data since 2003. The proponent fails to mention that in 2005, the last year for which daily water demand has been reported by the town to the DEP, total water usage had increased by 8,587,494 GAL, or 1.5%, to 598,308,571 GAL (see Attachment E: Section D.1. of the 2005 Annual Statistical Report filed by the WWD with the DEP). In addition based on apparent residential water usage of 479,142,596 GAL in 2005 (see Attachment F: Section D.2. of the 2005 Annual Statistical Report), per capita water usage in 2005 apparently increased to 95 GPCD. While, as the proponent points out, per capita water usage had decreased in 2003 to 77 GPCD from a high of 100 GPCD in 2001, in 2005 per capita usage appeared to be well in excess of the 2001 Administrative Consent Order (ACO-NE-02-F001) maximum limit of 80 GPCD. I think it is noteworthy that an interested resident, rather than the WWD, the town entity responsible for water-related issues, has felt the need to take on the task of investigating water usage and the town's available resources for this project.**

**The proponent should be required in the revised and/or supplemental DEIR and the EIR to calculate and analyze the WWD data relating to total water usage and per capita consumption for the year 2005 in order to confirm that there is sufficient water capacity to serve the estimated demands generated by the project from the Wayland municipal water system as required by the ENF certificate.**

#### 6.0 Hazardous Waste

The issue of underground storage tanks (USTs) was apparently not included in previous public and board comments because they were not disclosed by the proponent or listed in the UST Registry database of the Department of Fire Services. **The proponent has omitted any discussion of underground storage tanks (USTs) that remain on the site (other than reference in the EIR to RTN 3-13302 related to the release of hazardous material in the wetlands).**

In response to my inquiry regarding USTs, John C. Drobinski of Environmental Resources Management (ERM), the licensed site professional for the former Raytheon facility, sent me the attached 3-page letter dated October 26, 2006, addressing the current status of USTs (see Attachment G). He indicated in Table 1 that there are three oil tanks (WAY-02, WAY-06, WAY-08) remaining on the site. Based upon the attached documents from ERM's website ([www.ermne.com](http://www.ermne.com); username: Raytheon; password: wayland), it appears that because of WAY-02's "location below facility infrastructure" and the "inaccessibility of [the location]" of WAY-06 and WAY-08, the tanks have not been removed.

According to the DEIR the proponent plans to demolish the existing buildings, excavate for foundations and construct new buildings. The USTs were apparently not previously removed due to their inaccessible location(s). Since the circumstances will have changed and the USTs will presumably be more easily accessed during this phase of the project, **the proponent should be required to comply with state law and the Board of Fire Prevention regulations for the removal and disposition of the USTs from the site. Any disturbance of or near the USTs could pose a threat to the public safety and welfare.**

#### 8.0 Construction Period

**The proponent has not identified traffic routes to be used during construction nor provided recommendations to ensure that nearby residential neighborhoods are not adversely affected by construction-related traffic** as required by the ENF certificate. The designated routes, which will prohibit the use of "local residential streets," should have been clearly defined prior to the proponent's filing of the DEIR, so that town boards and residents could effectively comment on the potential effects of truck traffic and construction employee traffic on residential neighborhoods. **The proponent should be required in the EIR to define the "local residential streets"** so as to include all the roadways in Wayland listed in Section 3.2.1 "Study Area" other than Route 20: Route 27, Route 126, Bow Road, Claypit Hill Road, Glen Road, Glezen Lane, Millbrook Road, Moore Road, Pelham Island Road, Plain Road, River Road, Training Field Road, and Winthrop Road. It is noted that most of these roadways have been designated as scenic roads by the town.


In Section 3.5.5.1 "Construction Period" on page 3-143 the proponent anticipates that "traffic patterns would be maintained on any affected roadway [with no] need for full road closure or detours...during the construction of the off-site associated transportation improvements and utility relocations." This is totally unrealistic based on the town's recent experience with the current MassHighway project in the center of town. **The proponent's "improvement plan" for Route 20 could prove to be even more extensive and disruptive than MassHighway's.** As noted previously and in Section 3.5.5.3 "Land Taking" on page 3-144 the proponent's plans also require taking land from the right of way and/or park land from the town by legislative act.

The only mention of litter associated with this project is in Section 8.1.1.2 "Controls After Construction" on page 8-4 and in "Stormwater Management Operation and

Maintenance Plan" in Appendix B. The proponent indicates that after construction "litter shall be routinely picked up and removed from the parking areas and perimeter landscape areas," the privately owned areas of the project. In Wayland there is no town or state entity responsible for picking up litter along the roads and in the rights of way. The town primarily relies on the efforts of individual volunteers and/or the volunteer Wayland Beautification Committee. Since the commercial component of this project and its associated traffic will presumably generate a significant amount of litter which will have a negative impact on the environment surrounding the project, the **proponent should be required to establish a schedule whereby it will be responsible for routinely removing the litter both during and after construction from the right(s) of way along Route 20 (and Route 27 if access is permitted under Alternative A).** The proponent indicates that "[l]eaves or trash shall be removed from catch basin grates when observed." Such removal should also be done on a scheduled and routine basis so as to comply with stormwater requirements.

Thank you again for the opportunity to comment on this proposed development project. I look forward to the opportunity to comment further as the MEPA process progresses and the revised and/or supplemental DEIR and the EIR are submitted.

Very truly yours,



Sherre Greenbaum

Attachments A-G

[illegible]



Attachment B

# TATA & HOWARD

INCORPORATED

RECEIVED

January 22, 2004

JAN 23 2004

Ms. Madelyn Morris, Deputy Regional Director  
Department of Environmental Protection  
Northeast Regional Office  
One Winter Street  
Boston, MA

DEP  
NORTHEAST REGIONAL OFFICE

Subject: Town of Wayland  
Water Withdrawal Permit #9P4-3-14-315.01  
ACO Compliance ACO-NE-02-F001  
T&H No. 1313

Dear Ms. Morris:

In accordance with the Town of Wayland's Administrative Consent Order (ACO-NE-02-F001) and Water Withdrawal Permit (#9P4-3-14-315.01), we have prepared this letter report and attachments. The information contained herein includes all the information requested by the Department of Environmental Protection (DEP) in the correspondence dated October 17, 2003.

## 2003 Statistical Report (Attachment A)

- The 2003 monthly pumping data from the Town's 2003 Annual Statistical Report is provided in Attachment A. As indicated, the average day demand in 2003 was 1.62 mgd, approximately 0.15 mgd less than the permitted withdrawal rate of 1.77 mgd. Charts comparing the 2003 pumped volume to historical volumes are also provided in Attachment A. The charts reflect the Town's success in reducing water use in 2002 and 2003.
- A comparison of the Town of Wayland's residential per capita consumption is also provided in Attachment A. As indicated, the Town has successfully reduced their per capita consumption from as high as 100 gpcd in 2001 to less than 80 gpcd in 2003. In 2003 the overall residential per capita consumption was 77 gpcd and the estimated summer and winter per capita consumption rates were 96 and 68 gpcd, respectively. The summer per capita consumption is the lowest rate observed in the last seven years.
- A comparison of the pumped water volume versus the metered water volume together with a breakdown of the unaccounted-for water uses as estimated by the Town is provided in Attachment A. The adjusted unaccounted-for water volume was 70.9 million gallons or 12% of the total water pumped. The water lost due to meter calibration, flushing and treatment represented approximately 20 million gallons (or 3%). It should be noted that the Water Department is scheduled to

CONSULTING ENGINEERS

MAIN OFFICE

125 Turnpike Road, Westborough, MA 01581  
508 366 5700 FAX 508 366 5705

OTHER OFFICES

Lakeville, MA • Meriden, CT • Nashua, NH  
www.tataandhoward.com



**Massachusetts Department of Environmental Protection**  
**Bureau of Resource Protection – Drinking Water Program**  
**2003 Public Water Supply Annual Statistical Report**  
 For Community/NTNC Public Water Systems-Reporting Period 1/1/2003 – 12/31/2003

## COMMUNITY/NTNC

PWSID#: 3315000  
 Name: Wayland Water Department  
 City/Town: Wayland

# **D Water Production & Consumption Information**

1. Water Production and Consumption Summary for Last Year (2003):  
 [Conversion factor is (# cubic feet)(7.481) = (# of gallons)]

As of  
 12/31/2001  
 all systems  
 were  
 required to  
 comply with  
 310 CMR  
 22.04(6).  
 Which  
 requires all  
 PWSs to be  
 metered.

Month	(1) Amount pumped from own sources <input checked="" type="checkbox"/> Raw or <input type="checkbox"/> Finished	(2) Amount purchased from other systems*	(3) Amount sold to other systems**	Net Water Consumption (1)+(2)-(3)=Net
Withdrawal Units (check one)	<input checked="" type="checkbox"/> : gallons (GAL) or <input type="checkbox"/> MG	<input type="checkbox"/> : GAL or <input type="checkbox"/> MG	<input type="checkbox"/> : GAL or <input type="checkbox"/> MG	<input checked="" type="checkbox"/> : GAL or <input type="checkbox"/> MG
January	40444800			40444800
February	38783940			38783940
March	43969595			43969595
April	39363599			39363599
May	59583905			59583905
June	51068197			51068197
July	76277203			76277203
August	59744096			59744096
September	64642696			64642696
October	44205599			44205599
November	33576388			33576388
December	38061059			38061059
TOTAL	589721077			589721077

Maximum Daily Consumption:

3253800

☒: GAL OR ☐ MG

07/09/2003

Volume

Date (mm/dd/yyyy)

Please  
 attach  
 additional  
 sheets if  
 necessary.

- \* If purchasing water, list the systems you purchase from, use the same units as above.

Name(s)	PWS ID #	Total Amount for Last Year
Name(s)	PWS ID #	Total Amount for Last Year

- \*\* If selling water, list the systems you sell to, use the same units as above.

Name(s)	PWS ID #	Total Amount for Last Year
Name(s)	PWS ID #	Total Amount for Last Year

## 2. Consumption by service type:

Please  
 breakdown  
 the  
 consumption  
 of your  
 system into  
 the percent  
 used in each  
 service type  
 that are  
 applicable.

Residential		Semi-residential	
a. Residential Area	63.80 %	a. School	0.80 %
b. Mobile Home Park	%	b. Institution	%
c. Other Residential Area	1.70 %	c. Medical Facility	0.40 %
		d. Industrial/Agricultural	1.00 %
		e. Day Care Center	%
		f. Other Semi-residential Area	%
Transient		Other	
a. Recreational Area	2.40 %	a. Vending Machine	%
b. Service Station	0.10 %	b. Bottled Water Company	%
c. Summer Camp	0.10 %	c. Commercial	1.70 %
d. Restaurant	1.50 %	d. Interstate Carrier	%
e. Highway Rest Area	%	e. Wholesaler (Sells Water)	%
f. Hotel/Motel	%	f. Other Area	0.30 %
g. Other Transient Area	%		

**Attachment A**  
**Historical Residential Per Capita Consumption**  
**Wayland, Massachusetts**

<b>Historical Monthly Pumping Data</b>											
Month	2003	2002	2001	2000	1999	1998	1997				
January	40,444,800	49,823,998	50,289,800	55,800,500	42,038,900	46,060,000	45,930,000				
February	38,783,940	44,714,679	43,778,200	58,558,600	39,167,200	41,540,000	42,700,000				
March	43,969,595	48,848,799	39,690,200	56,498,100	44,611,900	47,840,000	45,170,000				
April	39,363,599	53,884,389	41,063,000	54,740,000	46,782,900	47,070,000	56,600,000				
May	59,583,905	63,640,167	82,583,100	72,636,300	75,715,900	52,930,000	64,490,000				
June	51,068,197	66,480,499	79,053,800	79,112,700	113,642,000	61,840,000	93,710,000				
July	76,277,203	92,681,999	82,223,457	92,879,300	95,838,500	86,220,000	105,930,000				
August	59,744,096	83,216,298	84,680,898	49,143,600	97,013,500	55,987,000	83,790,000				
September	64,642,696	53,631,798	81,518,601	74,930,200	77,018,700	61,040,000	64,110,000				
October	44,205,599	45,214,199	61,570,299	55,071,200	54,248,700	53,700,000	52,720,000				
November	33,576,388	41,659,997	44,102,300	41,071,400	49,847,700	45,800,000	40,590,000				
December	38,061,059	40,219,698	47,025,800	39,881,600	52,531,000	43,590,000	43,980,000				
Total	589,721,077	684,016,520	737,579,455	730,323,500	788,456,900	643,617,000	739,720,000				
Winter	343,047,676	377,997,557	409,038,200	436,551,600	406,247,000	386,640,000	391,800,000				
Summer (May-Aug)	246,673,401	306,018,963	328,541,255	293,771,900	382,209,900	256,977,000	347,920,000				

**Per Capita Consumption Calculations**

Year	Population	% Residential Consumption	Yearly Per Capita Rate	Winter Per Capita Rate	Summer Per Capita Rate
1997	13091	59	91	73	127
1998	13309	66	87	79	104
1999	13500	63	101	78	145
2000	13750	57	83	75	99
2001	13894	69	100	84	133
2002	13855	59	80	67	106
2003	13849	66	77	68	96

**Massachusetts Department of Environmental Protection**  
**Bureau of Resource Protection – Drinking Water Program**  
**2005 Public Water Supply Annual Statistical Report**  
 For Community Public Water Systems-Reporting Period 1/1/2005 – 12/31/2005

COMMUNITY	
PWSID#:	3315000
Name:	Wayland Water Dept.
City/Town:	Wayland

# **Water Production & Consumption Information**

## 1. Water Production and Consumption Summary for Last Year (2005):

Please identify whether the information provided in column 1 is raw or finished. If you have volumes for both raw and finished please copy and complete the following table for each volume.

Conversion factor is (# cubic feet (7.481) = (# of gallons))

As of 12/31/2001 all systems were required to comply with 310 CMR 22.04(6). Which requires all PWSs to be metered.

Month	(1) Amount pumped from own sources <input checked="" type="checkbox"/> Raw or <input type="checkbox"/> Finished	(2) Amount purchased from other systems*	(3) Amount sold to other systems**	Net Water Consumption (1) + (2) - (3) = Net
Withdrawal Units (check one)	<input checked="" type="checkbox"/> : Gallons (GAL) or <input type="checkbox"/> MG	<input type="checkbox"/> : GAL or <input type="checkbox"/> MG	<input type="checkbox"/> : GAL or <input type="checkbox"/> MG	<input type="checkbox"/> : GAL or <input type="checkbox"/> MG
January	35,173,699	0	0	35,173,699
February	29,298,599	0	0	29,298,599
March	34,036,498	0	0	34,036,498
April	41,269,296	0	0	41,296,295
May	46,655,999	0	0	46,655,999
June	59,450,395	0	0	59,450,395
July	73,125,830	0	0	73,125,830
August	78,572,055	0	0	78,572,055
September	73,018,505	0	0	73,018,505
October	47,501,498	0	0	47,501,498
November	41,756,598	0	0	41,756,598
December	38,149,599	0	0	38,149,599
TOTAL	598,308,571	0	0	598,308,571

Maximum Daily Consumption:

1,731,300

☒: GAL OR ☐ MG

06/18/2005

Volume

Date (mm/dd/yyyy)

Please attach additional sheets if necessary.

\* If purchasing water, list the systems you purchase from, use the same units as above.

Name(s)	PWS ID #	Total Amount for Last Year
---------	----------	----------------------------

Name(s)	PWS ID #	Total Amount for Last Year
---------	----------	----------------------------

Name(s)	PWS ID #	Total Amount for Last Year
---------	----------	----------------------------

\*\* If selling water, list the systems you sell to, use the same units as above.

Name(s)	PWS ID #	Total Amount for Last Year
---------	----------	----------------------------

Name(s)	PWS ID #	Total Amount for Last Year
---------	----------	----------------------------

Name(s)	PWS ID #	Total Amount for Last Year
---------	----------	----------------------------

**Massachusetts Department of Environmental  
Protection**  
Bureau of Resource Protection – Drinking Water Program  
**2005 Public Water Supply Annual Statistical Report**  
For Community Public Water Systems-Reporting Period 1/1/2005 – 12/31/2005

COMMUNITY	
PWSID#:	3315000
Name:	Wayland Water Dept.
City/Town:	Wayland

## 1 Water Production & Consumption Information (cont.)

### 2. Consumption by service type:

Please fill out the table below as accurately as possible. If at all possible fill out the Water Management Act sections (WMA) of the table. Then total them up into their respected groups. The percentage is the total percent of the metered groups in regards to the total amount used by the system.

	# Service connections		Metered Amount		Percent Used %
	Totals	WMA	Totals	WMA	
Residential Area	4273		479142596		.86
Single Family		4202		470806080	
Multi Family		71		8335968	
Homeowners Association (condos)	479		42488810		.07
Mobile Home Park (principal residence)	0		0		0
Mobile Home Park (non-primary residence)	0		0		0
Secondary Residence	0		0		0
Subdivision	0		0		0
Other Residential Area	12		5555939		.010
Prisons and Mental Hospitals		0		0	
Dormitories		0		0	
Nursing Homes, Rest Homes		2		1620482	
Mixed Use Residential/Commercial		10		3935457	
Other Semi-permanent Res. Area (> 6 Months)		0		0	
Recreational	6		1979952		.004
Ski Area		0		0	
Golf Course		2		1900500	
Misc. Recreational		4		1097452	
Service Station	6		1240750		.002
Summer Camp	1		287992		.0008
Restaurant	4		1165968		.002
Highway Rest Area	0		0		0
Hotel/Motel	0		0		0
Other Transient Area	0		0		0
Agricultural/Industrial	20		6759840		.013
Horticultural Nursery		0		0	
Cranberry Growers		0		0	
Farms and Other Agriculture		0		0	
Industrial, Manufacturing		20		6759840	

## Attachment G

Environmental  
Resources  
Management

399 Boylston Street, 6th Floor  
Boston, MA 02116  
(617) 646-7800  
(617) 267-6447 (fax)

26 October 2006  
Reference: 0043035

Sherre Greenbaum  
161 Plain Road  
Wayland, MA 01778



Re: Underground Storage Tank Decommissioning Status  
Former Raytheon Facility  
430 Boston Post Road  
Wayland, Massachusetts

Dear Ms. Greenbaum:

Environmental Resources Management (ERM) has prepared this letter to address questions posed in your letter dated 13 September 2006 regarding the current status of underground storage tanks (USTs) at the Former Raytheon Facility located at 430 Boston Post Road in Wayland, Massachusetts (Site).

The Phase I - Initial Site Investigation report (Phase I) prepared, on behalf of Raytheon Company (Raytheon), by ERM in May 1996 is available to the public at the Wayland Public Library Repository, Wayland Board of Health Repository, and on the Extranet Webpage ([www.ermne.com](http://www.ermne.com); username: raytheon; password: wayland). The Phase I report is posted under the "RTN 3-13302" link in the "Documents" section. Section 4.3.2 of the Phase I report documents closure of each of the identified USTs (labeled WAY-01 through WAY-09) and Figure 2 of the Phase I report, titled Proposed Phase II Sampling Locations, depicts all eight USTs.

Table 1, (attached) details the status of the USTs at the time of the Phase I Report. The USTs remaining on Site are possessions of the current property owner. Any questions regarding the current status of the USTs should be directed to the current property owner.

John C. Drotlinski  
0043035  
November 2006


Environmental  
Resources  
Management

If you have any other questions or comments, please contact Louis Burkhardt of Raytheon Company at (978) 436-8238.

Sincerely,



John C. Drotlinski, P.G., LSP  
*Principal-in-Charge*



Jeremy J. Picard, P.G.  
*Project Manager*

enclosures: Table 1 - Summary of Underground Storage Tank Closures

cc: Louis Burkhardt, Raytheon Company  
Paula Phillips, Congress Group  
Ben Gould, CMG Environmental  
PIP Repositories

Table 1

**Summary of Underground Storage Tank (UST) Closures  
Former Raytheon Facility  
Wayland, Massachusetts**

UST Name	Location	Decommissioned	Removed	Filled	Type	Comments
WAY-01	South of Boiler Room between Buildings 3 and 4	Yes	Yes	N/A	No. 6 fuel oil, (PCE used occasionally), 20,000 gal. fiberglass tank	Installed March 1980, Removed Oct. 1992 by Badger Engineers, Inc. (DEP-Tracking number ERB-N92-1340).
WAY-02	Under Former Printed Circuit Board Shop, (Building 3), north of MW-11	Yes	No	Yes	No. 6 fuel oil, (PCE used occasionally) 20,000 gal. steel tank	Installed 1956, relined 1970 and 1983, Pumped and abandoned in place 1988, filled under WFD permit, IRA issued 1996.
WAY-03	Outside the northeast corner of Building 3, north of Building 6	Yes	Yes	N/A	Gasoline, 1,000 gal steel tank	Installed 1958, removed Nov. 1985.
WAY-04	Slightly south of Building 3 between WAY-01 and Boiler Room	Yes	Yes	N/A	Transformer oil, 1,000 gal. concrete tank for secondary containment of transformer rupture	Never used, abandoned in place June 1990, removed by Badger Engineers Nov. 1992.
WAY-05	-	-	-	-	-	(Never existed.)
WAY-06	East of MLB lab, (Building 4A), west of WAY-08	Yes	No	Yes	10c insulating oil, 3,010 gal. steel tank	In use 1965 through 1986, drained by Cyn Oil Co., filled under WFD permit.
WAY-07	Under Building 1C in southwest corner	Yes	No	No	Water, concrete tank	Water tank for acoustic tests, filled 1960s, dug out for use as equipment pit 1971, size and age unknown.
WAY-08	East of MLB lab (Building 4A) east of MW-06	Yes	No	Yes	10c insulating oil, 3,010 gal. steel tank	(Same as WAY-06)
WAY-09	West of building 6A/Hydraulic Lab	Yes	Yes	N/A	Fuel oil, 1,000 gal. tank	First noted in 1956, abandoned in 1968, Removed by Triumvirate Environmental in May 1996.

## Notes:

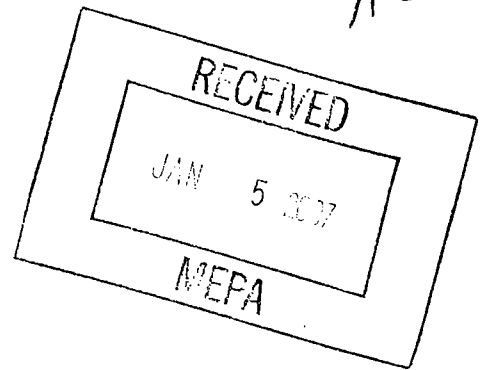
N/A = Not applicable.

Locations of USTs (WAY-01 through WAY-09) noted on Figure 2 of Phase I - Initial Site Investigation (ERM, May 1996).

WFD = Wayland Fire Department



Sherre Greenbaum  
161 Plain Road  
Wayland, MA 01778  
gardenimps@aol.com



To: Robert W. Golledge, Jr, Secretary of Environmental Affairs  
Attn: Holly Johnson  
(617) 626-1181

From: Sherre Greenbaum

Re: EOE A #13844, Wayland Town Center

Date: January 7, 2007

I inadvertently omitted the following document (Attachment H) from my comments on Section 6.0 Hazardous Waste submitted to you on January 5, 2007 regarding the above matter. These 3 pages from ERM's website correspond to the following sentence on page 7 of my submittal (emphasis added):

Based upon the attached documents from ERM's website ([www.ermne.com](http://www.ermne.com); username: Raytheon; password: wayland), it appears that because of WAY-02's "location below facility infrastructure" and the "inaccessibility of [the location]" of WAY-06 and WAY-08, the tanks have not been removed.

I regret the omission and request that the documents be added to my submission. Thank you.



## Attachment H

Effective: 20 May 1996

### 4.3.2

#### Underground Storage Tanks (USTs)

Nine USTs, designated WAY-01 through WAY-09, were identified based on review of RES files and drawings. The approximate location of each UST is identified on Figure 2. Available information regarding the age, size, construction, use and closure of each UST is summarized below:

##### WAY-01

WAY-01 was a 20,000-gallon fiberglass tank used for storage of No. 6 fuel oil for heating from March 1980 through October 1992. Tetrachloroethylene (PCE) was reportedly used occasionally as a fuel conditioner (approximately five gallons of PCE for 20,000 gallons of fuel). Minor spillage over the life of tank use near the fill pipe resulted in removal of approximately five cubic yards of oil-impacted soil during tank removal. No other evidence of leakage or impact was observed. A report (Badger, 1992) documenting closure activities and a Release Categorization Form were submitted to DEP. DEP response indicated no further action was required.

##### WAY-02

WAY-02 is a 20,000 gallon steel tank used for storage of No. 6 fuel oil for heating from 1956 through 1988. PCE was reportedly occasionally used as a fuel conditioner (approximately five gallons of PCE for 20,000 gallons of fuel). Liners were installed in the tank in 1970 and 1983; the contents were removed in 1988, and the tank was removed from service. In 1988, the tank was filled with concrete and abandoned in place under a permit issued by the Wayland Fire Department because of its location below facility infrastructure.

##### WAY-03

WAY-03 was a 1,000-gallon steel tank used for storage of gasoline from 1958, and reportedly removed in November 1985. Documentation and telephone discussions with retired RES personnel indicated that this tank was removed. VOC analysis of groundwater analyzed at a fastwell installed downgradient of this tank resulted in no detection.

*Effective: 20 May 1996*

#### WAY-04

WAY-04 was a 1,000-gallon concrete secondary containment tank used for transformer oil overflow storage in the event of a transformer rupture from the second floor of the Building 3 Chiller Room. According to RES, no rupture occurred and the tank was never used. The tank was approved to be abandoned in place in June of 1990, and then removed in November 1992 during removal of WAY-01. Closure activities are documented in the Badger report (Badger, 1992). No evidence of a release was detected based on visual observation or laboratory analysis of soil.

#### WAY-05

No information was available in RES files regarding the age, size, construction or use of WAY-05. After file reviews and ground penetrating radar survey, WAY-05 was deemed to have not existed as an underground storage tank at the site.

#### WAY-06 & WAY-08

WAY-06 and WAY-08 were 3,010-gallon steel tanks used for storage of 10c insulating oil from 1965 through 1986. The contents were removed, and because of the inaccessibility of this location, the tanks were backfilled in place under permit of the Wayland Fire Department. PCBs were detected at 16 and 8 ppm in the oils removed from the tanks. Manifests indicate approximately 1,800 gallons of oil were removed for disposal by Cyn Oil Co.

#### WAY-07

WAY-07 was a concrete tank used for underwater acoustical tests inside of Building 4. This tank contained only water and was backfilled in the late 1960s. A portion of this tank was dug out to be used as a pit to gain additional elevation for wave guide testing in approximately 1971. RES personnel interviews indicate that equipment containing oil was used in the wave guide testing vault and that oil in equipment did not leak. In the 1980's, the pit portion of WAY-07 was covered with wooden plates and floor tiles. No information was available in RES files to establish the age or size of the tank or condition prior to closure.

#### WAY-09

WAY-09 was identified on 1956 design drawings and on RES Fire Insurance Maps dated 1958, 1970 as a 1,000-gallon fuel oil tank. This tank was believed to be abandoned in 1968 when Bldg 6 was constructed. A boring installed downgradient to this tank indicated no TPH to be present in soil or in groundwater; nonetheless, the tank was removed in May of 1996. Closure report including confirmatory samples are included in Appendix E.

*Effective: 20 May 1996*

Confirmatory composite samples were obtained from the bottom and each wall of the excavated hole which indicated no detection of total petroleum hydrocarbons by gas chromatography. Stock pile characterization of the soil excavated as part of this tank removal were analyzed for metals, PCBs, VOCs, and TPH. All sample results were indicated no detection except for metals which appeared at background levels.

#### **4.3.3 Aboveground Fuel Storage Tanks (ASTs)**

Two fuel oil ASTs were utilized at the facility:

- One 300-gallon double walled steel tank containing diesel fuel, installed in 1991 and removed in 1994, was located south of Bldg 6 and used by the ETL lab for a project generator.
- One 500-gallon, single-wall diesel tank was installed in August 1991 within a concrete containment berm located to the north of the hydraulics lab and used to power the current facility emergency generator.

#### **4.3.4 Pits & Piles**

Based on review of facility files, two pits are identified in Building 3. One is located beneath the stairway in the Boiler Room in Building 3. A second pit was identified in the former weld shop within Building 3. The first pit housed a condensation line connection into a storm drain. The second pit was documented on the master drain plan to be an acid pit for the old Machine Shop in Bldg. 3. This pit was analyzed for a variety of parameters (PCBs, metals, VOCs, SVOCs, oil & grease) and the results indicated no adverse impact. Upon inspection, the piping associated with the pit passed directly through and discharged to a drywell (DW-06). Contaminants identified at this location were removed during an LRA performed on October 31, 1996 (See Appendix D).

Based on visual inspection of the facility grounds, no piles were identified on site.

January 4, 2007

Secretary Robert Golledge  
EOEA, Attn: MEPA Office  
Attn: Holly Johnson, EOEA No. 13844  
251 Causeway Street, Suite 900  
Boston, Ma. 02114

Dear Secretary Golledge,

My name is Diane Goodermote and my husband Dean and I have lived at 18 Winthrop Road for 15 years. Our home sits on the corner of Route 20 and Winthrop Road. We have a 90-100 foot fence that runs along Rte. 20, with a full 90-foot garden on the Rte. 20 side of the fence. This garden has brought more good will and enjoyment to all passers-by, whether in a car or on foot for years, and welcomes people into Wayland Center. We receive hundreds of comments a year thanking us for this garden display.

I have read and reviewed the "transportation section" (3.0) of the DEIR and have many concerns about the developer's plans for widening Rte. 20 on the East side of the lights. Dean and I are opposed to this "widening" on the East side of the lights for a number of reasons:

- 1) Our property will be **adversely** impacted if the road is widened or comes any closer to our fence and property line. It is unclear (by looking at the diagrams and reading the descriptions) to us if any of our frontyard would be turned into asphalt (figures 3-39 and 3-40).
- 2) The widening of Rte. 20 would encroach on Wetlands and a stream, creating a negative impact on the Wetlands and its habitat...and Rte. 20 is already sitting on a Flood plain. I have major concerns about water and its runoff. If the road gets widened, trees would also be cut, overexposing the Public Safety Building, creating an unfriendly and generic entrance into Wayland Center.
- 3) This intersection sits smack in the middle of Wayland's Historic District. By the widening of Rte. 20 **even more**, the impact once again whittles away at the Historical character of the center of

Wayland. Rte. 20 (on the east side of the lights) is one entrance to Wayland Center, again, with Historic houses and The Unitarian Church gracing the center. Winthrop Road and all of its homes is part of one of the oldest neighborhoods in Wayland. Shouldn't we all be trying to and committed to maintain some of that "New England" feel?

- 4) With regards to the Wayland Center intersection, I also believe that The Mellon Law Office "green" lends some beauty to that intersection space. It is green space. We need green space, not more asphalt at this intersection. The Mellon Law Office is Historical and the green is peaceful and beautiful, even with all those cars surrounding it. The Mellon Law Office Green should be preserved in its entirety. It's simply another opportunity to preserve some of the beauty in Wayland Center.
- 5) And finally, the intersection is considered an "F" intersection. Before the recent improvements, this intersection was labeled as an "F" intersection. By widening Rte. 20 on the east side of the intersection even more does **NOT** change the "F" status. My husband, Dean, worked for almost 10 years on the Rte. 20 Committee, studying and reviewing the Rte. 20/27/126 intersection. In all of the work this committee did and studies that were made, the committee learned that "if you build it, they will come." By widening Rte. 20 more, **traffic will only increase.**

Dean and I have continued to be supportive citizens and good neighbors in Wayland. Not only would our property be impacted by the widening of Rte. 20, we believe Wayland Center is impacted as well. By widening Rte. 20 again only encourages more traffic, will impact our Wetlands and destroy the Historical feel when entering Wayland Center from the East. Thank you for your consideration.

Sincerely,

*Diane + Dean Goodermote*  
Diane and Dean Goodermote  
18 Winthrop Rd.  
Wayland, Ma. 01778  
508-358-7221  
dyarnold@aol.com

**SUSAN REED**

58 Glezen Lane, Wayland, MA 01778 • 508-358-5495 • reededelman@comcast.net

Mr. Robert W. Golledge, Jr.  
Secretary of Environmental Affairs  
MEPA Office/Attention Holly Johnson  
100 Cambridge Street, Suite 900  
Boston, MA 02114

RECEIVED

January 4, 2007

JAN 6 2007

MEPA

Re: EOEA# 13844, "Wayland Town Center"

Dear Secretary Golledge,

Thank you for the opportunity to respond to the Draft Environmental Impact Report (DEIR) submitted on December 6, 2006 by Twenty Wayland, LLC. As you may be aware, on December 26, 2006 I sent a letter to the developer's project manager, Frank Dougherty, with a cc to you and others asking that the developer request that the public deadline for comments on the DEIR be extended to one week past the developer's submission of his Master Special Permit application to the Wayland Planning Board. A copy of my letter is enclosed as *Attachment A* for your reference. Unfortunately, I have received no response to date from Mr. Dougherty, and I therefore am submitting my comments on the DEIR to you in compliance with the January 5 deadline.

For ease of reference, I will use the format of your August 25, 2006 Environmental Notification Form (ENF) Certificate to organize my comments.

### **THE PROPOSED PROJECT VIOLATES TOWN'S PHASING REQUIREMENTS**

#### **Project Description and Permitting**

The ENF Certificate requires that the developer "identify and describe any project phasing... including potential impacts on construction sequencing and traffic patterns." (ENF Certificate, pg. 3)

#### ***DEIR 1.4 Project Phasing***

In Section 1.4 (pg. 1-14) of the DEIR, the developer states "the project may be constructed in two phases. Off-site improvements, site development and construction of retail buildings and a portion of the residential will occur in the first phase. The remaining residential units will be constructed in a second phase, depending on market conditions. Should the market support it, all the residential units will be constructed in the initial phase."

This description is at odds with the Zoning Bylaw approved by the Town outlining Special Permit Conditions (Section 198/2306.1.1) that requires "A phasing schedule for construction of each component part of the project which ensures integration of residential, non-residential, and municipal uses." There was a great deal of discussion about how this project would be phased prior to the Town vote. In return for the Planning Board's agreement to guarantee the developer the absolute right to build a project of a certain size (372,500 square feet consisting 167,500 s.f. of residential, 156,700 s.f. of retail, 10,000 s.f. of office space, and 40,000 s.f. for municipal use), **the developer agreed to the principle of building the project in a way that would preserve the 50:50 ratio between residential and retail/office space.** (This quid pro quo is significant because the Town effectively relinquished its power to mitigate negative impacts by reducing the project's size during the Master Special Permit application process.)

**What the developer is now proposing could significantly alter that 50:50 ratio.** The developer should be required to maintain this 50:50 ratio and if he chooses to build fewer residential units, then the retail portion should be reduced proportionately.

#### **THE DEVELOPER FAILS TO PROVIDE A CONSTRUCTION-PHASE TRAFFIC PLAN**

In response to the ENF Certificate requirement that the developer outline traffic control measures during the construction phase, the developer claims "In that the site is isolated from local roadways, no public traffic control measures will be required in association with on-site construction activities." (DEIR, pg. 1-15) This statement defies common sense. **This project represents the single largest construction project in the Town's history. Furthermore, the site is located squarely in the center of Wayland next to both residential neighborhoods and commercial areas.** Later, in Section 8.1.4 of the DEIR (pg. 8-4) the developer adds, "The construction period will generate truck traffic and construction employee traffic." However, the developer fails to provide the designated routes for this construction traffic, stating instead that they will coordinate with the Town prior to the start of construction. This plan was not part of the developer's DEIR submission and should have been. Such a construction traffic plan is of major interest to the public.

#### **THE DEVELOPER PROVIDES INCORRECT INFORMATION ON OCCUPANCY DATES OF FORMER OFFICE COMPLEX, NEW TRIPS GENERATED**

##### **Traffic and Transportation**

The ENF Certificate (pg. 4) notes "the project is expected to generate 7,834 new vehicle trips on an average weekday for a total of 11,792 trips." The ENF Certificate also notes "the proponent



has taken a vehicle trip generation credit of approximately 4,000 trips for existing land uses on the site. **The EIR should include documentation to demonstrate that the site activity has not exceeded the three-year limitation allowed for trip credit.** If this time limitation has been exceeded, the Traffic Impact Assessment must include revised trip generation estimates." The ENF Certificate also requires that **"The EIR should consider a maximum buildout scenario under the approved zoning, and assume a high trip generating use for the 40,000 s.f. municipal building (such as a community center with an indoor pool as suggested at the site consultation meeting). (pg. 4).**

**The developer claims in the DEIR, Section 2.4 (pg. 2-3) that the site "was occupied by a major tenant, Polaroid, which had a lease on 80 percent of the space"...and further, that "Polaroid's lease expired on March 31, 2004." These statements contradict the fact that Polaroid declared bankruptcy in October 2001 and rejected its lease in August 2002. (See Attachment B) MEPA is in possession of these relevant pages of a tax abatement ruling dated September 2005 for the Wayland Business Center, LLC v. Board of Assessors, Docket Nos. F271146 & F272457. The fact is that the site has been empty for more than three years and the developer has failed to provide both the documentation and related revised trip generation estimates requested.**

**The developer also has not followed the ENF Certificate instructions to assume "a high trip generating use for the 40,000 s.f. municipal building" in its traffic estimations/mitigation plans.**

In addition, the developer has 1) failed to forecast truck traffic after the construction period; 2) has based predictions of future traffic on an unreasonably low annual percentage rate of growth without providing adequate explanation/rationale (1% annual background growth, Section 3.3.1.2, pg. 3-41), and 3) provided too short a study-period frame (five years, Section 3.1.1, page 3.3, rather than the standard 10-year study period that ought to commence with project's completion in 2011). **All this adds up to the developer significantly understating the new vehicle trips per day generated.**

And finally, many of the scenic roads that will be directly affected by this project currently support a significant amount of bicycle and pedestrian activity, particularly on the weekends, (when the developer estimates the project will generate a staggering 11,786 new vehicle trips, pg. 3-48). The developer has failed to consider the impact of this pedestrian and bicycle activity in their traffic analysis, nor have they addressed related critical public safety issues.

### **THE DEVELOPER PROVIDES INCOMPLETE INFORMATION AND QUESTIONABLE CONCLUSIONS ABOUT TRAFFIC IMPACT ON NEIGHBORHOOD ROADS**

#### *Traffic Study Area*

The ENF Certificate requested that the developer present an "alternatives analysis" of various

access road scenarios, including one-site access point (along Route 20) and two-site access points (one onto Route 20 and the other onto Route 27). This requirement was of particular interest to Glezen Lane residents who have repeatedly requested that the Town NOT allow access to and egress from the shopping center via the driveway on Route 27. This driveway has been under limited-use restrictions for more than 50 years in order to protect adjacent residential neighborhoods such as Glezen Lane and Bow Road.

**The developer claims that there will be no difference in traffic on Glezen Lane between a two-point access scenario (Figure 3-20, Alternative A, with access onto Routes 20 and 27) and a Route 20-only access scenario (Figure 3-24, Alternative B).** This defies logic, particularly since the developer states in Section 3.3.2.3. *By-Pass Trips* (pg. 3-51) that **"The internal site access roadway will connect the Route 20 and Route 27 driveways, which will provide an attractive alternative for vehicles traveling between Route 20 and Route 27.** The project Proponent is committed to providing an internal connector road through the site that will provide a more direct route for travel between these locations." **This is EXACTLY what the hundreds of homeowners in the residential neighborhoods adjacent to this project, and in particular, Glezen Lane and Bow Road residents, fear.**

And who will be traveling along these neighborhood roads? **The developer presumes that traffic will be generated primarily from North Wayland,** but what he does not say is that this shopping center, which project manager Frank Dougherty has previously said may well include such national chains as The Gap, EMS, Victoria's Secret, and the like, will need to draw traffic from well beyond Wayland's 5,000 or so households to be a financially viable retail complex. **(Shopping centers of this size are typically located less than a mile from a major highway.)** Given that Glezen Lane in particular is a well-known commuter route already burdened with close to 3,000 vehicles per weekday, drivers from surrounding communities (Weston, Lincoln, Concord) will likely flood Glezen Lane even more if they know they can enter the project through the "back door" on Route 27 and avoid the already daunting traffic on Route 20 entirely.

**The developer also significantly understates other projects in the works that will impact traffic:** Under the No-Build Scenario Section 3.3.1.1 (p. 3-40), the developer provides an incomplete list of developments that will have a direct impact on traffic on Route 20 around the project. Missing from this list are at least the following projects: a proposed Dunkin Donuts/gas station on Route 20 in Wayland across from the Coach Grill; the vacant farm stand (Lee's) now for sale on Route 20 in Wayland; a 40B development at 137 Boston Post Road on Route 20 next to Temple Shir Tikva; the 525-unit condominium development, Villages at Danforth Farm, on Route 126 on the Framingham/Wayland border; development of property owned by Lynch Landscaping on Route 27; and the major office complex on Route 20 at the intersection of Route 128 in Weston. More broadly, there is the elephant in the room...er I mean region...the enormous expansion of the Natick Mall and the traffic that it is likely to generate along our already strained road system in Wayland.

**THE DEVELOPER DOES NOT OFFER A COMPREHENSIVE  
TRAFFIC ANALYSIS/MITIGATION PLAN FOR NEIGHBORHOOD ROADS**

*Transportation Demand Management/Air Quality*

The ENF Certificate states that "The EIR must demonstrate that the proposed mitigation measures are feasible and will effectively mitigate the impacts of each alternative. The proponent should provide a clear commitment to implement mitigation measures and should describe the timing of their implementation based on the phases of the project." The developer has failed to meet these requirements.

**The developer proposes a series of changes to the flow of traffic to Glezen Lane, but does provide specifics.** The developer proposes making Glezen Lane, Moore Road, and Training Field one way in certain directions but does not specify which sections and what direction. Further, the developer proposes making Bow Road, a less traveled cut-through road, one way and possibly dead-end. What will the impact of that decision be on other roads, and in particular, Glezen Lane? Rather than providing a comprehensive plan, the developer offers an incomplete, piecemeal approach. There is no analysis of the impact of the proposed, ill-defined changes to Bow Road on Glezen Lane, the major cut-through route, and other neighborhood roads. And finally, again, how does one reconcile the contradiction of the developer's intention to encourage cut-through traffic between Route 20 and Route 27 while at the same time "mitigating" cut-through traffic on Glezen Lane?

**Alternative B, which does not include an access road onto Route 27, is logically the single most promising hope for discouraging cut-through traffic on Glezen Lane and Bow Road and other neighborhood roads.** More than a hundred families living on the scenic roads near the project signed a petition last spring seeking that the access road remain closed in order to protect the nearby neighborhoods from the dangers of the expected rise in traffic from this development. Only Alternative B would ensure this critical protection.

**It's also worth noting the developer is not automatically entitled by right to Alternative A (two-point access).** Wayland's Town Counsel in a memo dated December 12, 2006, states "The MUOD is an overlay district and all non municipal uses authorized within the MUOD may be allowed by issuance of a special permit from the Board (Planning). Thus, use of the Access Strip [Route 27 access road] for access to all or any portion of the MUP [Mixed Use Project] would be subject to the issuance of an MUP Master Special Permit or another special permit (s) by the Board."

**DEVELOPER'S PLANS FOR ROUTE 20/27/126 ARE AT ODDS WITH MASS  
HIGHWAY'S 10-YEAR MORATORIUM ON CHANGES TO  
THIS RECENTLY RECONSTRUCTED INTERSECTION**

The ENF Certificate states that "The EIR should...discuss the status of the Route 20/Route

**27/Route 126 intersection improvements by MassHighway Department (MHD) and the relationship of any proposed improvements for the Wayland Town Center project to restrictions (procedural, geometrically, environmental) associated with this intersection)." (pg. 7) I understand that MHD's regulations prohibit additional changes to this just recently upgraded intersection for a period of 10 years.**

Further, the developer's plans for this intersection (Both Alternative 1/A? and 2/B? in Figure 4-4) would negatively affect the triangular town green, a public park gifted to the Town in 1933. Changes to this green would require action by the State legislature or MassHighway's choosing to expand its "Right of Way" into this historic area.

### **DEVELOPER FAILS TO COMPREHENSIVELY ADDRESS CRITICAL WATER RESOURCE ISSUES**

#### **Wastewater and Water**

The ENF Certificate strongly urged the developer to address elements of the project related to water resources, including "confirmation of sufficient water capacity to serve the estimated demands generated by the project from the Wayland municipal water system. The EIR should outline any anticipated impacts to the distribution system, including the potential need for any upgrades....Additionally...I strongly urge the proponent to consider xeriscaping opportunities associated with on-site landscaping to reduce e water consumption." (pg. 11)

The ENF required the developer to confirm that the project's water usage would not exceed 45,000 gpd. But the developer states in Section 5.2.1., Projected Water Demand, (pg. 5-4) that "The water supply demand of the Wayland Town Center project is estimated to be approximately 55,000 gallons per day for domestic use and up to 25,000 gpd for irrigation use, for a total of 80,000 gpd."

**The developer states that in 2003 Wayland's water usage was less than the permitted withdrawal amount. But the developer does not mention that in 2005 (the most recent water usage report available), Wayland's per capita water usage has increased and is now well above the amount permitted by the Water Management Act.**

Given the increase in the developer's projected daily water usage, the developer's failure to provide sufficient information on the adequacy of the Town's water resources, and the Town's long history of noncompliance with the Water Management Act—not to mention the water-use restrictions Wayland citizens are asked to comply with each summer — I urge the State to require that the developer go back and conduct a more thorough and accurate analysis of projected water uses and Wayland's water capacity. **The developer has not established that the Town has sufficient water resources to support a mixed-use development of this size and scope.**

## **THE DEVELOPER MINIMIZES IMPACT ON RARE SPECIES**

### Rare Species

The developer notes in Section 7.1 (pg. 7-4) that endangered species (Least Bittern, American Bittern, Pied-Billed Grebe) and special species (Common Moorhen) "would not be anticipated to be found either nesting or feeding within the confines of the proposed project." Nevertheless, the habitat mapping does encompass sections of the site, and more importantly, the project is extremely close to a fragile habitat. How will the State require the developer to preserve this habitat, particularly with the significant increase in traffic and pedestrians (including proposed trails and a canoe landing) that this project will create?

## **THE DEVELOPER PAYS LIP SERVICE TO "GREEN" DESIGN**

### Sustainable Design

This section of the DEIR is an excellent example of nuanced language. The key phrase throughout is the developer's intention "to *evaluate*" sustainable design. "The Proponent will evaluate sustainable design measures..." "Efforts to reduce energy use will be evaluated..." and so forth. Yet one of the two partners of Wayland Twenty, LLC, Dean Stratouly, is quoted in the *Boston Globe* in an article dated December 20, 2006, saying, "While no one is against this [green design] in principle, it doesn't help the underlying economics of bringing new product to the market." (*Attachment C*). I fear that the developer's statements on sustainable design are little more than lip service intended to accommodate the DEIR process, and deliberately filled with "escape clauses" that do not obligate the developer to pursue real sustainable design.

## **REDUCING THE PROJECT'S SIZE WILL REDUCE TRAFFIC AND PUBLIC SAFETY ISSUES**

It is likely that many of the negative impacts of this project could be addressed by reducing the size of the retail component, something many citizens urged, and the Town's own independent fiscal consultant, Judi Barrett, supported. Unfortunately, as a result of the current Zoning Bylaw, Wayland's Planning Board does not have the authority to take this logical step. I hope that in reviewing these comments, the Secretary will consider requiring the developer to evaluate the impacts of a smaller project. Thank you for the opportunity to comment on this DEIR.

Sincerely,



Susan Reed

**RECEIVED**

**JAN 4 2007**

**PLANNING BOARD**

Robert Golledge. Secretary of Environmental Affairs  
EOEA, MEPA Unit, attention Holly Johnson  
100 Cambridge Street. Suite 900  
Boston, MA 02114-2524

January 3, 2007

Re: EOEA #13844 - Wayland Town Center

Dear Ms Johnson:

The incomplete nature of answers to some key environmental issues in the Draft Environmental Impact Report for the "Wayland Town Center", EOEA #13844, suggests that the Proponent intends to prepare a much more comprehensive EIR. Certainly one is called for with respect to wastewater and with respect to information about, and scheduling of, construction in the areas affected by Raytheon deed restrictions. As to both of these technical issues, the reviewer is left with assurances and references to existing agreements or discussions with other parties, e.g. the Town and Raytheon Corp. But as discussed below, both issues clearly relate to infrastructure necessary to proceed with Phase I building and both were raised not only by the Certificate but by commenters on the ENF. My questions and comments follow.

Water Use : Regarding water usage, there appears to be a definite and laudable intention to install water saving devices in all buildings but I hope the EIR will provide more detail. For instance, will front-loading washing machines be installed (even if not required by the State building code)? Will there be water-saving communal laundry rooms in residential buildings? The Project could be a needed example to the rest of Wayland in terms of water use efficiency if adhering to the residential building design of less than 65 gallons of potable water per person per day (Section 5.2.2). As noted in the DEIR, the Preliminary Irrigation Demand (Table 5-2) is excessive. But given the excellent commitment to rain gardens and other LID techniques, as urged in the Certificate, where and why is any landscape irrigation necessary after trees and other plants/grass have taken hold? As the demonstration lawn in the center of Wayland shows, a real town green does not need artificial irrigation. Other than LID, will other specific water conservation policies (recently set forth by DEP) be implemented? While total wastewater capacity seems to be the limiting water use factor (for buildings), a range of possible changes to the allocation of GPD /MDD (Tables 5-1 and 5-2) is not provided, so I found no confirmation that the breakdown of uses will not exceed the 45,000 GPD as asked for in the Certificate.

I believe the DEIR does not analyze possible impacts to Wayland's distribution system other than to state that an on-site main will be replaced with a 12 inch

water main connecting to Route 27, as requested by the Wayland Water Department. Will water pressure to the houses on the easterly side of Route 27 (Old Sudbury Road ) be affected by the project? (I note in passing that the recent reduction in the Town's metered potable water usage may be attributed in part to the switch to a private well at the golf course next to Baldwin Pond Wells. Excessive water withdrawals from the aquifer remain of concern.)

Stormwater: Although I am not now commenting on Stormwater mitigation and wetlands issues, I believe it is very important for the EIR to explain how snow and sand removal/storage is to be handled. Do not the LEED standards include some suggestions for recycling sand used on icy roads ? Why does the DEIR dismiss the subject as not within MEPA's scope? Site drainage is a major environmental concern, as recognized in the DEIR. When snow melts and sand is swept off roadways, or left as sediment to clog manholes, they surely become pollutants. Please direct the proponent to discuss this issue.

Wastewater: The EIR must include - at a minimum - the initial study agreed upon in the project Development Agreement with regard to upgrading or rebuilding Wayland's Wastewater Plant to accommodate the new flow (Section 5.1.2). Presumably the Proponent has by now used its authorization to examine the existing Plant and records pertaining thereto. The EIR should inform us of its conclusions. The Assessment and/or the EIR should include a discussion of the best current technology for reducing pollutants generated by a mix of residential and non-residential uses, such as are planned for the site. Phosphorus reduction in wastewater discharges should be acknowledged as of paramount concern. I understand that there has been discussion of the location of the discharge pipe ; the proponent and the Wayland Wastewater Management District will have these kinds of complicated issues to resolve with regard to Plant permits, the final outcome dependent on EPA and DEP. But it is important for the Town to know in advance, via the EIR, what are the best feasible, current, treatment alternatives for a plant of this capacity discharging to the eutrophic Sudbury river system. The letter from Jamie Fosburgh, Director of the NPS Boston River Program, clearly indicates the reason to design upgrades to this wastewater treatment plant. Area wastewater treatment plants have a dismal record of non-compliance with permit conditions ; DEP and EPA have a dismal record of correcting permit conditions without years of delay. This Project gives an opportunity to actually implement anti-degradation measures and to benefit the environment going forward .

The proposed Section 61 Finding for the DEP Sewer Connection Permit is thus premature and objectionable in that the terms and conditions of the permits may

not, in fact, “constitute all feasible measures to avoid damage to the environment” and may not “minimize and mitigate such damage to the maximum extent practicable.” Feasible and practicable should be changed respectively to “best” and “possible” given the outstanding water resources adjacent to the site.

I would like the EIR to explain backup options in the event of Plant failure for whatever reason. Is there a plan for solid waste retrieval and disposal?

With respect to subsurface waste disposal, the EIR should attach the report asked for by DEP (Northeast) relative to average and peak wastewater flows specific to the use category for each building. The EIR will of course include the results of additional soil testing slated for spring of 2007 and the consequent location of the leach field. This location (as well as the FAST construction ) should be shown in relation to Raytheon’s completed and on-going remediation and to any irrigation plan. The pollution prevention functions of the water treatment plant and the underground septic system (whatever form it takes) are of course related; both must be maintained in top-notch condition on this Zone II site where stormwater drainage must also be accommodated.

For the foregoing reasons, I urge that long-term viability and maintenance of the selected FAST, or other DEP-approved system, be fully explained in the EIR and that EOEAs require such maintenance to be included within the draft Section 61 Finding for the Sewer Connection Permit.

Traffic: I understand that this is a major, and probably intractable, problem for the Town and, indeed, the bulk of the DEIR is devoted to this issue. Amazingly, however, with all the off-site analysis and concern about intersections as far away as Nobscott in Sudbury, I found no analysis of impacts on access to/from the existing Wayland shopping center, and only a passing reference to Landham Road! The response to the Wayland Planning Board’s comment about this situation is a non-answer.

The DEIR contemplates a new access road to the project site from Route 20, coupled with improved access to Russell’s Garden Center. A new traffic signal is under consideration in connection with such an alignment. The EIR must therefore include an analysis of the impact such a traffic light would have on traffic exiting the shopping center, the Post Office, and any other businesses on the south side of Route 20, not just Russell’s. This is particularly important for left-hand (westward) turns from the shopping center. Although the proposed signalization may be justified, or even beneficial, depending on its exact location, the proponent



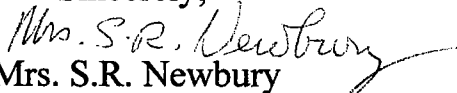
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must discuss queueing (with or without the signal) and what mitigation is proposed for traffic exiting these businesses in either direction. No "gap analysis" seems to have been carried out. If the proposed shuttle bus is indeed provided, consideration should be given to using it off-commuter hours to shuttle between the two shopping centers, regardless of whether or not the passengers are residents or employees of the Project. (Will employees at the on-site municipal building be within the shuttle-entitled class?)

Pelham Island Road south of Route 20 carries commuter traffic from Framingham and Sudbury to Route 20. But local - i.e. Wayland - traffic must traverse the shopping center in order to go west from Pelham Island Road (for example to the landfill or to the planned project). Otherwise Pelham Island residents must try to access Route 20 via Landham Rd. in Sudbury where no traffic light exists. I note that the DEIR states the proponent's dedication to state transportation policies that promote pedestrian and bike movement. Scenic Pelham Island Road is a popular bike and walking route. It really is necessary for all those involved in road planning to consider how cyclists and pedestrians, as well as vehicles, can safely cross Route 20 to get to the site amenities. EOTC's Public/Private Development Unit speaks to this matter, asking that the proponent "ensure ...connectivity to any existing pedestrian and bicycle networks".

Please require that the draft Section 61 Finding for MHD (Section 10.2) incorporate plans, both with and without new traffic signal controls, for the intersection of the existing shopping center access drive and Route 20.

Thank you for the opportunity to comment on the DEIR for the proposed mixed-use project in Wayland. I appreciate the care with which the Certificate was prepared and hope that the foregoing will be helpful in your review of the DEIR.

Sincerely,  
  
Mrs. S.R. Newbury

138 Pelham Island Road  
Wayland 01778

cc: Epsilon Associates  
Town of Wayland  
MHD  
DEP