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WETLANDS WILDLIFE WATERWAYS

Request for Superseding Order of Conditions DEP File #: 322-1000

December 12, 2023

Subject Property
113-115 Boston Post Road
Assessors Map 30, Lots 70 and 71
Wayland, Massachusetts

Applicant and Property Owner
Cascade Development Associates, LLC
831 Beacon Street, #268
Newton Center, MA 02459

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WETLANDS WILDLIFE WATERWAYS

December 12, 2023

Hand Delivery

Massachusetts Department of Environmental Protection
Wetlands and Waterways
Jill Provencal, Section Chief
150 Presidential Way
Woburn, MA 01801

Re: Request for Superseding Order of Conditions [LEC File #: CDALLC\22-051.02]
DEP File #: 322-1000
113-115 Boston Post Road (Assessors Map 30, Lots 70 and 71)
Wayland, Massachusetts

Dear Ms. Provencal:

On behalf of the Applicant and Property Owner, Cascade Development Associates, LLC, LEC Environmental Consultants, Inc., (LEC) is filing this *Request for Superseding Order of Conditions* (*SOOC Request*) with the Massachusetts Department of Environmental Protection (MA DEP) under the Massachusetts Wetlands Protection Act (M.G.L. c. 131, s. 40, the *Act*) and its implementing Regulations (310 CMR 10.00 the *Act Regulations*). LEC filed a Notice of Intent (NOI) Application with the Wayland Conservation Commission (Commission) on November 16, 2022 to demolish existing structures, driveways, parking lots, and impervious and gravel areas associated with an abandoned garden center and single-family dwelling, and construct a 60-unit, 4-story affordable housing development (under chapter 40B) with associated access drives, parking lots, stormwater management infrastructure, wastewater treatment facility, and mitigation. Portions of the proposed project are located within 200-foot Riverfront Area and Bordering Land Subject to Flooding associated with Pine Brook (a Cold-water Fishery) and within the 100-foot Buffer Zone to Bordering Vegetated Wetlands (BVW) and Bank. The Commission issued an Order of Conditions (OOC) on November 29, 2023. Attached for your convenience are the following documents:

Attachment A: *Request for Departmental Action Fee Transmittal Form*
Attachment B: Order of Conditions issued November 29, 2023
Attachment C: Notice of Intent Application dated November 16, 2022
Attachment D: May 3, 2023 Response to Peer Review Comments prepared by LEC
Attachment E: July 11, 2023 Response to Peer Review Comments prepared by LEC
Attachment F: November 1, 2023 Response to Peer Review Comments prepared by LEC

The project civil engineering plans and stormwater design were prepared by Professional Engineer William Doyle of C1.0 Engineering; the Hydrogeologic Report for the Wastewater Treatment Facility was prepared by Hydrogeologist Ray Talkington of Geosphere Environmental Management, Inc.; and Legal Counsel for the Applicant is Attorney Paul Haverty of Blatman, Bobrowski, Haverty & Silverstein, LLC. All have contributed to the preparation of the NOI Application, responses to peer review comments, and this *SOOC Request*. The project was peer reviewed by both BETA Group, Inc., (BETA, largely for stormwater compliance) and Nover Environmental Consulting, LLC (Nover, largely for regulatory compliance). Most of the information referenced in the 'Reasons for Denial' section of the OOC was included in the NOI Application and/or provided in the Responses to Peer Review Comments Letters. Over the course of nearly one year of review and deliberation, it became clear to the Applicant and the project team that no amount of additional information would satisfy the Commission that the project meets the performance standard enumerated in 310 CMR 10.00, and that the Applicant and the Commission disagree on how the *Act Regulations* at 310 CMR 10.58 (4) and (5) are interpreted and implemented. Below is a summary of the proposed project and mitigating measures, followed by an italicized transcript of the 'Reasons for Denial' included in the OOC. For your convenience, LEC has provided responses to each Reason for Denial, including where this information was provided to the Commission during the course of their review.

Project Summary

The Applicant proposes to demolish the existing structures, driveways, parking lots, and impervious and gravel areas associated with the abandoned garden center and dwelling, and construct a 60-unit, 4-story affordable housing development with associated access drives, parking areas, stormwater management infrastructure and wastewater treatment facility. Portions of the proposed project are located within Riverfront Area and BLSF associated with Pine Brook and within the 100-foot Buffer Zone to BVW/Bank. The development will result in a roughly 64.2% decrease in Degraded Riverfront Area on the site (from 90,693± square feet to 32,427± square feet), will be farther from Pine Brook compared to the existing development, and will result in a significant improvement to the Riverfront Area functions and values compared to existing conditions.

Residential Development

The proposed structure measures 20,031± square feet, 15,368± of which are proposed within the outer 100-200 foot Riverfront Area. The structure is proposed 136± linear feet from Pine Brook at its closest point, or 97± linear feet farther from the brook than the existing closest greenhouse. The structure will contain 60 residential units, and be accessed via two, 24-foot wide paved driveway entrances off Route 20. The western driveway entrance will extend to 64 proposed parking spaces beneath the structure, with 13 surface parking spaces along the southwestern edge of the driveway. The eastern entrance extends to a looped roadway with 29 surface parking spaces along the eastern and internal roadway edges. A concrete sidewalk will provide access from the eastern surface parking to the eastern structure entrance. An 18-

foot wide gravel emergency access is proposed south of the structure, connecting the eastern and western surface parking. A portion of this emergency access represents the closest 'Degraded' Riverfront Area in the proposed condition, at 87± linear feet from Pine Brook, 66± linear feet farther than the existing Degraded Riverfront Area. Utility connections will extend from Route 20 as needed to service the building.

Wastewater Treatment Facility

As part of the Housing Appeals Committee (HAC) review of the Comprehensive Permit, the Applicant committed to installing a Wastewater Treatment Facility in order to treat wastewater from the project instead of installing a traditional septic system as originally proposed in the Comprehensive Permit. The wastewater treatment facility was designed by On-Site Engineering, Inc., and DEP completed its review of the Hydrogeologic Report prepared by Geosphere, authorizing the Applicant to apply for a Groundwater Discharge Permit. The Applicant will prepare and submit the Groundwater Discharge Permit application to DEP for approval following issuance of an SOOC. The wastewater treatment facility is proposed within the eastern portion of the site, south of the eastern looped access driveway, within the outer portion of Riverfront Area, portions of which are Degraded. The system will comprise of infrastructure designed to filter out solid waste, which will be collected from the site and appropriately disposed of on a scheduled basis. Treated water will then infiltrate through the leaching field, which will contain 10 infiltration rows of infiltration chambers. The infiltrated groundwater will migrate westerly, toward its convergence with Pine Brook. The Wastewater Treatment Facility design will be finalized as part of the Groundwater Discharge Permit application with MA DEP.

Site Grading

Site grading will be required to accommodate the proposed development. Filling of up to roughly 7 feet is generally proposed within the eastern portion of the site as part of the proposed wastewater treatment facility leaching field, and cutting of up to roughly 5 feet is generally proposed within the northwestern portion of the site as part of the proposed stormwater management basin. While a portion of the development is proposed within BLSF, care has been taken to ensure that elevations within the BLSF footprint are lowered, not raised, to avoid floodwater displacement, and provide a nominal increase in flood storage capacity. Two retaining walls also are proposed to minimize site grading: one south of the proposed structure (eastern portion); and another within the southwest corner of the leaching field.

Mitigation Summary

Erosion Controls

The Applicant proposes to implement an erosion control program to protect Pine Brook and associated BVW, and adjacent properties from sedimentation during construction activities. The plan for the control of potential impacts to the adjacent Wetland Resource Areas is based on DEP guidelines and will be comprised of staked compost filter tubes along the Limit-of-Work lines. Erosion controls will be

installed along the Limit-of-Work line associated with the site development, and along the Limit-of-Work line associated with the Riverfront Area restoration and enhancement effort. Additionally, the site will contain two (2) rip-rap construction entrances to limit sedimentation onto Route 20, and silt sacs will be installed within the Route 20 catch basins along the site frontage, and immediately west of the site. All erosion control measures will remain in place until disturbed areas are stabilized by vegetation.

Stormwater Management

Under existing conditions, the site contains no stormwater management measures. The Applicant proposes a comprehensive stormwater management system in accordance with DEP standards and the *Act Regulations*. A stormwater retention basin is proposed within the northwestern portion of the site, and a sediment forebay is proposed within the northern portion of the site along Route 20. Stormwater run-off from the proposed roof area will discharge directly to the stormwater basin, while stormwater run-off from paved areas will be collected by a series of catch basins equipped with deep sumps and hoods. A Contech CDS Hydrodynamic Separator had been proposed for further Total Suspended Solid (TSS) and pollutant removal prior to discharge to the stormwater retention basin, however, was replaced with a sediment forebay based on BETA peer review comments. Treated stormwater will then discharge to Pine Brook. The design results in a decrease in the peak rates and volumes of stormwater run-off from the site resulting from the 2, 10, and 100-year statistical storm events.

In addition to treating stormwater from the proposed development, the design also collects and treats stormwater run-off from a portion of Route 20. Under existing conditions, a drain pipe discharges untreated stormwater run-off from Route 20 directly into Pine Brook. The proposed design had directed this untreated stormwater through the sediment forebay and retention basin for treatment prior to discharge to Pine Brook; however, this design was modified to daylighting a portion of the pipe as a stream based on BETA peer review comments.

Riverfront Area Restoration

The redevelopment project provides a significant opportunity to improve Riverfront Area functions and values. The project reduces the amount of Degraded Riverfront Area on the site by roughly 64.2% (from 90,693± square feet to 32,427± square feet), and the Applicant proposes to restore and enhance the Riverfront Area by removing invasive plants, restoring a natural soil profile where not present or where grading within the Riverfront Area is proposed, by planting native sapling trees and shrubs, and sowing native groundcover seed mixtures to establish a variety of cover types. Where possible, these restored/planted areas extend beyond the Riverfront Area. Permanent Conservation Markers are proposed to demarcate the restored land, limiting the potential for future encroachment into the protected areas. Details and specifications are included on the *Riverfront Area Restoration Planting Plan* included in the NOI plan set. Specifically, the Applicant proposes to:

- Restore 26,000± square feet of Degraded Riverfront Area (existing structures, concrete pads, and gravel areas);
- Enhance 22,100± square feet of Previously Developed (but not Degraded) Riverfront Area (land that has been historically utilized as part of the garden center, but contains a thin layer of topsoil and therefore does not qualify as Degraded);
- Establish and maintain a 21,170± square-foot pollinator meadow, 18,396± square feet of which are located within the Riverfront Area (proposed over the footprint of the Wastewater Treatment Facility leaching field); and
- Establish and maintain 12,090± square feet of naturally-vegetated sediment forebay/stormwater management basin, 10,305± square feet of which are in the Riverfront Area[1].

The above effort results in 76,800± square feet of Riverfront Area mitigation and is intended to off-set any potential impacts of the proposed development (structure, impervious, and gravel areas) that will comprise 32,427± square feet of the Riverfront Area.

Invasive Species Management and Revegetation

As described above, the Previously Developed (but not Degraded) Riverfront Area along Pine Brook (red hatch on the *Planting Plan*) contains scattered inclusions of invasive shrubs and vines including porcelain berry (*Ampelopsis* sp.), multiflora rose, and Oriental bittersweet (*Celastrus orbiculatus*). These plants (including roots) will be removed using hand tools when feasible and if not using a small backhoe, and appropriately disposed of at an off-site facility.

A natural soil profile will be established within the Degraded Riverfront Area (orange hatch on the *Planting Plan*) by removing 4-6 inches of gravel, and replacing with loamy sand topsoil (5% minimum organic content). Similarly, when installing sapling trees and shrubs within the Previously Developed and Degraded Riverfront Area, the holes will be excavated twice as wide and twice as deep as the root ball, and amended with the specified topsoil. These measures will establish an appropriate planting medium for native plantings to survive.

The Previously Developed and Degraded Riverfront Area to be restored/enhanced will be planted with 70 native sapling trees and 300 native shrubs as follows:

Trees:

10 black gum (*Nyssa sylvatica*)

10 northern red oak (*Quercus rubra*)

[1] During the course of the NOI review by BETA, the size of the stormwater infrastructure within the Riverfront Area decreased by 5,358± square feet. The footprint of the stormwater basin and side slopes are to be naturally-vegetated and were incorporated into the Riverfront Area mitigation as depicted on the *Planting Plan*. The decrease in the size of the basin only means that field changes to the methods of Riverfront Area restoration/enhancement are needed. The 76,800± square feet of total Riverfront Area mitigation remain unchanged.

10 ash-leaf maple (*Acer negundo*)
10 sugar maple (*Acer saccharinum*)
10 eastern red cedar (*Juniperus virginiana*)
10 tulip tree (*Liriodendron tulipifera*)
10 eastern white pine (*Pinus strobus*)

Shrubs:
30 giant rhododendron (*Rhododendron maximum*)
30 gray dogwood (*Cornus racemosa*)
30 northern arrowwood (*Viburnum dentatum*)
30 witch hazel (*Hamamelis virginiana*)
30 sweet pepperbush (*Clethra alnifolia*)
30 shadbush (*Amelanchier canadensis*)
30 nannyberry (*Viburnum lentago*)
30 sweet fern (*Comptonia peregrina*)
30 Black chokeberry (*Aronia melanocarpa*)
30 American hazelnut (*Corylus americana*)

The planting effort is intended to provide clusters of sapling trees and shrubs throughout the restoration and enhancement areas. Following installation of woody plants, several native seed mixtures will be applied to the site, including:

- The *Native Pollinator Seed Mix* from Ernst Conservation Seeds. This seed mix will be applied to the 25,750± square-foot Degraded Riverfront Area and the 21,170± square-foot pollinator meadow. The pollinator meadow will be mowed once annually between October 15 and April 1 to inhibit the establishment of invasive woody plants and to promote native seed dispersal in the meadow;
- The *New England Erosion Control Mix* from New England Wetland Plants, Inc. This seed mix will be applied to the slopes comprising the stormwater detention basin and sediment forebay; and
- The *New England Erosion Control Mix for Moist Sites* from New England Wetland Plants, Inc. This seed mix will be applied to the detention basin and sediment forebay bottoms.

All seed mixtures will be applied using either the hydroseed method, or by hand – followed by a light mulching of straw or salt marsh hay. All slopes at or near 3:1 (stormwater basin slopes and grading slopes along the emergency access roadway and wastewater treatment facility leaching field) will be stabilized with erosion control blankets following seeding.

Permanent conservation markers with signage or placards will be established along the edge of restored/enhanced Riverfront Area as depicted on the *Planting Plan*. The markers will either read,

"Conservation Area – Do Not Disturb" or "Conservation Meadow: Once Annual Mowing Allowed Between October 15 and April 1" for the markers adjacent to the pollinator meadow.

All Riverfront Area restoration and enhancement efforts will be supervised by a qualified wetland scientist and will be monitored by the wetland scientist for two (2) growing seasons to document restoration/enhancement success, identify any re-growth of invasive/exotic plants to be managed, and/or identify any re-planting efforts required due to mortality. The wetland scientist shall prepare annual monitoring reports describing the success of the restoration/enhancement effort and any required management efforts, and shall include representative site photographs. Annual reports shall be provided to the issuing authority by November 30.

Reasons for Denial

Insufficient Information, 310 CMR 10.05(6)(c)

The Commission found that the information submitted by the applicant was not sufficient to describe the site. the work, or the effect of the work on the interests identified in M.G.L. c. 131, § 40. Therefore, per 310 CMR 10.05(6)(c), the Commission cannot issue an Order allowing the work.

- *At the time of the Commission's decision to issue an Order of Conditions, denying the Project, they did not have sufficient information to determine whether the Project fully met the Stormwater Standards. A revised set of Project plans and Stormwater Report were submitted to the Commission a week prior to the November 8, 2023 public hearing closure. The Commission explained to the Applicant at the November 8, 2023 hearing that their stormwater peer review consultant needed more time to review the revised set of project plans and documents in order to advise on whether the Project met the Stormwater Standards at 310 CMR 10.05(6)(k). The Applicant denied the Commission's request to allow the hearing to remain open, which effectively did not provide sufficient information to describe the work and the effects of the work on the interests of the Act. Compliance with performance standards including the Stormwater Standards could not be verified by the Commission prior to the closure of the hearing.*

  LEC submitted the final Response to Peer Review Comments Letter (**Appendix F**) on November 1, 2023, one week prior to the November 8, 2023 Public Hearing, which addressed remaining peer review comments provided by BETA. It is our understanding that new information is required to be submitted to the Commission one week in advance of a Public Hearing. The information submitted included a written response and revised site plans addressing several remaining BETA peer review comments outlined in their September 7, 2023 Peer Review Letter. The remaining items addressed in the September 7, 2023 Peer Review Letter did not significantly alter the drainage design. Rather, they included adjusting the TSS calculation sheets, adding cut-off valves to the retention basin, adjusting a catch basin rim elevation to make it easier to construct, adding additional volume to the

retention basin for the water quality of the roof area, providing a faster infiltration rate as recommended by BETA, and providing mounding analysis. All items were provided or adjusted as requested. No fundamental design changes to the project were included in this submittal, and the project engineer is confident that the proposed stormwater design fully meets the MA DEP Stormwater Standards.

- *The Project is relying on the degraded riverfront area boundary depicted on the October 31, 2023 Project plans to meet performance standards. The Commission and their peer review consultants have observed and documented substantial areas within the Site's delineated degraded riverfront area that contain fully established meadow and succeeding shrub habitats with 100% ground coverage and topsoil. The Applicant did not provide any evidence to support the degraded riverfront area boundary. It is the Commission's position that until the Project plans accurately depict the degraded riverfront area limits, an Order of Conditions allowing work to redevelop a previously developed riverfront area in accordance with 310 CMR 10.58(5) Redevelopment Within Previously Developed Riverfront Areas cannot be issued.*

  Excerpt from November 16, 2022 NOI Application: In order to determine the extent of 'Degraded' Riverfront Area on the site in accordance with 310 CMR 10.58 (5), LEC conducted a site evaluation on August 11, 2022 to identify and delineate areas containing structures, impervious surface, gravel, and other land absent of topsoil (see Area 3 Plan in Appendix B). DRA flagging stations 1 through 52 were established along the Degraded Riverfront Area boundary as depicted on Sheet EX.1 of the Plan Set (attached). While most of the site north of Pine Brook contains these Degraded conditions, a corridor of land immediately north of Pine Brook contains a layer of developing topsoil over the gravel. Conservatively, land containing this thin layer of topsoil was excluded from the Degraded Riverfront Area delineation. Also excluded from the Degraded Riverfront Area delineation is a roughly 7,014 square-foot patch of land containing wooded uplands and a compost pile located within the southeastern portion of the site. Of the 209,448± square feet of Riverfront Area on the site, 90,693± square feet, or 43.3%, qualify as 'Degraded.'

  Excerpt from May 3, 2023 Response to Peer Review Comments Letter: A site evaluation was conducted on January 4, 2023 with the project proponent and design team, Conservation staff, and peer reviewers from BETA and Nover. During this site evaluation, the extent of Degraded Riverfront Area (DRA) as delineated by LEC was reviewed and discussed. Several soil observation holes were excavated and viewed, and BETA determined that a veneer of developing topsoil and a populating plant community was visible within the land south of the single-family dwelling at 113 Boston Post Road, and within portions of the former Garden Center at 115 Boston Post Road – within areas delineated as DRA by LEC. The areas under discussion include land that was actively utilized as of 2018 and appear to have gone fallow in 2019 according to Google Earth imagery. The DRA as

delineated by LEC contains exposed gravel and areas of populating herbaceous plants, including mugwort (*Artemesia vulgaris*), Queen Anne's Lace (*Daucus carota*), goldenrods (*Solidago* spp.), and clover (*Trifolium* sp.). A veneer (less than ½ inch) of developing topsoil was observed as photographed below.

Veneer of developing topsoil roughly 1/3" deep over fill material south of single-family dwelling at 113 Boston Post Road parcel.

Similar soil profiles and limited herbaceous plant cover were observed elsewhere and BETA determined that the Riverfront Area from flag DRA #3 to flag DRA #17 does not qualify as "Degraded," and that the DRA extends from flag DRA #38 to the southeast corner of the existing wood hut and follows the stone wall to flag DRA #46.

This determination was made in part based on a 2013 Superseding Order of Conditions (SOOC) issued by DEP for a project in Amesbury (DEP File #: 002-1015, *Amesbury SOOC,* **Appendix A**). Both the *BETA Letter* and the *Nover Letter* reference the *Amesbury SOOC* to support their claims that portions of the subject property delineated as DRA by LEC does not qualify as DRA in accordance with 310 CMR 10.58 (5).

LEC reviewed the *Amesbury SOOC* and discovered several important distinctions between the Amesbury parcel as described in the SOOC and the subject property. Specifically:

1. MassDEP Observed that a vast majority of the site was heavily wooded with mature trees, some saplings, shrubs, and some ground cover (Page 2, Emphasis added);
2. Significant portions of the RA [Riverfront Area, referred to as "RA"] on the project site appear to have been mined for sand and gravel…many decades ago, it also appears that the RA has recovered from that disturbance in the intervening time and has become a largely forested area since them, with a functioning RA, herbaceous, shrub, and tree layers, and development of topsoil/A Horizon with extensive rooting…(Page 3, Emphasis added).

The *Amesbury SOOC* was issued for a former sand and gravel excavation site that had been abandoned for decades, and where a forest had developed within the abandoned land. Applying the means and methods in the *Amesbury SOOC* to determine the extent of DRA for this parcel is not appropriate considering this parcel has been fallow for roughly 4 years and contains areas of populating herbaceous plants on land dominated by fill (on the single-family house parcel) and exposed gravel (on the former Garden Center). Notwithstanding the above, LEC is willing to concur with the BETA DRA delineation in an effort to move the project permitting process along, but reserves the right to disagree with the BETA DRA delineation in the future if necessary.

The above change to the DRA boundary results in the following changes to the alteration area numbers described in the NOI Application:

1) The amount of existing DRA on the site changes from 90,623± square feet to 78,099± square feet;
2) The decrease of DRA proposed for the site changes from 64.2% to 41.5%;
3) The non-degraded RA being altered changes from 7,014± square feet to 11,948± square feet. Of this 11,948± square feet, 5,668± square feet are wooded (the remaining 6,280± square feet are Previously Developed, but do not qualify as 'Degraded' according to BETA.
4) The above numbers exclude the RA alteration associated with the stormwater management basin and Route 20 stormwater drainage swale in accordance with 310 CMR 10.58 (4)(d)1.d.

The above excerpt from the May 3, 2023 Response to Peer Review Comments Letter was reiterated in the subsequent July 11, 2023 Response to Peer Review Comments Letter. LEC adds here that it is fully expected that populating herbaceous and invasive plants would migrate to previously developed/degraded portions of the site since the site was abandoned in or around 2018 when permitting for the proposed project commenced. The *Act Regulations* at 310 CMR 10.58 (5) do not include the presence or absence of vegetation as a measure of whether an area qualifies or disqualifies as 'Degraded.'

- *As stated in 310 CMR 10.58(4)(d), within 200-foot RAs, the Commission may allow the alteration of up to 5,000 square feet or 10% of the riverfront area within the lot, whichever is greater, on a lot recorded on or before October 6, 1997 or lots recorded after October 6, 1997 or up to 10% of the RA within a lot recorded after October 6, 1997. The Project is proposed on two separate assessor's lots. The Applicant did not apply the RA performance standards on a per lot basis and therefore, did not provide the Commission with sufficient information to sufficiently describe the effect of the work on the interests of the Act. Throughout the NOI hearing process, the Commission repeatedly requested that the Applicant determine if the Project met 310 CMR 10 58(4)(d) by applying the standard on a*

per lot basis. The Applicant would not provide this information (see attached riverfront evaluation table).

LEC disagrees with the above interpretation of the Riverfront Area performance standards at 310 CMR 10.58 (4)(d), addressed compliance with the Riverfront Area performance standards at 310 CMR 10.58 (4) and (5) in the NOI Application (see pages 12 through 20), and addressed this particular comment in the May 5, 2023 Response to Peer Review Comments Letter as excerpted below.

Excerpt from May 3, 2023 Response to Peer Review Comments Letter: Page 4 of the *Nover Letter* states: "The NOI combines the total of RA, Degraded RA, non-Degraded RA and disturbance on both assessor's lots. According to 310 CMR 10.58(4)(d), to confirm that the Project will have no significant adverse impact on the RA's ability to protect the interests identified in the Act, each lot needs to be evaluated independently…"

While the *Revised Site Plans* have been modified to reflect the BETA DRA boundary and the revised DRA and undeveloped RA alteration numbers, the proposed development should be viewed as one project. **Appendix B** contains the Quitclaim Deed for the site, indicating Parcel One (the single-family dwelling lot) was created in 1946 and Parcel Two (the former garden center) was created in 1985. There are no plans or requirements to combine these parcels with the proposed project. The idea of evaluating the lots independently stems from the WPA Regulations at 310 CMR 10.58(4)(d), which state, in part:

> *...Within 200 foot riverfront areas, the issuing authority may allow the alteration of up to 5000 square feet or 10% of the riverfront area within the lot, whichever is greater, on a lot recorded on or before October 6, 1997...or up to 10% of the riverfront area within a lot recorded after October 6, 1997...*

The intent of these regulations is to deter project proponents from subdividing larger parcels of land within the Riverfront Area into smaller lots, and altering up to 5,000 square feet of Riverfront Area on each lot. As written, the regulations limit Riverfront Area alteration to 10% of the Riverfront Area on a subdivided lot recorded after October 6, 1997. The intent of the Riverfront Area regulations at 310 CMR 10.58 is described in the *PREFACE: 1997 REGULATORY REVISIONS FOR THE RIVERS PROTECTION ACT AMENDMENTS TO THE WETLANDS PROTECTION ACT* (*Preface*, **Appendix B**). Below are excerpts from the *Preface,* followed by a description of how this project aligns with the protection of Riverfront Area.

Under No Significant Adverse Impact, the *Preface* states:

> *The criteria include a limitation on alteration, a 100 foot vegetated corridor, stormwater management, and provisions to protect wildlife habitat...These criteria were selected to promote the benefits of protecting the riverfront area, while ensuring flexibility for many*

projects. While the criteria will restrict activities within riverfront areas, there is no "prohibition" on development within the riverfront area...Full compliance with the criteria may also be relaxed to accommodate a variety of circumstances, including limited projects, redevelopment projects, and septic systems or stormwater management facilities when alternative locations are not available. [Emphasis added].

The project largely restores and enhances a 100-foot-wide corridor of vegetation by removing existing degraded Riverfront Area, establishing a natural soil profile, removing invasive exotic plants, installing native sapling trees, shrubs, and groundcover plants. As stated in the November 16, 2022 NOI Application, under existing conditions, the closest structure measures 39± linear feet from the Pine Brook, and Degraded Riverfront Area measures as close as 21± linear feet to Pine Brook. The proposed structure measures 136± linear feet from Pine Brook at its closest point, and proposed Degraded Riverfront Area (the emergency access roadway) measures 87± linear feet from Pine Brook at its closest point. This represents a significant shift of development away from Pine Brook compared to existing conditions, and a significant improvement to wildlife habitat compared to existing conditions. Stormwater is provided in accordance with DEP Standards, where little to no stormwater management exists today. The project also includes stormwater management for off-site portions of Route 20 that currently discharge directly to Pine Brook.

Under No Significant Adverse Impact, the *Preface* continues:

The limitation of 5000 square feet or 10%, whichever is greater, applies to lots existing on the effective date of the regulations and to entire subdivisions. The limitation of 10% for new lots removes the incentive to create small lots in order to maximize the potential for alteration of riverfront areas. [Emphasis added]

The Applicant is not proposing to subdivide the parcels or create small lots to maximize the potential for Riverfront Area alteration. The project is a single project on 2 parcels of land located within the Riverfront Area – much of which is previously developed and/or degraded. It is not the intent of these regulations to limit the development of Riverfront Area to 10% simply because two lots will be combined – particularly when the project is reviewable under 310 CMR 10.58 (5) Redevelopment within Previously Developed Riverfront Area.

In fact, under Restoration and Mitigation, the *Preface* states:

Redevelopment of previously developed riverfront areas brings opportunities for restoration and other forms of mitigation. Rather than simply to stem the tide of further deterioration of water quality, the regulations provide an opportunity to improve our rivers by allowing issuing authorities to require on-site restoration of riverfront areas in exchange for approving additional development farther away from the river. Mitigation, such as preservation of riverfront land or improving an existing adverse impact on-site

or within the watershed, also may be approved in exchange for additional development. The regulations include ratios limiting the amount of additional development that an issuing authority can permit to ensure that there will be no significant adverse impact from these projects. Based on comments received on the proposed regulations, the final regulations allow a broader range of redevelopment projects to qualify for the restoration and mitigation option, and also clarify the standards required of these projects. Restoration and other mitigation opportunities offer applicants greater flexibility without compromising environmental protection.

This site and proposed development align very well with the above language. Under existing conditions, previously developed and degraded Riverfront Area are not contributing to the water quality associated with Pine Brook (a cold-water fishery), and the proposed project provides significant improvements to the Riverfront Area functions and values by restoring and enhancing the 0-100' Riverfront Area (removing structures, impervious areas, and gravel areas; establishing a natural soil profile; removing invasive/exotic species; and installing native sapling trees, shrubs, and groundcover plants), and by providing stormwater management that fully meets DEP Standards, and by managing off-site stormwater run-off from Route 20 that currently discharges directly to Pine Brook.

- *Plans and documentation submitted by the Applicant were convoluted and inconsistent regarding terminology, regulatory relevance, and information presentation. For example, plan sheets titled Area 1, 2 and 3 depicted different degraded RA boundaries and presented information in narrative form that could not be confirmed in plan view. No where did the Applicant provide an understandable summary of why the Project met the RA performance standards.*

  The Wetland Resource Area nomenclature depicted on all plans submitted to the Commission is consistent with the *Act Regulations,* NOI Application narrative, and Response to Peer Review Comments Letters. Color-rendered plans were prepared and submitted to better depict and illustrate existing Wetland Resource Area boundaries and the Riverfront Area footprints of alteration. If the plans and documentation are challenging to review by MA DEP, the Applicant is committed to preparing and providing revised plans that present the information in an alternative manner better suited to the reviewer. A detailed and thorough narrative of Riverfront Area regulatory compliance was provided to the Commission in the NOI Application and subsequently expounded upon in the Response to Peer Review Comments Letters.

- *The Applicant did not provide sufficient information to describe the effects of the new direct discharge of treated and untreated stormwater to a Critical Area - Pine Brook, a Cold-Water Fishery Resource (CFR), which is also a designated Class B Water according to 314 CMR 4.00. The*

Commission requested that the Applicant provide credible evidence from a qualified Professional demonstrating that discharging the combined Site and Route 20 stormwater directly to Pine Brook would not impair existing water use as a CFR (protection of fisheries interest protected by the Act) and would not result in a level of water quality less than that specified in the surface water quality regulations. The Applicant did not provide any such credible evidence leaving the Commission to believe that there will be adverse impacts to this protected cold water fish habitat. The Notice of Intent did not identify Pine Brook as a cold-water fishery resource within the project site, nor did the Applicant check Bank as a Resource Area that would be altered as part of this proposed project or that Outstanding Resource Waters is within the proposed project site.

'Cold-water Fishery' is defined in the *Act Regulations* at 310 CMR 10.04 Definitions, are included as a 'Critical Area' as defined in the *Act Regulations* at 310 CMR 10.04 Definitions. The *Act Regulations* do not regulate Cold-water Fisheries other than the 'Critical Area' standards for stormwater management, which require treatment of the first inch of stormwater run-off compared to the first half inch of stormwater run-off as typically required. The stormwater run-off generated from the proposed project fully meets the MA DEP Stormwater Standards, including treating the first inch of stormwater run-off. Under existing conditions a drain pipe discharges untreated stormwater from Route 20 directly to Pine Brook. This pipe is not contained within any easement. Since the NOI Application was filed, efforts were made to improve this substandard condition. The NOI Application design proposed daylighting the entirety of the Route 20 drain line and routing it through the project's stormwater treatment train; however, the Commission expressed the desire to have the system treat the entirety of the Route 20 drainage to MA DEP stormwater management standards, which is not possible on the site. As currently proposed, the Applicant will day-light the southern 75 feet of the Route 20 drain pipe, improving infiltration and pollutant uptake compared to the existing, direct discharge. The Applicant is open to re-routing the Route 20 stormwater through the project stormwater treatment train; however, it is not feasible to fully treat the Route 20 stormwater in accordance with MA DEP Stormwater standards on this site.

With regard to the alteration of Bank, this was addressed in the July 11, 2023 Response to Peer Review Comments Letter as excerpted below.

July 11, 2023 Response to Peer Review Comments: The Revised Plans 2 have been modified to better depict how the proposed drainage swale will connect to Pine Brook. Under existing conditions, the entire Bank of Pine Brook at the swale connection point is lined with large stones and boulders. These stones and boulders (and the Bank they form) will be left in place. The land behind the stones and boulders will be excavated to accommodate the drainage swale, and treated stormwater will flow through the spaces between the stones and boulders to Pine Brook. The Applicant recognizes that Pine Brook is a coldwater fisheries resource, but there is no need to submit a revised NOI to the

Commission, as the presence of a coldwater fisheries resource does not affect the project's compliance with 310 CMR 10.00.

- *Per 310 CMR 10.05(4)(h), the Commission may require that the Applicant provide supporting plans and calculations by an appropriate professional certification when in their judgement. the complexity of the proposed work warrants this requirement. At the closure of the public hearing, the Commission had insufficient information to determine that the 11,000 gallon per day subsurface sewage disposal system (SSOS) would not adversely impact protected interests identified in the Act. The Applicant inappropriately asked the Commission to approve the location of the subsurface sewage disposal system in 200-foot riverfront area without design details, without a DEP Groundwater Discharge Permit, without the submission of background / existing conditions parameters of Pine Brook during all flow scenarios, and without a credible analysis of the potential impacts to the surface water quality parameters in Pine Brook that are critical to the its ability to support cold water fish and fisheries in general. A preliminary phosphorus loading analysis prepared by Scott Horsley and submitted to the Commission on August 2, 2023 indicates that stream concentrations of phosphorus could increase from 21 µg/liter (measured) to 159-637 µg/liter from wastewater effluent discharges to Pine Brook. Thermal impact to the stream also needs to be evaluated. The presumption that the groundwater discharge in riverfront area with documented discharge to Pine Brook, a Coldwater Fishery Resource with good Eastern Brook Trout habitat and population, will not adversely affect the river's ability to protect fisheries is not overcome without supporting documentation from the Applicant.*

  May 3, 2023 Response to Peer Review Comments: As provided in the NOI Application, DEP completed its review of the Hydrogeologic Report prepared by Geosphere, authorizing the Applicant to apply for a Groundwater Discharge Permit. The Applicant will prepare and apply for the Groundwater Discharge Permit upon receipt of an Order of Conditions approving the project. The Applicant is open to a Special Condition requiring the Applicant to receive the Groundwater Discharge Permit prior to the start of work, but there is no need or requirement for the Groundwater Discharge Permit to be obtained prior to issuance of the OOC.

  July 11, 2023 Response to Peer Review Comments: LEC addressed a similarly worded question in our May 30, 2023 LEC Response to Comments Letter and reiterates it here. Compliance with the Riverfront Area Regulations for the project was also outlined in the November 16, 2022 NOI Application and in our May 30, 2023 LEC Response to Comments Letter. As provided in the NOI Application, DEP completed its review of the Hydrogeologic Report prepared by Geosphere, authorizing the Applicant to apply for a Groundwater Discharge Permit. The Applicant will prepare and apply for the Groundwater Discharge Permit upon receipt of an Order of Conditions approving the project. The Applicant is open to a Special Condition requiring the Applicant to receive the

Groundwater Discharge Permit prior to the start of work, but there is no need or requirement for the Groundwater Discharge Permit to be obtained prior to issuance of the OOC.

November 1, 2023 Response to Peer Review Comments: Geosphere Environmental Management, Inc. (GEOSPHERE) is in receipt of the letter prepared by Scott Horsley (Horsley) dated August 2, 2023 on the potential water quality impacts associated with the proposed project, specifically the proposed subsurface disposal system.

Horsley has indicated that the direction of groundwater flow at the proposed project site is in a westerly direction from the proposed subsurface disposal system. This is correct. The direction of groundwater flow has been established at the proposed project site based on measurements of static groundwater on multiple occasions between 2018 and 2022 (14 measurements total) and 11 measurements conducted over the course of 24 weeks in the spring of 2020.

Horsley indicates that "...the applicant has not provided any analysis of water quality impacts associated with the proposed wastewater facility." This comment has already been addressed by GEOSPHERE in both the MADEP-approved Revised Hydrogeological Report and the comments provided to the Town of Wayland to the *Revised Scope of Work – Hydrogeological Assessment for Groundwater Discharge Permit, Cascade Wayland, 115 Boston Post Road* (GEOSPHERE, April 29, 2020) on June 30, 2020. As GEOSPHERE responded to the Town – "Information on the wastewater treatment system will be submitted to Mass. DEP for approval as part of the groundwater discharge permit application process. We envision providing a tertiary level treatment system with disinfection capabilities. The design and specification of the treatment system is not typically submitted during the hydrogeological site assessment and permitting process." As indicated on page 5 of the Horsley letter, he also indicates that water quality analysis is not commonly included in the MADEP permitting process. As such, his comments associated with a "wastewater plume" associated with elevated concentrations of nutrients (nitrogen and phosphorus) are premature and have no basis for this proposed subsurface disposal system and all associated calculations are as best speculative and without foundation.

Pine Brook is designated as a coldwater fishery. GEOSPHERE has stated this in the MADEP-approved Revised Hydrogeological Report and acknowledged this in our comments to the Town of Wayland on June 20, 2020.

In the Revised Hydrogeological Report dated January 19, 2021, GEOSPHERE indicates that "the modeled volume of water discharged into Pine Brook is predicted to increase by 5% from 10,101 cubic feet per day (cfd) predicted under low flow estimated conditions, to 10,592 cfd with the addition of the proposed groundwater discharge." After discussions with MADEP personnel regarding the temperature effects from proposed sanitary discharges, they have indicated that temperature effects from domestic sanitary discharges into subsurface leach fields are not expected to

raise ambient groundwater conditions outside the leach field footprint. Although this may be accurate, in the Revised Hydrogeological Report, GEOSPHERE proposed a groundwater monitoring plan that includes monitoring locations (see attached Figure 3), frequency of monitoring, and water quality testing designed to monitor the effects of the subsurface sanitary wastewater discharge on groundwater quality and surface water quality both upgradient and downgradient of the discharge. This groundwater and surface water quality plan has been approved by MADEP. The elements of this monitoring plan are listed below.

Monitoring ID	Location
MW-3	Existing Upgradient Monitoring Well
MW-5, MW-6	Existing Downgradient Monitoring Wells
SW-U	Proposed Upgradient Stream Sampling Location
SW-M	Proposed Mid-Stream Sampling Location

Water Quality Parameter	Frequency
Temperature	Monthly
pH	Monthly
Specific Conductance	Monthly
Water Levels	Monthly (Monitoring Wells)
Nitrate-Nitrogen	Quarterly
Total Nitrogen	Quarterly
Total Phosphorus	Quarterly
Orthophosphate	Quarterly

- *The Applicant did not adequately describe the work associated with the NEW direct stormwater discharge to Pine Brook, a Critical Area / Coldwater Fishery Resource, or its effect on the interests of the Act - specifically, protection of fish habitat and surface water quality. Site work associated with the stormwater discharge channel is proposed (vegetation clearing and excavation/grading) directly on and behind the upper bank boundary to Pine Brook. The Applicant has presented an unreasonable assumption that removal of woody vegetation at the limit of the upper Bank boundary along with excavation directly behind the upper Bank boundary will not adversely impact Bank and its ability to protect fisheries, or potentially the Banks ability to contain floodwaters, both of which are Bank performance standards that must be met.*

  7/11 Response to Peer Review Comments Letter: The Revised Site Plans have been modified to better depict how the proposed drainage swale will connect to Pine Brook. As described above and on the Revised Site Plans, the entire Bank of Pine Brook at the swale connection point is currently lined with large stones and boulders. These stones and boulders (and the Bank they

form) will be left in place. The land behind the stones and boulders will be excavated to accommodate the drainage swale, and treated stormwater will flow through the spaces between the stones and boulders to Pine Brook. All swale work in the vicinity of Pine Brook will be supervised by a qualified Wetland Scientist.

In addition to the above response, LEC adds that even if the Bank were altered in this location for the purposes of connecting the swale to Pine Brook, the current Bank, comprised of stones and boulders, would not adversely affect the Bank's ability to protect fisheries, since a stone/boulder-lined Bank does not significantly contribute to the protection of fisheries. Installation of the drainage swale would effectively create additional 'Bank' to contribute to the protection of the interests of the *Act*.

Further, the Preamble at 310 CMR 10.58 (1) states:

> ***Riverfront areas are likely to be significant to*** *protect the private or public water supply; to protect groundwater; to provide flood control; to prevent storm damage; to prevent pollution; to protect land containing shellfish; to protect wildlife habitat; and* ***to protect the fisheries.*** *Land adjacent to rivers and streams can protect the natural integrity of these water bodies.* ***The presence of natural vegetation within riverfront areas is critical to sustaining rivers as ecosystems and providing these public values. The riverfront area can prevent degradation of water quality by filtering sediments, toxic substances (such as heavy metals), and nutrients (such as phosphorus and nitrogen) from stormwater, nonpoint pollution sources, and the river itself.*** *Sediments are trapped by vegetation before reaching the river.* ***Nutrients and toxic substances may be detained in plant root systems or broken down by soil bacteria.*** *Riverfront areas can trap and remove disease-causing bacteria that otherwise would reach rivers and coastal estuaries where they can contaminate shellfish beds and prohibit safe human consumption.* ***Natural vegetation within the riverfront area also maintains water quality for fish*** *and wildlife* [Emphasis added].

The project includes significant improvements to the Riverfront Area, including a reduction of 'Degraded' Riverfront Area by roughly 64.2% by removing impervious and gravel areas, establishing a natural topsoil profile, establishing native vegetation with native sapling trees, shrubs, and native seed mixtures, and through invasive species management. The proposed structures and impervious surfaces will measure significantly farther from Pine Brook compared to existing conditions. All of these measures contribute to the protection of the Pine Brook resource areas and the interests, functions, and values they provide.

- *In the summer of 2023, Adam Kautza, Mass Division of Fisheries and Wildlife Coldwater Fisheries Project Leader. conducted a habitat assessment of Pine Brook including an inventory of Eastern brook trout at the Project Site (see attached spreadsheet prepared by Adam Kautza). He found good habitat adjacent to Pine Brook and on its Banks including undercut banks, root wads, wood, overhanging vegetation/ well-developed riparian forest (but relatively narrow in spots), and a very high-quality wild brook trout population. In 2017, John Sheedy, Mass Division of Fish & Wildlife stated that Pine Brook had the highest trout numbers of any stream assessed in the Northeast Region. The Applicant did not provide an opinion from a wildlife or fish biologist relative to whether the effects of the work associated with construction of the direct discharge channel would have an adverse effect on important wildlife habitat on the river's bank or its land under water resource area. Therefore, the Commission had insufficient information to determine that the work met performance standards, protecting the interests of the Act the resource areas are providing. Additional baseline water sampling over multiple seasons will be needed to understand the effects of stormwater and wastewater discharges from this proposed development on the sustainability of the trout fishery.*

  As described above, a drain pipe discharges untreated stormwater from Route 20 directly to Pine Brook under existing conditions. This pipe is not contained within any easement. Since the NOI Application was filed, efforts have been made to improve this substandard condition. The NOI Application design proposed daylighting the entirety of the Route 20 drain line and routing it through the project's stormwater treatment train; however, the Commission expressed the desire to have the system treat the entirety of the Route 20 drainage to MA DEP stormwater management standards, which is not possible on the site. As currently proposed, the Applicant will day-light the southern 75 feet of the Route 20 drain pipe, improving infiltration and pollutant uptake compared to the existing, direct discharge. The Applicant is open to re-routing the Route 20 stormwater through the project stormwater treatment train; however, it is not feasible to fully treat the Route 20 stormwater in accordance with MA DEP Stormwater standards on this site.

  The stormwater run-off generated from the proposed project fully meets the MA DEP Stormwater Standards, including treating the first inch of stormwater run-off, as required for a Critical Area.

- *The Applicant submitted a Riverfront Area Restoration Planting Plan dated April 24, 2023 (revised). The most recent plan set dated October 31, 2023 did not include a recent version of this plan although it is listed as part of the Drawing List. An updated restoration plan is needed because the size and location of the stormwater measures have changed and should be reflected on the restoration plan.*

  Changes resulting from review by the Commission and peer reviewers include relatively minor modifications to the Limit-of-Work line, size of the stormwater retention basin, and addition of

the day-lit drain pipe. The area of Riverfront Area mitigation remains largely unchanged at 76,800± square feet. Implementation of the restoration plan will be supervised by a qualifies wetland scientist, and these modifications can be addressed via field changes at the time of installation; however, the Applicant is committed to updating the *Planting Plan* to reflect these minor modifications should MA DEP require.

- *Extensive regrading of the site is proposed in both the inner and outer riparian areas. The 'Total Alteration' values provided do not include the restoration area where extensive grading of the site is proposed. The inner riparian includes grading for the stormwater basin, construction of the stormwater swale and the placement of stone and fill, and the installation of the leach field with 7 - 10 feet of fill proposed. These areas need to be identified as areas of riverfront alteration and area of land impacted needs to be quantified.*

  Excerpt from November 16, 2022 NOI Application, citing 310 CMR 10.58 (4) (d) 1.d.: *...The calculation of square footage of alteration shall* ***exclude areas of replication*** *or compensatory flood storage required to meet performance standards for other resource areas, or any area of restoration within the riverfront area.* ***The calculation also shall exclude areas used for structural stormwater management measures****, provided there is no practicable alternative to siting these structures within the riverfront area and provided a wildlife corridor is maintained (e.g. detention basins shall not be fenced)* [Emphasis added].

- *Currently, the catch basin on Route 20 adjacent to the site discharges runoff directly to Pine Brook through a pipe transecting through the site. Numerous site visits by Conservation staff and reports from abutters have observed that no significant amount of flow discharges from this pipe. It is presumed that the connecting pipe is broken and much of the runoff infiltrates prior to discharge. The applicant has chosen to direct the street runoff to a swale that discharges to Pine Brook based without adequate information on the amount of runoff generated from the street. The Commission is unaware that the Mass Department of Transportation has approved the applicants' design plans. A better system would be to infiltrate as much runoff as possible before directing it to a cold water stream, similar to the system installed by the farm stand at 134 Boston Post Road (as required by DOT).*

  The project engineer William Doyle conducted a dye test on March 2, 2018 with Paul Piccioli of the Wayland Department of Public Works to locate the outlet of the drain pipe extending from Route 20 that discharges directly to Pine Brook, and observed flow extending from Route 20 to Pine Brook.

  Excerpt from July 11, 2023 Response to Peer Review Comments: The Applicant contacted Paul Tivnan, MassDOT District 3 Survey Engineer to discuss the drainage swale connection to the

Route 20 catch basins. MassDOT is open to this work and recommended that the pipe extending from the Route 20 catch basins be cut and redirected on the Applicant's land to minimize MassDOT involvement. The Applicant is open to a Special Condition requiring the Applicant to submit to the Commission MassDOT approval of the stormwater swale connection and treatment of Route 20 stormwater runoff prior to the start of work; however, MassDOT approval of a pipe disconnection on private land and outside of 310 CMR 10.00 jurisdiction is not required for the Commission to issue an Order of Conditions.

- *The existing conditions plans indicates that three PVC pipes that discharge to Pine Brook. The Applicant has not Identified the source of this illicit discharge. The removal of these pipes was not addressed in the Notice of Intent.*

  According to the project engineer, these PVC pipes discharge roof run-off and one or more area drains associated with the existing development, and will be disconnected, cut, and capped as part of the proposed project. All of this work is within the footprint of Riverfront Area restoration/enhancement.

- *No information was provided to the Commission regarding vegetation removal from the riverfront area or the wetland buffer zone. As a former nursery site, much of the site is vegetated and the amount of tree and shrub removal from the resources areas needs to be quantified.*

  The November 16, 2022 NOI Application describes in detail the existing site conditions and the restoration, enhancement, and invasive species management proposed for the site. Many of the shrubs that have colonized the land within the restoration/enhancement footprint are invasive plants that will be removed and replaced with native sapling trees, shrubs, and groundcover plants as part of the restoration/enhancement effort proposed within the Riverfront Area, detailed in the November 16, 2022 NOI Application and *Riverfront Area Restoration Planting Plan.*

  Excerpt from November 16, 2022 NOI Application: As described above, 7,014± square-feet of Riverfront Area to be altered does not qualify as Degraded in accordance with 310 CMR 10.58 (5). This 7,014± square-foot area is proposed to be altered in large part to accommodate the wastewater treatment leaching field and for a small portion of the gravel emergency access road. Much of this alteration footprint will be converted to a pollinator meadow following installation of the leaching facility in accordance with the *Planting Plan.*

Summary

LEC and the project team are confident that the project proposed in the NOI Application and amended during the Commission's and peer review process meet all, and even exceed some of the performance standards enumerated in the *Act Regulations,* including the pertinent performance standards for work

within the Riverfront Area. This is a previously developed site, much of which qualifies as 'Degraded" Riverfront Area. The project pulls the development farther from Pine Brook compared to existing conditions; reduces 'Degraded' Riverfront Area by 64.2%; provides 76,800± square feet of Riverfront Area mitigation; includes a fully-compliant stormwater management system; improves stormwater treatment associated with the off-site Route 20; and includes a Wastewater Treatment Facility – the final design of which will comply with MA DEP requirements as part of the Groundwater Discharge Permit process. Thank you for considering this *SOOC Request*. We look forward to meeting with you at the site to discuss the project and *SOOC Request* further. Should you have any questions, please do not hesitate to contact me in our Wakefield office at 781-245-2500 or at rkirby@lecenvironmental.com.

Sincerely,

LEC Environmental Consultants, Inc.

Richard A. Kirby
Senior Wetland Scientist

cc: Wayland Conservation Commission
Cascade Development Associates, LLC
Paul Haverty, Attorney
C1.0 Engineering & Development
GEOSPHERE Environmental Management, Inc.

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