

June 26, 2023

Wayland Conservation Commission
ATTN: Linda Hansen, Conservation Administrator
Wayland Town Hall
41 Cochituate Road
Wayland, MA 01778

RE: **533 Boston Post Road, Wayland - Notice of Intent**
Wayland – Bentley, Lamborghini, Rolls Royce, Maserati, Alfa Romeo
DEP File No. 322-1006

Dear Ms. Hansen,

Nover Environmental Consulting, LLC (NEC) has completed their review of the June 9, 2023 Notice of Intent (NOI) supplemental submission for proposed improvements to the existing Herb Chambers' Wayland – Bentley, Lamborghini, Rolls Royce, Maserati, Alfa Romeo car dealership (the Project located at 533 Boston Post Road in Wayland, MA (the Site)). NEC's continued role in the NOI hearing proceedings is to provide the Commission with technical and regulatory support related to project compliance with the applicable MA Wetland Protection Regulations' General Performance Standards (the Regulations) and the Wayland Wetlands and Water Resources Bylaw, Chapter 194 (the Bylaw) and June 2014 Bylaw Rules and Regulations (Bylaw Regulations). Horsley Witten Group is providing the Commission with technical peer review of the stormwater management design for compliance with 310 CMR 10.05(6)(k) as well as other necessary technical support as needed to determine if the project adheres to the definitions and standards set forth in the Regulations.

Since the original January 2023 Notice of Intent submission, the Applicant has continued to revise their site and stormwater design and to provide additional details based on comments provided by the Commission and its Agent, the Horsley Witten Group and NEC.

The basis for the comments presented herein include a review of the following supplemental and revised project information:

- Letter to Wayland Conservation Commission, prepared by Crocker Design Group, regarding Stormwater Peer Review, dated June 9, 2023.
- Letter to Wayland Conservation Commission, prepared by Crocker Design Group, regarding Peer Review of Notice of Intent, dated June 9, 2023.
- *Notice of Intent Application*, dated January 26, 2023, Revised June 9, 2023; Prepared by Crocker Design Group, LLC.
- Proposed Site Development Plans for Wayland – Bentley, Lamborghini, Rolls Royce, Maserati, Alfa Romeo, 533 Boston Post Road, Wayland, Massachusetts, prepared by Crocker Design Group, revised through June 9, 2023; 22 Sheets.

- Stormwater Management Report, Herb Chambers Bentley - Maserati - Lamborghini - Rolls Royce - Alfa Romeo of Wayland, 533 Boston Post Road, Wayland, Massachusetts, prepared by Crocker Design Group, revised June 9, 2023.
- Draft Stormwater Pollution Prevention Plan, Herb Chambers Bentley of Wayland.

The paragraphs below reiterate the comments from our April 2023 peer review letter with the Applicant's response in *italics*. NEC's follow up comments are provided in **bold**.

Completeness Review - NOI

Initially, NEC found the NOI was sufficient to describe the Site and the work and therefore believed the Commission could begin their review of the work's effect on the resource areas. Based on comments, the Applicant submitted additional supplemental information and revised plans and documents to further describe the site and the proposed work to achieve compliance with the DEP and Bylaw Performance Standards and DEP Stormwater Regulations and Standards.

- CR1. NOI and Bylaw Application Completeness – Site Description. The NOI plans show proposed grading on the adjoining Map 21 Lot 4. The NOI and Bylaw Application should list this additional lot and if owned by someone other than the owner of Lot 3 (Site), they will also need to sign the NOI. Any work proposed on Lot 3 shall also require review by Natural Heritage because this lot is within a priority or estimated habitat for rare and threatened species. Based on the plans submitted for the adjacent Land Rover dealership, a conservation restriction was placed on this lot which would severely limit any alteration of this lot.

In April 2004, Land Rover Metrowest, LLC granted to the Town of Wayland by its Conservation Commission a Conservation Restriction (CR) exclusively for conservation purposes on approximately 7.5 acres of land on Lots 4, 83 and 103 on Map 21. This CR lies along the Site's southern property boundary and should be shown on the existing and proposed NOI plans. Once the CR is depicted on the NOI plans, we will be able to assess the work and the effects of the work on the easement restrictions.

CDG RESPONSE: We have revised our NOI and Bylaw Applications to include the adjacent lot. The adjacent lot is owned by a different entity, but the two entities are owned by the same company and have the same representative who signs the applications. Therefore, the application is already signed by the adjacent lot's owner. We sent our site development plan set showing the limits of work to NHESP and they have stated that they have no further comment on the project. CDG will send the revised site development plans to NHESP to confirm we have no further action regarding NHESP filings. All work proposed in our revised Site Development Plan Set is outside the existing conservation restriction (CR) contained on the adjacent lot. Also, our Site Development Plans have been revised to show the limits of the CR.

NEC(2): The NOI has been revised to reflect the additional lot the work will occur on. The Order of Conditions will need to be recorded on both lots. Given that application submitted to the Wayland Assessor's Office included only one lot, the Applicant will need to confirm that all abutters have been properly notified.

- CR2. DEP File No. Issuance. MassDEP has issued File No. 322-1006 without Administrative or Technical comment.

NEC(2): The Applicant will need to submit the final plan set and NOI to DEP for their files and review of the final Order of Conditions. Confirming evidence of this submission should be provided to the Commission.

- CR3. Stormwater Pollution Prevention Plan (SWPPP). The Bylaw Rules and Regulations (Bylaw Regulations) require that a project that involves the disturbance of soil, grading, and movement of earth seek a Permit pursuant to Chapter 194, submit a Stormwater Pollution Prevention Plan. While several of the requirements of the SWPPP per the Bylaw Regulations have been addressed by the Applicant in the NOI, the SWPPP should specifically include procedures that will be used to manage soil and/or groundwater that likely contain residual contaminants.

The Applicant should provide a current assessment of Site conditions relative to soil and groundwater quality for this submission so that appropriate pollution preventative measures can be put in place during construction activities and to prevent migration of contaminants in the groundwater towards the resource areas.

CDG RESPONSE 6/9/23: The applicant has retained the services of BL Companies to perform environmental testing of the on-site soil. The information gathered by BL Companies will help to better define how the on-site soil will be managed and re-used on site. The SWPPP submitted is a draft and will be updated and finalized once a general contractor has been selected for the project. The finalized SWPPP will be submitted prior to the start of construction.

NEC(2): CDG indicates in their response that BL Companies will perform testing of the on-site soil. Since the draft SWPPP indicates that there may be dewatering required during construction, the groundwater should also be tested so that appropriate groundwater dewatering systems are in place. We recommend that the analytical results from subsurface soil samples collected be submitted to the Commission prior to closure of the hearing as those results could impact the site improvement design or construction processes. The site plans indicate that stockpiled material will be located at least 50 feet from the wetland areas or as specified on the plans. NEC recommends that no soil be stockpiled within 100 feet of the wetland resource area.

Construction / site redevelopment in areas that have been contaminated by a release of oil and/or hazardous material needs to comply with DEP Policy #WSC-00-425 Construction in Contaminated Areas dated January 2000 if construction activities will involve the disturbance or handling of contaminated soil or groundwater. NEC recommends that the Applicant provide the Commission with a statement from their Massachusetts Licensed Site Professional regarding compliance with this Policy under 310 CMR 40.0000 prior to the closure of the hearing. We also recommend that a condition be included in the Order that requires that the Commission be copied on submissions to DEP pertaining to this Policy.

- CR4. Snow Management. The application's Long Term Pollution Prevention Plan (LTPPP) states that the facility can handle snow removal during an event up to 1.5 feet of snow but does not discuss where snow will be stockpiled on the site. NEC could not find details for snow management on the NOI site plan set. We also could not find details for the proposed cold weather treatment of surfaces. This information should be provided in the plan set and detailed in the LTPPP.

CDG RESPONSE 6/9/23: We have revised our Long-Term Pollution Prevention Plan to include a snow management plan that depicts where snow will be stored on site.

NEC(2): The LTPPP is listed as Under Separate Cover in the revised Stormwater Management Report. However, it doesn't appear to be included in the June 2023 submission to the Commission. Horsley Witten Group has also addressed snow management and they appear to be satisfied with the applicant's response.

- CR5. Stormwater Checklist / Illicit Discharge Compliance Statement. The DEP Stormwater Standard Checklist and Illicit Discharge Compliance Statement needs to be signed and certified. There is a 6" PVC pipe discharge at wetland flag #23 that was documented in the field by NEC and is also shown on the Existing Conditions Plan. The source contributing to the discharge should be described by the Applicant. NEC is in receipt of an older plan from 1995 that identified this pipe as a 6-inch PVC pipe for roof drainage and was to be removed. The proposal was to direct the roof runoff to a drywell. Neither the pipe nor the drywell are shown on the existing conditions plan.

CDG RESPONSE 6/9/23: We revised Sheet C-2, Demolition Plan, calling for the source of discharge to be identified by dye testing and to call for the removal of the 6" PVC pipe. All on site drainage is to be treated through the proposed stormwater management systems.

NEC(2): At a minimum, NEC recommends that the Commission require a signed Illicit Discharge Compliance Statement from the site Owner prior to issuance of the Certificate of Compliance.

Wetland Resource Area Boundaries and Performance Standards

- RA1. Resource Area Boundaries. The bordering vegetated wetland (BVW) boundary was delineated in the field by DGT Associates in June 2022 and viewed by NEC during a site visit. The BVW boundary essentially lies immediately above the toe of historic fill slope along most of its distance along the Site's southern property boundary. The Bordering Land Subject to Flooding (BLSF) limit is established by FEMA's base flood elevation of 121.0 feet. The 100-foot buffer zone / limit of jurisdiction depicted on the plan is appropriately measured from elevation 121.0 and therefore consistent with Bylaw definitions.

Other resource areas exist off site within the BVW including banks, land under water, 200-foot riverfront area, and potential vernal pools. Based on NEC's review of MassMapper, none of these off-site resource areas impact the limit of jurisdiction established the project Site.

NEC(2): No further comment or recommendations.

- RA2. 100-foot Buffer Zone. Generally, the southern ½ of the site is within the 100-foot buffer zone to BVW and BLSF. Proposed work in the buffer zone is subject to jurisdiction under the Act and Bylaw and any stormwater management outside the 100-foot buffer zone that ultimately discharges to an area subject to protection such as proposed in this NOI, must comply with the Stormwater Regulations and Standards. Horsley Witten Group, LLC is providing the Commission with the peer review of the stormwater management design.

NEC(2): No further comment or recommendations.

- RA3. Vegetated Areas Adjacent to Wetlands. Presently, the majority of the 15 to 30-foot buffer zone is disturbed with paved parking and grassed/dirt areas with the inner 15 feet generally vegetated with small diameter trees and woody shrubs. The Site's dumpster pad is in the 15 to 30-foot buffer zone on the Site's southeast corner. According to the NOI plan, the existing dumpster pad will be removed from the 30-foot buffer zone and constructed within the 30-to-50-foot buffer zone at the southwest corner of the Site. NEC recommends that the NOI plan details and SWPPP clearly document that no oil and / or hazardous materials will be stored within the 100-foot buffer zone. During NEC's site inspection, three (3) 55-gallon drums containing unknown liquids were observed on the dumpster pad behind the dumpster. The dumpster pad shall include a perimeter berm.

CDG RESPONSE 6/9/23: The three (3) 55-gallon drums have been removed. The proposed dumpster pad has been revised to include a perimeter berm.

NEC(2): The draft SWPPP doesn't appear to specifically state that no oil and/or hazardous materials (OHMs) will be stored within the 100-foot buffer zone although the handling of OHMs is addressed in the EPA NPDES document. We recommend that a condition be included in the Order of Conditions stating that no OHMs can be stored (even temporarily) in the 100-foot buffer zone and that no on-site vehicle fueling occur within the 100-foot buffer zone or within 100 feet of a stormwater inlet.

- RA4. Vegetated Areas Adjacent to Wetlands – Vegetated Buffer Performance Standard. Work is proposed in the 30-foot buffer zone that includes both permanent (impervious surface) and temporary (grading and re-planting) alterations. The Layout and Materials Plan (C-4) best depicts the proposed permanent work and buffer zone mitigation planting in the 30-foot buffer zone. The Grading and Drainage Plan (C-5) depicts the proposed clearing and grading limits in the 30-foot buffer zone and the proposed limit of pavement. Neither plan shows the existing conditions, so it is difficult to quickly determine what the pre- and post-conditions are in the Vegetated Areas Adjacent to Wetlands. Narratively, the March 31, 2023, NOI Cover Letter states that permanent site disturbances (e.g. paved parking) will be eight (8) feet further from the BVW than existing conditions and at its closest point will be 21.4 feet from the BVW. Currently, the closest pavement is 13.1 feet from the BVW. Any areas that clearing and grading will occur in the 30-foot buffer zone to accommodate site improvements will be revegetated according to the Planting Plan submitted. A table with the number of trees to be removed within the wetland buffer and outside of the wetland buffer needs to be provided.

The proposed drainage outfall / flow dissipater is proposed in the 0-to-30-foot buffer zone. Flow from this new discharge will immediately merge with the flow from the existing MassDOT 18" CMP storm drain outfall located just off-site. The proposed improved paved connection between commercial sites limits the alternative for the new discharge to be located outside the 30-foot buffer zone. An alternative location for the improved connection between the two commercial sites should be explored so that the new discharge can be located outside the 30-foot buffer zone to mitigate potential impacts to the resource area's ability to protect the interests of the Act and Bylaw, specifically protection of wildlife habitat, groundwater, and surface water. The Stormwater Standards and Handbook require that discharges from stormwater BMPs be set back 50 feet from waters of the Commonwealth.

Work associated with the new discharge requires clearing and grading on Map 21 Lot 4 (off site). Given the limited band of trees on the Site along the deep and shrub marsh, efforts should be made to limit any clearing and grading beyond the tree line in the 30-foot buffer zone. Trees for roosting, shelter and hunting are important to wildlife using the Great Meadows National Wildlife Refuge. No removal of vegetation shall be done in the priority habitat area without prior review by NHESP.

CDG RESPONSE 6/9/23: A table has been provided on the tree removal exhibit plan showing the number of trees to be removed as part of this project.

The improved connection between the commercial sites proposes to utilize an existing gravel area and connect the sites in line with the back driveway of the adjacent site. The improved connection has been reduced from 24' wide to 20' wide to allow for the outfall / flow dissipater to be as far away from the BVW as possible in its current location. The outfall pipe itself is outside the 30' buffer with oversized rip rap splash pad extending into the 30' BVW buffer in an area that is currently gravel. Alternative locations for this connection were explored, but each alternative results in modifications to the site design of the adjacent property and more difficult turning maneuvers for emergency vehicles in accessing the sites through the connecting drives.

The application has been sent and reviewed by NHESP. CDG will send our updated plans to NHESP to ensure no further permitting is required with NHESP.

NEC(2): The Tree Removal Exhibit Plan is found in the revised NOI dated June 2023. The Table found on this Exhibit Plan describes that a total of 18 trees greater than 6 inches in diameter will be removed from the site with only seven (7) located in the buffer zone based on the figure illustration.

NEC defers to the Commission regarding the location of the outfall / flow dissipater within the 30-foot buffer zone. The Applicant indicated that alternative locations were explored but necessary modifications were not practicable and/or reasonable. We also defer to the Commission regarding the limited number of parking spaces (8) partially proposed in the 30-foot buffer zone.

Given the minimal distance from the direct discharge / concentrated flow to the wetland, we recommend that an Order of Conditions include a condition requiring that fueling of vehicles occur at least 100 feet from a stormwater inlet and outside the 100-foot buffer zone. The draft SWPPP indicates that there will be on-site fueling of vehicles from tanker trucks brought in from off-site.

- RA5. Planting Plan. The revised Landscape Plan (Sheet L-1) incorporates sufficient plantings of trees and shrubs including in the buffer zone restoration / mitigation planting areas. The variety of species appear to be native varieties and will provide wildlife habitat (food, cover, migration, and nesting). This will be an improvement over existing conditions in the buffer zone on the Site. Permanent demarcation at the limit of permanent disturbance along the buffer zone boundary will prevent the use of the planted areas for snow storage. This detail should be added to the NOI plan set.

CDG RESPONSE 6/9/23: CDG has updated Sheet C-4 to add signage along the back of the parking area along the wetland buffer stating, "Conservation Area – No Snow Dumping" and have shown a detail of the signage area.

NEC(2): No further comment.

Review Summary

NEC recommends that the Applicant address the remaining items outlined in this comment letter prior to the closure of the hearing and issuance of the Order of Conditions including confirming that all abutters have been properly notices of the public hearing. Once the remaining items have been satisfactorily addressed and the project meets the stormwater regulations and standards, the Commission will have sufficient information to describe the site, the work, and the effects of the work on the interests of the Act and Bylaw to issue an Order of Conditions.

If you have any questions, please contact me at any time. Thank you.

Very truly yours,

Nover Environmental Consulting, LLC

A handwritten signature in black ink, appearing to read "Marta J. Nover". The signature is fluid and cursive, with the first name "Marta" being more prominent than the last name "Nover".

Marta J. Nover
Manager

cc: Horsley Witten Group, LLC