

April 24, 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 initial review of the March 31, 2023 Notice of Intent (NOI) 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 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). We also evaluated the NOI for completeness to determine whether the submission sufficiently described the site, the work, and the effects of the work on the interests identified in the MA Wetlands Protection Act, M.G.L. Chapter 131, Section 40 (the Act). We understand that the 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 revised their design based on preliminary comments provided by the Commission and their Agent. As the March 31, 2023 NOI cover letter describes, the Applicant revised the limit of work along the rear of the property to be further away from the resource area boundaries and has reduced the amount of proposed impervious surfaces on the Site by 4,000 square feet. The proposed parking area along the southern rear property boundary adjacent to the vegetated wetland is now approximately eight (8) feet further away from the vegetated wetland boundary than exists today. Additionally, the stormwater management design has been revised to reflect updated groundwater readings taken in March 2023 and the stormwater basin originally proposed in the southeast corner of the Site within the 30-foot buffer zone, has been removed.

The basis for the comments presented herein include a site visit and review of the following:

- *Wayland Wetlands and Water Resources Bylaw, Chapter 194 Application*
- *Notice of Intent Application*, dated January 26, 2023; Prepared by Crocker Design Group, LLC including:
  - Cover Letter dated March 31, 2023, prepared by Crocker Design Group, LLC.

- Plan set: *Proposed Site Development Plans for Wayland – Bentley, Lamborghini, Rolls Royce, Maserati, Alfa Romeo*, 533 Boston Post Road – Route 20, Wayland, MA 01778; prepared by Crocker Design Group, LLC dated January 12, 2023; Revised March 31, 2023.
- *Stormwater Report for Wayland – Bentley, Lamborghini, Rolls Royce, Maserati, Alfa Romeo*, 533 Boston Post Road, Wayland, MA 01778; dated March 31, 2023 *Management Report*” prepared by C1.0 Engineering, LLC, dated November 14, 2022.
- *Wetland Resource Area Delineation Report* for 533 Boston Post Road, Wayland, MA prepared by DGT Associates, dated August 8, 2022.
- *Conservation Restriction and Limited Public Access Easement*, Bk: 1279 Pg: 65 Cert#: 229815 including Exhibit A: *Conservation Restriction Plan in Wayland, MA*, Prepared for Land Rover Metrowest, LLC, prepared by Schofield Brothers of New England, Inc. dated 01/16/2004.
- *Continuing Chapter 21E Investigation / LSP Opinion for the Commercial property, 533 Boston Post Road, Wayland, MA RTN #3-3351* prepared by T.S. Alving and Associates, dated July 21, 1996

### General Site and Project Description

According to the NOI, the Site is comprised of one assessor’s lot totaling approximately 3.0 acres parcel located on the southerly side of Route 20 at 533 Boston Post Road (the Site). The Site is presently occupied by the Wayland - Bentley, Lamborghini, Rolls Royce, Maserati, Alfa Romeo auto dealership. Existing improvements on the Site include one building, paved parking and circulation, subsurface sewage disposal system (SSDS), and underground and overhead utilities. Great Meadows National Wildlife Refuge lies to the south and is made up of deep marsh, shrub and wooded deciduous swamp. The boundary to NHESP PH 1395 Priority Habitat of Rare Species lies generally along the Site’s southern project boundary.

A vegetated wetland bordering on Wash Brook (shrub and wooded deciduous swamp) as well as the FEMA 100-year floodplain (base flood elevation 121.0 feet) limit extends along the Site’s southern property boundary. Generally, the southern ½ of the Site falls within the Commission’s jurisdiction and any stormwater collected outside the 100-foot buffer zone associated with the Project that will discharge into a jurisdictional area is subject to the DEP Stormwater Regulations and Standards.<sup>1</sup>

According to the NOI and Bylaw Application, the Applicant, Herb Chambers 533 Boston Post Road, LLC is proposing to renovate the existing building and parking lot by adding a one-story addition with a mezzanine and reconfiguration of the parking lot. Significant upgrades to stormwater management, utilities and landscaping are part of the site upgrades. The Applicant has been determined that the existing SSDS does not need upgrades per Title 5 of the State Environmental Code. The proposed plans shall receive a formal review by the Board of Health during this NOI hearing to determine if upgrades are required. The determination by the applicant appears to be based on the proposed plan because no as-built plan is on record with the Board of Health.

Work is proposed in the 30-foot buffer zone that includes both permanent (impervious surface) and temporary (grading and re-planting) alterations. Discussion of the proposed restoration of the temporary disturbance and mitigation for the permanent disturbance is provided later in this report.

The Site (533 Boston Post Road) is listed by the DEP Bureau of Site Cleanup as a Release Site (RTN 3-0003351). The attached publicly available report titled *Continuing Chapter 21E Investigation / LSP Opinion for the Commercial property, 533 Boston Post Road, Wayland, MA RTN #3-3351* prepared by T.S. Alving and Associates, dated July 21, 1996, documents that there is residual soil and groundwater contamination on the southern side of the existing building caused by the historical industrial site use. This existing site condition will need to be addressed during site construction activities (soil and groundwater/dewatering management) as well as in the stormwater management design.

---

<sup>1</sup> 310 CMR 10.05(6)(k)

## Completeness Review - NOI

NEC found the NOI is sufficient to describe the Site and the work and therefore believes the Commission can begin their review of the work's effect on the resource areas. However, there are items that need to be addressed and provided by the Applicant prior to the hearing closure.

- 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.

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

- 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 LPPPP.
- 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.

#### **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.

- 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.
- 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.
- 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.

- 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.

#### **Review Summary**

NEC believes there is sufficient information provided in the March 31, 2023 NOI submission for the Commission and their representatives to begin their review of the effects of the work on the resource areas. We recommend that the Applicant address our comments and recommendations for further review and consideration by the Commission and to complete the NOI filing.

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

Very truly yours,

**Nover Environmental Consulting, LLC**



Marta J. Nover  
Manager

cc: Horsley Witten Group, LLC