

To: Wayland Zoning Board of Appeals

41 Cochituate Road

Wayland, MA 01778

Phone: 508.358.3600

Email: ZBA@Wayland.ma.us

From: ProtectWayland.org

RE: Cascade 40B: Impact of delays in delivery of essential information

Date: 18 December, 2017

To the members of the Zoning Board of Appeals:

During the last ZBA hearing on 29 November for the Cascade 40B proposal, Mr. Zieff's attorney, Paul Haverty, assured the Board and public that Mr. Zieff would soon provide a new plan that, "...will discuss how it addresses a lot of these issues."

On 14 December, two weeks after this hearing, Elizabeth Reef (Assistant in the Wayland Building Department) contacted Mr. Zieff and asked when Wayland could expect his new plan. Mr. Zieff replied:

From: Steven Zieff [<mailto:szieff@edenmanagementinc.com>]

Sent: Thursday, December 14, 2017 4:36 PM

To: Reef, Elizabeth

Cc: Paul Haverty

Subject: RE: New building / site plan

Liz

Thank you for the inquiry.

We are not ready to release the work.

When it is complete we will send it along to you.

Regards

Steven

Steven N. Zieff

Eden Management, Inc.

(Cell) 508 269 6900

szieff@edenmanagementinc.com

www.edenmanagementinc.com

Note that Mr. Zieff did not answer Ms. Reef's question; no delivery date nor estimate was provided.

This is clearly a project and site that presents complex issues, given the proximity to Pine Brook, Camp Chickami, the Massachusetts Rivers Protection Act (RPA) and Wetlands Protection Act (WPA) etc. If Zieff's new plan differs materially from the previous one, a new round of reviews, reports and ZBA hearings will be required, including:

- Compliance with the RPA. WPA and protection for Pine Brook
- Flood zone flows and impacts, and protection for Camp Chickami
- Storm water flows and impacts, and protection for Pine Brook
- Drainage system flows and impacts, and protection for Pine Brook
- Architectural review, and the impact on Wayland neighborhoods
- Septic system design and impacts, and protection for Pine Brook and Camp Chickami

New reviews would be required by Wayland's Conservation Commission and Conservation Department, Board of Health and Health Department, Planning Board and Planning Department, Public Safety Department, the Zoning Board of Appeals and peer review experts, plus ProtectWayland environmental scientists, civil engineers and legal counsel. More public hearings will be required to adequately present and discuss all of these new findings and impacts, responses from Town departments, peer review consultants and representatives of ProtectWayland, and provide opportunities for rebuttal from Mr. Zieff's team

If material changes are made in Zieff's new plan, it will be difficult or impossible to avoid a significant extension to the 40B public hearing schedule. Mr. Zieff will also need to replenish funding to the 40B account required to cover Wayland's peer review expenses for this new plan.

Fundamental environmental, health and safety and design flaws were identified more than 12 months ago by Wayland Town officials and boards that reviewed Zieff's 40B Site Approval Application, and have been consistently echoed by every professional, not employed by Zieff, that assessed his plan. WPA and RPA regulatory requirements should have been clear from the start, given the significance and proximity of Pine Brook on the site. If significant plan changes are offered at this point, five months after Mr. Zieff filed his 40B Comprehensive Permit, half of the 40B review period will have been effectively wasted; Mr. Zieff will be responsible for delays in the 40B schedule, additional resources and increased costs.

ProtectWayland.org

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Kerry-Ann & Brent Kendall
Stewart Smith & Kim Woods
Tom Nuspl
Kevin & Kristen FitzPatrick
Marie Winter
Rita & Richard Tse
Mark & Nadine Hays
Peter & Sue Keller
Tonya & Rick Peck
Michelle Leinbach & Rob Travis
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Janet Kutner
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Larina Mehta
Marie Schaff
Kaushal and Kamine Mehta
Adam Janoff
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Katherine Bassick
Reagan Beck & Emad Tinawi
Don & Michele Apruzzese
Lana Carlsson-Irwin
Gina & Drew Dallin
Donald Hindley
Peter Bochner
Margaret Ingolia & John Gunshenan
Devon & Haleigh Regan
Gordon Wilkie
Bob and Miranda Jones
Ellen Raja
Dan Ferrick & Patricia Birgeneau-Ferrick
Marty & Bill McCullough
Amanda Ciacchio
Habib Rahman
Bill & Arlene Petri
Chris and Joan Lynch
Ginny Redpath
Colin & Diane Bailey
Scott Sweeney
Sharon Botwinik

Reef, Elizabeth

From: Reardon, Sean <sean.reardon@tetrattech.com>
Sent: Friday, December 08, 2017 8:58 AM
To: Junghanns, Julia; jpeznola@hancockassociates.com; Larsen, Geoffrey; Reef, Elizabeth; Sarkisian, Sarkis; Hansen, Linda; Brinkman, Paul; Houghton, David
Subject: RE: Cascade memo 120717

All, sorry for any confusion I may have created regarding treatment of the garage floor drains. Below is a response to Julia but her email message indicated she was out today so I wanted to make sure you all received it as well.....

Good morning Julia. Quick clarification regarding floor drains. I should probably have worded my response differently but didn't intend to indicate the drains would necessarily go to the soil absorption system. The issue we were trying to address is any floor drains from the garage are considered sanitary waste under plumbing code and cannot be considered a stormwater discharge. It is unclear how the applicant intends to manage wastewater (treatment plant vs. title v system) so we are unsure how/if these flows could even be directed to the soil absorption system (SAS). In similar (non-sewered site) applications we have installed tight tanks to collect floor drain flows which are pumped and hauled away on a periodic basis to avoid potential discharge of contaminants via the SAS.

Our concern is they have several areas where stormwater may enter the garage and we are concerned that it could overload the wastewater (SAS or tight tank) system if not handled properly.

I will be more careful with wording going forward.

Sean

Sean P. Reardon, P.E. | Vice President
Direct: 508.786.2230 | Main: 508.786.2200 | Fax: 508.786.2201 sean.reardon@tetrattech.com

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-----Original Message-----

From: Junghanns, Julia [<mailto:JJunghanns@wayland.ma.us>]
Sent: Thursday, December 07, 2017 5:53 PM
To: jpeznola@hancockassociates.com; Larsen, Geoffrey <glarsen@wayland.ma.us>; Reef, Elizabeth <ereef@wayland.ma.us>; Sarkisian, Sarkis <ssarkisian@wayland.ma.us>; Hansen, Linda <lhansen@wayland.ma.us>; Brinkman, Paul <PBrinkman@wayland.ma.us>; Houghton, David <dhoughton@wayland.ma.us>; Reardon, Sean <sean.reardon@tetrattech.com>
Subject: FW: Cascade memo 120717



TOWN OF WAYLAND


41 COCHITUATE ROAD
WAYLAND, MASSACHUSETTS 01778

Julia Junghanns, R.S., C.H.O.
DIRECTOR OF PUBLIC HEALTH
TEL. (508) 358-3617
www.wayland.ma.us

MEMO

DATE: December 7, 2017

TO: The Zoning Board of Appeals

FROM: Julia Junghanns, R.S., C.H.O., Director of Public Health 

RE: 113-119 Boston Post Road-Cascade Wayland 40B Affordable Housing Project

This memorandum is to communicate new comments to the Zoning Board regarding this project.

- We were advised that soil testing was conducted in an area on the project site for storm water infiltration. However, this testing was not witnessed by office staff. It is not required that office staff witness soil testing in a storm water infiltration area, however, it does periodically take place for large projects and I had recommended it to the applicant for this project.
- The Stormwater report peer review was done by Sean Reardon, V.P. of Tetra Tech, the report included comments on page 2 item 4 stating, "Flow from garage floor drains are considered sanitary waste and must be directed to the site's wastewater disposal system". I do not agree with this statement. We contacted Kevin Brander of MassDep and he agreed that floor drains from an underground parking lot should not be conveyed to an onsite disposal system subject to Title 5 regulations. On site systems are only for disposal of sanitary sewage. Additionally, the BoH has Floordrain Regulations which the applicant is asking for a waiver from. I recommend that the applicant contact MassDep Wetlands and Waterways division for guidance on how to handle the wastewater from the underground garage floor drains with special consideration for the environmentally sensitive area and the following site conditions; close proximity to wetlands, inside the floodplain, inside the estimated seasonal high groundwater table elevation, adjacent to a cold water brook and trout breeding area.
- The hydrogeological study is underway and monitoring wells were dug last week. I conducted two site visits during the installation. One monitoring well that was to be located in front of the existing house could not be dug due to ledge in and around that area, however, one was dug and placed nearby on the Mahoney's property adjacent to route 20. I advised the applicant to consult with his hydrogeologist regarding the well that could not be dug to ensure the hydrogeological study can be conducted as planned. They were able to install the additional monitoring wells that staff and the BoH requested. We were advised that the study is expected to be completed in the next 3 to 4 weeks.
- We understand that the applicant is considering a major redesign for the project, however, we have not seen any new plans. I am unsure how this will impact the soil testing and work/preparation for the hydrogeological study that has been done so far, as well as the stormwater management report that has already been generated.

Reef, Elizabeth

From: Kevin Leney <k67l@mail.org>
Sent: Saturday, December 02, 2017 4:54 PM
To: Zoning Board of Appeal
Subject: Fw: Vote No on Cascade Wayland
Attachments: image0000.jpg; image0001.jpg; image0002.jpg

Pls note: I meant to say Wayland Town Planner, not Wayland Town Manager. Thank You for your understanding:

Sent: Saturday, December 02, 2017 at 4:50 PM
From: "Kevin Leney" <k67l@mail.org>
To: zba@wayland.ma.us
Subject: Vote No on Cascade Wayland

Wayland Zoning Board of Appeals
Wayland Town Building
41 Cochituate Rd
Wayland MA

Attn: Zoning Board of Appeals:

I am a resident of Rich Valley Rd. I attended the public hearing on November 29th. Like the overwhelming majority of town residents, I am against the proposed massive Cascade Wayland apartment complex:

1.) The temperature changes and algae blooms could kill off the brook trout in Pine Brook. The poignant film of the brook trout changed forever, my perception of the Pine Brook ecosystem that is threatened by this massive apartment complex.

2.) Camp Chikami could be flooded again, possibly worse. The kids could be playing in sewage water.

3.) It was mentioned that if there is not enough room for, or enough parking spaces for visitors to the massive apartment building, that visitors may have to park on neighboring streets. There is already significant parking on Rich Valley Rd. and Pinebrook Rd. every Friday, and sometimes on Sundays.

4.) If the main entrance to massive Cascade Wayland is directly across from Rich Valley Rd. or even diagonally across from Rich Valley Rd., there

will need to be a traffic light and a crosswalk for the visitors if there is not enough parking. Public safety will require it. I understood the applicant's representatives to say, in a past hearing, that a traffic light will not be necessary. As a resident, I can tell you that, without a traffic light, residents of both Rich Valley Rd. and massive Cascade Wayland will have to look left, right and then straight ahead, before going onto Rt. 20. In the meantime, while looking straight ahead, a car could be coming east or west at 40 mph. I have communicated the need for a traffic light to Chief Swanick, should this massive apartment building be built. The necessity of a traffic light may slow down the traffic even more. A traffic light alone, will change the character of Wayland.

4.) Near the end of the hearing, a resident offered the philosophical question as to how can this massive apartment complex, with approximately the same number of units as the entire Rich Valley Rd./White Rd. neighborhood, be a benefit to anyone in Wayland? Hardly anyone is in favor of it. Yes, a few of the units will be "affordable," in order to get the building built, but "affordable" in Wayland does not mean that someone earning, say, \$15,000 per year can live there. So there goes the moral argument. Philosophical questions are important questions, as they are the precursor for laws and regulations that follow. Mark Hays presented the deeply moving philosophical letter from Temple Shir Tikva, which sums everything up, as to why this project should be denied.

6.) But don't take my word for it. Take the Wayland Town Manager's word for it instead. Mr. Sarkisian's presentation showed architectural alternatives more in keeping with Wayland. Note that every picture in his presentation showed buildings that were much smaller than the proposed Cascade Wayland Complex. (see JPG Images 0000-0002.) If the Town Manager of Wayland thinks this is a bad idea, it's a bad idea.

7.) Near the end of the Nov. 29th hearing, to paraphrase one of the ZBA members who addressed the applicant's lawyer: Protect Wayland has presented some compelling evidence. You say you disagree but you should present evidence of your own. We have a problem with the time. Time is getting short. Where are their arguments against the compelling evidence presented by Protect Wayland, and by the Town Manager of Wayland?

I urge the ZBA to deny this application permit.

Thank you for your time.

Respectfully,

Kevin H. Leney

Rich Valley Rd. resident