



**TOWN OF WAYLAND**  
MASSACHUSETTS  
01778  
**BOARD OF APPEALS**

TOWN BUILDING  
41 COCHITUATE ROAD  
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**MINUTES**

WAYLAND ZONING BOARD OF APPEALS  
WAYLAND MIDDLE SCHOOL  
OCTOBER 26, 2017

Attending the meeting held at 7:00 p.m. at the Wayland Middle School located at 201 Main St, Wayland were members Jonathan Sachs (Jonathan S), Chair, Aida Gennis (Aida G), Thomas White (Thomas W), Jim Grumbach (Jim G), David Katz (David K) and Associate member Linda Segal (Linda S). Also present were Town Counsel Atty. Amy Kwesell (Amy K) of KP Law, Joseph Peznola (Joseph P), Massachusetts Housing Partnership consultant, and David Porter, Executive Assistant to the Town Administrator. Video and audio recorded by WayCAM.

**Public Comment-**

**Tom Largy, 59 Moore Rd. – Surface Water Quality Committee.** The SWQC is appointed by the Board of Selectmen. Mr. Largy read a letter to be submitted to the ZBA regarding the environmental impact to Pine Brook. Pine Brook, a cold water stream, is the only remaining refuge for Cold Water Trout in Wayland, as it flows into the Sudbury River. Additional information regarding the Cold Water Trout and their habitat was submitted for record.

[http://www.wayland.ma.us/Pages/WaylandMA\\_ZBA/Cascade/FeedbackOctober.pdf](http://www.wayland.ma.us/Pages/WaylandMA_ZBA/Cascade/FeedbackOctober.pdf)

The water of a cold water stream stays in the 60 Fahrenheit range daily, Cold Brook Trout cannot survive in temperatures over 70 degrees. Runoff from impervious surfaces (parking and rooftops), as well as stormwater and sewage, could potentially raise the temperature, to adversely affect the Cold Water Trout and other wildlife. Nutrient and contaminate runoff can cause additional problems.

**7:15 p.m. Application of Gretchen Dresens for an appeal of Permit #B20170104 issued by the Town's Building Department for the demolition of an existing structure commonly known as the former Finnerty's restaurant, pursuant to M. G. L. Chapter 40A, Sections 8 & 15, with regard to the property owned by Washington Street Business Center LLC (formerly owned by 150 Main Street LLC) located at 150 Main St. in Wayland and in the Business District A and the R20 Residential Zoning District, as shown on Assessors Map 51B, Parcel 073. Case #17-06 (Cont'd from 4/25/17, 5/11/17, 6/27/17, 8/22/17, 9/26/17)**

Jonathan S: it is my understanding that a letter of withdrawal was received and accepted by the Wayland Building Department and copied to Atty. Kwesell.

Aida G: move that we accept the withdrawal of Ms. Dresens' application of appeal, Second Thomas W. (no vote) Question: Linda S: Has the Board seen the document being referenced? Letter of withdrawal dated 10/02/17 read into record by Town Counsel Atty. Kwesell. Linda S: was the subject of the Restrictive Covenant (April 2017) resolved? Amy K: If that matter was resolved it was part of the settlement agreement of the private parties. Linda S: So we will not see the settlement? AK: we will not. Linda S.: In the future, the Board should have a copy of referenced documents.

Jonathan S: motion to accept the letter of withdrawal Linda S: Do we know who was on the panel? Amy K: All should vote.  
Vote 5-0-1 (Linda S. abstains)

**7:00 p.m. Application of Eden Management, Inc. for a Comprehensive Permit pursuant to G.L. Chapter 40B filed for sixty (60) units of rental housing, of which fifteen (15) are proposed to be restricted as affordable to households under 80% of the area median income (AMI), to be constructed on the property located at 113, 115, 117 and 119 Boston Post Rd., Wayland, MA (the site of the Mahoney's Garden Center) containing 6.59 acres +/- of land area. This property is located in the Single Residence (40, 000 SF area and 180 feet of frontage) Zoning District as shown on Assessors' Map 30, Parcel Nos. 70-71. Case #17-19 (Cont'd from 8/22/17 and 9/26/17) Audio and Video recorded by WayCAM**

#### **Review of 10/16/17 site visit**

David K- thanks to the developer/applicant, I appreciate the access to the site for ZBA Board and public. Aida G: yes, it was helpful to see the outline of the building and proximity of boundaries. Thomas W: it was helpful for us to view the building corners, driveway and entrances as staked. Jim G: Linda S and I could not make it to the site visit; we wish to schedule a site visit for us.

**Applicant Presentation - Steven Zieff- Eden Management and Rob Nagi, Traffic Engineer- Vanasse Hangen Brustlin Inc., Watertown, MA**

#### **Transportation - Traffic Impact Evaluation - Existing Conditions**

Rt. 20 is a 2 lane state road currently undergoing a repaving process. The traffic study of the site was done during normal conditions (before the Rt.20 paving project began), there are 3 driveways that are presently at the site.

The Traffic Study Area was chosen after a discussion with the Town Planner, the study focused on 6 locations and 3 roads. The three roads were Rt. 20, Old Connecticut Path and Westway Rd., the intersections studied were the 3 entrances to the project site, Rt. 20 at Old Connecticut Path and Westway Road., all un-signalized. The study looked at the volume of vehicles, pedestrians and bicyclists at these intersections

Data collection on roadway geometry, traffic and pedestrian volumes and Safety ( 5 yrs. vehicle crash data, the intersection of OCP and Rt. 20 experiences the highest vehicle crashes for the area).

#### **Traffic impact Evaluation - Future Conditions**

Future conditions: Using the expected annual growth projection for this region of 1% per yr., the traffic study will project out 7 years or 7%. There are 3 recent/proposed projects to be considered excluding this project; Wayland Town Center; the proposed Rivers Edge Housing development; and Meadow Walk in Sudbury.

Using data from the Institute of Transportation Engineers, a 60 unit housing development is estimated to generate 1 trip per hour for every 2 units. The database estimates 33 additional vehicles traveling through the exit onto Rt. 20 in the morning (mostly leaving) during peak hours and in the evening 51 vehicles would travel the intersection, mostly entering the site. A study of where the vehicles travel when they exit the site in the morning; 55% exit east onto Rt. 20, 40% travel west onto Rt. 20 and 5% will exit right onto Rt. 20 and then turn onto Old Conn Path headed south.

Future traffic, including above discussed project development-added volume to the roadways is a minimal addition to the anticipated traffic.

#### **Traffic Impact Evaluation- Traffic Operations**

##### **Traffic study of intersections and site driveways**

Site distance evaluation - safety for vehicles entering and exiting - signage and landscaping.

**Traffic safety -** Rt. 20 traffic speed in the a.m. is slower (est. 28mph) than later in the day (est. 40 mph), it will be recommended that any signage or landscaping not impact the view of persons entering and exiting the site.

**Project impacts -** The baseline numbers show there is very little impact on the overall traffic on Rt. 20 from this project.

## Traffic Impact Evaluation - Traffic Recommendations

**Traffic signalization** – This project does not impact the traffic so as to meet the needs and standards for a traffic signal. The three existing driveways are considered unnecessary, there will be one full access (in and out) across from Rich Valley Rd. with a second driveway west of the full access (entrance only) with direct access to the garage. The applicant agrees to maintain the sidewalks running across the front of the project.

Linda S question: Regarding Islamic Center driveway and the offset from the western driveway. Rob N: that will be addressed during the Peer Review process; tonight we are discussing the plans as presented.

### Next steps

VHB looks to continue working with Town Staff, Boards, Committees and Peer Review companies to address questions and concerns that have been raised; Items such as vehicle access and maneuverability, Fire Department access and the western driveway placement issue.

Rt. 20 is State Highway owned and operated by MassDOT, the design and placement of the proposed driveways will have to be approved through their Highway Access Permit process and meet their design standards. Timing and sequencing for construction will also be discussed. The full traffic study is available on the ZBA website.

[http://www.wayland.ma.us/Pages/WaylandMA\\_ZBA/Cascade/CascadePowerPointTrafficImpact.pdf](http://www.wayland.ma.us/Pages/WaylandMA_ZBA/Cascade/CascadePowerPointTrafficImpact.pdf)

### 7: 35p.m. Public comment

Adam West, Rich Valley Rd.: questions regarding data collection material assumptions regarding traffic numbers. Jonathan S: have you read the study on the website? Ron N: I verified, the Entire traffic study is on website.

Mark Hays, 1 Sylvan Way: detailed questions regarding data collection. Jonathan S.: have you confirmed the information you are looking for is not on the website? Mark H: The details I seek are not on the website.

Cariann Kendall, Boston Post Rd.: Is the packet required reading? Jonathan S: The documentation on the website are not required reading, there is only a limited amount of time for the Board to address the issues; if the information is available, it would be helpful for public to review for answers. Carriann K: we come with the expectation to ask questions Jonathan S: within reason, the Board may limit discussion.

Mark H: The documents have been reviewed in detail; these are questions regarding the data. Question: what was the average speed in a.m. during morning peak hour in the report? Rob N: Posted speed limit is 35, the observed 85<sup>th</sup> percentile was 37-38 mph across the day used for designing driveways and working for the sight lines. Mark H: The report says it was 28 mph in am. RN: that sounds about right. Rob N: Road tubes spaced apart were used to calculate the speed of vehicles traveling over them. Mark H: what is the error rate for road tubes as compared to Radar or Lyder (software)? Rob N: Error rate of calculations would be 1-2 mph (+/-) and those numbers would not impact the findings of the traffic study. Mark H: Was any speed/traffic measured west of Rich Valley Rd? Rob N: No it was only done for the driveway at the entrance to the site. Mark H: The Islamic center of Boston, Prime Bar Grill, Temple Shir Tikva and Carriage House are all within ½ mile to the west. Rob N: There was no need to measure speeds west of the project site, we are designing a safety perspective at the driveway of the site, Rt. 20 will not be impacted by this project, this project will only impact persons leaving the property and turning left; who will have to wait for gap in traffic stream to turn. Mahoney's generated equal or greater numbers of trips in the evening, very similar to the numbers generated by this project. These numbers were taken from a garden center type land use study and they give the average number of cars entering and exiting at different times of day.

Jonathan S: We need to be respectful of time and mindful of standards. Mark H: experience with data analysis; the quality of data collection is essential to the study. Jonathan S: Are you arguing that the traffic count is incorrect, or the mph deviates beyond a 5% margin? Mark H: we will be presenting our traffic study at the next meeting. We are asking how the data was collected, which informs us as to how he arrived at his numbers Jim G.: I feel these are fair questions, if they will be having a traffic engineer doing their own study.

Mark H: Question regarding sight lines; artists renderings show trees proposed to soften the appearance of the buildings, are those being considered in your sight lines analysis? Rob N: The recommendation of this study is that there will be no landscaping which will be placed in locations that obstruct the sight lines. Mark H: so the building will be very visible, as there will not be trees in front of it?

Deborah Tofias, Plain Rd. Question: Regarding the traffic number accuracy for a failing business. Traffic exiting and turning west may cause future traffic issues. Who will be responsible to put in a traffic light if needed? Have traffic numbers been included other than resident traffic? Jonathan S: The consultant is using institutionalized traffic data; taking into account the travel to and from a garden center. Data is being analyzed, taking into account the total number of trips, including visitors. Rob N: The data collected at other similar sites, includes deliveries, visitors and other possible traffic.

Laura Schwendt, 14 Pinebrook Road. Why was the traffic study started at Pinebrook Rd? Commuters headed east in the morning, using the WAYZ traffic app, are being diverted down Pinebrook Rd. to either cut back on Old Conn Path or down to Rt. 30. A School bus stop location is a concern for children's safety. Rob N: The Traffic study was to include intersections noted by Town Staff (Town Planner) as areas of expected impact and Pinebrook was not identified to us. This project is unlikely to have a significant impact on current traffic on Pinebrook Rd.; this intersection was mentioned at the site walk, and we can provide an answer to this question at the next meeting.

Thomas W: You mentioned town staff? Rob N: We met with the Town Planner, Mr. Sarkisian, he recommended the key intersections to be studied; the driveways of this project and the Old Connecticut Path and RT 20 intersection. The busing piece would be deferred to applicant and site engineer, I expect a meeting with the school department would make the decision on where the bus stop would be placed. Aida G: In prior projects, we have conditioned applications regarding bus stops and shelters that is something that the board is aware of.

Mark H: In the study, did you simulate the impact of the turns—left and right out the property? What software was used for the simulation? Rob N: we used Synchro (a traffic modeling program), they ran the program 3 different ways using the conditions previously mentioned: 1) the existing conditions of current traffic as a baseline; 2) future expected conditions with background projects and the annual growth rate (not including this project); and 3) in the future with the Cascade project in place, to identify the impact of the project. Using that software, looking at possible delays and queuing, the small number of vehicles generated, this project does not impact the traffic on Rt. 20 significantly. Mark H: When you set SYNCRO what parameters are you looking at? Rob N: Data collected regarding lane widths, shoulder widths, traffic controls and turn lanes if they are present and this is used to set up the model. Mark H: This data is the foundation of the turning analysis; if the data is wrong the analysis would be wrong or right. Rob N: We are confident that the data used is accurate.

Adam Gutbezahl (Adam G), 48 Rice Spring Lane. Question: Does the traffic pattern take into account the possibility of there being a bus stop on Rt. 20? Rob N: If it is decided to create a bus stop on Rt. 20, it would be a decision made by the School Dept., Town and Developer. A bus stop brought into the site would have a lesser impact on the road traffic. Adam P: I am experienced in reviewing congestions patterns and traffic studies; are secondary and tertiary roads being considered in the traffic studies? I believe it is customary in a project of this size. Jonathan S: Your comment is appreciated; we will be hearing from the Traffic Peer Review Consultant, who is reviewing the project on behalf of the Town.

Linda S: To offer a comparison, recently a 40B project was built on Rt. 30 with 52 rental units, the bus route schedule shows a bus stop there, it may be helpful for the applicant to contact the Town Planner, Police and the School dept., to look at the existing conditions, since that project has been added to the Rt. 30 roadway. Jonathan S: Sounds like a reasonable idea and the Peer Consultant may have information on that issue.

Lee Smith, 135 Boston Post Rd. Question: regarding the expected number of children this project may house? Said there were 12 school aged children at the Wayland Forest 40B project. Jonathan S: Mr. Nagi, do you have any information regarding expected number of children? Rob N: We will recommend to the Board and the applicant that the bus stop will be sized for the number of children expected at the site.

Don Chase, 36 Stonebridge Rd. Question regarding the traffic count: what would be a considerable impact that would be a concern? Rob N: It is an objective issue; I am looking at numbers for this project and their impact to the traffic on Rt. 20. Don C: Question: re parameters. Jonathan S: We will be hearing from the Peer Review Consultant, you may wish to ask that question of the consultant.

Leon Zachary, 151 Boston Post Rd. Comment: regarding the traffic congestion on Rt. 20 and recommendations for improvements in the neighborhood. Rob N.: Recommendations will be made for consolidation of the 3 driveways, and maintaining or enhancing the sidewalk and bike path on Rt. 20, for pedestrian, vehicular and bicyclist travel.

Jonathan S: **Peer Review Consultant - Liz Oltman, PE (Liz O), from TEC** The complete report can be found on the ZBA website:

[http://www.wayland.ma.us/Pages/WaylandMA\\_ZBA/Cascade/FeedbackOctober.pdf](http://www.wayland.ma.us/Pages/WaylandMA_ZBA/Cascade/FeedbackOctober.pdf)

TEC found the methodology in the report by VHB to follow industry standards and agreed with the process used. There were a few minor technical issues that will be directed to VHB.

The study reports this proposed use will generate about the same numbers of trips as Mahoney's (when open); although the morning and evening trip numbers may be similar, this project is a year round use as opposed to a seasonal business.

The intersection of Old Conn Path and Rt. 20 is an ongoing concern to Wayland Police and MassDOT. This project will not generate a significant increase in commuter traffic to warrant the applicant to fix this intersection. We will suggest the Board consider requesting a contribution for design or engineering studies for future improvements.

The reduction in driveway cuts is appropriate and will be under the approval of MassDOT. TEC has concerns regarding the western driveway as it is slightly offset from the driveway at the Islamic Center. We recommend relocating that driveway due to concerns about turning conflicts; this will be discussed with VHB and the Applicant. We recommend that there be an additional recommendation for a condition to provide a school bus stop for the safety of the children, creating a pedestrian access point.

#### **Concerns regarding parking**

Parking onsite is currently designed for 1.5 cars per unit, or 90 spaces. This calculation is more for city design; as Wayland has no public transportation, it is our recommendation for 2 parking spaces per unit, or 120 spaces. Overflow parking is a concern, if there is not space in the garage, where will they park? We have a concern that guests may try to park on the access driveway. If parking is off site, there is a safety issue of guests/residents crossing Rt. 20.

#### **Emergency access to the site**

The rear of the building is a concern regarding access for emergency vehicles.

#### **Board comments and questions**

David K: What are your thoughts regarding the applicant's traffic review not including traffic west of the site and adjacent roads? Liz O: The intersection of Pinebrook is one street away on BPR, there is no delay for persons coming out of that road, mostly going into, it would be difficult to get proper analysis. David K: How much queuing would occur on Rt. 20 west of the site, based on the traffic increase due to this project? Liz O: If there was a backup it would be westbound on Rt. 20 for persons waiting to turn left into the site. The Applicant's analysis did not show a significant amount of queuing on BPR. David K: the analysis did not show queuing on Boston Post Rd before (west of) the site; it was looking to the east of the site. Do you think that the traffic and queuing west of the site should be considered? Liz O: If this is a concern of the Board, it should be examined. If the Board desires, it is not unreasonable to request adding an intersection to the west of the site, to analyze any queuing that might be occurring to the west of the site.

#### **Public comments and questions**

Marie Winter, 6 Rich Valley Rd. Comment regarding the suggestion that overflow parking from this project might occur at the Islamic Center, which would not be possible. The Islamic Center has its overflow parking on Rich Valley Rd.; the neighborhood could not accept more parking.

Debora Tofias, Plain Rd. Question: Regarding congestion on Plain Rd. Liz O: You cannot study every intersection; the intersections chosen are most often the closest intersection to the subject site, the farther out from the site the Traffic entering Rt. 20 will blend into the existing traffic.

Linda S: Plain Rd. intersects with Old Conn Path, and that intersection was the one you had mentioned as an intersection of concern. Liz O: We will be recommending the Applicant make a contribution to study the future improvement of that intersection and believe the engineer doing the study of future work would include that intersection as well.

Rich Peck (Rich P), 17 Rich Valley Rd. Thank you Ms. Oltman and Board; Question regarding calculating current rush hour traffic as Mahoney's is not currently open. Liz O: I was speaking for the previous business operating there for 17 years. Rich P.: There are still not many cars at 8 am. Liz O: I am not sure when they open. Audience: 9am. Aida G: Are you concerned that 28 mph average speed is not the correct speed for that road? Is it slower? Rich P.: Yes, it is very hard to believe they would register 28 mph, the traffic on Rt. 20 is always stopped and backed up during rush hour. Liz O: There was no queuing identified in the applicant's report, the analysis does not account for any queuing along Rt. 20, it just counts the number of vehicles crossing the entrance to the site. Standard practice would not note backup on the road.

Ann Harris, 38 Rich valley Rd. Comment: we are very surprised that anyone could register that speed at rush hour, traffic is most often stopped. Liz O: The study does not account for any traffic queuing at an adjacent intersection; it is just counting the vehicles crossing the driveway. The analysis is how vehicles turn out and what number of vehicles they would encounter leaving the property. 2,000 vehicles an hour are on Boston Post Rd, and the 30 odd vehicles generated by this project will have to enter, cross and merge with that traffic. Ann H: Does the study does look at the additional wait of residents trying to enter the traffic on Rt. 20, with people now entering from the other side of the road? Liz O: The analysis does take into account the amount of time the vehicles on the side road must wait before they can enter the traffic on the main road, which was in the report.

Leon Zachary, 151 Boston Post Rd. Question regarding the congestion measurement; was the Roadway Level of Service rating done? What was the rating? Liz O: I don't have the rating, it was in the report with the detailed level of service. Leon Z: Question regarding the level of service rating and additional traffic. Liz O: We do look at that, the methodology is industry standard, showing delays exiting the site driveway by Rich Valley Rd.

Jonathan S: We are getting a bit far afield; the Town is not looking at this study and deciding if this is acceptable or not. This is an application for a project and the standard of review is that there has to be a compelling local interest that outweighs the need for affordable housing and can't be addressed through mitigation. This has to be considered in the context of the overall project

Lisa Newton, 23 Sycamore Rd. Concerned about the location of the driveway and overflow parking crossing Rt. 20 to park on Rich Valley Rd. Jonathan S.: I understand your concern, but the location of the entrance opposite Rich Valley Rd. is recommended by the Traffic Peer Review Consultant. Lisa N: There is a similar intersection on Rt. 126 north, it is very dangerous.

Adam Gutbezahl, 48 Rice Spring Ln. Question regarding the estimate of 33 cars per hour, is that based on the 1.5 cars per unit? Does your recommendation of 2 cars per unit change the numbers? Jonathan S.: I think the answer is that the data is trip-based on the units, number of bedrooms and type of development, as opposed to the number of parking spaces. Liz O: that is correct.

Adam West, 22 Rich Valley Rd. The parking situation mentioned by TEC regarding overflow parking on Rich Valley Rd., with cars parked on the street, the road is narrowed to 1 lane, which becomes dangerous. Please consider doing an expanded traffic study. Jonathan S. Perhaps we need to discuss further traffic analysis. Thomas W: We understand the traffic area will need to be studied and we are aware of the comments from the Peer Review report regarding the 1.5 parking spaces.

**Fire Dept. Analysis - Chief David Houghton**

The Chief has not yet received a response from the Applicant on the 20 issues of concern listed in his letter to the ZBA dated August 7, 2017 ([http://www.wayland.ma.us/Pages/WaylandMA\\_ZBA/Cascade/FeedbackAugust.pdf](http://www.wayland.ma.us/Pages/WaylandMA_ZBA/Cascade/FeedbackAugust.pdf)), upon completing his first review. Chief Houghton spoke to several of the concerns he has regarding the proposed project. Design of 1.5 cars per unit does not work; if increased to 2 cars per unit, parking is needed for 120 vehicles; the garage has only 90 spaces. Overflow parking and emergency access on Rich Valley Rd. are a serious concern. Proper access for emergency vehicles needs to be addressed. The Chief requests the Board hire a Peer Reviewer for Fire Protection, to review the design for both National and State Regulations and Standards. Chief Houghton would like to see a full set of the final design plans; the presentation this evening showed trees and landscaping in the front of the building, this may be a serious access issue for a fire truck. The building appears to have limited access to the parking garage; this is a serious concern regarding the fire access and smoke control. There are questions regarding the capacity of the building: the plans show meeting rooms, greenhouse and a terrace area, these attract additional visitors and require more parking for guests. Winter access; what are the plans for snow removal and storage? This is a huge issue learned from several prior large projects. There does not appear to be any access to the rear of the building, which is four stories; we have a new ladder truck coming, will it reach the top floors in the back? Water pressure and volume will need to be tested.

Applicant Response: Chief Houghton's comments have been reviewed; this building will be constructed as "Controlled Construction under ICO-9 edition Fire Protection". Many of the issues you mentioned are items that will be addressed when the full final building plans are submitted, after the Comprehensive Permit is issued. We will work with the Chief to address those issues at that time.

Chief H.: I also have concerns regarding the type and style of construction in relation to several recent fires in similarly large buildings in Waltham, Weymouth and Boston. The Chief wishes to return to the Board to discuss fire conditions before a permit is issued.

Jim G.: I have not seen Chief Houghton's letter and I don't believe the Board has either. Chief H: The letter is dated August 7, 2017; it is posted on the website.

Jonathan S. Were you asking for a Peer Review for Fire Safety? Chief H: Yes, I would appreciate having a Peer Review regarding National (NFPA) and Massachusetts Fire Regulations

Jonathan S.: Solicits Board comments regarding Peer review for Fire Safety. Linda S: Public safety is important; I respectfully request we try to get the Fire Chief's questions answered. Jim G. It is important to get a specific level of design prior to a Fire Protection Peer Review. I fully support a fire peer review. Tom W: yes, I also agree. Aida G.: Fire Safety was on the agenda for discussion tonight, I am disappointed that the Chief's questions and concerns have not been answered at this time.

Paul Haverty (Paul H), speaking for the applicant. The applicant does not have a concern with the concept of a Fire Peer Review, but these are only preliminary plans, there will not be additional plans submitted until after the Comprehensive Permit is issued. We will work with Chief Houghton to address his concerns that can be answered at this stage; conditions can be added to the permit, for a Fire Peer Review of the final design plans. Jonathan S: Mr. Peznola, your opinion? Joe P: Regarding the Fire Chief's letter of August 7, 2017: the applicant needs to formally respond to the Board and speak to the issues raised in the Fire Chief's letter. Can the issues be addressed or can the Applicant provide additional information? The Fire Chief can then respond and suggest conditions for the permit. Preliminary plans do not usually show complete sprinkler plans. Conditions can be written for the Fire Peer Review when the full building plans are submitted. Regarding a Fire Pretention Peer Review: there were new MA Fire Regulations, 527 CMR 1.00, effective on January 1, 2016, that will require a review of the site design for compliance. The Chief is requesting assistance with review of the plans for compliance with the new regulations. This applicant can work with the Fire Chief to set the scope of the Peer Review. I can provide suggestions for Fire Protection engineers that can be engaged at whatever level the Board decides to have these concerns addressed.

Jonathan S: Next Steps: 1) response to the Fire Chief from the applicant; 2) consider Peer Review for Fire Safety. It seems that some of these questions need to be answered in connection of this application; if there is water pressure issue, how do we know about the sprinkler system? Joe P: Within c.40B, only preliminary plans are required to be provided; the issuance or building codes and related permits will occur after this permit is issued. It is appropriate for the Applicant to provide the data for water pressure and volume to the Chief, as a piece of the design for the sprinkler system. That information will assist with the more detailed designs. There are many questions that the Chief has asked, that may be answered with an expert review of the basic design.

Paul H: There will be a level of information that can be worked out with the Chief at this time. Let's set up a meeting with the architects and engineers and review the letter to see what information can be supplied. We can then set up the scope for a Peer Review after the final design plans have been submitted. Paul H.: We will work with Chief Houghton on his concerns and set up the scope for the Peer Review. Jonathan S.: We do not want problems similar to the other fires in the area the Chief mentioned earlier.

Jim G: Mr. Peznola, you roughed out a timeline, how do you see this being followed and how should we set up the requests for information? Joe P: The Traffic Study is not yet complete, nor environmental or sewer issues. The Board needs to decide if one meeting a month, within 180 days, will be enough time going forward to get everything done. We need to give the Applicant specific dates for information to be submitted to the Board in a timely manner. If the applicant cannot meet the time frames set, then we might need to discuss an extension. Jonathan S: how do we set up that list? Joe P. We can request relevant information to be presented two weeks in advance of the next meeting; we will get this in writing.

Applicant: We are onboard to move things along; I have been requesting "word" versions of documents to allow us to respond. Jonathan S: It has been 4 months and the answers have not been received because of lack of "word" documents? We will ask the public to resubmit "word" documents, but typically the public records are submitted in PDF format.

Linda S.: Has Fire Chief Houghton spoken to DPW superintendent regarding water supply/pressure questions? Chief H: I have spoken with the Water Dept., they have done some upgrades to the water lines but without testing, we just don't know.

Applicant: I will work with Chief Houghton and Mr. Peznola to define the scope of the Peer Review.

**Jonathan S: I move to engage a Peer Review for fire safety; the Applicant, Chief H and Joe P will have that set for November 7<sup>th</sup>. 7pm at Wayland Town Building, Large Hearing Room. Aida G: second, vote 6-0, all in favor.**

**Public Safety Report - Chief Swanick (Chief S), Wayland Police Dept.**

I agree with the TEC assessment, parking is a major concern, I am in favor of moving the west driveway opposite the Islamic Center entrance and wish to see the school bus pick-up be on site. We will need a comprehensive Traffic Study for the area of Rt. 20, Old Conn Path and Plain Road. Jonathan S: Just to confirm, you are referring to the recommendation that a contribution to study the area be a condition of the permit? Chief S: that is correct.

Linda S: Was there accident data submitted for this area? Chief S: Yes; the intersection of Rt. 20 and Old Conn Path is probably the #1 location for accidents in Wayland.

Jonathan S: We have received a memo from Board of Health dated October 24, 2017 ([http://www.wayland.ma.us/Pages/WaylandMA\\_ZBA/Cascade/FeedbackOctober.pdf](http://www.wayland.ma.us/Pages/WaylandMA_ZBA/Cascade/FeedbackOctober.pdf)), with comments regarding septic design, and requesting that the ZBA not grant a waiver for the hydrogeological evaluation. The BOHn recommendation is for either Nitsch Engineering or Tetra Tech to undertake the Peer Review for the Hydrogeological evaluation.

Joe P. In my letter to the Board dated October 11, 2017 ([http://www.wayland.ma.us/Pages/WaylandMA\\_ZBA/Cascade/FeedbackOctober.pdf](http://www.wayland.ma.us/Pages/WaylandMA_ZBA/Cascade/FeedbackOctober.pdf)), I outlined the three proposals received from Tetra Tech, Niche Engineering and TEC; it is my recommendation to engage Tetra Tech for general civil engineering Peer Review, I believe there is enough documentation for a general civil review to commence, the 53G account has been funded. The Applicant may now respond to engaging Tetra Tech for the peer review. The Applicant has committed to provide the Hydrogeological Analysis; will not continue to seek the waiver from the Local Board of Health Regulation; and will submit preliminary septic design. Upon receipt of these materials, Tetra Tech will perform the Peer review for the Hydrogeological evaluation and preliminary septic design.

Paul H: We will need to meet with the Board of Health to define the scope of the Hydrogeological analysis. Jonathan S: We will be submitting correspondence to request the soil testing, hydrogeological evaluation and septic designs be submitted by November 15<sup>th</sup> to give the Board 2 weeks to review before the next meeting on November 29<sup>th</sup>. Amy K: C. 40B regulations do require that documentation be submitted 7 days prior to the next hearing date. The Board has the right to request materials 14 days in advance, but the applicant must submit 7 days prior to the meeting. Paul H.: This is not a reasonable timeframe, to get the hydrogeological



study completed and the preliminary septic design completed and submitted to the Board by 11/15. Jonathan S: We will request you have the documents to us by 11/15 for the meeting of November 29<sup>th</sup>; if the documents are not received 7 days before the 11/29 meeting we will have justifiable cause to request an extension of the 180 day review period. Paul H: I think we need to set a different date for that item, it is not a reasonable date to discuss that issue on that date. Jonathan S: Joe, is there any flexibility in the schedule?

JP: We will see if Tetra Tech can advance the date for the general civil peer review to November 29<sup>th</sup>. We are moving items out, we are pushing traffic, fire and we now have to move the septic and hydrogeological evaluation out. We need a complete record of what the Board is asking the applicant, what the applicant is assenting to deliver and the proper time to schedule, discuss and vet all the outstanding issues before the Board needs to make their decision. Feb 16<sup>th</sup> is 180 days; we need to have commitments from the applicant as to when this additional information will be submitted so the Board can schedule meetings. Civil Engineering will include a Stormwater report for Peer review; I don't believe there was a Stormwater design submitted. Jonathan S: What do we need submitted prior to the 11/29 meeting? Joe P: There is enough information in the preliminary designs that should allow the general civil engineer to do the peer review.

Paul H: We will have stormwater to you by 11/15, two weeks in advance of the meeting. Jonathan S: We will move the septic review to the 12/20 meeting, with the hydrogeology and preliminary septic to be submitted 2 weeks prior. Paul H: We will have the hydrogeology and preliminary septic design before the 12/20 meeting. David K: if you submit the hydrogeology report two weeks before the 12/20 meeting, we then will need time for our Peer Review team to review and present. Jonathan S: Joe, will 2 weeks before 12/20 be enough time for the peer review?

Joe P: We will talk to Mr. Reardon, and the Board of Health staff, regarding defining the scope of the Hydrogeology report. The more time the Applicant can give to the peer review team, the more the Board will feel comfortable that enough information has been submitted, to allow them sufficient time to consider conditions and render a decision.

Dan Hill (DH), Chairman of the Planning Board: Our letter was submitted to the ZBA today [http://www.wayland.ma.us/Pages/WaylandMA\\_ZBA/Cascade/FeedbackOctober.pdf](http://www.wayland.ma.us/Pages/WaylandMA_ZBA/Cascade/FeedbackOctober.pdf).

The Planning Board voted to support the request for the hydrogeology review to be done. The review doesn't need to await the septic plans; the Planning Board can work with the Board of Health to set the scope of the review over the next week to allow the consultant to start work as soon as possible. The Planning Board recommends that the Hydrogeology review be conducted at the same time as the Civil Peer Review. We agree in using Tetra Tech for the general civil review, they are a consultant for the Planning Board. We suggest engaging a separate firm for the hydrogeology peer review, as opposed to going with just one firm. We can suggest several other hydrogeology peer reviewers for your choosing.

Linda S: Do you believe these consultants can help us understand if this project needs a WWTP vs. a septic system? Dan H: The hydrogeology analysis advises us what level of nitrogen will be released to the wetlands and stream. The consultant will advise what level of treatment is needed to protect the groundwater. Linda S: The SWQC had concerns regarding the temperature effects to the cold water stream. Dan H: Wetlands consultants may need to be consulted regarding water quality impact.

Lisa Newton, 23 Sycamore Rd., member SWQC: I would expect that either the hydrogeology study and/or the septic review should be able to determine the temperatures of the effluent being discharged?

Joe P.: We need to understand the lines of jurisdiction, while looking at hydrogeology analysis or septic design review, the Board is not issuing the septic system permit. The Board will consider waivers to Board of Health local regulations and work with the Board of Health in preparation for the final review of the septic design. Under c.40B the Applicant can request local waivers, but this will be a conventional septic system, we cannot require them to install a Wastewater Treatment system; the applicant may choose to undertake additional treatment to respond to the environmental concerns raised tonight. The Conservation Commission is the board with jurisdiction in regard to the protection of the wetland resource.

I suggest we continue to work with Tetra Tech and Town staff from the standpoint of efficiency; we need to keep in mind the time constraints. Mr. Reardon (Tetra Tech) has confirmed they have the environmental professionals, and being already under contract with the Town, with an expansion of duties, will work best with the current time constraints.

Jonathan S.: I agree with the suggestion that we start with Tetra Tech for the general civil engineering to be expanded. The applicant will work with the BoH to define the scope of the hydrogeology study, which determination should be completed within a matter of days. Once it has been defined, the information can be provided to Tetra Tech, which will then provide the Board with a proposal to expand the scope of work to include the Hydrogeology study. This should allow the most efficient use of time.

Jim G: We talked about expanding the scope of the traffic peer review? Jonathan S.: Ms. Oltman from TEC is here regarding traffic

Liz Oltman, TEC: Rather than having the Applicant do more road counts (equipment based traffic counts), I feel doing actual traffic observations during the morning peak hours at OCP and Rt. 20, to see if there is traffic queuing back to the frontage of the project. Adding that information to the traffic report, we should be able to wrap up the traffic review at that time. Jim G: What about Pinebrook Road and Plain Rd.? Liz O: Plain Road will probably be part of the suggested contribution work regarding design improvement to the Rt. 20 and Old Conn Path intersection. I don't think new counts at any additional intersections will provide any additional information separate from the observations.

Jonathan S.: What about the parking issues? Liz O: Parking will be worked out with the Applicant and any recommendations for additional parking would be worked out as a condition of the application.

Jonathan S: Discussion for civil engineering and the hydrogeology study. Tom W: I think Joe P makes an excellent point; additionally, there is a possible conflict of interest for a peer review recommended by the Planning Board. Both Mr. Hill and Mr. Peznola agree with defining the scope, there is no reason to not move forward with this as soon as possible.

**JS: motion to engage TetraTech for civil engineering and hydrogeology peer review consultant; Jim G: seconded. Vote: 6-0, all in favor.**

The Board will vote on the hydrogeology scope at the 11/7/17 meeting, along with the scope for fire safety peer review. David K - please be sure this gets on the agenda for the 11/7/17 meeting.

Molly Upton, Bayfield Road. Mr. Horsley was retained by the neighbors for the project at 24 School St. Jonathan S: We are going to go with Mr. Peznola's recommendation.

Thom W: Questions regarding septic design. We have set a date for the hydrogeology review; have we set a date for more septic detail to be delivered, in a form sufficiently comprehensive for a review?

Joe P: There was a question with the original application; will it be a wastewater treatment plant or a septic system, possibly with additional treatment. It has since been confirmed that this applicant seeks to build an 89 bedroom septic system. The Board is being asked to waive the requirement of the design flow, reducing it from 165 gpd to 110 gpd, and in connection with this, a level of detail needs to be provided. The hydrogeology study will establish the groundwater rise, which sets the height of the septic system. A more detailed septic design (not fully completed), after the hydrogeology report, will show how the grading will affect the rest of the site development. We need a commitment as to when more detail will be provided, as well as a commitment for a full response to the traffic peer review.

Jim G: Joe, sewage and BoH were scheduled for tonight, when will those items be scheduled? Joe P: That schedule was a rough estimate, each topic must be addressed. We need to discuss a work session with the Applicant outside of the public meeting schedule to get some answers to bring back to ZBA in order to advance some subjects. These working groups are allowed and are common for 40B projects. This is not a continuation of the public hearing; no decisions are made, with information brought back to the ZBA hearing. Participants would include the Applicant, town staff, Planning, Health and Conservation, a ZBA member, and the neighborhood group can also participate. Items such as the financial contribution to traffic study can be discussed to see what monetary contribution can be agreed on. David Katz will attend for the ZBA and Mark Hays will represent the neighborhood group.

Jonathan S: We have 4 items as to setting time schedules: preliminary septic design, traffic peer review, the scope of the hydrogeology study, and applicant's willingness to participate in work session. Applicant: yes, I am willing to participate in the work session. Jonathan S: David Katz will participate for the ZBA, Mark Hays will represent the neighborhood. Applicant: I will have the traffic peer review response by 11/15, two weeks prior to the next meeting date. Jonathan S: Can the scope of the hydrogeology

study be ready for the 11/7 meeting, along with the scope for the fire peer review? Applicant: I will work with my professionals to make that happen. Jonathan S: We would like to see the preliminary septic by December 6<sup>th</sup>, 2 weeks before December 20 meeting.

Applicant: I have concerns regarding the schedule that Joe P prepared in August; can we update that in the work session? JS: the ZBA will be circulating a responsiveness memorandum, in "word" format, regarding these items. Applicant, there has been no mention of architecture. Jonathan S: That is scheduled for the November meeting.

Applicant: Regarding the additional scope related to the Board of Health concerns, we prepared a memo. Jonathan S: Please submit it to Mr. Porter and he will enter it into the record and forward it to the Board.

Dan H: Are you asking the applicant for a proposed scope of review for the hydrogeology study? Joe P.: We are asking them to provide what they feel the parameters of the hydrogeology scope should be; those parameters will be shown to the hydrogeologist, who will advise the Board if the scope is appropriate. Dan H: This should require input by Planning and the Board of Health. Joe P: absolutely.

#### **Public Comment**

Marie Winter, 6 Rich Valley Road. I did a site visit and was concerned about the amount of vegetation that will be removed from the site. I am hoping the scope of the hydrogeology study will include the effect of all these trees being removed.

Dan H: The town planner made a PowerPoint presentation to the Board for the School St. 40B project. The Planning Board has a presentation for this project as well, might we plan that for the night you hear from the architect? Jonathan S: We have that scheduled for November 29<sup>th</sup> meeting. Dan H: Have you chosen an architectural peer review firm? Jonathan S: No we have not. Dan H: The Planning Board would recommend using the same firm doing the School St project. Jim G: Joe, is it premature to do this? Joe P: There is a lot of concern on the architecture and streetscape, it is my recommendation to prioritize issues in descending order, if they change the site design, as the design evolves, the architecture will evolve with that. I feel we should move through the work session to see how the larger issues will be resolved. David K: Can this can happen concurrently? Joe P: If applicant submits a preliminary plan, this Board can engage an architectural peer review without defining the scope, possibly invite the peer reviewer to the work session, the peer reviewer may provide information to work with.

Paul H: We do not have an issue to begin the process, but do want to work on scope.

Thom W: I believe we should set the scope now and have the peer review firm engaged. We should start the process to define the scope now, get the proposal signed. Jonathan S: I agree, we can work to define the scope now, get a proposal ready.

Joe P: We can work with Mr. Boehmer to define the scope, I expect it will be similar to the other 40B project. If the Board is inclined to open dialogue with Clifford Boehmer of Davis Square Architects, our peer reviewer of choice, we can do that and present the scope for further discussion at the November 7<sup>th</sup> meeting. If the applicant accepts the consultant, with no conflict of interest, we can assent to Mr. Boehmer's participation in the work session, which may assist to more clearly define the scope. Paul H: The Applicant has no objection to Mr. Boehmer.

**Tom W.: Motion to engage Davis Square Architects for the peer review, second DK. Vote 6-0, all in favor.**

Jonathan S: As with fire safety and hydrogeology scopes, we will submit the scope to the applicant for review and it will be on the agenda as a procedural matter for 11/7.

Mark Hays: The Protect Wayland community presentation is on the schedule for November, we will have our Attorney, a wildlife and ecological scientist and civil engineer. We will need about 45 minutes. JS: I think November 29<sup>th</sup> would work, please submit the presentation one week before the meeting date. Linda S: We also have the Planning Board presentation?

Joe P: We will check to see if the civil peer review can be ready for 11/29. We should ask applicant to make its initial civil design that evening before the peer review presentation. I believe we may be able to wrap up traffic discussion, if the Board is ok with Ms. Oltman and Mr. Nagi working together on that. We will then schedule the Planning Board presentation, followed by the Protect Wayland presentation. I am hoping we can have the work session before the 11/29 meeting.

Jim G.: So architecture and landscaping will be moved back? Joe P: December will be septic and hydrogeology and architecture and landscaping will be December or January. Jonathan S: November will be Civil engineer, traffic, Planning and Protect Wayland. Aida G: can we have the architectural peer review presentation if there is a working session before the 11/29 date? Joe P: that will have to be December or later.

Linda S.: Someone mentioned this is the 3<sup>rd</sup> meeting, in fact this is the second meeting. The August meeting was continued, I believe the Board has until March. Paul H: yes we did allow an extension. Joe P: to Paul H, the extension that the Applicant granted extended the 180 days to March, not February. Joe P.: the first meeting was in August, the meeting was opened and continued and that extended the 180 days by one month.

Aida G: the November and December schedule. Amy K: I would suggest moving the Planning Board presentation from the 11/29 meeting, at the same meeting as the Architectural and landscaping presentations, which will be either January or February. Joe P: December will be septic and hydrogeology, and anything left over from November 29th.

Linda S.: Thanks to applicant for the positive responses he has given this evening.

Aida G: we have some administrative items to address with David P. In looking at the ZBA website, and the items submitted for the Cascade project, there appear to be a number of documents missing. Please ask that the Building Dept. update the reports from the jacket at the Dept. I see our next meeting is scheduled for 11/29, which is a Wednesday, and 12/20 is a Wednesday; why are we meeting on Wednesdays? David P: This was due to availability of the room at the High School. Amy K: I noted that tonight, at the beginning of the meeting, we had 62 people, we may not have to continue here, as the large hearing room can hold 125 people.

10:12 p.m. Aida G: motion to adjourn; seconded. Vote 6-0, all in favor.

Meeting adjourned 10:25 p.m.

January 25, 2018



DATE MINUTES APPROVED

prepared by: Patti White