



The Commonwealth of Massachusetts

Executive Office of Environmental Affairs

100 Cambridge Street, Suite 900

Boston, MA 02114

Deval Patrick
GOVERNOR

Timothy Murray
LIEUTENANT GOVERNOR

Ian Bowles
SECRETARY

Tel: (617) 626-1000
Fax: (617) 626-1181
<http://www.mass.gov/envir>

January 12, 2007

CERTIFICATE OF THE SECRETARY OF ENVIRONMENTAL AFFAIRS
ON THE
DRAFT ENVIRONMENTAL IMPACT REPORT

PROJECT NAME : Wayland Town Center
PROJECT MUNICIPALITY : Wayland
PROJECT WATERSHED : Sudbury Assabet Concord (SuAsCo)
EOEA NUMBER : 13844
PROJECT PROPONENT : Twenty Wayland, LLC
DATE NOTICED IN MONITOR : December 6, 2006

As Secretary of Environmental Affairs, I hereby determine that the Draft Environmental Impact Report (DEIR) submitted on this project **adequately and properly complies** with the Massachusetts Environmental Policy Act (G. L. c. 30, ss. 61-62H) and with its implementing regulations (301 CMR 11.00). The proponent may prepare and submit for review a Final Environmental Impact Report (FEIR).

As described in the Environmental Notification Form (ENF) and updated in the Draft Environmental Impact Report (DEIR), the project entails the construction of a mixed use development project on a site formerly occupied by the Raytheon Company on Boston Post Road (Route 20) in Wayland. The zoning to enable the project has been approved at Wayland Town Meeting for a maximum of 167,500 square feet (sf) of residential use (100 units), 156,750 sf of retail space, and 8,250 sf of office space. Additionally, a portion of the redevelopment site will be deeded to the Town of Wayland for the construction of a 40,000 square foot municipal building. The configuration of the conceptual design has been modified since the ENF; it appears that slight modifications have redistributed impact areas within the project area, but cumulative impacts remain generally the same or slightly lower (with the exception of projected water demand).

The project site is approximately 56.5 acres in area and located north of Route 20 and west of Route 27, abutting the Sudbury River. Adjacent uses include commercial properties

along Route 20, residential uses along Route 27, and open space associated with the Sudbury River and local conservation land. Route 20 adjacent to the project site is a State highway, whereas Route 27 is owned by the Town of Wayland. The preferred alternative presented in the DEIR will result in the creation of 0.6 new acres of impervious area (for a total of 22.2 acres) and a reduce the number of existing on-site parking spaces by 380 (for a total of 1,256 spaces). These are slight reductions in impacts from those presented in the ENF. Futhermore, the DEIR has clarified potential impacts to wetland resource areas associated with both project site development and associated roadway improvements, with anticipated impacts to Bordering Vegetated Wetlands (BVWs) below 5,000 sf, and cumulative floodplain impacts ranging from 4,000sf to 8,700sf. The project will generate an additional 9,900 gallons per day (GPD) of wastewater, with a total generation on site of 54,900 GPD at full capacity. The DEIR estimates water supply demand to be 80,000 GPD in comparison to the 45,000 GPD estimated in the ENF. This demand remains below MEPA ENF thresholds related to water supply impacts and includes a conservative estimate of 25,000 GPD allocated for irrigation purposes.

This project is subject to a mandatory EIR pursuant to Sections 11.03(6)(a)(6) of the MEPA regulations because it will generate 3,000 or more new vehicle trips. The project may also alter more than 500 linear feet of Bank and/or 5,000 sf of BVWs both of which are ENF thresholds under the MEPA regulations. The project will require a Massachusetts Highway Department (MassHighway) State Highway Access Permit for access to Route 20 and a Minor Sewer Connection Permit (BRP WP 18) from the Department of Environmental Protection (DEP) for wastewater discharges. The project must comply with the National Pollutant Discharge Elimination System (NPDES) General Permit from the U.S. Environmental Protection Agency (U.S. EPA) for stormwater discharges from a construction site of over one acre. Additional wetlands related permits may be necessary from the DEP or the U.S. Army Corps of Engineers (USACOE) based upon the final design of roadway mitigation measures. A Conservation and Management Permit may be required from the Division of Fisheries and Wildlife, Natural Heritage and Endangered Species Program (NHESP) under the Massachusetts Endangered Species Act (MESA). The project will require an Order of Conditions from the Wayland Conservation Commission (or a Superseding Order of Conditions from the DEP if the local Order is appealed) for work within wetland resource areas. A Master Special Permit, Site Plan Approval, Title V permits, Roadway Modification Permit, Utility Connection Permit and Building Permits will also be required from the Town of Wayland.

Because the proponent is not seeking financial assistance from the Commonwealth for the project, MEPA jurisdiction extends to those aspects of the project that may have significant environmental impacts and that are within the subject matter of required or potentially required state permits. In this case, MEPA jurisdiction exists over traffic/air quality, wetlands, wastewater, rare species and stormwater.

Review of the DEIR

The DEIR includes a description of the project including information on existing and proposed grading, abutting land uses and ownership, and areas under State or Federal management. The DEIR describes each state permit required for the project, and conceptually demonstrates consistency with applicable performance standards. The DEIR demonstrates the consistency of the project with applicable local or regional land use plans.

The DEIR presented a no-build alternative that would essentially result in the re-occupation of the existing 410,500 sf of office space presently located on site. The DEIR presented a modified Preferred Alternative than that proposed within the ENF, with conceptual changes to roadway layout and residential building configurations. Within the DEIR the proponent has committed to utilizing low-impact development (LID) techniques to reduce stormwater runoff. This element of design was directly incorporated into the Preferred Alternative and was therefore not independently presented as its own separate project alternative. In an effort to compare the benefits of utilizing an LID approach, the DEIR included limited information on impacts associated with a traditional stormwater management approach. The DEIR provided a summary table of impacts to assist in the comparison of each alternative.

The DEIR included a traffic study that conformed to the Executive Office of Environmental Affairs (EOEA)/Executive Office of Transportation (EOT) Guidelines for EIR/EIS Traffic Impact Assessment and assessed potential impacts to both State and locally jurisdictional roads outlined within the Secretary's Certificate on the ENF. The project as presented in the DEIR is expected to generate 9,404 vehicle trips on an average weekday, 11,786 trips on an average Saturday, and 4,616 trips on an average Sunday. The DEIR presented an alternatives analysis associated with various site drive access scenarios and included an analysis of the provision of a modern roundabout on Route 20 at the existing site driveway. The DEIR presented traffic demand management (TDM) measures, proposed conceptual roadway mitigation plans, and draft Section 61 findings.

The DEIR contained a summary of wetland resource area and conceptual locations for BVW compensatory areas. A stormwater management plan was outlined, including compliance with MassDEP's Stormwater Management Policy, drainage calculations and concept plans, incorporation of LID techniques and a drainage system operations and maintenance plan. The proponent outlined the type of septic system proposed for use on site, as well as a summary of the status of the existing NPDES discharge permit for the wastewater treatment facility (WWTF).

The DEIR summarized the history of hazardous material releases and site clean up efforts and identified those areas with ongoing waste clean up operations and activity and use limitations (AULs). Potential rare or endangered species and habitats were characterized in accordance with information received from NHESP and potential impacts were assessed in association with

project development and roadway improvements. Additionally, the DEIR included a summary of potential construction period impacts, erosion and sedimentation controls and addressed the future evaluation of sustainable design measures to be utilized during and post-construction.

Finally, the DEIR outlined draft Section 61 findings for MassHighway and MassDEP for roadway improvements and wastewater permitting requirements. A summary table of impacts, mitigation, and a conceptual implementation schedule were provided.

SCOPE

General

The FEIR should follow the general guidance for outline and content contained in section 11.07 of the MEPA regulations, as modified by this Certificate. The proponent should make every effort to clarify factual inaccuracies contained in the DEIR to facilitate a clear and open review process.

Project Description and Permitting

It is my understanding that the project continues to evolve as it proceeds through the local approval process. The FEIR should include a detailed description of any changes to the proposed project and a revised assessment of environmental impacts (if necessary) as part of the FEIR. The FEIR should address how project phasing as described in the DEIR compares to that mandated under the local Mixed-Use Overlay District permitting process and the associated Development Agreement to ensure that mitigation measures and impacts can be accurately assessed and timed appropriately.

Traffic and Transportation

The DEIR contained a Traffic Impact Study that generally conforms to the EOEA/EOT Guidelines for Traffic Impact Assessments. MassHighway has indicated that it is satisfied with the pass-by and internal trip credits assessed by the proponent within the Traffic Impact Study given the nature of the development. Additionally, MassHighway has indicated support in favor of the two driveway access alternative as it will create a by-pass route that will divert traffic volume from the intersection of Route 126/Route 27/Route 20. However, additional clarification regarding this alternative is necessary within the FEIR. Furthermore, while this alternative may have advantages to the functionality of some roadways, access onto Route 27 from the project site will still require thorough review at the local level by the Town of Wayland as part of the Master Special Permit process.

The FEIR should respond to and provide supporting documentation to thoroughly address each item of concern outlined within MassHighway's comment letter. Additionally, as requested

by MassHighway, the proponent should submit proposed improvement plans at the Route 27/Route 126 intersection to MassHighway to assist in the coordination of signal operations with the Route 20/Route 27/Route 126 intersection. The proponent should meet with MassHighway prior to the FEIR submission regarding specific design concerns related to the proposed Route 20 and Route 27 roadway and intersection improvements.

Numerous comments were received, and supporting documentation provided, regarding the proponent's application of trip generation credits associated with the former uses on the project site. The FEIR must clarify with MassHighway whether this trip credit can be applied, assess how no trip credit would impact the proposed mitigation presented within the DEIR, and if additional mitigation is required due to potential traffic study modifications, present additional mitigation within the FEIR.

The FEIR should confirm that a library use, based on Institute of Transportation Engineers (ITE) codes, is a more intense use than that of a community center with an indoor pool. The Secretary's Certificate on the ENF requested that the traffic assessment assume a high trip generating use for the 40,000sf municipal building. If it is demonstrated that a library is not a more intense use, the FEIR should provide revised traffic impact numbers. The proponent should demonstrate how recent improvements to the Route 20/27/126 intersection influence the data collected as part of the Traffic Impact Assessment for this project. It appears that some of the data collected was done prior to commencement of this MassHighway improvement project. Additionally, the FEIR should address concerns about the possible moratorium on further improvement of this intersection in light of the recent MassHighway work.

Alternatives should consider impacts to local historic districts, including the Judge Mellen Law Office Green and the Wayland Center Historic District. I encourage the proponent to continue to work with local historic groups to discuss the potential impacts of road improvements and ways to mitigate impacts to historic resources. The FEIR should address how roadway mitigation improvements will impact parkland, conservation land and historic districts located within or immediately adjacent to impacted roadways, as land takings may require the action of State legislature.

To ensure that site drainage can be adequately accommodated on the site, the FEIR should contain a comprehensive drainage analysis of the state highway culverts. The proponent should make every effort possible to redirect, retain and infiltrate all stormwater discharge on-site. The EIR should provide an update on discussions with adjacent property owners regarding the realignment or elimination of curb cuts along Route 20 to accommodate the Route 20 site drive.

Pedestrian and Bicycle Movement

While the DEIR stated that internal roadways will provide adequate pedestrian and bicycle accommodations, it is unclear how local connections can be made to and from the project

site. Locating these connections appropriately will enhance the project's intended "town center" function. The FEIR should present potential locations for pedestrian and bicycle connections to the surrounding area (existing businesses, historic areas, municipal buildings) through an inventory of existing and proposed sidewalks, bike lanes, etc. and clearly depict connections on a plan. This inventory of existing pedestrian infrastructure should be performed in accordance with the request by MassHighway in the comment letter on the ENF. The FEIR should address the concerns raised by the Metropolitan Area Planning Council with regard to the \$250,000 allocation by the developer to assist in the development of a rail trail along the MBTA right of way.

Transportation Demand Management

The proponent should work with the Town of Wayland to provide reliable transportation services for elderly residents. The proponent should clarify how ongoing TDM measures will be funded. The FEIR should include information regarding the proponent's willingness to coordinate with and participate in a regional transit authority, should one be developed to service Wayland and Route 20 within the Draft Section 61 findings.

Wetlands

While the DEIR identified wetland resource areas within the project site and roadway improvement areas, the FEIR should address the significance of these wetland resource areas in a manner consistent with the Wetlands Protection Act, and confirm which wetland resource areas have been approved under an Order of Resource Area Delineation by the Wayland Conservation Commission and those that remain to be confirmed. The FEIR should analyze indirect impacts (i.e. changes in drainage patterns) on wetlands as a result of the project, with particular consideration to the Route 20 roadway improvement areas.

More information is necessary to describe how flood plain compensatory storage areas will be provide to mitigate impacts to flood plain. The FEIR should demonstrate that appropriate flood storage can be provided in accordance with applicable guidelines and performance standards. I strongly encourage the proponent to work with the Town of Wayland to ensure that adequate compensatory flood storage can be accommodated proximate to the project site. As part of the FEIR, the proponent should strive to select a preferred alternative for the Route 20 widening, and assess and present potential impacts to the southern side of Route 20. The FEIR should provide an update as to the potential federal jurisdiction of wetlands within the project area. Detailed information showing the proposed grading of the compensatory flood storage and any impacts it may have on the boundaries of non-state wetlands will be needed for review during permitting.

The DEIR presented a conceptual location for BVW compensatory mitigation areas. The FEIR should demonstrate that wetlands can be replicated in compliance with the *Massachusetts Inland Wetland Replication Guidelines* to offset the impacts associated with the Route 20

improvement areas. The FEIR should explain any local wetland requirements, and how compliance with these requirements affects project design. Finally, the proponent will be required as part of permitting under the Wetlands Protection Act to conform with the performance standards and mitigation requirements for disturbance within Riverfront Areas.

The Sudbury River adjacent to the project site is designated a Wild and Scenic River and is located within the Great Meadows National Wildlife Refuge. The FEIR should discuss the visual impact of the proposed buildings and parking structures (if proposed) on the recreational and aesthetic values of the Sudbury River. Information on buffer zones, site elevations and viewsheds may aid in determination of overall impact. The FEIR should outline consistency of the proposed project with any performance standards for a designated Wild and Scenic River.

Stormwater

As part of the alternatives analysis, the proponent has committed to utilizing LID techniques to reduce stormwater runoff and impacts. Drainage calculations and conceptual design plans reflect the incorporation of LID measures to control water quality and quantity.

Comments from MassDEP indicate that given the history of contamination on site, the project site should be considered an area of higher potential pollutant loads in accordance with the MassDEP Stormwater Management Policy (SMP) and that the incorporation of infiltration on as a key LID component must be carefully designed. The FEIR should present a stormwater management plan that considers alternatives to stormwater infiltration in accordance with SMP guidance, based on consultation with MassDEP. The FEIR should include plans of the stormwater management system with best management practices (BMPs) and outfalls within the drainage system on site clearly identified. Furthermore, as requested by MassDEP, the FEIR should provide designs on BMPs and information on unconventional BMPs, which are not rated in the SMP for total suspended solids removal (e.g., bioretention basins). Additionally, the FEIR should specifically explain how the stormwater management system will be designed to meet MassDEP stormwater quality standards for Zone II Wellhead Protection Areas and Outstanding Resource Waters. Finally, the FEIR should demonstrate that proposed stormwater BMPs are consistent with anticipated site remediation activities and AUL restrictions.

The proponent should incorporate snow disposal criteria in accordance with the MassDEP Snow Disposal Guidelines into the project's source control and pollution prevention plan. The proponent should incorporate specific recommendations made by MassDEP into its stormwater pollution prevention plan for use during both the construction period and ongoing operation of the site.

Wastewater and Water

MassDEP has indicated that based up on the information included in the DEIR, the

existing wastewater treatment facility (WWTF) will need to be updated and upgraded to be able to handle the treatment of the proposed incoming flow. As part of the FEIR, I request that the proponent present the findings of their proposed WWTF study assessment. The FEIR should outline recommendations for process or operational improvements that will be implemented before occupancy of the proposed project. Given the ongoing nature of the NPDES permitting process associated with the existing WWTF, the FEIR should provide additional information updating the permitting process and how the proposed facility upgrade will ensure compliance with reasonably anticipated conditions of the future NPDES permit.

An additional 9,900 gpd of wastewater will be treated via subsurface disposal on-site. The FEIR should confirm the proponent's ability to meet acreage requirements under Title 5, 310 CMR 15.214, for disposal of wastewater within a Nitrogen Sensitive Area (Zone II) and conceptually delineate the location of the disposal area. In support of future permitting under Title 5 for the on-site septic systems, the proponent should coordinate with MassDEP with regards to future soil evaluations and testing reports.

The FEIR should separately identify the average and peak wastewater flows from the proposed development. The FEIR should provide supporting documentation to demonstrate that the flow to each of the two treatments systems (WWTF and septic system) are separate and distinct. Furthermore, in light of comments received from Wayland Board of Health, the FEIR should clarify that the design flows will meet both local and State flow sizing requirements to ensure project viability.

The proposed project does not require a State agency permit associated with water usage nor does it exceed a threshold under the MEPA regulations. As part of the DEIR, the proponent has indicated an increase in water demand from 45,000 GPD to 80,000 GPD. The DEIR estimates 55,000 GPD for domestic water use and 25,000 GPD for irrigation use. The DEIR states that the irrigation demand estimate is very conceptual and does not incorporate water conservation measures, such as xeriscaping. The FEIR should clarify if irrigation demands of this magnitude are permissible and outline ways to reduce irrigation water demand. As stated in the Secretary's Certificate on the ENF, the project site is located within a Zone II wellhead protection area and adjacent to the Sudbury River. Therefore, I strongly encourage the proponent to continue to address elements of the project as they relate to water resources.

While the DEIR included information about projected water demands from the project, I encourage the proponent within the FEIR to address how projected water demands relate to existing permitted water withdrawals within the Town of Wayland and provide updated data on water use. This should be done to assist in determining if the project will conflict with the requirements of the MassDEP Administrative Consent Order.

Hazardous Waste

The DEIR detailed the history of various hazardous materials releases on the project site and associated Activity and Use Limitations (AULs). The FEIR should provide greater detail on how anticipated construction work will be conducted to avoid impacts to the ongoing site remediation activities. The FEIR should detail how project phasing will affect remediation efforts on the project site. Additionally, as indicated in the DEIR, the proponent is working to amend the 1997 AUL to reflect the current remediation status of the property. The FEIR should provide further updates on the efforts to separate existing AULs to facilitate the proposed uses and provide a graphic illustrating the proposed location of the new AUL boundaries.

Rare Species

The DEIR included a summary of identified rare or endangered species under the Natural Heritage and Endangered Species Program (NHESP) and outlined potential habitat characteristics. The FEIR should address how development of the west side of the project may be reconfigured to reduce impacts. The FEIR should confirm that proposed trails will not be located within marsh areas or other sensitive habitats. The proponent should continue to coordinate with NHESP with regards to any future filings under the Massachusetts Endangered Species Act (MESA).

The proponent has indicated that a Conservation Restriction (CR) will be placed on no less than ten acres of the project site. The FEIR should provide draft language outlining reserved rights, prohibited uses and opportunities for public access to the CR area. The FEIR should discuss the relationship of potential public access to the CR area with any AULs or ongoing site remediation that may limit access. The FEIR should provide an update on negotiations with Sudbury Valley Trustees or another non-profit organization related to the granting of this CR.

Construction Period

The FEIR should evaluate the opportunities and feasibility of participating in MassDEP's diesel retrofit program and outline any commitments within the draft Section 61 findings. The proponent should address MassDEP's concerns related to opportunities for considerable recycling of on-site demolition waste within the FEIR. I anticipate that the proponent will address concerns raised by the Wayland Board of Health related to on-site demolition activities as part of the MassDEP demolition permitting process and the NPDES Construction General Permit.

Sustainable Design

I strongly encourage the proponent to thoughtfully evaluate the opportunities for Leadership in Energy and Environmental Design (LEED) Certification for buildings, recycling, water conservation measures, and sustainable building materials and appliances. The proponent should provide an update on these evaluation efforts within the FEIR and outline sustainable

design commitments.

Mitigation

The FEIR should include a separate chapter summarizing and updating proposed mitigation measures. This chapter should also include draft Section 61 Findings for each state agency that will issue permits for the project. While draft Section 61 findings for MassHighway should focus on those areas of State jurisdictional roadways, local roadway mitigation measures may be included to assist in the overall assessment of regional traffic improvements. Locally jurisdictional roadway mitigation measures will be addressed under review by local authorities to confirm their suitability to offset project impacts. However, I request that the proponent address to the maximum extent feasible, mitigation measures to offset impacts to local roadways in the FEIR.

The draft Section 61 Findings should contain clear commitments to implement mitigation measures, estimate the individual costs of each proposed measure, identify the parties responsible for implementation, and a schedule for implementation. The mitigation summary should compare anticipated mitigation costs to the funds promised by the proponent within the Development Agreement and identify what mitigation costs may be lost should the project not move forward or certain time lapses occur.

Response to Comments

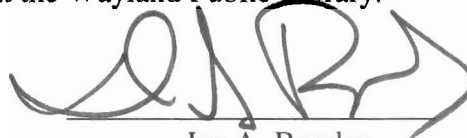
The FEIR should contain a copy of this Certificate and a copy of each comment received. Numerous extensive comments were received by interested parties and agencies. The FEIR must present additional narrative and/or quantitative analysis necessary to respond to the comments received. To the extent that the text of the FEIR specifically and thoroughly responds to certain comments, the proponent may reference sections of the FEIR. However, the proponent should make a strong effort to completely answer the questions raised in comments through tailored narrative and supporting additional documentation as necessary.

Circulation

The FEIR should be circulated in compliance with Section 11.16 of the MEPA regulations and copies should be sent to any state agencies from which the proponent will seek permits or approvals and to those who submitted comments on the EENF or DEIR. A copy of the FEIR should be made available for review at the Wayland Public Library.

January 12, 2007

Date



Ian A. Bowles

Comments Received:

12/27/2006 Susan Reed
01/02/2007 Massachusetts Division of Fisheries and Wildlife – Natural Heritage and
Endangered Species Program
01/02/2007 Wayland Historical Commission
01/03/2007 Molly Upton
01/04/2007 Weston Planning Board
01/04/2007 David Bernstein
01/04/2007 Wayland Historic District Commission
01/04/2007 Alan D. Mandl, Esq.
01/05/2007 Massachusetts Department of Environmental Protection
01/05/2007 Wayland Highway Department
01/05/2007 Wayland Planning Board
01/05/2007 Wayland Conservation Commission
01/05/2007 Wayland Board of Health
01/05/2007 Sudbury, Assabet and Concord Wild and Scenic River Stewardship Council
01/05/2007 Metrowest Growth Management Committee
01/05/2007 Executive Office of Transportation
01/05/2007 Martha and Whitney Harris
01/05/2006 Sherre Greenbaum (2 letters)
01/05/2007 Metropolitan Area Planning Council
01/05/2007 S.R. Newbury
01/05/2007 Stan Robinson
01/05/2007 Frank Kennedy
01/05/2007 Tom Sciacca
01/05/2007 Diane and Dean Goodermote
01/05/2007 Susan Reed (2nd letter)
01/05/2007 Linda Segal
01/06/2007 R. Blair Davies
01/08/2007 Jeffery R. Porter
01/08/2007 William J. Murphy, Jr.

IAB/HSJ/hsj