

*For Office Use Only*  
*Executive Office of Environmental Affairs*

EOEA No.: 144-30  
 MEPA Analyst: Anne Canaday  
 Phone: 617-626-1035

# ENF Environmental Notification Form

The information requested on this form must be completed to begin MEPA Review in accordance with the provisions of the Massachusetts Environmental Policy Act, 301 CMR 11.00.

<b>Project Name: Proposed Retail Pharmacy</b>		<b>JUN 1 2009</b>
<b>Street: 325 and 349 Boston Post Road</b>		
<b>Municipality: Wayland</b>	<b>Watershed: Concord MEPA</b>	
<b>Universal Transverse Mercator Coordinates: Zone 19, 4692818 N 304962 E</b>	<b>Latitude: 42d 21' 47.33"</b> <b>Longitude: -71d 22' 06.56"</b>	
<b>Estimated commencement date: Sept. 2009</b>	<b>Estimated completion date: Sept. 2010</b>	
<b>Approximate cost: \$2,000,000</b>	<b>Status of project design: 95% complete</b>	
<b>Proponent: G. B. New England 2, LLC</b>		
<b>Street: 14 Breakneck Hill Road Suite 101</b>		
<b>Municipality: Lincoln</b>	<b>State: RI</b>	<b>Zip Code: 02865</b>
<b>Name of Contact Person From Whom Copies of this ENF May Be Obtained: Felipe Schwarz, AICP</b>		
<b>Firm/Agency: Vanasse Hangen Brustlin, Inc.</b>	<b>Street: 101 Walnut Street</b>	
<b>Municipality: Watertown</b>	<b>State: MA</b>	<b>Zip Code: 02471</b>
<b>Phone: 617 924-1770</b>	<b>Fax: 617 924-2286</b>	<b>E-mail: fschwarz@vhb.com</b>

Does this project meet or exceed a mandatory EIR threshold (see 301 CMR 11.03)?  Yes  No  
 Has this project been filed with MEPA before?  Yes (EOEA No. \_\_\_\_\_)  No  
 Has any project on this site been filed with MEPA before?  Yes (EOEA No. \_\_\_\_\_)  No

Is this an Expanded ENF (see 301 CMR 11.05(7)) requesting:  
 a Single EIR? (see 301 CMR 11.06(8))  Yes  No  
 a Special Review Procedure? (see 301 CMR 11.09)  Yes  No  
 a Waiver of mandatory EIR? (see 301 CMR 11.11)  Yes  No  
 a Phase I Waiver? (see 301 CMR 11.11)  Yes  No

Identify any financial assistance or land transfer from an agency of the Commonwealth, including the agency name and the amount of funding or land area (in acres): N/A

Are you requesting coordinated review with any other federal, state, regional, or local agency?  
 Yes (Specify \_\_\_\_\_)  No

List Local or Federal Permits and Approvals:

- **Town of Wayland Conservation Commission**
  - **Order of Conditions under Wetlands Protection Act (as revised in MassDEP Superseding Order),**
  - **Chapter 194 Permit under Wayland Wetlands and Water Resources Bylaw**
- **Town of Wayland Planning Board**
  - **Aquifer Protection Site Plan Approval under Wayland Zoning Bylaw,**
  - **Approval Not Required endorsement under G.L.c. 41, § 81P**
- **Town of Wayland Zoning Board of Appeals,**
  - **Special Permits to Reduce Required Parking and to Allow Work in Floodplain**
  - **Site Plan Approval under Wayland Zoning Bylaw**

Which ENF or EIR review threshold(s) does the project meet or exceed (see 301 CMR 11.03):

- |                                 |                                       |  |
|---------------------------------|---------------------------------------|--|
| <input type="checkbox"/> Land   | <input type="checkbox"/> Rare Species | <input checked="" type="checkbox"/> Wetlands, Waterways, & Tidelands |
| <input type="checkbox"/> Water  | <input type="checkbox"/> Wastewater   | <input type="checkbox"/> Transportation                              |
| <input type="checkbox"/> Energy | <input type="checkbox"/> Air          | <input type="checkbox"/> Solid & Hazardous Waste                     |
| <input type="checkbox"/> ACEC   | <input type="checkbox"/> Regulations  | <input type="checkbox"/> Historical & Archaeological Resources       |

Summary of Project Size & Environmental Impacts	Existing	Change	Total	State Permits & Approvals
				<input checked="" type="checkbox"/> Order of Conditions
Total site acreage	3.4 acres			<input checked="" type="checkbox"/> Superseding Order of Conditions
New acres of land altered				<input type="checkbox"/> Chapter 91 License
Acres of impervious area	0.37 acres	+0.72 acres	1.09 acres	<input type="checkbox"/> 401 Water Quality Certification
Square feet of new bordering vegetated wetlands alteration		3,471 SF		<input type="checkbox"/> MHD or MDC Access Permit
Square feet of new other wetland alteration		95,830 SF		<input type="checkbox"/> Water Management Act Permit
Acres of new non-water dependent use of tidelands or waterways		n/a		<input type="checkbox"/> New Source Approval
				<input type="checkbox"/> DEP or MWRA Sewer Connection/ Extension Permit
Gross square footage	3,268 sf	+9,745 sf	13,013 sf	<input type="checkbox"/> Other Permits (including Legislative Approvals) – Specify:
Number of housing units	n/a	n/a	n/a	_____
Maximum height (in feet)	20	+11.5	31.5	_____
				_____
Vehicle trips per day	110	+1,295	1,405	_____
Parking spaces	39	27	66	_____
				_____
Gallons/day (GPD) of water use	2,387	-1736	651	_____
GPD water withdrawal	0	0	0	_____
GPD wastewater generation/ treatment	2,387	-1736	651	_____
Length of water/sewer mains (in miles)	0	0	0	_____

**CONSERVATION LAND:** Will the project involve the conversion of public parkland or other Article 97 public natural resources to any purpose not in accordance with Article 97?

Yes (Specify \_\_\_\_\_)  No

Will it involve the release of any conservation restriction, preservation restriction, agricultural preservation restriction, or watershed preservation restriction?

Yes (Specify \_\_\_\_\_)  No

**RARE SPECIES:** Does the project site include Estimated Habitat of Rare Species, Vernal Pools, Priority Sites of Rare Species, or Exemplary Natural Communities?

- Yes (Specify: According to the NHESP Program, portions of the Project will occur within a NHESP polygon established for the protection of blue-spotted salamander, American bittern, common moorhen, least bittern, and king rail. See Attachment B for correspondence from the NHESP stating that the Project does not result in "Take" of rare species.)  No

**HISTORICAL /ARCHAEOLOGICAL RESOURCES:** Does the project site include any structure, site or district listed in the State Register of Historic Place or the inventory of Historic and Archaeological Assets of the Commonwealth?

- Yes (Specify \_\_\_\_\_)  No

If yes, does the project involve any demolition or destruction of any listed or inventoried historic or archaeological resources?

- Yes (Specify \_\_\_\_\_)  No

**AREAS OF CRITICAL ENVIRONMENTAL CONCERN:** Is the project in or adjacent to an Area of Critical Environmental Concern?

- Yes (Specify \_\_\_\_\_)  No

**PROJECT DESCRIPTION:** The project description should include (a) a description of the project site, (b) a description of both on-site and off-site alternatives and the impacts associated with each alternative, and (c) potential on-site and off-site mitigation measures for each alternative (*You may attach one additional page, if necessary.*)

G.B. New England 2, LLC, ("the Proponent"), is proposing to construct an approximately 13,000 square foot retail/pharmacy with associated parking and drives, (the "Project") on an approximately 3.4 acre site located at 325 and a portion of 349 Boston Post Road in Wayland, Massachusetts (the "project site", see Figure 1). After securing certain development permits from the Wayland Zoning Board of Appeals, Planning Board and Conservation Commission over the course of several years, MassDEP appealed the Order of Conditions ("OOC") in April, 2008. A Superseding Order of Conditions ("SOC") was issued by MassDEP on February 11, 2009, approving certain revisions to the project to meet Bordering Land Subject to Flooding (BLSF) performance standards. Prior to MassDEP's appeal of the OOC, the Project was not subject to MEPA review. This ENF is now being filed to assist MassDEP with MEPA review compliance under the provisions of 301 CMR 11.12.

The project site is located on the southern side of Boston Post Road (Route 20) in Wayland, Massachusetts (See Figure 1). The project site is bounded by Boston Post Road to the north, undeveloped land to the south, a retail development to the east, and Russell's Garden Center to the west. The project site currently includes a two-story wooden building, a raised septic system leaching field, and associated parking areas. The remaining area of the site consists of a maintained lawn and wooded areas (see Figure 2). The project site is currently zoned Business A and Residence. The project site is located within the 100-year floodplain of the Sudbury River (Zone A8 elevation 123 feet) as shown on the Flood Insurance Rate Map (FIRM). The site is also located within the Town of Wayland's Floodplain District and the Aquifer Protection District, as defined by the Zoning Bylaw.

The Project includes the demolition of existing structures on the site and the construction of an approximately 13,000 square foot retail pharmacy building with a drive-through and 66 parking spaces. Additional work includes construction of site driveways and associated parking areas, drainage structures, utilities, and landscaping (including wetland replacement). The Project is consistent with the current zoning district, Business A and Residence, and with adjacent commercial land uses along Boston Post Road (Route 20), a major arterial roadway serving the central commercial corridor within the town. Portions of the parking area and retail space will be located within the 100-foot buffer zone and a portion of the parking lot will be located within Bordering Vegetated Wetland (BVW). Wetland

resources occur in several areas of the project site, draining to the Sudbury River system to the south and east.

The MEPA review impact thresholds for an ENF filing triggered by the Project are associated with wetlands only. The Project involves alteration of approximately 2.2 acres of Bordering Land Subject to Flooding (BLSF), which exceeds an ENF threshold for wetland impact, (“alteration of one-half or more acres of other wetland”). The requirement for filing an ENF is based on BLSF being covered under the “any other wetlands” terminology of the above-cited MEPA review threshold. Although, BLSF in itself is not technically a “wetland,” it is a regulated resource under the Wetlands Protection Act (WPA) and it performs some of the regulatory defined functions of a wetland. Further, the Wetland Protection Regulations, 310 CMR § 10.07(3), provide that the determination of total surface areas to establish MEPA review applicability includes the “areas subject to protection under G.L. c. 131, § 40 and specified in 310 CMR 10.02(1).” In turn, § 10.02(1) includes “Land subject to flooding.”

The Project has been designed to conform to the performance standards contained in the WPA regulations. As stated in the SOC, the MassDEP’s primary reason for appealing the OOC was its view that compensatory flood storage was hindered by a restricted hydraulic connection. In response, the Proponent submitted revised plans to address this issue. After considering these revised plans the MassDEP concluded in the SOC that “the project as proposed meets the performance standards pursuant to... 310 CMR 10.57(4) for BLSF...” The Proponent maintains that the Project (including proposed compensatory flood storage) will not cause an increase in the horizontal extent or level of flood waters during peak flows associated with the Sudbury River. All impacts to Bordering Vegetated Wetlands were also approved with associated mitigation. Drainage from the Project will be collected and treated by a system that complies with stormwater management policy. In addition, the Project will improve water quality of stormwater currently discharging to wetland resources that ultimately discharge to the Sudbury River. A comprehensive suite of erosion and sedimentation control measures will be implemented to prevent indirect impacts to adjacent wetland resource areas.

Site development alternatives were investigated to minimize the Project’s potential impacts related to wetland resources and stormwater runoff. The No-Build Alternative was considered non-viable and therefore dismissed as an option for the subject parcel. The Project is as small as possible given the practical requirements of the Proponent and the legal requirements of the local permitting regime (zoning, health, DPW and conservation) and state law (Massachusetts Endangered Species Act). The current site footprint is the smallest developed to date. A alternative site layout created ±52,000 square feet of impervious surfaces. The current layout has been minimized to the extent feasible, and creates ±47,000 square feet of impervious surfaces, while allowing for required project features (i.e., stormwater management structures, compensatory flood storage areas, drive-thru window, dumpster pads, and minimum parking requirements). The Proponent obtained zoning relief from the Wayland Zoning Board of Appeals to significantly reduce the number of parking spaces on the project site. Specifically, the Proponent was successful in decreasing by 48 the number of spaces required by local zoning so that instead of the required 114 spaces, the Project will have 66 parking spaces significantly reducing impervious surfaces.

Furthermore, the project site is significantly constrained by vegetated wetland resources to the east and west, the 100-year floodplain throughout the site, high groundwater levels, and the Priority and Estimated Habitat Area. The Natural Heritage and Endangered Species Program (“NHESP”), in its review of the Project, requested that the design minimize the loss of forested habitat. Balancing the requirements of the building layout and associated appurtenances (parking, driveways, leaching field, stormwater management, etc.), compliance with local regulations and NHESP’s directive to keep development out of forested habitat areas, the Project, while it cannot avoid all wetland resource

impacts, has been configured to significantly minimize wetland resource impacts. The Project has been designed to minimize intrusion into the “wetland finger” on the western side of the site and the forested habitat area and wetland impacts to the eastern wetland system.

Because of these many constraints, the proposed wetland impacts are unavoidable. Furthermore, the area of BVW proposed to be altered is of low value from a wildlife habitat perspective. Avoidance of the wetland area entirely would result in the project impacting other, higher-value resource areas on the site. BVW resources in the eastern portion of the site, although not pristine, are significantly less altered than the western “wetland finger.” The eastern BVW is directly adjacent to an intermittent stream and provides a higher value due to a diversity of vegetation and habitat niches. However, the Proponent is proposing a comprehensive wetland replacement plan that will provide greater than 1:1 mitigation in the form of higher value constructed wetland.

The Proponent has considered a variety of alternatives that would meet the goals of the Project. However, the site constraints are such that complete avoidance of work within wetland resource areas is not possible. The proposed redevelopment of the site meets or exceeds the performance standards for all regulated resource areas (BVW and BLSF) as well as significantly upgrading the stormwater management system on the site.

In addition to the MassDEP’s SOC, the Proponent has also obtained an Access Permit from the Massachusetts Highway Department and a letter from the NHESP in August, 2006 stating that the Project does not result in a “Take” of state-listed rare species. See Attachment B for copies of state permits and correspondence received for the Project. In addition, as noted above, the Proponent has secured numerous permits and approvals from the Town of Wayland which are as follows:

- Town of Wayland Conservation Commission
  - Order of Conditions under Wetlands Protection Act (as revised in MassDEP SOC),
  - Chapter 194 Permit under Wayland Wetlands and Water Resources Bylaw
- Town of Wayland Planning Board
  - Aquifer Protection Site Plan Approval under Wayland Zoning Bylaw,
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