

To: Wayland Zoning Board of Appeals
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From: ProtectWayland.org

RE: The ZBA should require a flood zone study for Cascade 40B

Date: 7 August, 2018

To the members of the Wayland Zoning Board of Appeals:

First, we thank you again for the time, effort and patience you devoted to the Cascade 40B proposal during an extraordinarily long hearing process.

At the last hearing on 17 July, we were troubled by the lack of clarity around delivery of a flood zone study. There was discussion about removing a waiver request and what impact that might have. Joseph Peznola, the Board's consultant, noted that a flood zone study would be required later by the Building Commissioner, with the implication that the ZBA did not need to take it up now. Town Counsel explained that she did not agree with Mr. Zieff's interpretation of the Wayland statute. There was no discussion, however, of how this basic data is necessary to understand the site, evaluate the project design and weigh the Applicant's requests for waivers from wetland and health regulations. In the end, the ZBA did not tell Mr. Zieff and his team (again) to deliver the flood zone study.

Flood risk is central to the ZBA's charge under 40B regulations: ZBAs must balance local needs against regional housing needs. Under G.L. c. 40B, the first two factors listed in the definition of "consistent with local needs" are, "...the need to protect the health or safety of the occupants of the proposed housing or of the residents of the city or town..." So 'health and safety' are primary issues for every Zoning Board of Appeals. This basic ZBA responsibility does not depend on an Applicant's request for a waiver.

The FEMA 'high risk' flood zone on this site clearly creates risks to the health and safety of Wayland residents and hundreds of kids at YMCA Camp Chickami, a short distance downstream. Please see the two letters the ZBA received from Jack Fucci, President of the West Suburban YMCA, and the letter from Temple Shir Tikva, which serves as the evacuation point for the children at Camp Chickami.

Basic evidence is missing. FEMA does not have elevation data for this high risk flood zone, the key data the ZBA needs to assess risks linked to the Cascade proposal. A flood zone study will fill in the missing pieces. Without this fundamental site information, the Board cannot evaluate the project's proposed siting and design, let alone its impacts on health, safety and the environment.

Please protect Wayland's health and safety: A standard flood zone study is required to assess the risk to Wayland residents and hundreds of children at YMCA Camp Chickami; nothing else will do. With flood zone elevations, the ZBA can assess whether the Applicant plans to reduce flood capacity and if / how the project will provide compensatory storage. A new flood zone may also show that parts of the Cascade building, parking garage and large septic leach fields are within the flood zone. Today, the ZBA does not know.

A flood zone study will address another key issue on the ZBA's plate: risk to the unique Pine Brook environment. Floods damage habitat and Pine Brook is the #1 stream for endangered Eastern Brook Trout in the entire Boston Metrowest area. Without a flood zone study, there is no way to tell how much damage will be done.

Finally, the ZBA repeatedly asked Mr. Zieff and his team to deliver a flood zone study. For example, from the transcript of the hearing on 25 January, 2018:

- Amy K: "Do you have flood plain elevations?" SZ: "We are working with FEMA, they have not provided the information we need..."
- Amy K: "My list from the last meeting shows the outstanding items as: the hydrogeo study, stormwater riverfront impact with degradation, revised flood plain elevations, revised architectural and waiver list."
- Jim G: "We are waiting to hear from Applicant for his timeline for the complete list of waivers, hydrogeo report and flood plain elevations."

Mr. Zieff repeatedly promised to deliver a flood zone study, before and after he presented his new building plan in December of 2017. He blamed FEMA for the delays. In June, 2018, Mr. Zieff suddenly decided a flood zone study is 'not required'.

Given all of the above, the ZBA should demand (again) that the Applicant deliver a flood zone study to FEMA specs, done by an expert acceptable to the ZBA. This process is described in "Bordering Lands Subject to Flooding: How to Determine Their Extent and Meet Performance Standards", Thomas Maguire, MassDEP Wetlands Program MACC Fall Conference October 2017. *(A copy is attached.)*

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