

Massachusetts Department of Environmental Protection
 Bureau of Resource Protection - Wetlands
WPA Form 5 - Order of Conditions
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:
 MassDEP File #:322-0953
 eDEP Transaction #:1270409
 City/Town:WAYLAND

A. General Information

1. Conservation Commission WAYLAND
2. Issuance a. OOC b. Amended OOC
3. Applicant Details
- | | | | |
|--------------------|--------------------|--------------|--------|
| a. First Name | LOUISE | b. Last Name | MILLER |
| c. Organization | TOWN OF WAYLAND | | |
| d. Mailing Address | 41 COCHITUATE ROAD | | |
| e. City/Town | WAYLAND | f. State | MA |
| | | g. Zip Code | 01778 |
4. Property Owner
- | | | | |
|--------------------|---------------------------------------|--------------|--------|
| a. First Name | LOUISE | b. Last Name | MILLER |
| c. Organization | TOWN OF WAYLAND/RECREATION DEPARTMENT | | |
| d. Mailing Address | 41 COCHITUATE ROAD | | |
| e. City/Town | WAYLAND | f. State | MA |
| | | g. Zip Code | 01778 |
5. Project Location
- | | | | |
|------------------------|-----------------------|----------------|-----------|
| a. Street Address | 412 COMMONWEALTH ROAD | | |
| b. City/Town | WAYLAND | c. Zip Code | 01778 |
| d. Assessors Map/Plat# | 49 | e. Parcel/Lot# | 064B |
| f. Latitude | 42.32619N | g. Longitude | 71.34338W |
6. Property recorded at the Registry of Deed for:
- | | | | |
|--------------------|----------------|---------|---------|
| a. County | b. Certificate | c. Book | d. Page |
| SOUTHERN MIDDLESEX | | 31387 | 167 |
7. Dates
- a. Date NOI Filed : 4/5/2020 b. Date Public Hearing Closed: 3/1/2021 c. Date Of Issuance: 4/5/2021

8. Final Approved Plans and Other Documents

a. Plan Title:	b. Plan Prepared by:	c. Plan Signed/Stamped by:	d. Revised Final Date:	e. Scale:
TOWN OF WAYLAND IMPROVEMENT TO LOKER CONSERVATION AND RECREATION AREA (26 SHEETS)	WESTON & SAMPSON	EUGENE RICHARD BOLINGER	02/28/2019	VARIOUS

B. Findings

1. Findings pursuant to the Massachusetts Wetlands Protection Act

Following the review of the the above-referenced Notice of Intent and based on the information provided in this application and presented at the public hearing, this Commission finds that the areas in which work is proposed is significant to the following interests of the Wetlands Protection Act.

Check all that apply:

Massachusetts Department of Environmental Protection
 Bureau of Resource Protection - Wetlands
WPA Form 5 - Order of Conditions
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:
 MassDEP File #:322-0953
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 City/Town:WAYLAND

a. <input checked="" type="checkbox"/> Public Water Supply	b. <input type="checkbox"/> Land Containing Shellfish	c. <input checked="" type="checkbox"/> Prevention of Pollution
d. <input checked="" type="checkbox"/> Private Water Supply	e. <input checked="" type="checkbox"/> Fisheries	f. <input checked="" type="checkbox"/> Protection of Wildlife Habitat
g. <input checked="" type="checkbox"/> Ground Water Supply	h. <input checked="" type="checkbox"/> Storm Damage Prevention	i. <input checked="" type="checkbox"/> Flood Control

2. Commission hereby finds the project, as proposed, is:

Approved subject to:

a. The following conditions which are necessary in accordance with the performance standards set forth in the wetlands regulations. This Commission orders that all work shall be performed in accordance with the Notice of Intent referenced above, the following General Conditions, and any other special conditions attached to this Order. To the extent that the following conditions modify or differ from the plans, specifications, or other proposals submitted with the Notice of Intent, these conditions shall control.

Denied because:

b. The proposed work cannot be conditioned to meet the performance standards set forth in the wetland regulations. Therefore, work on this project may not go forward unless and until a new Notice of Intent is submitted which provides measures which are adequate to protect interests of the Act, and a final Order of Conditions is issued. **A description of the performance standards which the proposed work cannot meet is attached to this Order.**

c. The information submitted by the applicant is not sufficient to describe the site, the work or the effect of the work on the interests identified in the Wetlands Protection Act. Therefore, work on this project may not go forward unless and until a revised Notice of Intent is submitted which provides sufficient information and includes measures which are adequate to protect the interests of the Act, and a final Order of Conditions is issued. **A description of the specific information which is lacking and why it is necessary is attached to this Order as per 310 CMR 10.05(6)(c).**

3. Buffer Zone Impacts: Shortest distance between limit of project disturbance and the wetland resource area specified in 310CMR10.02(1)(a). 30
a. linear feet

Inland Resource Area Impacts:(For Approvals Only):

Resource Area	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
4. <input type="checkbox"/> Bank	<u> </u> a. linear feet	<u> </u> b. linear feet	<u> </u> c. linear feet	<u> </u> d. linear feet
5. <input type="checkbox"/> Bordering Vegetated Wetland	<u> </u> a. square feet	<u> </u> b. square feet	<u> </u> c. square feet	<u> </u> d. square feet
6. <input type="checkbox"/> Land under Waterbodies and Waterways	<u> </u> a. square feet	<u> </u> b. square feet	<u> </u> c. square feet	<u> </u> d. square feet
	<u> </u> e. c/y dredged	<u> </u> f. c/y dredged		
7. <input type="checkbox"/> Bordering Land Subject to Flooding	<u> </u> a. square feet	<u> </u> b. square feet	<u> </u> c. square feet	<u> </u> d. square feet
Cubic Feet Flood Storage	<u> </u> e. cubic feet	<u> </u> f. cubic feet	<u> </u> g. cubic feet	<u> </u> h. cubic feet

Massachusetts Department of Environmental Protection
 Bureau of Resource Protection - Wetlands
WPA Form 5 - Order of Conditions
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:
 MassDEP File #:322-0953
 eDEP Transaction #:1270409
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8. <input type="checkbox"/> Isolated Land Subject to Flooding	<u> </u> a. square feet	<u> </u> b. square feet		
Cubic Feet Flood Storage	<u> </u> c. cubic feet	<u> </u> d. cubic feet	<u> </u> e. cubic feet	<u> </u> f. cubic feet
9. <input type="checkbox"/> Riverfront Area	<u> </u> a. total sq. feet	<u> </u> b. total sq. feet		
Sq ft within 100 ft	<u> </u> c. square feet	<u> </u> d. square feet	<u> </u> e. square feet	<u> </u> f. square feet
Sq ft between 100-200 ft	<u> </u> g. square feet	<u> </u> h. square feet	<u> </u> i. square feet	<u> </u> j. square feet

Coastal Resource Area Impacts:

Resource Area	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
10. <input type="checkbox"/> Designated Port Areas	Indicate size under Land Under the Ocean, below			
11. <input type="checkbox"/> Land Under the Ocean	<u> </u> a. square feet	<u> </u> b. square feet		
	<u> </u> c. c/y dredged	<u> </u> d. c/y dredged		
12. <input type="checkbox"/> Barrier Beaches	Indicate size under Coastal Beaches and/or Coastal Dunes below			
13. <input type="checkbox"/> Coastal Beaches	<u> </u> a. square feet	<u> </u> b. square feet	<u> </u> c. c/y nourishment	<u> </u> d. c/y nourishment
14. <input type="checkbox"/> Coastal Dunes	<u> </u> a. square feet	<u> </u> b. square feet	<u> </u> c. c/y nourishment	<u> </u> d. c/y nourishment
15. <input type="checkbox"/> Coastal Banks	<u> </u> a. linear feet	<u> </u> b. linear feet		
16. <input type="checkbox"/> Rocky Intertidal Shores	<u> </u> a. square feet	<u> </u> b. square feet		
17. <input type="checkbox"/> Salt Marshes	<u> </u> a. square feet	<u> </u> b. square feet	<u> </u> c. square feet	<u> </u> d. square feet
18. <input type="checkbox"/> Land Under Salt Ponds	<u> </u> a. square feet	<u> </u> b. square feet		
	<u> </u> c. c/y dredged	<u> </u> d. c/y dredged		
19. <input type="checkbox"/> Land Containing Shellfish	<u> </u> a. square feet	<u> </u> b. square feet	<u> </u> c. square feet	<u> </u> d. square feet
20. <input type="checkbox"/> Fish Runs	Indicate size under Coastal Banks, inland Bank, Land Under the Ocean, and/or inland Land Under Waterbodies and Waterways, above			
	<u> </u> c. c/y dredged	<u> </u> d. c/y dredged		

Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
WPA Form 5 - Order of Conditions
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:
MassDEP File #:322-0953
eDEP Transaction #:1270409
City/Town:WAYLAND

21. Land Subject to Coastal Storm Flowage
_____ a. square feet b. square feet

22. Restoration/Enhancement (For Approvals Only)
If the project is for the purpose of restoring or enhancing a wetland resource area in addition to the square footage that has been entered in Section B.5.c & d or B.17.c & d above, please entered the additional amount here.

_____ a. square feet of BVW _____ b. square feet of Salt Marsh

23. Streams Crossing(s)
If the project involves Stream Crossings, please enter the number of new stream crossings/number of replacement stream crossings.

_____ a. number of new stream crossings _____ b. number of replacement stream crossings

C. General Conditions Under Massachusetts Wetlands Protection Act

The following conditions are only applicable to Approved projects

1. Failure to comply with all conditions stated herein, and with all related statutes and other regulatory measures, shall be deemed cause to revoke or modify this Order.
2. The Order does not grant any property rights or any exclusive privileges; it does not authorize any injury to private property or invasion of private rights.
3. This Order does not relieve the permittee or any other person of the necessity of complying with all other applicable federal, state, or local statutes, ordinances, bylaws, or regulations.
4. The work authorized hereunder shall be completed within three years from the date of this Order unless either of the following apply:
 - a. the work is a maintenance dredging project as provided for in the Act; or
 - b. the time for completion has been extended to a specified date more than three years, but less than five years, from the date of issuance. If this Order is intended to be valid for more than three years, the extension date and the special circumstances warranting the extended time period are set forth as a special condition in this Order.
5. This Order may be extended by the issuing authority for one or more periods of up to three years each upon application to the issuing authority at least 30 days prior to the expiration date of the Order.
6. If this Order constitutes an Amended Order of Conditions, this Amended Order of Conditions does not exceed the issuance date of the original Final Order of Conditions.
7. Any fill used in connection with this project shall be clean fill. Any fill shall contain no trash, refuse, rubbish, or debris, including but not limited to lumber, bricks, plaster, wire, lath, paper, cardboard, pipe, tires, ashes, refrigerators, motor vehicles, or parts of any of the foregoing.
8. This Order is not final until all administrative appeal periods from this Order have elapsed, or if such an appeal has been taken, until all proceedings before the Department have been completed.
9. No work shall be undertaken until the Order has become final and then has been recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land upon which the proposed work is to be done. In the case of the registered land, the Final Order shall also be noted on the Land Court Certificate of Title of the owner of the land upon

Massachusetts Department of Environmental Protection

Bureau of Resource Protection - Wetlands

WPA Form 5 - Order of Conditions

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:

MassDEP File #:322-0953

eDEP Transaction #:1270409

City/Town:WAYLAND

which the proposed work is done. The recording information shall be submitted to the Conservation Commission on the form at the end of this Order, which form must be stamped by the Registry of Deeds, prior to the commencement of work..

10. A sign shall be displayed at the site not less than two square feet or more than three square feet in size bearing the words,

" Massachusetts Department of Environmental Protection"
[or "MassDEP"]
File Number : "322-0953"

11. Where the Department of Environmental Protection is requested to issue a Superseding Order, the Conservation Commission shall be a party to all agency proceedings and hearings before Mass DEP.
12. Upon completion of the work described herein, the applicant shall submit a Request for Certificate of Compliance (WPA Form 8A) to the Conservation Commission.
13. The work shall conform to the plans and special conditions referenced in this order.
14. Any change to the plans identified in Condition #13 above shall require the applicant to inquire of the Conservation Commission in writing whether the change is significant enough to require the filing of a new Notice of Intent.
15. The Agent or members of the Conservation Commission and the Department of Environmental Protection shall have the right to enter and inspect the area subject to this Order at reasonable hours to evaluate compliance with the conditions stated in this Order, and may require the submittal of any data deemed necessary by the Conservation Commission or Department for that evaluation.
16. This Order of Conditions shall apply to any successor in interest or successor in control of the property subject to this Order and to any contractor or other person performing work conditioned by this Order.
17. Prior to the start of work, and if the project involves work adjacent to a Bordering Vegetated Wetland, the boundary of the wetland in the vicinity of the proposed work area shall be marked by wooden stakes or flagging. Once in place, the wetland boundary markers shall be maintained until a Certificate of Compliance has been issued by the Conservation Commission.
18. All sedimentation barriers shall be maintained in good repair until all disturbed areas have been fully stabilized with vegetation or other means. At no time shall sediments be deposited in a wetland or water body. During construction, the applicant or his/her designee shall inspect the erosion controls on a daily basis and shall remove accumulated sediments as needed. The applicant shall immediately control any erosion problems that occur at the site and shall also immediately notify the Conservation Commission, which reserves the right to require additional erosion and/or damage prevention controls it may deem necessary. Sedimentation barriers shall serve as the limit of work unless another limit of work line has been approved by this Order.

NOTICE OF STORMWATER CONTROL AND MAINTENANCE REQUIREMENTS

19. The work associated with this Order(the "Project") is (1) is not (2) subject to the Massachusetts Stormwater Standards. If the work is subject to Stormwater Standards, then the project is subject to the following conditions;
- a) All work, including site preparation, land disturbance, construction and redevelopment, shall be implemented in accordance with the construction period pollution prevention and erosion and sedimentation control plan and, if applicable, the Stormwater Pollution Prevention Plan required by the National Pollutant Discharge Elimination System Construction General Permit as required by Stormwater Standard 8. Construction period erosion, sedimentation and pollution control measures and best management practices (BMPs) shall remain in place until the site is fully stabilized.
- b) No stormwater runoff may be discharged to the post-construction stormwater BMPs unless and until a Registered Professional Engineer provides a Certification that: *i.* all construction period BMPs have been removed or will be removed by a date certain specified in the Certification. For any construction period

Massachusetts Department of Environmental Protection

Bureau of Resource Protection - Wetlands

WPA Form 5 - Order of Conditions

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:

MassDEP File #:322-0953

eDEP Transaction #:1270409

City/Town:WAYLAND

BMPs intended to be converted to post construction operation for stormwater attenuation, recharge, and/or treatment, the conversion is allowed by the MassDEP Stormwater Handbook BMP specifications and that the BMP has been properly cleaned or prepared for post construction operation, including removal of all construction period sediment trapped in inlet and outlet control structures; *ii.* as-built final construction BMP plans are included, signed and stamped by a Registered Professional Engineer, certifying the site is fully stabilized; *iii.* any illicit discharges to the stormwater management system have been removed, as per the requirements of Stormwater Standard 10; *iv.* all post-construction stormwater BMPs are installed in accordance with the plans (including all planting plans) approved by the issuing authority, and have been inspected to ensure that they are not damaged and that they are in proper working condition; *v.* any vegetation associated with post-construction BMPs is suitably established to withstand erosion.

- c) The landowner is responsible for BMP maintenance until the issuing authority is notified that another party has legally assumed responsibility for BMP maintenance. Prior to requesting a Certificate of Compliance, or Partial Certificate of Compliance, the responsible party (defined in General Condition 19(e)) shall execute and submit to the issuing authority an Operation and Maintenance Compliance Statement ("O&M Statement") for the Stormwater BMPs identifying the party responsible for implementing the stormwater BMP Operation and Maintenance Plan ("O&M Plan") and certifying the following: *i.*) the O&M Plan is complete and will be implemented upon receipt of the Certificate of Compliance, and *ii.*) the future responsible parties shall be notified in writing of their ongoing legal responsibility to operate and maintain the stormwater management BMPs and implement the Stormwater Pollution Prevention Plan.
- d) Post-construction pollution prevention and source control shall be implemented in accordance with the long-term pollution prevention plan section of the approved Stormwater Report and, if applicable, the Stormwater Pollution Prevention Plan required by the National Pollutant Discharge Elimination System Multi-Sector General Permit.
- e) Unless and until another party accepts responsibility, the landowner, or owner of any drainage easement, assumes responsibility for maintaining each BMP. To overcome this presumption, the landowner of the property must submit to the issuing authority a legally binding agreement of record, acceptable to the issuing authority, evidencing that another entity has accepted responsibility for maintaining the BMP, and that the proposed responsible party shall be treated as a permittee for purposes of implementing the requirements of Conditions 19(f) through 19(k) with respect to that BMP. Any failure of the proposed responsible party to implement the requirements of Conditions 19(f) through 19(k) with respect to that BMP shall be a violation of the Order of Conditions or Certificate of Compliance. In the case of stormwater BMPs that are serving more than one lot, the legally binding agreement shall also identify the lots that will be serviced by the stormwater BMPs. A plan and easement deed that grants the responsible party access to perform the required operation and maintenance must be submitted along with the legally binding agreement.
- f) The responsible party shall operate and maintain all stormwater BMPs in accordance with the design plans, the O&M Plan, and the requirements of the Massachusetts Stormwater Handbook.
- g) The responsible party shall:
 - 1. Maintain an operation and maintenance log for the last three (3) consecutive calendar years of inspections, repairs, maintenance and/or replacement of the stormwater management system or any part thereof, and disposal (for disposal the log shall indicate the type of material and the disposal location);
 - 2. Make the maintenance log available to MassDEP and the Conservation Commission ("Commission") upon request; and
 - 3. Allow members and agents of the MassDEP and the Commission to enter and inspect the site to evaluate and ensure that the responsible party is in compliance with the requirements for each BMP established in the O&M Plan approved by the issuing authority.
- h) All sediment or other contaminants removed from stormwater BMPs shall be disposed of in accordance with

Massachusetts Department of Environmental Protection

Bureau of Resource Protection - Wetlands

WPA Form 5 - Order of Conditions

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:

MassDEP File #:322-0953

eDEP Transaction #:1270409

City/Town:WAYLAND

all applicable federal, state, and local laws and regulations.

- i) Illicit discharges to the stormwater management system as defined in 310 CMR 10.04 are prohibited.
- j) The stormwater management system approved in the Order of Conditions shall not be changed without the prior written approval of the issuing authority.
- k) Areas designated as qualifying pervious areas for the purpose of the Low Impact Site Design Credit (as defined in the MassDEP Stormwater Handbook, Volume 3, Chapter 1, Low Impact Development Site Design Credits) shall not be altered without the prior written approval of the issuing authority.
- l) Access for maintenance, repair, and/or replacement of BMPs shall not be withheld. Any fencing constructed around stormwater BMPs shall include access gates and shall be at least six inches above grade to allow for wildlife passage.

Special Conditions:

SEE ATTACHMENT FOR SPECIAL CONDITIONS ISSUED PURSUANT TO THE WETLANDS PROTECTION ACT (310 CMR 10.0) BY THE WAYLAND CONSERVATION COMMISSION.

D. Findings Under Municipal Wetlands Bylaw or Ordinance

1. Is a municipal wetlands bylaw or ordinance applicable? Yes No

2. The Conservation Commission hereby (check one that applies):

a. DENIES the proposed work which cannot be conditioned to meet the standards set forth in a municipal ordinance or bylaw specifically:

1. Municipal Ordinance or Bylaw _____

2. Citation _____

Therefore, work on this project may not go forward unless and until a revised Notice of Intent is submitted which provides measures which are adequate to meet these standards, and a final Order or Conditions is issued. Which are necessary to comply with a municipal ordinance or bylaw:

b. APPROVES the proposed work, subject to the following additional conditions.

1. Municipal Ordinance or Bylaw WETLANDS AND WATER RESOURCES PROTECTION BYLAW

2. Citation CHAPTER 194

3. The Commission orders that all work shall be performed in accordance with the following conditions and with the Notice of Intent referenced above. To the extent that the following conditions modify or differ from the plans, specifications, or other proposals submitted with the Notice of Intent, the conditions shall control.

The special conditions relating to municipal ordinance or bylaw are as follows:
SEE CHAPTER 194 PERMIT FOR SPECIAL CONDITIONS ISSUED PURSUANT TO WAYLAND'S WETLANDS AND WATER RESOURCES PROTECTION BYLAW BY THE WAYLAND CONSERVATION COMMISSION.

Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
WPA Form 5 - Order of Conditions
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:
MassDEP File #:322-0953
eDEP Transaction #:1270409
City/Town:WAYLAND

E. Signatures

This Order is valid for three years from the date of issuance, unless otherwise specified pursuant to General Condition #4. If this is an Amended Order of Conditions, the Amended Order expires on the same date as the original Order of Conditions.

04/05/2021
1. Date of Original Order

Please indicate the number of members who will sign this form. This Order must be signed by a majority of the Conservation Commission.

5
2. Number of Signers

The Order must be mailed by certified mail (return receipt requested) or hand delivered to the applicant. A copy also must be mailed or hand delivered at the same time to the appropriate Department of Environmental Protection Regional Office, if not filing electronically, and the property owner, if different from applicant.

Signatures:



Duly authorized to sign by a vote recorded with the Middlesex South Registry of Deeds in Book 76194, Page 396

by hand delivery on April 5, 2021

by certified mail, return receipt requested, on _____

Date

Date

F. Appeals

The applicant, the owner, any person aggrieved by this Order, any owner of land abutting the land subject to this Order, or any ten residents of the city or town in which such land is located, are hereby notified of their right to request the appropriate MassDEP Regional Office to issue a Superseding Order of Conditions. The request must be made by certified mail or hand delivery to the Department, with the appropriate filing fee and a completed Request for Departmental Action Fee Transmittal Form, as provided in 310 CMR 10.03(7) within ten business days from the date of issuance of this Order. A copy of the request shall at the same time be sent by certified mail or hand delivery to the Conservation Commission and to the applicant, if he/she is not the appellant.

Any appellants seeking to appeal the Department's Superseding Order associated with this appeal will be required to demonstrate prior participation in the review of this project. Previous participation in the permit proceeding means the submission of written information to the Conservation Commission prior to the close of the public hearing, requesting a Superseding Order, or providing written information to the Department prior to issuance of a Superseding Order.

The request shall state clearly and concisely the objections to the Order which is being appealed and how the Order does not contribute to the protection of the interests identified in the Massachusetts Wetlands Protection Act (M.G.L. c. 131, § 40), and is inconsistent with the wetlands regulations (310 CMR 10.00). To the extent that the Order is based on a municipal ordinance or bylaw, and not on the Massachusetts Wetlands Protection Act or regulations, the Department has no appellate jurisdiction.

Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
WPA Form 5 - Order of Conditions
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:
MassDEP File #:322-0953
eDEP Transaction #:1270409
City/Town:WAYLAND

G. Recording Information

This Order of Conditions must be recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land subject to the Order. In the case of registered land, this Order shall also be noted on the Land Court Certificate of Title of the owner of the land subject to the Order of Conditions. The recording information on this page shall be submitted to the Conservation Commission listed below.

WAYLAND

Conservation Commission

Detach on dotted line, have stamped by the Registry of Deeds and submit to the Conservation Commission.

To:

WAYLAND

Conservation Commission

Please be advised that the Order of Conditions for the Project at:

412 COMMONWEALTH ROAD

Project Location

322-0953

MassDEP File Number

Has been recorded at the Registry of Deeds of:

County

Book

Page

for:

Property Owner LOUISE MILLER

and has been noted in the chain of title of the affected property in:

Book

Page

In accordance with the Order of Conditions issued on:

Date

If recorded land, the instrument number identifying this transaction is:

Instrument Number

If registered land, the document number identifying this transaction is:

Document Number

Signature of Applicant

Rev. 4/1/2010



Wayland Conservation Commission Attachment to Order of Conditions

to accompany Mass. Wetlands Prot. Act M.G.L. c. 131, §40 Order of Conditions

Date of Issue: April 5, 2021

Applicant: Louise Miller, Town Administrator

Owner: Town of Wayland, Recreation Department

Project Location: 412 Commonwealth Road

Map and Lot Number(s): Map 49 Lot 064B

Project Description:

The project involves the construction of an artificial turf field at the Loker Conservation & Recreation Area with stormwater management and temporary erosion controls partially within the wetland buffer zone at 412 Commonwealth Road. The scope of work includes the following:

1. Construction of a new 195 by 330 foot synthetic turf multipurpose field
2. Replacement and enlargement of the existing parking lot to accommodate 62 parking spaces
3. Installation of new lighting for the field and parking lot
4. Replacement of the existing asphalt drive with a new emergency access drive
5. Earthwork and re-grading of the site to prepare a field and parking area
6. Removal of 218 trees (> 6-inch diameter), including 45 within the 100-foot wetland buffer area
7. Installation of a stormwater management system for the turf field and parking area

Plans and Documents:

The Commission voted to approve the following site plans subject to the pre-construction amendments required in Condition 20 below:

1. Town of Wayland Improvements to Loker Conservation and Recreation Area (26 sheets labeled L1.00 – E3.00), prepared by Weston & Sampson, signed and stamped by Eugene Richard Bolinger, R.L.A, dated February 28, 2019.
2. Notice of Intent/Chapter 194 Application, received on March 5, 2020. [Includes Appendices A – N. See cover sheet for complete list of attachments.]
3. Stormwater Report, prepared by Weston & Sampson, revised September 10, 2018.
4. Geotechnical Engineering Report from Matthew Zanchi and Tulin Fuselier, Weston & Sampson, dated April 13, 2018.

Critical Dates:

1. This Order of Conditions is valid for three years. Expiration date 04/05/2024.

Findings:

1. The Applicant filed a Notice of Intent on March 4, 2020 for the construction of the synthetic turf field Loker Conservation and Recreation Area. The applicant provided a waiver to hold a public hearing within 21 days from the receipt of the Notice of Intent due to the pandemic. The public hearing was closed on March 3, 2021. The Commission voted on March 24, 2021 to approve the project.
2. The Commission finds the site significant to all the interests checked on page 2 of the state Order of Conditions, with no evidence presented by the applicant to rebut any of these presumptions.
3. The Commission finds that the project described in the Notice of Intent meets the performance standards of the state Wetlands Protection Act to the extent practicable, provided that all Conditions of the state Order and all conditions listed below are met.
4. A portion of the work is located in the wetland buffer area, subject to jurisdiction. The determination of the wetland resource areas was performed in April 2013 by Weston & Sampson and the



Wayland Conservation Commission Attachment to Order of Conditions

to accompany Mass. Wetlands Prot. Act M.G.L. c. 131, §40 Order of Conditions

results of their field investigation were provided in an April 23, 2018 memo from Mel Higgins. Field data forms were not provided to the Commission and therefore the wetlands delineation was not confirmed.

5. The Commission finds that the removal of 45 trees greater than 6-inch DBH from the wetland buffer area will require replacement. The planting plans provided, labeled Overall Planting Plan, was approved to compensate for the tree removal in the buffer zone. An additional 218 (> 6-inch DBH) trees will be removed from upland areas of the site to accommodate the field and parking areas.

6. The Commission finds that the eradication of invasive plants within the wetland buffer zone can be accomplished under this Order of Conditions and does not require additional permitting. Only native plant species can be planted or seeded in the wetland buffer area.

7. The Commission finds that mitigation is required for work within the wetland buffer area and within 100 feet of the vernal pool. The applicant shall maintain a naturally vegetated 30-foot wetland buffer from the bordering vegetated wetlands along the bank of the North pond.

8. The Commission further finds that any additional changes will require approval by the Conservation Commission. Therefore, the applicant will be required to provide the Conservation Commission with a copy of a final construction plan if additional changes are proposed prior to the start of any construction for review and a determination as to whether the final plan is consistent with this Order. Any native plantings installed within the wetland buffer or riverfront area will need review and approval by the Conservation Commission.

Conditions:

Note: These conditions are issued under the Massachusetts Wetlands Protection Act. Numbering begins with #20, to be consecutive and integrated with and the conditions issued under the state Wetlands Protection Act. Conditions #1-19 are pertinent and are considered a part of this order of conditions.

Before Project Begins (Prior to any Alteration):

20. A site meeting with an Agent of the Conservation Commission and agreement upon/proof of the following must occur before any work may commence on the site.

A. **Proof of recording** of the Order of Conditions.

B. **Final Site Plans:**

1) The applicant shall provide final site plans based upon the NGVD datum to the Conservation Commission (Commission) if the project design changes after the issue date of this permit.

2) A new Notice of Intent is required if a project change results in an increase in disturbance or alteration or the plan is substantially different from the approved plans.

3) The applicant shall provide a Construction Phasing Plan which provides for a. anticipated time periods for construction; b. construction materials and equipment storage; and c. anticipated roadway or driveway closures. Any changes to the construction phasing plan shall be provided to the Commission.

4) The applicant will provide an affidavit attesting to the completeness of the plans referenced in this permit and that these are the same plans that have been approved by any other Board and/or Department.

C. **Erosion controls** shall be installed around the downgradient side of the property, as shown on the site plans and will include 12-inch diameter straw wattles, or other acceptable erosion control device approved by the Commission. Erosion controls will be inspected by the administrator or member of the Commission prior to the start of construction.

D. **Contact information** shall be provided to the Administrator including a written list of names, addresses, business phone numbers, and mobile phone numbers of the project supervisor who will



Wayland Conservation Commission Attachment to Order of Conditions

to accompany Mass. Wetlands Prot. Act M.G.L. c. 131, §40 Order of Conditions

be responsible for ensuring on-site compliance with this Order and his/her alternate, including 24-hour contact information of the person responsible for the site.

E. Proof that a copy of the plans and this Order of Conditions has been provided to the Contractor and OPM. The plans and the Order must be available at all times at the construction site for reference. This Order shall be included in all construction contracts and subcontracts dealing with the work proposed, and shall supersede any conflicting contract requirements.

F. Limit of work line for this construction project is considered the location of the erosion control barrier. No work, with the exception of landscaping, may be performed beyond the limit of work line without prior approval of the Conservation Commission under the Mass. Wetlands Protection Act and Wayland's Wetlands and Water Resources Protection Bylaw. Only work shown on the approved plans shall occur in the conservation area of the site.

G. Additional permits: The applicant must present satisfactory evidence to the Conservation Commission that the following permits have been issued:

- Building permit
- Board of Health approval
- EPA Construction General Permit

H. Emergency supplies: The applicants must have extra straw wattles or straw bales or other acceptable erosion control device approved by the Commission on site in case there is need for immediate repair of erosion controls or if sediment is found to be leaving the site.

I. Start of Work Notification: The applicant or contractor shall submit notification to the Commission not less than two or more than five business days before work commence that includes a proposed construction schedule.

J. The applicant shall perform confirmatory test pits if the soil conditions assumed during design are not consistent with actual conditions, the applicant will ensure that the infiltration system will meet the DEP stormwater regulations. The Conservation Administrator shall be notified at least 48 hours in advance of the scheduled soil testing.

K. There is a separate Bylaw decision for the work permitted by this Order of Conditions issued pursuant to Wayland's Wetlands and Water Resources Bylaw Chapter 194. That decision contains additional conditions not listed in this decision including a requirement for regular professional inspections of the site.

L. Appeal Period: No work shall begin until the ten-day appeal period has expired for this Order of Conditions.

During Construction

21. **Order of Conditions prevails:** Except where modified by these Conditions, all work must be performed in accordance with the plans outlined by the applicant and referenced on page 1 of this Order. Where a conflict exists between the referenced plans and these Conditions, the Conditions will govern.
22. **Stop Work Orders:** An Agent of the Commission shall have the right to halt all or a portion of the work on the site if the Agent determines that any of the work is not in compliance with the Order of Conditions. Work shall not resume until the Commission is satisfied that the work will comply, and has so notified the applicant in writing.
23. **Maintain Erosion Controls:** Erosion controls shall be properly maintained throughout construction until the site is in a final stabilized condition. The site shall be managed such that no sediment leaves the proposed limit of disturbance to protect adjacent wetlands, land under water, and bank.
24. **Dewatering:** If dewatering is required, the discharge must be directed through adequate sedimentation controls on site. No dewatering may proceed until the Commission or its agent has inspected and



Wayland Conservation Commission Attachment to Order of Conditions

to accompany Mass. Wetlands Prot. Act M.G.L. c. 131, §40 Order of Conditions

- approved the installation of the dewatering controls. No permanent drainage structure shall be used as a temporary sedimentation basin or for erosion control during construction.
25. **Demolition:** The building material generated from the demolition of the parking lot shall not be stored within the wetland buffer zone on the project site. All demolition material shall be containerized.
 26. **Backfill:** Any backfill used in connection with this project shall be clean fill. Any backfill shall not contain trash, refuse, rubbish or debris, including but not limited to wood, lumber, bricks, plaster, wire lath, paper, cardboard, pipe, tires, ashes, asphalt or parts of any of the foregoing. The applicant shall provide copies of documentation for shipments of soil material being received as clean fill at the project site.
 27. Documentation shall be provided when the Certificate of Compliance is requested, to demonstrate that any excess excavated or demolition material was properly disposed of during construction.
 28. In the event that evidence of contaminated material was unearthed during excavation activities, the site work shall immediately cease until an LSP evaluates the contaminated material and prepares a response action.
 29. **Eradication of invasive plants:** The applicant may remove invasive plants by hand or with hand-held power tools. Any replanting shall consist of native plants or a native seed mix.
 30. **Work must conform with the approved plans:**
 - A. **Limit of work:** At no time shall heavy equipment operate, nor shall work, disturbance, or alteration occur beyond the erosion control barrier, which will also serve as a limit of work. No construction materials, stockpiled soil or fill, debris, brush, leaves, or other materials may be placed beyond the limit of work.
 - B. **Landscaping:** The exposed soil on the slopes leading from the parking lot to the field and from the parking lot to the trail area shall be stabilized with a seed mix and jute netting or hydroseeding and be well established before a Certificate of Compliance shall be issued. The planting in the wetland buffer area, as indicated on the site plan shall require two full growing seasons to determine that the plantings are successfully established, and shall require replanting in case of failure. One growing season runs from April to October.
 - C. **Stormwater Management:** A professional engineer shall oversee the installation of the stormwater management systems. Soil testing shall be performed to evaluate the infiltration rate of the native soils at a minimum of two feet beneath the chambers and test for the presence of ledge. The engineer shall verify that the stormwater systems were installed as proposed on the site plans and at the required elevations. Installation shall be documented with photographs.
 31. **Care of stockpiled materials:** Any stockpiled soil, sand or similar unconsolidated material must be stored outside of the 100-foot wetland buffer area unless otherwise authorized by these Conditions, by the Commission, or by an Agent of the Commission. Any stockpile of soil, sand, or similar materials must be enclosed within a line of entrenched and staked straw bales or siltation fence. In the event that all earthwork ceases for more than 30 days, all exposed soils must be stabilized with a temporary vegetative cover, straw mulch, or other method of erosion control accepted by the Commission.
 32. **Equipment** shall not be refueled or serviced within 100 feet of the bordering vegetated wetlands or vernal pool. A spill containment kit shall be provided on the site at all times.
 33. **Fuel storage:** No more than a total of 50 gallons of flammable or combustible chemicals relating to this project shall be stored on the site at any one time. No routine servicing of vehicles used for this project shall be permitted on the site. The Conservation Commission shall be notified prior to initiating any emergency repair on the site.
 34. **Site stabilization during construction:** During construction, bare ground that cannot be permanently stabilized shall be temporarily stabilized by a method approved by the Commission, such as jute netting or hydroseeding.



Wayland Conservation Commission Attachment to Order of Conditions

to accompany Mass. Wetlands Prot. Act M.G.L. c. 131, §40 Order of Conditions

35. **Lighting in the parking lot shall be directed away from the wetlands.** Lights shall be fully shielded and equipped with glare shields to direct the lighting down towards the parking lot. The lights shall be LEDs and mounted on posts no greater than 20 feet from the ground surface. The lights shall be set on and off with timer and not a photosensor. The parking area lights shall be controlled separately. The applicant shall consider replacing the pole light at the northeast corner of the parking lot with a shorter pathway style light fixture.
36. **The turf field shall not be plowed by either mechanical methods or hand shoveling.**
37. The grid size for the netting surrounding the field as shown on the site plan shall be no smaller than 2-inches and no greater than 2.5-inches. This condition does not apply to the mesh along the base of the field to prevent migration of infill material and synthetic grass blades.
38. A final Operation and Maintenance Plan shall be submitted to the Conservation Department at completion of the project that specifies the responsible party, inspection requirements, and corrective actions, and provides inspection templates. The final Operation and Maintenance Plan shall include the manufacturer's specification regarding the care and maintenance of the virgin EPDM infill and artificial grass carpet proposed for the field.

Upon Completion of Project

39. **Permanent soil stabilization:** Following the completion of the field and parking lot installation and grading, all exposed soils must be restored to the proposed grade per the site plans and permanently stabilized with a permanent cover. Mulch or wood chips will not be considered permanent stabilization except in small planting beds.
40. **Removal of erosion controls:** With the approval of the Commission or its Administrator, straw wattles, or other erosion control devices may be removed from the site when the surface is permanently stabilized. These shall be removed before the issuance of a Certificate of Compliance.
41. **Notification of completion of the project/Request for Certificate of Compliance:** Within 30 days of completion of the project, the applicant shall make a written request to the Commission for a Certificate of Compliance (Form WPA 8A) and shall submit the following items with the request:
 - A. **Two sets of As-Built Plans** (in 11 x 17" format) and one large scale plan based upon the NGVD datum showing the location of the proposed athletic facility as described above.
 - B. **Photographs:** Post-construction photographs shall be submitted with the COC request.
 - C. **Two copies of a Compliance report** and detailed narrative prepared by the Professional Engineer or P.L.S. certifying compliance with this Order of Conditions. Any conditions not in compliance need to be addressed. Any deviations or changes to the approved plans need to be noted with information as to any corrections undertaken.
 - D. **An electronic copy** of the as-built plans and the compliance report shall be submitted to Conservation@wayland.ma.us (if this is not possible please contact the Commission).

Conditions In Perpetuity

The following conditions must be included on the Certificate of Compliance, and must continue in perpetuity. The property owner will have the right to request from the Conservation Commission an amendment to the conditions in perpetuity. If, in the judgment of the Commission, the proposed amendment will not detrimentally affect the values of the wetland resource areas, the Commission will amend this Order or the Certificate of Compliance.

42. **Limit of Alteration:** no expansion within the 30-foot wetland buffer area is allowed. Removal of invasive plants and establishment of native plants are allowed as part of the Order of Conditions.
43. Annual **stormwater inspection reports** shall be submitted to the Conservation Department.



Wayland Conservation Commission Attachment to Order of Conditions

to accompany Mass. Wetlands Prot. Act M.G.L. c. 131, §40 Order of Conditions

44. **Disposal of yard waste:** Yard waste or other debris cannot be disposed in the wetland buffer zone. Every effort should be made to remove disposed yard waste within the wetlands and wetland buffer area.
45. **Litter removal:** the applicant shall provide litter barrels to collect waste generated by users and spectators of the turf field. The applicant shall secure regular disposal of the litter barrels.
46. **Field maintenance shall be the responsibility of the Town.**
47. **Prohibition of Chemical Applications**
 - A. **Deicing salts:** Only calcium-based deicing chemicals may be used on surfaces where runoff or drainage will discharge into wetland or riverfront resource areas. This condition is ongoing and does not expire with the expiration of the Order of Conditions or the issuance of a Certificate of Compliance.
 - B. **Lawn fertilizer:** No fertilizer may be applied within the wetland resource area (within the 100-foot buffer zone). This condition is ongoing and does not expire with the expiration of the Order of Conditions or the issuance of a Certificate of Compliance.
 - C. **Herbicide or Insecticides:** No herbicides or insecticides shall be used on the lawns or grounds located within the 100-foot wetland buffer zone except with the prior written permission of the Commission.
 - D. **Sprinkler systems:** No underground sprinkler systems shall be installed or reconnected within the 100-foot wetland buffer zone.

End of Attachment to Order of Conditions



TOWN OF WAYLAND
MASSACHUSETTS
CONSERVATION COMMISSION

Wayland's Wetlands and Water Resources Protection Bylaw
CHAPTER 194 PERMIT
412 Commonwealth Road – April 5, 2021
(Also DEP File 322-953)

Applicant/Owner: Louise Miller
Town of Wayland
41 Cochituate Road
Wayland, MA 01778

Subject Property: 412 Commonwealth Road, Wayland, MA

Deed Reference: Book 31387 / Page 167, Middlesex South Registry of Deeds

Project Description: An application filed for the construction of a new synthetic turf multipurpose field at the Loker Conservation and Recreation Area with stormwater management and temporary erosion controls within the wetland buffer zone at 412 Commonwealth Road (Loker Conservation and Recreation Area; Map 49, parcel 064B). The scope of work includes the following:

1. Construction of a new 195 x 330 foot synthetic turf multipurpose field using virgin crumb rubber infill material
2. Replacement and expansion of the existing parking lot to accommodate 62 parking spaces
3. Installation of new lighting for the field and parking lot
4. Replacement of the existing asphalt drive with a new emergency access drive
5. Earthwork and re-grading of the site to prepare a field and parking area
6. Removal of 218 trees (>6-inch diameter) that includes 45 within the 100-foot wetland buffer area

Decision: The Wayland Conservation Commission (hereinafter "Commission") voted to issue a Chapter 194 permit approving the proposed work, as conditioned herein pursuant to Chapter 194. This permit is subject to the conditions noted below and based upon the findings listed below thereafter. The Commission finds that the conditions are necessary, in accordance with the provisions of Chapter 194, to protect those interests noted in the findings.

Plan References and Documents:

1. Town of Wayland Improvements to Loker Conservation and Recreation Area (26 sheets labeled L1.00 – E3.00), prepared by Weston & Sampson, signed and stamped by Eugene Richard Bolinger, R.L.A, dated February 28, 2019.
2. Notice of Intent/Chapter 194 Application, received on March 5, 2020. [Includes Appendices A – N. See cover sheet for complete list of attachments.]
3. Stormwater Report, prepared by Weston & Sampson, revised September 10, 2018.
4. Geotechnical Engineering Report from Matthew Zanchi and Tulin Fuselier, Weston & Sampson, dated April 13, 2018.

The work shall conform to these plans *except* as herein conditioned.

Special Conditions Issued by the Wayland Conservation Commission:

CONDITIONS TO BE MET BEFORE COMMENCING PERMITTED WORK:

1. **Prior to commencing any work**, the applicant shall provide *written notice*, within five business days prior to commencing any activity permitted by this Permit, to the Conservation Administrator (Administrator).
2. **Prior to commencing any work permitted by this permit**, a copy of this permit shall be recorded at the Middlesex South Registry of Deeds.
3. **Prior to commencing any work**, the applicant shall provide a copy of this permit to the project contractor and OPM and it shall be available on site at all times during construction.
4. **Prior to commencing any work** a final copy of the EPA Construction General Permit/SWPPP shall be provided to the Commission.
5. **No work shall begin until the 10-day appeal period has expired for the Order of Conditions issued pursuant to the Wetlands Protection Act.**
6. **Prior to commencing any work**, the applicant shall provide the name and phone number of the Contractor, the foreman in charge of the project, the person responsible for all on-site erosion controls, the name of the person who shall make the inspection of the sediment barriers and the name of any alternate.
7. **Prior to commencing any work at the site**, the Administrator shall inspect the sediment barriers once they have been installed to ensure that the barriers have been properly installed. The completion of this inspection does not imply the barriers have been installed in the required location. This preconstruction site visit shall include the Administrator, contractor, and OPM.
8. **Prior to commencing any work at the site**, the applicant shall perform confirmatory test pits to verify that the soil conditions assumed during design are consistent with actual conditions and confirm that the location of the proposed infiltration system will meet the DEP stormwater regulations and allow for a minimum of two feet separation to groundwater or a confining layer prior to construction. The Administrator will be notified 48 hours in advance of the scheduled soil testing.
9. **Prior to commencing any work at the site** the applicant shall provide the Commission with a construction phasing plan detailing anticipated time periods for confirmatory soil testing, tree removal activities, construction, construction materials and equipment storage, and anticipated roadway or access drive closures. A final Environmental Protection, Section 01570 document shall be provided that addresses comments from the Conservation Administrator.
10. **Prior to commencing any work at the site**, the applicant shall provide final signed and stamped site plans based upon the NGVD to the Commission that includes the details of the physical barriers proposed for the parking area and field area to prevent amphibians gaining access to the project area and other project design changes made after the issue date of this permit. Significant changes to the site plans may require filing a new Notice of Intent.
11. **Prior to commencing any work at the site**, the applicant shall mark the boundary of the wetlands by wooden stakes or prominent flagging. The 30-foot no disturb buffer shall also be marked by wooden stakes or prominent flagging using different color flagging tape. In addition, the applicant shall clearly mark the 50-foot wide conservation land along Rice Road and the section along the northwest side of the proposed athletic field.

12. **Prior to commencing any work at the site**, the limits of work shall be laid out and staked in the field under the supervision of a P.E., P.L.S., or town surveyor who shall verify that the limit of work conforms, without exception, to the approved plans. The limit of work shall not intrude on the conservation property with the exception of the area designated for emergency access. In addition, the culvert location that connects the North pond with the West pond shall be identified and clearly marked in the field to avoid potential damage during construction activities.
13. **Prior to commencing any work at the site**, the applicant shall designate a parking area for users of the conservation area and not restrict public access to the conservation area.
14. **Prior to commencing any work at the site**, the applicant shall provide a copy of the manufacturer's specifications regarding installation, care and maintenance of the virgin EPDM infill and artificial grass carpet proposed for the field.
15. **Prior to commencing any work at the site**, the applicant shall provide notification to DEP Bureau of Waste Site Cleanup with a start date for redevelopment activities at the Loker site.

REPORTING REQUIREMENTS:

16. **There shall be at least one site inspection done while work is on-going at the site. This shall take place within thirty (30) days, or sooner** after work has started on the site. The applicant shall have a site inspection (performed during work hours at the site) by a P.E. or OPM to determine if all work is being performed in compliance with this Permit. The stormwater management system shall be inspected by a P.E. during installation. Thereafter, the applicant shall submit a written report to the Conservation Commission, from the P.E. or OPM certifying that, to the best of their knowledge and belief based upon the site inspection, the work is being done in compliance with this Permit. The inspection report shall include the DEP number, date, and time of the inspection. If the work is not in compliance, he/she will note where a deviation/s from the Permit occurred and what corrective action/s is required. Subsequent site inspections conforming to the parameters of this condition shall be conducted every 60 days after the initial site inspection and thereafter until the work is complete and the buffer zone on the site is stabilized as defined in this Permit. If needed, a final inspection/report, not less than 180 days before this Permit expires shall also be submitted to the Commission. **Failure to comply with this condition shall impact the issuance of a Certificate of Compliance and may result in the imposition of non-criminal penalties.**
17. The required compliance reports shall be submitted within five business days after the inspection.
18. **All written submissions to the Commission shall include: a date, the DEP File Number and the condition or conditions that the submission is intended to meet.** The work authorized hereunder shall be completed within three years from the date of this permit unless extended pursuant to Chapter 194. *Any extension sought must be done in compliance with this permit.*

GENERAL CONDITIONS TO BE MET DURING THE PROJECT:

19. This permit may be extended by the Commission for up to three years upon application to the Commission at least 30 days prior to the expiration date of the decision.

20. This permit does not relieve the applicant or any other person of the necessity of complying with all other applicable federal, state, or local statutes, ordinances, bylaws, or regulations.
21. Any backfill used in connection with this project shall be clean fill. Any backfill shall not contain trash, refuse, rubbish, or debris, including but not limited to wood, lumber, bricks, plaster, asphalt, electronic components, wire lath, paper, cardboard, pipe, ashes, or parts of any of the foregoing. If additional fill is required, the origin of any clean material requires documentation.
22. **Tracking on the paved road/street shall be avoided.** The paved road/street shall be swept as needed for any tracking from the on-site activities. Any evidence of failure to comply with this condition may result in the issuance of a stop-work order. A construction entrance shall be constructed to avoid persistent tracking on the paved road/access drive.
23. Any catch basins on or adjacent to and down gradient from the site shall be protected by Silt Sacks while construction is ongoing at the property. Silt Sacks shall be maintained and cleaned weekly of sediments until all areas associated with the work permitted by this Order have been permanently stabilized. **They shall be monitored at least weekly and after major (2.5" in 24 hrs) storm events to ensure proper function and removed immediately after construction has been completed.**
24. The installation of sediment barriers should be done by hand or with equipment designed to minimize the amount of land disturbed.
25. Sediment barriers shall be a minimum of 10-inch diameter straw wattles, unless an alternative has been approved prior to installation by the Commission, and shall be installed around the perimeter of the project as shown on the plan referenced in this permit. The location of the sediment barriers shall serve as the limit of work and shall not intrude on the conservation designated land with the exception of the emergency access location.
26. A small supply of straw wattles and silt fence shall be stockpiled for emergency use only. The applicant shall immediately control any erosion/sedimentation problems that occur on the site. They shall also immediately notify the Commission if any corrective action has been required. The need for any additional erosion/sedimentation shall be implemented by the applicant.
27. Failure to comply with all conditions stated herein, and with all related statutes and other regulatory measures, shall be deemed cause to revoke or modify this Permit.
28. No permanent drainage structure shall be used as a temporary sedimentation basin or for erosion control during construction.
29. Any dewatering or draw down activities shall not be directly discharged into a resource area or catch basin. The Commission's approval does not alter the need for the work to be conducted in compliance with State or Federal regulations and permitting applicable to construction dewatering. See Mass DEP requirements for Permit #BRP WM10 including submission to EPA for coverage under the Federal General Permit for Construction Dewatering. <http://mass.gov/dep/water/approvals/wm10.pdf> **Any dewatering shall be approved, in advance, by the Commission or Administrator. Thereafter, prior to commencing any dewatering, the contractor shall provide a minimum of 24 hours written notice (excluding weekends) to the Conservation Administrator.**
30. There shall be no stockpiling of soil or other materials within 100 feet of the wetland area except as depicted on the plan referenced in this decision. Any erodible material stockpiled overnight shall be covered with plastic or canvas, or stabilized in a manner acceptable to the

Commission to prevent soil from entering any resource area. Stockpiles shall also be contained with straw bales around the perimeter of the pile. Stockpiling shall be minimized.

31. Equipment shall not be refueled or serviced within 100 feet of the riverfront, wetlands, and any other resource area or within the buffer zone except as conditioned herein. **The equipment shall be refueled in the area designated on the site plan.**
32. No more than a total of 50 gallons of flammable or combustible chemicals relating to this project shall be stored on the site at any one time. No routine servicing of vehicles used for this project shall be permitted on the site. The Conservation Commission shall be notified prior to initiating any emergency repair on the site.

SITE SPECIFIC CONDITIONS

33. All disturbed or exposed areas shall be brought to final finished grade and stabilized with loam and seed. The proposed grading indicates steep slopes around the perimeter of the field and on the southeast and south side of the parking area. These areas shall be protected with jute netting and replaced as necessary until the conservation seed mix has germinated, the seedlings are well established, and the area is considered stabilized.
34. Prior to construction of the new field, the locations of two surface water sampling locations shall be specified by the Commission. One surveyed and staked location will be designated in the North and West ponds. One round of samples shall be collected to establish a baseline condition for total and dissolved benzene, arsenic, styrene, cadmium, chromium, copper, lead, silica, zinc, hardness, and SVOCs including the phthalates BBP, DBP, DEHP, DIBP and PFAS. Detailed reports including analytical results shall be submitted to the Commission or its Administrator upon receipt from the analytical lab.
35. In addition to the above-noted sampling, after the infill has been installed the Applicant shall sample surface water from the North and West ponds for the above-noted substances within 72 hours of any 24-hours rain event of greater than 3.2 inches. Detailed reports including analytical results shall be submitted to the Commission or its Administrator upon receipt. The Applicant may suspend sampling after precipitation events if three consecutive analytical sets of results report levels of the parameters listed in Condition 33 similar to the initial baseline levels or below surface water standards.
36. The National Ambient Water Quality Criteria of MCP Method 1 GW-3 or, in the absence of applicable standards for testing particular substances, any peer-reviewed regulatory guidelines shall be used for sampling testing. In the event that sampling results for the parameters listed in Condition 33 exceed the baseline conditions or the DEP surface water standards by 20% or more, the Applicant shall evaluate the source of elevated levels with the goal of restoring baseline conditions. An investigation to evaluate the source of the elevated levels shall commence within 90 days of the exceedance.
37. The Applicant shall submit to the Commission for review and approval a protocol and plan for monitoring any migration of infill material and synthetic grass blades from the synthetic turf field to the wetland buffer zone. The plan shall include installation of screens in the stormwater system below grade in the cleanout locations and the overflow discharge pipe to intercept the infill material and synthetic grass blades for monitoring and quantification. Monitoring shall be done monthly or after every 24-hour rain event of greater than 3.2 inches for the first year of operation. The frequency of monitoring after the first year of operation shall be determined based on the first year results and may be less frequent if the migration of material is insignificant. Maintenance of the screens shall

be performed according to the vendor's standard maintenance practices. Detailed reports shall be submitted to the Commission or its Agent within 72 hours of monitoring. In the event that the screens are clogged with infill material or synthetic grass blades, the Applicant shall evaluate methods to control the migration of infill material or synthetic grass blades. These recommendations shall be submitted to the Commission for review and approval within 90 days of the observation.

38. Any excess excavated material shall be removed from the site and disposed of legally. Asphalt pavement, brick, concrete, and any onsite recycling shall be processed in accordance with 310 CMR 16.03(2)(b)5, including the requirement to notify the Board of Health 30 days prior to commencement of recycling operations. Evidence shall be provided demonstrating compliance with this condition.
39. Any evidence of contaminated material unearthed during excavation activities shall immediately halt the project until a Licensed Site Professional evaluates the contaminated material and prepares a response action. A Licensed Site Professional shall be on-call during all excavation activities for the field and parking area.
40. The Applicant shall mitigate for the removal of 45 trees from the wetland buffer zone in accordance with Plan number L6.00 – Overall Planting Plan (dated February 28, 2019). Replacement plantings that do not survive for at least two growing seasons must be replaced. No Certificate of Compliance shall be issued if the plants have not been established for at least two growing seasons.
41. A professional engineer shall witness the confirmatory test pits (see condition 8) and oversee the installation of the stormwater drainage system. The depth of excavation and elevation of the bottom of the systems shall be field verified and photographs shall document the installation. The depth to ledge and the groundwater elevations shall be documented in the field log.
42. The lighting in the parking lot shall be directed downwards, fully shielded and equipped with glare shields to direct the lighting to the parking lot and to protect the wetlands, vernal pool, and buffer area from receiving artificial lighting. The lights shall be LEDs and mounted on posts no greater than 20 feet from the ground surface and shall be switched on and off with a timeclock and NOT a photosensor. The parking area lights shall be controlled separately. The applicant shall consider replacing the pole light at the northeast corner of the parking lot with a shorter pathway style lighting.
43. The lighting in the field and parking area shall be turned off in the evening when activity on the field has ceased. The Administration shall monitor the critical periods during vernal pool migration and shall direct the Recreation Department when the field and parking lights shall be turned off during wet weather in late March to mid-April and in mid- to late summer.
44. The turf field shall not be plowed by either mechanical methods or hand shoveling.
45. The grid size for the netting surrounding the field as shown on the site plan shall be no smaller than 2-inches and no greater than 2.5-inches. This condition does not apply to the mesh along the base of the field to prevent migration of infill material and synthetic grass blades.
46. A final Operation and Maintenance Plan shall be submitted to the Conservation Department at completion of the project that specifies the responsible party, inspection requirements, and corrective actions, and provides inspection templates. The final Operation and Maintenance Plan shall include the manufacturer's specification regarding the care and maintenance of the virgin EPDM infill and artificial grass carpet proposed for the field.

CONDITIONS TO CONTINUE IN PERPETUITY– *These Conditions shall remain in force permanently and be recorded on the Certificate of Compliance.*

47. No composting and/or dumping of debris are permitted within 100' of a wetland resource area.
48. No underground sprinkler systems shall be installed within the wetland buffer area.
49. The applicant shall clearly delineate the 30-foot no disturb wetland resource area in the vicinity of the upper pond with native shrubs as shown on the Overall Planting Plan. A no disturb area between the parking area and the North Pond shall be delineated and protected to prevent access to this area.
50. No de-icing chemicals shall be used on any paved surface located within the 100-foot wetland buffer except with the prior written permission of the Commission. The Commission will consider the use of calcium chloride.
51. No pesticides, herbicides, or insecticides shall be used on the grounds located within the 100-foot wetland buffer, except with the prior written permission of the Commission.
52. The Facilities Department shall be responsible for all maintenance required for the operation of an artificial turf field, including the stormwater management. Annual stormwater inspection reports shall be submitted to the Conservation Department by December 31st of each year. Department of Public Works shall be responsible for maintenance activities outside the turf field.

CONDITIONS ADDRESSING PROJECT COMPLETION:

53. The Conservation Commission and/or Conservation Administrator may require the removal and dispersal of the erosion controls after the site has been fully stabilized to their satisfaction. Sediment barriers may also be removed if, upon a required site inspection, the P.E. or P.L.S. has certified that the site is permanently stabilized.
54. The applicant shall submit a request for a Certificate of Compliance not less than 60 days before this decision expires. That request shall include the following items:
 - a. The request for a Certificate of Compliance shall be submitted with a **detailed narrative** (signed original plus two hard copies and electronic submittal) signed by a P.E. registered in the Commonwealth of Massachusetts, which lists conditions that were **not** complied with and the reasons for non-compliance and details the manner and extent of any deviations from compliance with any condition. This narrative shall certify compliance with the approved plans referenced above and this Permit and setting forth any deviation/s that exist with a note as to how it/they may be corrected. Work that is not complete shall be detailed in a schedule of planned completion dates prior to expiration of the Permit with a certification to the commitment of resources by an authorized official representative of the applicant to complete the work prior to expiration of the Permit.
 - b. Two sets of 11 x 17 inch as-built site plans and two full size plans shall be prepared and stamped by a registered land surveyor or registered professional engineer showing the project site including wetland resource areas, grades, utilities, and landscaping. These plans shall include the date/s of fieldwork. **The plan shall be based upon the NGVD datum and indicated on plan.**

- c. A copy of the as built and the request for a Certificate of Compliance including the narrative shall be submitted electronically (in .pdf format) to the Conservation Department at conservation@wayland.ma.us.
- d. A Chapter 194 Form properly filled out for a Certificate of Compliance.

This decision is not valid without a signature sheet.
The page numbering does not include the signature sheet.
This Permit expires on April 5, 2024
If necessary, an extension must be filed by March 5, 2024.

Findings:

- a. Chapter 194 requires filing an application for any work to be done in a resource area – work is proposed in resource areas for this project.
- b. The resource areas that have been identified in the application are: Vegetated Wetlands and associated Buffer Zones, Land under Water, and Bank.
- c. These resource areas identified have values relating to: the protection of public and private water supplies, prevention of pollution, wildlife habitat, prevention of flooding, prevention of storm damage, protection of ground water, unusual plants, wildlife, wildlife habitat, and passive recreation.
- d. The project site is located within the Charles River Watershed and is thus subject to the total maximum daily load for phosphorus assigned to the watershed.
- e. A public hearing was opened and closed on March 3, 2021.
- f. The minutes of the hearings are incorporated as part of the record for this decision.
- g. Inspections by a P.E. will be required given the scope of the work, the proximity of sensitive habitats, and the importance of having the stormwater system properly installed.
- h. Discovery of additional resource areas, not identified in the wetlands report, will be grounds to find this decision to be incomplete, inaccurate, and/or invalid.
- i. This decision is intended to run concurrently with the Order of Conditions issued pursuant to the Wetlands Protection Act for DEP File 322-953.
- j. The requirements and findings of this permit are consistent with the provisions of Chapter 194. As noted above, the wetland buffer zone is a resource area as defined by Chapter 194 – those conditions have been adopted as part of this decision.
- k. **This decision does not permit the installation of any temporary or permanent underground sprinkler system.**
- l. The Commission requires the replacement of any tree cut that is greater than 6” diameter at breast height (dbh). Forty-five trees are permitted for removal within the wetland buffer area and shall be compensated per the Overall Planting Plan. Another 218 trees are approved for removal outside the wetland buffer and require mitigation.
- m. Nothing in this decision is intended to permit an increase in rate or volume of water discharged from the applicant’s property onto the property of others as a result of work being permitted by this decision.
- n. The Commission will accept an alternative sediment barrier providing the specifications for these have been submitted to the Commission for their approval.
- o. To protect wetland areas from disturbance by invasive plants, the Commission requires that landscaping be achieved with native noninvasive plants according to *The Vascular Plants of Massachusetts: A County Checklist* (First Revision 2011) by Melissa Dow Cullina, Bryan Connolly, Bruce A. Sorrie and Paul Somers, for work in a resource area or buffer zone. A cultivar may be accepted as a substitute plant on a case-by-case basis.

- p. All excess excavated material shall be removed from the site.

- q. A growing season, for the purposes of interpreting this Permit, is considered April through October of any given year.
- r. Discharges to the wetland resources, or the Town drainage system, if not properly permitted by DEP or EPA, are prohibited.
- s. During construction, precautions must be taken to avoid accidental spills of oils or hazardous materials in or near the river or wetland resources or other resource areas. Precautions include limiting where equipment is serviced and refueled, having spill containment kits at the site, and taking steps to avoid spills and accidents.
- t. **Any deviation from the approved, detailed plan will require a formal determination by the Commission as to whether this decision may be modified or a new filing will be required.**
- u. Failure to comply with the conditions of this permit is a violation of the Wetlands Bylaw. Violations of Chapter 194 may result in the imposition of non-criminal penalties in the amount of \$300 in addition to other remedies available. Each day the violation exists may be considered a separate violation of the Bylaw.
- v. Site plans shall be based upon the National Geodetic Vertical Datum (NGVD) and indicated on plan.
- w. Submission of an as-built plan showing significant deviations from the approved plan may result in a requirement to file a new application, enforcement action, or other actions as deemed appropriate by the Commission.
- x. Any required approval by the Commission may be provided within 21 business days unless additional information is requested.
- y. Any required approval or action by the Conservation Administrator may be taken within 12 business days unless additional information is requested.
- z. The Conservation Commission may consider revoking this permit in the event the material presented during the hearing and/or on the plans is found to be different from material provided to another Board, Commission or official for work other than that described to the Conservation Commission during the public hearings.



TOWN OF WAYLAND
41 COCHITUATE ROAD
WAYLAND, MASSACHUSETTS 01778

CONSERVATION COMMISSION


SEAN FAIR, CHAIR
BARBARA HOWELL, VICE CHAIR
JOANNE BARNETT
TOM DAVIDSON
KATHY SCHREIBER
LUKE LEGERE
JOHN SULLIVAN

CHAPTER 194 PERMIT
WETLANDS AND WATER RESOURCES PROTECTION BYLAW

Signature Sheet

412 Commonwealth Road
(DEP File No. 322- 0953)
Issue Date: April 5, 2021

Signatures:

	
Linda Hansen, Conservation Administrator	
Duly authorized to sign by a vote recorded with the Middlesex South Registry of Deeds in Book 76194, Page 396	

By hand delivery

By certified mail, return receipt requested, on

April 5, 2021
Date

Date