



**TOWN OF WAYLAND**  
MASSACHUSETTS  
01778  
**CONSERVATION COMMISSION**

TOWN BUILDING  
41 COCHITUATE ROAD  
TELEPHONE: (508) 358-3669  
FAX: (508) 358-3606

Wayland's Wetlands and Water Resources Bylaw  
CHAPTER 194 PERMIT  
430 Boston Post Road – July 12, 2011  
(Also DEP file 322-752)

**Project Description:** An application for limited groundwater investigation via temporary points in the buffer zone and the construction of an injection trench and injection wells in the buffer zone to improve performance of the existing bioremediation at 430 Boston Post Road, Wayland, MA. The property is shown on Wayland's Assessor's Map 23, Parcels 52C and 52D.

**Decision:** The Conservation Commission approves the project, based upon the findings listed below and subject to the **41** conditions listed in this decision. The Conservation Commission finds that the conditions are necessary, in accordance with the provisions of Chapter 194, to protect those interests noted in the findings. The Commission orders that all work shall be performed in accordance with said 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.

**Plan Reference/s:** **Figure 1 – “Site Locus Map”, Former Raytheon Facility – Wayland, MA, ERM, undated; Figure 2, “Proposed Injection Well and Infiltration Chamber Plan”, Former Raytheon Facility, Wayland, Massachusetts, iesi, Feb 2011; Figure 3, “Proposed Injection Well and Infiltration Chamber Detail”, Former Raytheon Facility Wayland, Massachusetts, iesi, Feb 2011; and Figure 4 – Erosion Control Measure Detail, Former Raytheon Facility, Wayland, MA, ERM, undated. The work shall conform to the plans except as herein conditioned.**

**Conditions for Approval:** The Conservation Commission approves the project, based upon the findings noted above and subject to the **41** conditions listed below. The Conservation Commission finds that the conditions are necessary, in accordance with Performance Standards set forth in the regulations and/or in Chapter 194, to protect those interests noted above in the findings. The Commission orders that all work shall be performed in accordance with said 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.**

1. There is an outstanding balance of \$2,500 from prior projects that is to be used as the performance guarantee. A contractor, subcontractor, or other party shall not

submit this guarantee – it shall be provided by the applicant and/or property owner, as applicable.

2. **Prior to commencing any work** permitted by this decision a copy of the decision shall be filed at the Middlesex South Registry of Deeds.
3. The work shall conform to the plans and special conditions referenced in this permit.

**Special Conditions Effective prior to any Alteration, Excavation, or Construction**

4. **No work shall be undertaken** until the Conservation Commission has received an affidavit from the applicant attesting to the completeness of the plans referenced in this decision.
5. This Permit shall apply to any successor in interest or successor in control of this property. The Conservation Commission shall be notified in writing, at the time of such transfer, or any transfer in title for all or part of the property that occurs prior to the issuance of the Certificate of Compliance. Prior to any transfer of title the Order of Conditions shall be filed at the Registry of Deeds. A lack of such required written notification to the Conservation Commission shall delay the issuance of the Certificate of Compliance.
6. All written submissions to the Conservation Commission shall include: a date, the DEP File Number, and the condition or conditions that the submission is intended to meet.
7. In the event the applicant believes that an item required in any condition has been provided to the Commission prior to the issuance of this Permit formal notice of the document, the date of the document, and any other reference to the item shall be provided with a notation as to which condition the applicant believes the item satisfies. Commission may elect to require independent monitoring of the activities in the event an activity is found to be non-compliant with this decision.
8. The applicant shall keep a daily log when work is being conducted that lists the type and number of pieces of equipment being used, the hour that the operation began and the time that work stops that day, the name or names of the supervisor for the work being conducted, the name or names of the Company/Corporation operating any equipment, and the name or names of persons representing the applicant on the site during working hours. This log shall be made available to the Conservation Commission or agent of the Commission upon request and a copy of it shall be made available within 48 hours when requested.
9. **Prior to commencing any work** the applicant shall provide the Conservation Commission the name of the person responsible for assuring compliance with the daily inspection of, repair to, and maintenance of the sediment barriers. A daily log shall be

kept with a signature by the person responsible for inspecting sediment barriers and all other erosion/sediment control measures.

10. The Conservation Commission shall receive notice by the applicant or a duly authorized representative not less than two nor more than five business days **prior to the commencement of any activity on the site**. Failure to comply with this condition shall result in a directive to cease any activity. In the event that work ceases on the site for a period of time greater than five days, this condition shall again apply prior to recommencing work on the site. All conditions requiring additional information prior to commencing work shall be met prior to submitting this notice. E-mail shall not be considered written notice.

11. A sediment barrier **consisting of filter fencing** and staked hay bales shall be installed as described in the Notice of Intent and consistent with this decision. The location of this barrier shall be located as shown on the approved plan and as conditioned herein. ***The Conservation Commission may accept an alternative sediment barrier providing the specifications for these have been submitted to the Commission for formal action at a Commission meeting or have been previously approved by the Conservation Commission.***

12. **Prior to commencing any work at the site** the applicant shall give the Commission a written list of the names, addresses, business phone number and home phone number of both the project supervisor who will be responsible for ensuring on-site compliance, with particular attention given to maintaining the required sediment and erosion controls, with this Order and his or her alternate. In the event another individual is responsible for maintaining the sediment barriers this person shall also be identified in this notice.

13. A copy of this Permit shall be included in any bid document.

14. A copy of this Permit shall be provided to the project supervisor and shall be available on the site at all times during construction. If more than one operation is ongoing at a time each operator shall have a copy of these conditions at the site.

15. **Prior to commencing any work at the site** the Conservation Commission or Conservation Administrator shall inspect the sediment barriers once they have been installed to ensure that the barriers have been properly installed.

16. **Prior to commencing any work at the site** the applicant shall provide an estimate of the total disturbed area, including the access roads that will be anticipated to conduct the program permitted by this decision.

17. Conservation 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>

18. Portable sanitary facilities shall be provided while work is being done at the site. The facility or facilities shall not be located within a resource area or within 100 feet of a resource area.

19. There shall be a preconstruction conference on the site between the contractor who will do the work, the project engineer (at the discretion of the applicant), and Conservation Administrator. The purpose of the pre-construction meeting is to allow for final inspection of the site prior to construction and to answer any questions regarding these conditions. No change in the conditions or plan is permitted. All parties shall be provided with a minimum of 48 hours (excluding weekends and holidays) notice of the pre-construction meeting.

20. If stockpiling is required, the soil stockpiled 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 hay bales around the perimeter of the pile. Clean soils shall be segregated from contaminated soils and all stockpiles shall be covered until moved or used as backfill.

21. The applicant shall take photographs of the site before and after work is conducted. A set of the before photography shall be provided before work starts on the site and a final set of photographs at the conclusion of the project.

22. The applicant shall give a copy of any test results to the Conservation Commission within 10 days of receipt.

**Special Conditions Effective upon Commencement of Alteration, Excavation or Construction (Issued by the Wayland Conservation Commission):**

23. No permanent drainage structure shall be used as a temporary sedimentation basin or for erosion control during the permitted activity.

24. Equipment shall not be refueled or serviced within 100 feet of the bordering vegetated wetlands or within bordering land subject to flooding. **Prior to commencing any activity within the buffer zone or a resource area the applicant shall provide documentation to the Conservation Commission as to how they will achieve compliance with this Condition.**

25. A spill containment kit shall be kept with any drilling unit used on the site.

26. At least every other week, beginning the first week of construction, in which construction activity occurs on site and for as long thereafter as the ground remains unstabilized, after the completion of work within the buffer zone the applicant shall submit a written report to the Conservation Commission from a Registered Professional Engineer. The Registered Professional Engineer shall certify that, to the best of his/her knowledge and belief based upon careful site inspections (conducted during work hours at the site not less than weekly) all work is being performed in compliance with the

Order of Conditions and this Permit. If the work is not in compliance, he/she will note where a deviation from the Order occurred and what corrective action is needed to achieve compliance with this Order. These reports may be stopped if work ceases for a period of more than five days and the work is in conformance with this Permit. If the reports are stopped no work may occur, except for maintenance of the sediment barriers, until the Conservation Commission is given written notice, as required by this Permit of the intent to recommence work.

27. The required reports shall be submitted within five business days after each required written report (the second inspection of each cycle). Not less than 15% of the performance bond shall be forfeited if this condition is not met.

28. Disturbed ground that cannot be permanently stabilized within 30 days shall be stabilized by temporary measures, such as jute netting, seed free straw, or other method accepted in advance by the Commission. This shall be specifically addressed in the site inspection reports required by this Permit.

29. All disturbed or exposed areas outside bordering vegetated wetlands shall be brought to final finished grade and stabilized with loam and seed. Permanent seeding shall conform to the specifications in "Massachusetts Erosion and Sediment Control Guidelines for Urban and Suburban Areas", prepared by Franklin, Hampden, Hampshire Conservation Districts, Northampton, MA, March 1997; pages 175 – 183, except as modified by these conditions. This shall be specifically addressed in the site inspection reports required by this Permit.

30. Any dewatering activities shall not be directly discharged into a wetland resource area. **The dewatering method has been defined in the application and shall be implemented as specified in the application. A copy of the specifications for dewatering provided to the on-site contractor shall be given to the Conservation Commission who may formally note any change from the narrative in the application. Changes may require formal action by the Commission.**

31. Excavated soils exhibiting no evidence of contamination may be re-introduced into the excavated area and used as backfill. The Commission will seek formal evidence of testing of soils re-used on the site prior to backfilling.

32. Pesticides, herbicides, and fungicides shall not be used within the wetland, floodplain, buffer zone or riverfront area for activities associated with this project. Fertilizers may be used if it is a slow release fertilizer and has been approved in advance by the Conservation Commission. **This condition shall be noted in the Certificate of Compliance.**

33. Any debris, which falls into any pond, stream, or wetland, shall be removed immediately by hand. All construction debris shall be properly disposed of off the site. Documentation that this condition has been met shall be submitted with, or before, seeking a Certificate of Compliance.

34. A supply of straw bales (seed-free), silt fence, and organic filter fabric shall be stockpiled for emergency use only. The applicant shall immediately control any erosion/sedimentation problems that occur on the site and shall also immediately notify the Commission. Any additional erosion/sedimentation controls found to be necessary by either the applicant or the Commission during construction shall be implemented by the applicant, with the approval of the Commission. The applicant shall immediately control any erosion/sedimentation problems that occur on the site and shall also immediately notify the Commission.

35. There shall be no more than a total of 50 gallons of flammable or combustible chemicals relating to this project 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.

36. Any deviation from this Permit or the work program outlined in the Notice of Intent shall be immediately made known to the Conservation Commission in writing.

37. No de-icing chemicals shall be used on any surface located within the 100-foot buffer zone, except with the prior written permission of the Commission.

38. By acceptance of this Permit and commencement of work authorized herein, the applicant, owner, and their respective agents, assign, and successors in title agree to indemnify, defend and hold harmless the town for any damages that might occur on or off the subject property, or any legal claims which may be attributable to any alterations undertaken or construction performed on the subject property pursuant to this Permit. Issuance of this Permit does not in any way imply or certify that the subject property or downstream or adjacent properties will not be subject to flooding, storm damage, or any other form of water damage that might result from alterations undertaken or construction performed on the subject property pursuant to this decision.

**Special Conditions Taking Effect after Completion of the Project**  
**(Issued by the Wayland Conservation Commission):**

39. 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.

40. The applicant shall use [WPA Form 8A] to request a Certificate of Compliance and shall submit the following items with his request:

- a) A detailed narrative, and five copies, prepared by a Professional Engineer or Professional Land Surveyor registered in the Commonwealth of Massachusetts specifically addressing each condition and certifying compliance with the approved plans referenced above and this Permit

and setting forth any deviations that exist with a note as to how it may be corrected. **This request shall be submitted not later than 180 calendar days prior to the expiration of this decision.** Work that is not complete shall be detailed in a schedule of planned completion dates prior to expiration of the decision 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 decision.

- b) Five sets of as-built site plans shall be prepared by a registered land surveyor or registered professional engineer showing the wetland resource areas, grades, utilities, building footprint and landscaping. These plans shall include the date/s of fieldwork.
- c) A copy of the as-built shall be submitted on a computer disk in AutoCAD format dxf, dwg or may be e-mailed to the Town Surveyor at MTB\_surveyor@msn.com (if this is not possible please contact the Commission).

41. The work authorized hereunder shall be completed within three years from the date of this decision except as herein conditioned. A request for an Extension shall be filed with the Conservation Commission not less than thirty days prior to the expiration date of this decision.

**This Permit expires on July 12, 2014.  
If necessary, an extension should be filed before June 1, 2014.**

***This decision is not valid without a signature sheet.***

**Findings:**

- a. The resource areas on and near the location where the proposed remediation will occur include buffer zone and wetlands.
- b. All wetlands, bordering or isolated, have a 100-foot buffer zone pursuant to Chapter 194.
- c. Wayland's Wetland Bylaw, Chapter 194, establishes land within 100 feet of bordering land subject to flooding, the buffer zone as a resource area.
- d. These resource areas 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, and fisheries.
- e. The Conservation Commission has considered information such as the report "Buffer Zones and Beyond – Wildlife use of Wetland Buffer zones and their Protection under the Massachusetts Wetland Protection Act", by Lynn Boyd, Department of Natural Resources Conservation, University of Massachusetts, July, 2001 and: "Wetland Buffers: Use and Effectiveness" prepared for the Washington State Department of Ecology, February 1992.
- f. Piping is to be installed below ground.

Wetlands and Water Resources Permit  
Wayland's Bylaws Chapter 194  
July 12, 2011  
430 Boston Post Road, Wayland  
Map 23, Parcels 52C and 52D  
Page 8 of 9

- g. The public hearing was opened on March 31, 2011 and continued to April 12, 2011 and April 28, 2011 at which time the hearing was closed. The minutes of these meetings are considered part of the record for this decision.
- h. Some piping is being removed to prevent freezing.
- i. It is the responsibility of the applicant to ensure that the Conservation Commission's record is complete, up to date, and accurate.
- j. The Commission discussed, generally, permitting for de-commissioning wells. The applicant has a number of wells throughout the site, some of which are in resource areas.
- k. 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.
- l. A Storm Water Pollution Prevention Plan (SWPPP) is required for construction on a site of more than one acre.
- m. Sediment barriers need to be used to protect the wetlands from disturbed soils resulting from the disturbance of the site.
- n. Sediment barriers, as defined by this decision, are staked hay bales and sediment fence, unless otherwise specified.
- o. Sediment barriers need to be properly installed and maintained until any disturbed area within 100 feet of a resource area is stabilized.
- p. The area has values for wildlife habitat. The applicant must take measures to prevent the accidental trapping of wildlife in the excavation area.
- q. A growing season, for the purposes of interpreting the Order of Conditions, is considered April through October of any given year.
- r. To protect wetland areas from disturbance by invasive plants, the Conservation Commission requires that landscaping be achieved with native noninvasive plants according to *The Vascular Plants of Massachusetts: A County Checklist* by Bruce A. Sorrie and Paul Somers for those work in a resource area or buffer zone. A cultivar may be accepted as a substitute plant on a case-by-case basis.
- s. Excess material will be disposed of legally. The Commission will require documentation of compliance with this requirement.
- t. Other permits may include, but are not limited to; street opening permits, Board of Health approvals, state and federal permits.
- u. The Commission's decision is not intended to permit a person or activity to infringe upon the property of others.
- v. During construction precautions must be taken to avoid accidental spills of oils or hazardous materials in or near the wetlands 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.
- w. The Commission's decision does not confer property rights onto the applicant.



Wetlands and Water Resources Permit  
Wayland's Bylaws Chapter 194  
July 12, 2011  
430 Boston Post Road, Wayland  
Map 23, Parcels 52C and 52D  
Page 9 of 9

- x. Submission of an as-built plan showing 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.
- y. The Conservation Commission must be informed immediately of any change in the program as defined in the Notice of Intent and modified by these conditions. Failure to immediately notify the Commission is considered non-compliance with this permit.
- z. **The Conservation Commission must review changes in plans before any change(s) is (are) implemented. A change may require the filing of a new Notice of Intent or an Amendment to the Order of Conditions either of which necessitate a public hearing.**
- aa. Section 194-9 of the Wetlands and Water Resources Bylaw permits the Commission secure the performance and observance of the conditions imposed herein by a proper bond or deposit of money or negotiable securities. 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.



TOWN OF WAYLAND  
MASSACHUSETTS  
01778  
**CONSERVATION COMMISSION**

TOWN BUILDING  
41 COCHITUATE ROAD  
TELEPHONE: (508) 358-3669  
FAX: (508) 358-3606

**CHAPTER 194 PERMIT**  
WETLANDS AND WATER RESOURCES PROTECTION BYLAW

Signature Sheet

*(322- 752 ) - 430 Boston Post Road*

Wayland Conservation Commission:

 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Date issued: \_\_\_\_\_

This Permit is issued to the applicant as follows: \_\_\_ by hand delivery on \_\_\_\_\_  
\_\_\_ by certified mail on \_\_\_\_\_



**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:  
 322-752  
 MassDEP File # \_\_\_\_\_  
 eDEP Transaction # \_\_\_\_\_  
 Wayland  
 City/Town

**A. General Information**

Please note:  
 this form has  
 been modified  
 with added  
 space to  
 accommodate  
 the Registry  
 of Deeds  
 Requirements

**Important:**  
 When filling  
 out forms on  
 the  
 computer,  
 use only the  
 tab key to  
 move your  
 cursor - do  
 not use the  
 return key.



1. From: Wayland  
 Conservation Commission

2. This issuance is for (check one):  
 a.  Order of Conditions b.  Amended Order of Conditions

3. To: Applicant:  
 Louis Burkhardt  
 a. First Name b. Last Name

Raytheon Company  
 c. Organization

880 Technology Park Drive, MS 3-3029  
 d. Mailing Address

Billerica MA 01821  
 e. City/Town f. State g. Zip Code

4. Property Owner (if different from applicant):  
 Frank Dougherty  
 a. First Name b. Last Name

Twenty Wayland LLC c/o KGI Properties  
 c. Organization

10 Memorial Boulevard, Suite 901  
 d. Mailing Address

Providence RI 02903  
 e. City/Town f. State g. Zip Code

5. Project Location:  
430 Boston Post Road Wayland  
 a. Street Address b. City/Town

23 52C and 52D  
 c. Assessors Map/Plat Number d. Parcel/Lot Number

Latitude and Longitude, if known:                                
 d. Latitude e. Longitude



**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;  
 322-752  
 MassDEP File # \_\_\_\_\_  
 eDEP Transaction # \_\_\_\_\_  
 Wayland  
 City/Town

**A. General Information (cont.)**

6. Property recorded at the Registry of Deeds for (attach additional information if more than one parcel):  
 Middlesex South  
 a. County \_\_\_\_\_ b. Certificate Number (if registered land) \_\_\_\_\_  
 c. Book \_\_\_\_\_ d. Page \_\_\_\_\_
7. Dates:      March 14, 2011      April 28, 2011      July 12, 2011  
 a. Date Notice of Intent Filed      b. Date Public Hearing Closed      c. Date of Issuance
8. Final Approved Plans and Other Documents (attach additional plan or document references as needed):  
 See Attachment A  
 a. Plan Title \_\_\_\_\_  
 b. Prepared By \_\_\_\_\_ c. Signed and Stamped by \_\_\_\_\_  
 d. Final Revision Date \_\_\_\_\_ e. Scale \_\_\_\_\_  
 f. Additional Plan or Document Title \_\_\_\_\_ g. Date \_\_\_\_\_

**B. Findings**

1. Findings pursuant to the Massachusetts Wetlands Protection Act:  
 Following the review of 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 (the Act). Check all that apply:
- a.  Public Water Supply      b.  Land Containing Shellfish      c.  Prevention of Pollution  
 d.  Private Water Supply      e.  Fisheries      f.  Protection of Wildlife Habitat  
 g.  Groundwater Supply      h.  Storm Damage Prevention      i.  Flood Control
2. This Commission hereby finds the project, as proposed, is: (check one of the following boxes)

**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.



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:  
 322-752  
 MassDEP File #

eDEP Transaction #  
 Wayland  
 City/Town

**B. Findings (cont.)**

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 the 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 Act's interests, 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 310 CMR 10.02(1)(a) unknown  
 a. linear feet

**Inland Resource Area Impacts:** Check all that apply below. (For Approvals Only)

Resource Area	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
4. <input type="checkbox"/> Bank	a. linear feet	b. linear feet	c. linear feet	d. linear feet
5. <input type="checkbox"/> Bordering Vegetated Wetland	a. square feet	b. square feet	c. square feet	d. square feet
6. <input type="checkbox"/> Land Under Waterbodies and Waterways	a. square feet	b. square feet	c. square feet	d. square feet
	e. c/y dredged	f. c/y dredged		
7. <input type="checkbox"/> Bordering Land Subject to Flooding	a. square feet	b. square feet	c. square feet	d. square feet
Cubic Feet Flood Storage	e. cubic feet	f. cubic feet	g. cubic feet	h. cubic feet
8. <input type="checkbox"/> Isolated Land Subject to Flooding	a. square feet	b. square feet		
Cubic Feet Flood Storage	c. cubic feet	d. cubic feet	e. cubic feet	f. cubic feet
9. <input type="checkbox"/> Riverfront Area	a. total sq. feet	b. total sq. feet		
Sq ft within 100 ft	c. square feet	d. square feet	e. square feet	f. square feet
Sq ft between 100-200 ft	g. square feet	h. square feet	i. square feet	j. square 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:  
 322-752  
 MassDEP File #

eDEP Transaction #  
 Wayland  
 City/Town

**B. Findings (cont.)**

**Coastal Resource Area Impacts:** Check all that apply below. (For Approvals Only)

- |  | Proposed<br>Alteration  | Permitted<br>Alteration | Proposed<br>Replacement            | Permitted<br>Replacement           |
|--|---|-------------------------|------------------------------------|------------------------------------|
| 10. <input type="checkbox"/> Designated Port Areas                 | Indicate size under Land Under the Ocean, below   |                         |                                    |                                    |
| 11. <input type="checkbox"/> Land Under the Ocean                  | a. square feet  | b. square feet          |                                    |                                    |
|  | c. c/y dredged  | 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                       | a. square feet  | b. square feet          | c. <sup>cu yd</sup><br>nourishment | d. <sup>cu yd</sup><br>nourishment |
| 14. <input type="checkbox"/> Coastal Dunes                         | a. square feet  | b. square feet          | c. <sup>cu yd</sup><br>nourishment | d. <sup>cu yd</sup><br>nourishment |
| 15. <input type="checkbox"/> Coastal Banks                         | a. linear feet  | b. linear feet          |                                    |                                    |
| 16. <input type="checkbox"/> Rocky Intertidal Shores               | a. square feet  | b. square feet          |                                    |                                    |
| 17. <input type="checkbox"/> Salt Marshes                          | a. square feet  | b. square feet          | c. square feet                     | d. square feet                     |
| 18. <input type="checkbox"/> Land Under Salt Ponds                 | a. square feet  | b. square feet          |                                    |                                    |
|  | c. c/y dredged  | d. c/y dredged          |                                    |                                    |
| 19. <input type="checkbox"/> Land Containing Shellfish             | a. square feet  | b. square feet          | c. square feet                     | 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 |                         |                                    |                                    |
|  | a. c/y dredged  | b. c/y dredged          |                                    |                                    |
| 21. <input type="checkbox"/> Land Subject to Coastal Storm Flowage | a. square feet  | b. square 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:  
 322-752  
 MassDEP File #

eDEP Transaction #  
 Wayland  
 City/Town

**B. Findings (cont.)**

\*#22. 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 (BVW) or B.17.c (Salt Marsh) above, please enter the additional amount here.

22.  Restoration/Enhancement \*:  
 a. square feet of BVW \_\_\_\_\_ b. square feet of salt marsh \_\_\_\_\_
23.  Stream Crossing(s):  
 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 extend the issuance date of the original Final Order of Conditions and the Order will expire on \_\_\_\_\_ unless extended in writing by the Department.
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.



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:  
322-752  
MassDEP File #

eDEP Transaction #  
Wayland  
City/Town

**C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)**

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 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            322-752            "
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 MassDEP.
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.





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:  
322-752  
MassDEP File #

eDEP Transaction #  
Wayland  
City/Town

**C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)**

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 the 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 Pollution Discharge Elimination System Construction General Permit as required by Stormwater Condition 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 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. General Conditions Under Massachusetts Wetlands Protection Act (cont.)**

- 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 18(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 Pollution 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 18(f) through 18(k) with respect to that BMP. Any failure of the proposed responsible party to implement the requirements of Conditions 18(f) through 18(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.



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:  
322-752  
MassDEP File #  
eDEP Transaction #  
Wayland  
City/Town

**C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)**

- 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 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 (if you need more space for additional conditions, please attach a text document):

**See Attachment A**

---

---

---



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:  
 322-752  
 MassDEP File #  
 eDEP Transaction #  
 Wayland  
 City/Town

**D. Findings Under Municipal Wetlands Bylaw or Ordinance**

1. Is a municipal wetlands bylaw or ordinance applicable?  Yes  No
2. The Wayland Conservation Commission hereby finds (check one that applies):
- a.  that the proposed work 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 of Conditions is issued.

- b.  that the following additional conditions are necessary to comply with a municipal ordinance or bylaw:

Wetlands and Water Resources Bylaw Chapter 194  
 1. Municipal Ordinance or Bylaw \_\_\_\_\_ 2. Citation \_\_\_\_\_

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 (if you need more space for additional conditions, attach a text document):  
 Separate permit issued

---



---



---



---



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:  
322-752  
 MassDEP File #

eDEP Transaction #  
Wayland  
 City/Town

### E. Signatures

This Order is valid for three years, unless otherwise specified as a special condition pursuant to General Conditions #4, from the date of issuance.

1. Date of Issuance

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

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:

[Signature]  
[Signature]  
Markus Burk

[Signature]  
[Signature]  
Barbara Hull

by hand delivery on

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 of 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:  
 322-752  
 MassDEP File # \_\_\_\_\_  
 eDEP Transaction # \_\_\_\_\_  
 Wayland  
 City/Town

**G. Recording Information**

Prior to commencement of work, 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:

Project Location \_\_\_\_\_ MassDEP File Number \_\_\_\_\_

Has been recorded at the Registry of Deeds of:

County \_\_\_\_\_ Book \_\_\_\_\_ Page \_\_\_\_\_

for: \_\_\_\_\_  
 Property Owner

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

**“Attachment A”**  
**Order of Conditions 322-752**  
Former Raytheon Facility, 430 Boston Post Road, Wayland  
July 12, 2011  
Map 23, Parcels 52C and 52D  
Page 1 of 7

**Project Description:**

An application for limited groundwater investigation via temporary points in the buffer zone and the construction of an injection trench and injection wells in the buffer zone to improve performance of the existing bioremediation. **There is a separate local wetlands bylaw decision for this work.**

**Plan Reference: Figure 1 – “Site Locus Map”, Former Raytheon Facility – Wayland, MA, ERM, undated; Figure 2, “Proposed Injection Well and Infiltration Chamber Plan”, Former Raytheon Facility, Wayland, Massachusetts, iesi, Feb 2011; Figure 3, “Proposed Injection Well and Infiltration Chamber Detail”, Former Raytheon Facility Wayland, Massachusetts, iesi, Feb 2011; and Figure 4 – Erosion Control Measure Detail, Former Raytheon Facility, Wayland, MA, ERM, undated. The work shall conform to these plans except as herein conditioned.**

**Decision:**

The Conservation Commission approves the project, based upon the findings listed below and subject to the **52** conditions listed in this decision. The Conservation Commission finds that the conditions are necessary, in accordance with Performance Standards set forth in the Wetlands Regulations (310 CMR 10.00) to protect the interests in the findings. The Commission orders that all work shall be performed in accordance with said 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.

**Conditions for Approval:**

**Conditions 1 – 19, as applicable, as noted on WPA Form 5 “Order of Conditions”; Pages 5 – 9.** The applicant must review these conditions.

**Special Conditions Issued by the Wayland Conservation Commission:**

**EFFECTIVE PRIOR TO ANY ALTERATION, EXCAVATION, OR CONSTRUCTION**

20. This Order of Conditions shall apply to any successor in interest or successor in control of this property. The Conservation Commission shall be notified in writing, at the time of such transfer, or any transfer in title for all or part of the property that occurs prior to the issuance of the Certificate of Compliance. Prior to any transfer of title the Order of Conditions shall be filed at the Registry of Deeds. A lack of such required written notification to the Conservation Commission may delay the issuance of the Certificate of Compliance.

21. All written submissions to the Conservation Commission shall include: a date, the DEP File Number, and the condition or conditions that the submission is intended to meet.

22. In the event the applicant believes that an item required in any condition has been provided to the Commission prior to the issuance of this Order formal notice of the document, the date of the document, and any other reference to the item shall be provided with a notation as to which condition the applicant believes the item satisfies.

**“Attachment A”**  
**Order of Conditions 322-752**  
Former Raytheon Facility, 430 Boston Post Road, Wayland  
July 12, 2011  
Map 23, Parcels 52C and 52D  
Page 2 of 7

23. **Prior to commencing any work** the applicant shall submit to the Commission a construction schedule. No alteration, excavation or construction shall begin until Conservation Administrator has reviewed this schedule. Should the schedule be inconsistent with these conditions notice of non-compliance will be provided to the applicant.
24. **Prior to commencing any work at the site** the applicant shall give the Commission a written list of the names, addresses, business phone number and home phone number of both the project supervisor who will be responsible for ensuring on-site compliance with this Order and his or her alternate.
25. The Conservation Commission shall receive notice by the applicant or a duly authorized representative not less than two or more than five business days **prior to the commencement of any activity on the site**. Failure to comply with this condition shall result in a directive to cease any activity. In the event that work ceases on the site for a period of time greater than five days, this condition shall again apply prior to recommencing work on the site. Any item requiring additional information prior to commencing work shall be met prior to submitting the notice to start work. E-mail shall not be considered written notice.
26. **Prior to commencing any work** the location of the sediment barriers shall be defined by a P.L.S. or P.E. who thereafter shall submit a stamped statement to the Conservation Commission attesting to the correct layout of the sediment barriers and work within the buffer zone.
27. A sediment barrier **consisting of filter fencing** and staked hay bales shall be installed as shown on the plan referenced in this decision and consistent with this decision. The location of this barrier shall be located as shown on the approved plan and as conditioned herein. In addition, a bright colored plastic fence shall be installed to delineate the limit of disturbance. This barrier shall delineate the limit of disturbance and no alteration of soils or vegetation shall take place beyond this line. This barrier shall remain in place until disturbed areas have been permanently stabilized (with vegetation or other appropriate means) sufficiently to prevent erosion. ***The Conservation Commission may accept an alternative sediment barrier providing the specifications for these have been submitted to the Commission for formal action at a Commission meeting or have been previously approved by the Conservation Commission.***
28. **Prior to commencing any work** the applicant shall provide the name of 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.
29. A copy of this Order shall be included in any bid document.
30. A copy of this Order shall be provided to the project supervisor and shall be available on the site at all times during construction.
31. **Prior to commencing any work at the site** the Conservation Commission or Conservation Administrator shall inspect the sediment barriers once they have been installed to ensure that the barriers have been properly installed.
32. Any catch basins on or adjacent to and down gradient from the site shall be protected by Silt Sacks. Any down gradient catch basin shall mean any catch basin within 100 feet of a



**“Attachment A”**  
**Order of Conditions 322-752**  
Former Raytheon Facility, 430 Boston Post Road, Wayland  
July 12, 2011  
Map 23, Parcels 52C and 52D  
Page 3 of 7

resource area. Silt Sacks shall be maintained and regularly cleaned 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 following major storm events (0.5” in 24 hours) to ensure proper function and removed immediately after construction has been completed. Note: there are catch basins on the site, which may merit protection based upon the work area and vehicle traffic related to this project.**

33. There shall be a preconstruction conference on the site between the contractor who will do the work, the project engineer (at the discretion of the applicant), and Conservation Administrator. The purpose of the pre-construction meeting is to allow for final inspection of the site prior to construction and to answer any questions regarding these conditions. No change in the conditions or plan is permitted. All parties shall be provided with a minimum of 48 hours (excluding weekends and holidays) notice of the pre-construction meeting.

34. The stockpiling location shall be designated in the Stormwater Pollution Prevention Plan (SWPPP) referenced in this decision and shall be used unless otherwise modified by the Conservation Commission. There shall be no stockpiling of soil or other materials within 100 feet of any pond, stream, or wetland area. Maintenance of the stockpiles will be addressed in SWPPP. At a minimum, stockpiles shall be contained with hay bales around the perimeter of the pile.

35. The applicant shall take photographs from identifiable locations of the buffer zone of the site before and after work is conducted. **Preconstruction photographs shall be submitted before work commences on the site.** Post construction photographs from the same identifiable locations shall be submitted to the Conservation Commission at the conclusion of the project. The photographs shall be taken to show the areas of jurisdiction to both the north and south of the site.

**Special Conditions Effective upon Commencement of Alteration, Excavation or Construction (Issued by the Wayland Conservation Commission):**

36. Grading shall conform to the plans referenced in this decision except as conditioned herein.

37. Equipment shall not be refueled or serviced within 100 feet of the bordering vegetated wetlands or within bordering land subject to flooding. The Commission may permit, on a restricted basis, some refueling within the buffer zone, if a spill containment kit is provided on the site at all times.

38. Disturbed ground within those areas subject to this Order that cannot be permanently stabilized within 30 days shall be stabilized by temporary measures, such as jute netting, hydroseeding, or other method accepted in advance by the Commission. This shall be specifically addressed in the site inspection reports required by this Order. **Prior to commencing work within the areas of jurisdiction formal notice of the method or methods to be used to comply with this condition shall be submitted to the Conservation Commission.**

39. All disturbed or exposed areas shall be brought to final finished grade and stabilized with loam and seed. Permanent seeding shall conform to the specifications in "Massachusetts Erosion and Sediment Control Guidelines for Urban and Suburban Areas", prepared by Franklin, Hampden, Hampshire Conservation Districts, Northampton, MA, March 1997; pages 175 – 183, except as

**“Attachment A”**  
**Order of Conditions 322-752**  
Former Raytheon Facility, 430 Boston Post Road, Wayland  
July 12, 2011  
Map 23, Parcels 52C and 52D  
Page 4 of 7

modified by these conditions. This shall be specifically addressed in the site inspection reports required by this Order.

40. Conservation 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. **Any dewatering shall be reviewed and approved or approved with modifications, in advance, by the Conservation Commission.** <http://mass.gov/dep/water/approvals/wm10.pdf>
41. At the end of each workday, the applicant shall mechanically sweep or manually sweep sediments from the adjacent paved surfaces, unless tracking and sediment is not evident on those surfaces.
42. Any debris, which falls into any pond, stream, or wetland, shall be removed immediately by hand. All construction debris shall be properly disposed of off the site. Documentation that this condition has been met shall be submitted with, or before, seeking a Certificate of Compliance.
43. There shall be no more than a total of 50 gallons of flammable or combustible chemicals relating to this project stored on the site at any one time, exclusive of the fluids in the construction vehicles/equipment tank volumes. 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.
44. At least every other week, beginning the first week of construction, in which construction activity occurs on site and for as long thereafter as the ground remains unstabilized, and until the completion of work within the buffer zone or draining to the buffer zone, the applicant shall submit a written report to the Conservation Commission from a registered Professional Engineer. The report shall certify that, to the best of his/her knowledge and belief based upon careful site inspections by a qualified individual working under the direction of a registered Professional Engineer that work is being performed in compliance with this Order of Conditions. Site inspections shall be conducted during work hours at least once a week during which work is being done and the date/time of the inspection shall be noted in the report. If the work is not in compliance, he/she will note where a deviation from the Order occurred. **The reports shall also include the date of the inspection/s, the time of the inspections, a summary of activities being conducted, any comment on the condition of the sediment barriers, a general comment with respect to the requirements of the Storm Water Pollution Prevention Plan, and compliance with both these conditions and conditions issued pursuant to the Wetlands Protection Act, if different.** These reports may be stopped if work ceases for a period of more than five days and the work is in conformance with this Order. If the reports are stopped no work may occur, except for maintenance of the sediment barriers, until the Conservation Commission is given written notice, as required in Condition #21 of the intent to recommence work. If needed a final inspection/report, not less than 180 before this Order expires shall also be submitted to the Commission.
45. The required reports shall be submitted within five business days after each required written report (the second inspection of each cycle). Failure to provide the required reporting shall result in the imposition of applicable penalties, as provided to the contractor at the pre-construction meeting.

**"Attachment A"**  
**Order of Conditions 322-752**  
Former Raytheon Facility, 430 Boston Post Road, Wayland  
July 12, 2011  
Map 23, Parcels 52C and 52D  
Page 5 of 7

46. A small supply of straw bales, silt fence, and organic filter fabric shall be stockpiled for emergency use only. The applicant shall immediately control any erosion/sedimentation problems that occur on the site and shall also immediately notify the Commission. Any additional erosion/sedimentation controls found to be necessary by either the applicant or the Commission during construction shall be implemented by the applicant, with the approval of the Commission. The applicant shall immediately control any erosion/sedimentation problems that occur on the site and shall also immediately notify the Commission.

47. Any fill used in connection with this project shall be clean fill. Any fill shall not contain wood, trash, refuse, rubbish, or debris, including but not limited to lumber, bricks, plaster, wire lath, paper, cardboard, pipe, tires, ashes, refrigerators, motor vehicles, asphalt, or parts of any of the foregoing.

48. This decision is intended to comply with the provisions of 310 CMR 40.0032(3) in avoiding the degradation of property by the introduction of oil or hazardous materials at concentrations that are significantly higher than those existing at the project site whether or not those concentrations are reportable under 310 CMR 40.0000. The applicant shall provide copies of documentation for shipments of soil material being received as clean fill at the project site. The documentation shall identify the address of the specific property that was the source of the soil material, the name and mailing address of that property owner, and provide a certification by the operator/owner of that source property that there is no known disposal site, as defined in 310 CMR 40.0000, upon that source property. In lieu of the certification only, the applicant may also provide analytical data for contaminants listed in Table 1 of DEP Policy#COMM-97-001 by representative sampling of the fill material delivered to the project site. At the discretion of the Commission, based upon the observations of fill material delivered to the project site, the applicant may be required at their own expense to conduct sampling of fill and/or existing soils and analyze for contaminants listed in Table 1 of DEP Policy#COMM-97-001 by representative sampling of the soil materials and the frequency of sampling shall be equal to or greater than one sample per 500 cubic yards.

49. **No underground sprinkler systems shall be installed within the 100-foot buffer zone.** This Condition shall remain in force permanently and be recorded on the Certificate of Compliance.

50. By acceptance of this Order of Conditions and commencement of work authorized herein, the applicant, owner, and their respective agents, assign, and successors in title agree to indemnify, defend and hold harmless the town for any damages that might occur on or off the subject property, or any legal claims which may be attributable to any alterations undertaken or construction performed on the subject property pursuant to this Order of Conditions. Issuance of this Order does not in any way imply or certify that the subject property or downstream or adjacent properties will not be subject to flooding, storm damage, or any other form of water damage that might result from alterations undertaken or construction performed on the subject property pursuant to this Order of Conditions.

**Special Conditions Taking Effect after Completion of the Project**  
**(Issued by the Wayland Conservation Commission):**

51. 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.

**"Attachment A"**  
**Order of Conditions 322-752**  
Former Raytheon Facility, 430 Boston Post Road, Wayland  
July 12, 2011  
Map 23, Parcels 52C and 52D  
Page 6 of 7

52. The applicant shall use [WPA Form 8A] to request a Certificate of Compliance and shall submit the following items with his request:
- a) A detailed narrative prepared by a Professional Engineer or Professional Land Surveyor registered in the Commonwealth of Massachusetts specifically addressing each condition and certifying compliance with the approved plans referenced above and this Order of Conditions and setting forth any deviations that exist with a note as to how it may be corrected. **This request shall be submitted not later than 180 calendar days prior to the expiration of this Order.** Work that is not complete shall be detailed in a schedule of planned completion dates prior to expiration of the Order 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 Order. The request for a Certificate of Compliance shall specifically address the proper installation of a **properly sized** and constructed drainage system.
  - b) Two sets of as-built site plans shall be prepared by a registered land surveyor or registered professional engineer showing the wetland resource areas, grades, utilities, building footprint and landscaping. These plans shall include the date/s of fieldwork.
  - c) A copy of the as built shall be submitted on a computer disk in AutoCAD format dxf, dwg or may be e-mailed to the Town Surveyor at MTB\_surveyor@msn.com (if this is not possible please contact the Commission).

**This Order expires on July 12, 2014**  
**If necessary, an extension should be filed before June 1, 2014.**

**Findings - MGL Chapter 131, Sec. 40:**

- a. The resource area where the activity proposed is: Bordering Vegetated Wetlands and buffer zone according to the Notice of Intent filed with the Conservation Commission. There are other resource areas on the property including riverfront area and bordering land subject to flooding.
- b. Work is proposed in the buffer zone to bordering vegetated wetlands.
- c. The resource areas 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, and fisheries.
- d. The public hearing was opened on March 31, 2011 and continued, to April 12, 2011 and April 28, 2011 with the permission of the applicant at which time it was closed.
- e. The minutes of these meetings are considered part of the record for this decision.
- f. It is the responsibility of the applicant to ensure that the Conservation Commission's record is complete, up to date, and accurate.
- g. Figure 1 and Figure 2 generally define the work area and limit of work being permitted by this Order.
- h. Sediment barriers, as defined by this decision, are staked hay bales and sediment fence, unless otherwise specified.

**“Attachment A”**  
**Order of Conditions 322-752**  
Former Raytheon Facility, 430 Boston Post Road, Wayland  
July 12, 2011  
Map 23, Parcels 52C and 52D  
Page 7 of 7

- i. Additional sediment barriers will be installed along the north side of the cart path to protect a sensitive area (a pocket wetland) located there. Portions of the work area were relocated to a less sensitive area on the property.
- j. Sediment barriers need to be properly installed and maintained until any disturbed area within 100 feet of a resource area is permanently stabilized.
- k. The installation of sediment barriers should be done by hand or with equipment designed to minimize the amount of land disturbed. Heavy equipment should not be used to install the sediment barriers, trenches should not be more than 4"-6" deep and not more than 3" wide.
- l. Improper installation of the sediment barriers reduces their effectiveness.
- m. The existing roadways and cart paths will be used for access.
- n. Stockpiles will be covered with polyethylene.
- o. Solid impacted materials, i.e. contaminated soils, will be removed from the site.
- p. A Stormwater Pollution Prevention Plan is required for work on 1 acre or greater.
- q. A growing season, for the purposes of interpreting this Order of Conditions, is considered April through October of any given year.
- r. Excess excavated material will be removed from the site and disposed of legally. The Commission will require documentation of compliance with this requirement.
- s. Other permits may include, but are not limited to; subdivision approval, building permits; street opening permits, Board of Health approvals, state and federal permits.
- t. The Commission's decision is not intended to permit a person or activity to infringe upon the property of others.
- u. During construction precautions must be taken to avoid accidental spills of oils or hazardous materials in or near the wetlands 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.
- v. The Conservation Commission must review changes in plans before they are implemented. A change may require the filing of a new Notice of Intent or an Amendment to the Order of Conditions either of which necessitate a public hearing.
- w. **The Conservation Commission may consider revoking this decision 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.**