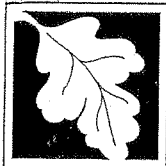


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Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
WPA Form 5 – Order of Conditions
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

DEP File Number:

322-647

A. General Information

BOTH WAYS

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



From: Wayland
1. Conservation Commission

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

3. To: Applicant:

Edwin Madera Raytheon Company
a. First Name b. Last Name c. Company
528 Boston Post Road, Mailstop 1880
d. Mailing Address
Sudbury MA 01776
e. City/Town f. State g. Zip Code

4. Property Owner (if different from applicant):

Twenty Wayland, LLC/Wayland Meadows Ltd.
a. First Name b. Last Name c. Company
33 Arch Street Ste. 2100 / 145 Rosemary Street
d. Mailing Address
Boston / Needham MA 02110 / 02494
e. City/Town f. State g. Zip Code

5. Project Location:

430 Boston Post Road Wayland
a. Street Address b. City/Town
23 23-52C & 52D
c. Assessors Map/Plat Number d. Parcel/Lot Number
Latitude and Longitude, if known (note: electronic filers will click for GIS locator): 42 21' 57" 71 22' 12"
e. Latitude f. Longitude

6. Property recorded at the Registry of Deeds for (attach additional information if more than one parcel):

Middlesex
a. County b. Certificate (if registered land)
52 22/23
c. Book d. Page

7. Dates: 4/27/06 6/22/06 8/8/06
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 RECORDED LAND BK 45981 Pg 177
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

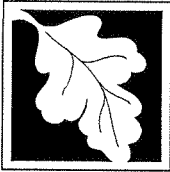
9. Total WPA Fee Paid: \$1450.00 \$712.50 \$737.50
a. Total Fee Paid b. State Fee Paid c. City/Town Fee Paid



2007 00021750

234881 - 1307 74

Reg Land
LOT 1
700-440
Boston Post Rd
Wayland, Ma



WPA Form 5 – Order of Conditions

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

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. 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:

- 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:

- 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 these interests, 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.**

- 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).**

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

Resource Area	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
3. <input type="checkbox"/> Bank	a. linear feet _____	b. linear feet _____	c. linear feet _____	d. linear feet _____
4. <input checked="" type="checkbox"/> Bordering Vegetated Wetland	543 a. square feet _____	b. square feet _____	c. square feet _____	d. square feet _____
5. <input type="checkbox"/> Land Under Waterbodies and Waterways	a. square feet _____ e. cu.yd dredged _____	b. square feet _____ f. cu.yd dredged _____	c. square feet _____	d. square feet _____



B. Findings (cont.)

Resource Area	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
6. <input type="checkbox"/> Bordering Land Subject to Flooding Cubic Feet Flood Storage	a. square feet e. cubic feet	b. square feet f. cubic feet	c. square feet g. cubic feet	d. square feet h. cubic feet
7. <input type="checkbox"/> Isolated Land Subject to Flooding Cubic Feet Flood Storage	a. square feet c. cubic feet	b. square feet d. cubic feet	e. cubic feet	f. cubic feet
8. <input type="checkbox"/> Riverfront area Sq ft within 100 ft Sq ft between 100-200 ft	a. total sq. feet c. square feet e. square feet	b. total sq. feet d. square feet f. square feet		

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

9. <input type="checkbox"/> Designated Port Areas	Indicate size under Land Under the Ocean, below			
10. <input type="checkbox"/> Land Under the Ocean	a. square feet	b. square feet		
	c. cu.yd dredged	d. cu.yd dredged		
11. <input type="checkbox"/> Barrier Beaches	Indicate size under Coastal Beaches and/or Coastal Dunes below			
12. <input type="checkbox"/> Coastal Beaches	a. square feet	b. square feet	c. c/y nourishmt.	d. c/y nourishmt.
13. <input type="checkbox"/> Coastal Dunes	a. square feet	b. square feet	c. c/y nourishmt.	d. c/y nourishmt.
14. <input type="checkbox"/> Coastal Banks	a. linear feet	b. linear feet		
15. <input type="checkbox"/> Rocky Intertidal Shores	a. square feet	b. square feet		
16. <input type="checkbox"/> Salt Marshes	a. square feet	b. square feet	c. square feet	d. square feet
17. <input type="checkbox"/> Land Under Salt Ponds	a. square feet	b. square feet		
	c. cu.yd dredged	d. cu.yd dredged		
18. <input type="checkbox"/> Land Containing Shellfish	a. square feet	b. square feet	c. square feet	d. square feet
19. <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. cu.yd dredged	b. cu.yd dredged		
20. <input type="checkbox"/> Land Subject to Coastal Storm Flowage	a. square feet	b. square feet		



C. General Conditions Under Massachusetts Wetlands Protection Act

(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. 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.
7. 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.
8. 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 this 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.
9. 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, "MA DEP"]

"File Number 322-647"



WPA Form 5 – Order of Conditions

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

C. General Conditions Under Massachusetts Wetlands Protection Act

10. 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 DEP.
11. Upon completion of the work described herein, the applicant shall submit a Request for Certificate of Compliance (WPA Form 8A) to the Conservation Commission.
12. The work shall conform to the plans and special conditions referenced in this order.
13. Any change to the plans identified in Condition #12 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.
14. 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.
15. 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.
16. 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.
17. 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.

Special Conditions:

See Attachment A

If you need more space for additional conditions, select box to attach a text document



WPA Form 5 – Order of Conditions

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

D. Findings Under Municipal Wetlands Bylaw or Ordinance

1. Furthermore, the Wayland _____ hereby finds (check one that applies):
Conservation Commission
2. that the proposed work cannot be conditioned to meet the standards set forth in a municipal ordinance or bylaw specifically:

a. Municipal Ordinance or Bylaw _____

b. 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.

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

Wayland Wetlands and Water Resources Bylaw, Chapter 194

a. Municipal Ordinance or Bylaw _____

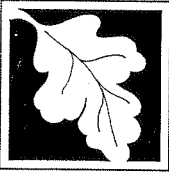
b. Citation _____

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.

- c. The special conditions relating to municipal ordinance or bylaw are as follows:

See Attached Chapter 194 Permit

If you need more space for additional conditions, select box to attach a text document



WPA Form 5 – Order of Conditions

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

E. Issuance

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

8/8/06
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.

4
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]
[Signature]
[Signature]

Notary Acknowledgement

Commonwealth of Massachusetts County of Middlesex

On this 14th of July 2006
Day Month Year

Before me, the undersigned Notary Public, personally appeared Barbara Howell
Name of Document Signer

proved to me through satisfactory evidence of identification, which was ~~was~~
Known to me personally
Description of evidence of identification

to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he/she signed it voluntarily for its stated purpose.

As member of Wayland Conservation Commission
City/Town

[Signature]
Signature of Notary Public
Brian J. Monahan
Printed Name of Notary Public
11-13-2009
My Commission Expires (Date)

Place notary seal and/or any stamp above

This Order is issued to the applicant as follows:

by hand delivery on _____
Date
 by certified mail, return receipt requested, on 8/8/06
Date

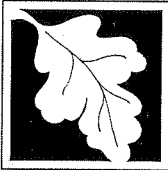


F. Appeals

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 DEP 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.

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.

Section G, Recording Information is available on the following page.



WPA Form 5 – Order of Conditions

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

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 Page 7 of this form 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:

430 Boston Post Road

Project Location

322-647

DEP File Number

Has been recorded at the Registry of Deeds of:

Middlesex

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 322-647
Former Raytheon Facility, 430 Boston Post Road, Wayland
August 7, 2006
Map 23, Parcels 52C and 52D
Page 1 of 9

Project Description:

An application to excavate soils impacted by oil and/or hazardous materials within the buffer zone and bordering vegetated wetlands and thereafter to restore the wetlands that have been impacted by the proposed site work. The work includes excavating material to a depth of twenty-five feet. A cofferdam, 80 feet in diameter, will be constructed to permit the safe excavation to the required depth. The cofferdam is to be constructed in 8' lifts. Dewatering will be required. Portions of the excavated material, the top 5', will be screened, stockpiled and used as backfill. **There is a separate local wetlands bylaw decision for this work.**

Plan Reference: Sheet 1 of 3, 3 a, Hartman Engineering, Sample Circular Cofferdam Design, “Cofferdam for Construction of Headworks Structure of Wastewater Treatment Plant”, November 7, 2003; Sheet 2 of 3, 3b, Sample Circular Commerdam Design, Hartman Engineering, Sample Circular Cofferdam Design, “Cofferdam for Construction of Headworks Structure of Wastewater Treatment Plant”, November 7, 2003, rev. 12-03-03 (Revised lengths of sheet piling); Sheet 3 of 3, 3c, Hartman Engineering, Sample Circular Cofferdam Design, “Cofferdam for Construction of Headworks Structure of Wastewater Treatment Plant”, November 7, 2003, Rev. 12-03-03 (Eliminated Details 4 and 5); Figure 2a – Site Features and Proposed Work Areas former Raytheon Facility – Wayland, MA, undated and unstamped, received Apr 27, 2006; Figure 2b - Site Features and Proposed Work Areas former Raytheon Facility – Wayland, MA, undated and unstamped received Apr 27, 2006; Figure 2c, Site Features and Proposed Work Areas former Raytheon Facility – Wayland, MA, undated and unstamped received Apr 27, 2006; Figure 1, “Existing Conditions in Northern Excavation Area”, June 14, 2006, Former Raytheon Facility – Wayland, MA, Jeffrey J. Plante, P.E.; and Figure 2 – “Proposed Restoration Plan in Northern Excavation Area”, June 14, 2006, Former Raytheon Facility – Wayland, MA, Jeffrey J. Plante, P.E. Note: The plans that best define the work area are Figures 1 and 2.

Decision:

The Conservation Commission approves the project, based upon the findings listed below and subject to the 63 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.

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 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 May 11, 2006 and continued, with the permission of the applicant to June 22, 2006 at which time it was closed.
- e. The Notice of Intent included a detailed summary of the Oil and/or hazardous materials (“OHM”) work program. With some modifications – specifically relocating stockpiling

“Attachment A”

Order of Conditions 322-647

Former Raytheon Facility, 430 Boston Post Road, Wayland

August 7, 2006

Map 23, Parcels 52C and 52D

Page 2 of 9

- and greater protection of the sensitive area to the north of the existing cart path, this OHM describes the work as permitted by the Commission.
- f. The minutes of these meetings are considered part of the record for this decision.
 - g. It is the responsibility of the applicant to ensure that the Conservation Commission's record is complete, up to date, and accurate.
 - h. The proposed remediation will result in the alteration of wetlands. A new wetlands is to be replicated, at a ratio of 1:2.8.
 - i. The replication will be maintained to avoid trees – the applicant's consultant did not wish to have any trees to colonize in the area of excavation.
 - j. The replicated wetland will be generally in the area where the alteration will occur – towards the northern portion of the wetland.
 - k. Figure 1 and Figure 2 generally define the work area and limit of work being permitted by this Order.
 - l. Sediment barriers, as defined by this decision, are staked hay bales and sediment fence, unless otherwise specified.
 - m. 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.
 - n. Sediment barriers need to be properly installed and maintained until any disturbed area within 100 feet of a resource area is permanently stabilized.
 - o. 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.
 - p. Improper installation of the sediment barriers reduces their effectiveness.
 - q. The existing roadways and cart paths will be used for access.
 - r. Clean soils will be segregated on the site, tested, and used for backfill.
 - s. Stockpiles will be covered with polyethylene. Water from the contaminated, covered piles will be collected and treated prior to being discharged.
 - t. Dewatering may take place for 4-6 weeks while the excavated area is open.
 - u. Water will be collected in a frac tank, and thereafter treated by filtration and carbon filtration. A NPDES permit will be secured for the discharge.
 - v. Solid impacted materials, i.e. contaminated soils, will be removed from the site.
 - w. There were no known pcp's or metals in the contaminated area.
 - x. Equipment will be decontaminated and the wash water from the decontamination site will be treated with the dewatering treatment system.
 - y. The plans submitted to the Conservation Commission were prepared by and stamped by a Registered Professional Engineer.
 - z. The Commission requires that plans for projects must be based upon the NGVD datum.
 - aa. A growing season, for the purposes of interpreting this Order of Conditions, is considered April through October of any given year.
 - bb. Excess excavated material will be removed from the site and disposed of legally. The Commission will require documentation of compliance with this requirement.
 - cc. Other permits may include, but are not limited to; subdivision approval, building permits; street opening permits, Board of Health approvals, state and federal permits.
 - dd. The Commission's decision is not intended to permit a person or activity to infringe upon the property of others.
 - ee. 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

“Attachment A”

Order of Conditions 322-647

Former Raytheon Facility, 430 Boston Post Road, Wayland

August 7, 2006

Map 23, Parcels 52C and 52D

Page 3 of 9

- include limiting where equipment is serviced and refueled, having spill containment kits at the site, and taking steps to avoid spills and accidents.
- ff. 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.
- gg. **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.**

Conditions for Approval:

The Conservation Commission approves the project, based upon the findings noted above and subject to the 63 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.**

Conditions 1 – 17 as noted on WPA Form 5 “Order of Conditions”; Pages 1 - 4

The applicant is urged to review these conditions.

12. **The work shall conform to the following plans except as herein conditioned:** Sheet 1 of 3, 3 a, Hartman Engineering, Sample Circular Cofferdam Design, “Cofferdam for Construction of Headworks Structure of Wastewater Treatment Plant”, November 7, 2003; Sheet 2 of 3, 3b, Sample Circular Commerdam Design, Hartman Engineering, Sample Circular Cofferdam Design, “Cofferdam for Construction of Headworks Structure of Wastewater Treatment Plant”, November 7, 2003, rev. 12-03-03 (Revised lengths of sheet piling); Sheet 3 of 3, 3c, Hartman Engineering, Sample Circular Cofferdam Design, “Cofferdam for Construction of Headworks Structure of Wastewater Treatment Plant”, November 7, 2003, Rev. 12-03-03 (Eliminated Details 4 and 5); Figure 2a – Site Features and Proposed Work Areas former Raytheon Facility – Wayland, MA, undated and unstamped, received Apr 27, 2006; Figure 2b - Site Features and Proposed Work Areas former Raytheon Facility – Wayland, MA, undated and unstamped received Apr 27, 2006; Figure 2c, Site Features and Proposed Work Areas former Raytheon Facility – Wayland, MA, undated and unstamped received Apr 27, 2006; Figure 1, “Existing Conditions in Northern Excavation Area”, June 14, 2006, Former Raytheon Facility – Wayland, MA, Jeffrey J. Plante, P.E.; and Figure 2 – “Proposed Restoration Plan in Northern Excavation Area”, June 14, 2006, Former Raytheon Facility – Wayland, MA, Jeffrey J. Plante, P.E. Note: The plans that best define the work area are Figures 1 and 2.

Special Conditions Issued by the Wayland Conservation Commission:

EFFECTIVE PRIOR TO ANY ALTERATION, EXCAVATION, OR CONSTRUCTION

18. **No work shall be undertaken within the areas subject to jurisdiction until the original Order has been recorded in the Registry of Deeds (refer to Condition #8).**

“Attachment A”

Order of Conditions 322-647

Former Raytheon Facility, 430 Boston Post Road, Wayland

August 7, 2006

Map 23, Parcels 52C and 52D

Page 4 of 9

19. **No work shall be undertaken** until the Conservation Commission has received a set of final construction drawings accompanied by a statement by a Registered Professional Engineer stating that the final design meets the standards of the Massachusetts Stormwater Policy Act and is in substantial agreement with those plans referenced in the Order of Conditions. If there are changes or differences these shall be clearly defined in this correspondence.
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.
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.
26. 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. 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.
27. **Prior to commencing any work** the location of the sediment barriers shall be defined by a P.L.S. 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.
28. 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

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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.

29. **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.

30. A copy of this Order shall be included in any bid document.

31. A copy of this Order shall be provided to the project supervisor and shall be available on the site at all times during construction.

32. **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.

33. 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 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.**

34. **Prior to commencing any work at the site** a copy of the Storm Water Pollution Prevention Plan shall be provided to the Conservation Commission. This plan shall clearly define the person or persons responsible for the daily inspection of the sediment barriers. A copy of the Certified Notice of Intent filed with the Environmental Protection Agency shall be provide to the Conservation Commission within 45 days of commencing work at the site.

35. 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.

36. 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.

37. The applicant shall take photographs from identifiable locations of the buffer zone on both the northern and southern side 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

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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):**

38. Grading shall conform to the plans referenced in this decision except as conditioned herein.
39. 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.
40. 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.**
41. 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 modified by these conditions. This shall be specifically addressed in the site inspection reports required by this Order.
42. Dewatering shall conform to the findings in this decision and the specifications outlined in the Notice of Intent dated 4/26/06, as amended. This shall include obtaining the necessary NPDES permit.
43. At the end of each workday, the applicant shall mechanically sweep or manually sweep sediments from the adjacent streets, unless tracking and sediment is not evident on the streets.
44. 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.
45. 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.
46. Replication shall be done as approved by the Conservation Commission. The replicated area shall be monitored for not less than two growing seasons after the planting has been completed. The monitoring shall not include any planting done after July 1 of any year.

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47. 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.

49. 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.

50. 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.

51. Any fill used in connection with this project shall be clean fill. Any fill shall not contain 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.

52. 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

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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.

54. **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.

55. Chemical storage, other than that specified in Condition 56, shall be in an upland area and shall include secondary containment for any liquids being stored.

56. With the exception of Calcium Chloride, or other chemicals approved by the Conservation Commission, no de-icing chemicals shall be used on any paved surface located within the 100-foot buffer zone. The Commission will consider the use of calcium chloride.

59. 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.

60. Upon completion of the work relating to the drainage system, stabilization of areas within the buffer zone, and prior to activating the drainage system all of the catch basins, the forebay, and other pertinent drainage system components shall be cleaned. The Conservation Commission shall be notified at least 48 hours in advance of this activity and evidence shall be provided that the drainage system has been cleaned prior to seeking a Certificate of Compliance.

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

61. 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.

62. 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

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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).

63. The work authorized hereunder shall be completed within three years from the date of this Order 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 Order. 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.

This Order expires on August 8, 2009.

If necessary, an extension should be filed before July 1, 2009.

The request for a Certificate of Compliance or evaluation of compliance specified in Condition 65 a) should be filed by before.



TOWN OF WAYLAND
MASSACHUSETTS
01778
CONSERVATION COMMISSION

TOWN BUILDING
41 COCHITUATE ROAD
TELEPHONE: (508) 358-3669
FAX: (508) 358-3046

August 8, 2006

Mr. Edward Madera
Raytheon Company
528 Boston Post Road, Mailstop 1880
Sudbury, MA 01776

RE: DEP FILE 322 – 647: Soil Excavation – Former Raytheon Facility, Wayland

Dear Mr. Madera,

Enclosed is the original of your Order of Conditions under the Wetlands Protection Act and the Chapter 194 Wayland Wetlands and Water Resources Permit for the application for remedial actions to excavate soils within the buffer zone and a bordering vegetated wetlands and to restore in place the resource areas at 430 Boston Post Road Drive Wayland issued by the Wayland Conservation Commission.

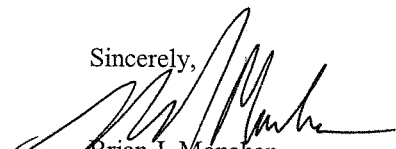
You are responsible for meeting all the conditions of both the Order of Conditions and the Chapter 194 Permit. If you are dissatisfied with any of the conditions placed on the project in the Order, you may appeal to the Massachusetts Department of Environmental Protection (DEP) within ten days of the date of issue. If you are dissatisfied with any of the conditions placed on the project in the Chapter 194 Permit issued under Wayland's Wetlands and Water Resources Bylaw, the process for an appeal is outlined in the Bylaw itself (Section 194-11).

If there are no appeals made by you or by any other person, both of these decisions must be filed at the Middlesex South Registry of Deeds. Thereafter, evidence of the filing of both decisions must be provided to the Conservation Commission. The Middlesex Registry of Deeds is located at 208 Cambridge Street, Cambridge, MA, phone (617) 679-6300.

Evidence of the recording must be submitted to the Commission prior to commencing work. Written notice of not less than two nor more than five business days prior to the commencement of any activity on the site must be submitted to the Commission. All submissions must refer to the DEP file number and condition or conditions, which the submission is intended to address.

Please note that any modification of your plans must be reported to the Commission and may necessitate either an amendment to the Order of Conditions, or the submission of a new Notice of Intent. If you have any questions, please call 508-358-3669.

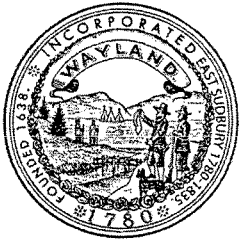
Sincerely,



Brian J. Monahan,
Conservation Administrator

Enc. (2)

cc: DEP, Northeast Regional Office w/enc.
Twenty Wayland, LLC, Owner w/enc.
Wayland Meadows Limited Partnership, Owner w/enc.
ERM – Attn. Ann McMenemy, w/enc.
Board of Health
Road Commissioners c/o Highway Superintendent
Planning Board
Town Assessor
Town Clerk w/enc.
Abutters w/o enc.
File



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 – August 8, 2006
(Also DEP file 322-647)

Project Description: An application to excavate soils impacted by oil and/or hazardous materials within the buffer zone and vegetated wetlands and thereafter to restore the wetlands that have been impacted by the proposed site work. The work includes excavating material to a depth of twenty-five feet. A cofferdam, 80 feet in diameter, will be constructed to permit the safe excavation to the required depth. The cofferdam is to be constructed in 8' lifts. Dewatering will be required. Portions of the excavated material, the top 5', will be screened, stockpiled and used as backfill.

Decision:

The Conservation Commission approves the project, based upon the findings listed below and subject to the 51 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: Sheet 1 of 3, 3 a, Hartman Engineering, Sample Circular Cofferdam Design, "Cofferdam for Construction of Headworks Structure of Wastewater Treatment Plant", November 7, 2003; Sheet 2 of 3, 3b, Sample Circular Commerdam Design, Hartman Engineering, Sample Circular Cofferdam Design, "Cofferdam for Construction of Headworks Structure of Wastewater Treatment Plant", November 7, 2003, rev. 12-03-03 (Revised lengths of sheet piling); Sheet 3 of 3, 3c, Hartman Engineering, Sample Circular Cofferdam Design, "Cofferdam for Construction of Headworks Structure of Wastewater Treatment Plant", November 7, 2003, Rev. 12-03-03 (Eliminated Details 4 and 5); Figure 2a – Site Features and Proposed Work Areas former Raytheon Facility – Wayland, MA, undated and unstamped, received Apr 27, 2006; Figure 2b - Site Features and Proposed Work Areas former Raytheon Facility – Wayland, MA, undated and unstamped received Apr 27, 2006; Figure 2c, Site Features and Proposed Work Areas former Raytheon Facility – Wayland, MA, undated and unstamped received Apr 27, 2006; Figure 1, "Existing Conditions in Northern Excavation Area", June 14, 2006, Former Raytheon Facility – Wayland, MA, Jeffrey J. Plante, P.E.; and Figure 2 – "Proposed Restoration Plan in Northern Excavation Area", June 14, 2006, Former

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Raytheon Facility – Wayland, MA, Jeffrey J. Plante, P.E. Note: The plans that best define the work area are Figures 1 and 2.

Findings:

- a. The resource areas on and near the location where the proposed remediation will occur include: Riverfront Area, Vegetated Wetlands and bordering land subject to flooding (100 year floodplain).
- 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. Land subject to flooding and inundation includes isolated lands that flood if they are greater than 500 feet in area.
- e. Intermittent stream channels are a resource area regulated by Chapter 194.
- f. 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.
- g. In addition to the values noted above, passive recreation, such as hiking, cross-country skiing, gardening and other activities at the Cow Common Conservation Area is a wetland value protected by Chapter 194.
- h. Work, as it has been shown on the plan and described in the field, will be in resource areas.
- i. The Conservation Commission does not accept the delineation of the resource areas as flagged in the field nor as shown on the Figure submitted with the application.
- j. 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.
- k. The public hearing was opened on May 11, 2006 to June 22, 2006 at which time the hearing was closed. The minutes of these meetings are considered part of the record for this decision.
- l. The application (Notice of Intent) included a detailed summary of the Oil and/or hazardous materials ("OHM") work program. With some modifications – specifically relocating stockpiling and greater protection of the sensitive area to the north of the existing cart path, this OHM describes the work as permitted by the Commission.
- m. It is the responsibility of the applicant to ensure that the Conservation Commission's record is complete, up to date, and accurate.
- n. The Commission requires that plans for projects must be based upon the NGVD datum.

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- o. Proper site plans acceptable to the Conservation Commission are to be prepared by and stamped by a Registered Professional Engineer and Registered Professional Land Surveyor depicting both lot lines, proposed well locations, and existing (and proposed when applicable) elevations.
- p. 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.
- q. There is a decontamination station being used for equipment hauling contaminated soils off this site.
- r. Contaminated soils will be covered with an impervious material and stormwater runoff collected and treated with the system used for dewatering the excavated area.
- s. Contaminated soils will be legally disposed of off site.
- t. Clean soils will be segregated on the site, tested, and used for backfill in the area of excavation.
- u. The Commission discussed the need for Storm Water Pollution Prevention Plan (SWPP), which is required for construction on a site of more than one acre.
- v. Sediment barriers need to be used to protect the wetlands from disturbed soils resulting from the disturbance of the site.
- w. Sediment barriers, as defined by this decision, are staked hay bales and sediment fence, unless otherwise specified.
- x. Sediment barriers need to be properly installed and maintained until any disturbed area within 100 feet of a resource area is stabilized.
- y. The area has values for wildlife habitat. The applicant must take measures to prevent the accidental trapping of wildlife in the excavation area.
- z. The application states that only minor brush clearing and limb removal of trees is proposed to provide access to the locations for the vertical groundwater profiling.
- aa. Replication is required as part of this permit. The Commission will seek to review the specifications for the impermeable layer of soil used in replicating the wetlands.
- bb. There shall be not less than 2.8 times replicated wetland compared to the area of wetlands altered. The replicated wetlands must be monitored for a period of not less than two growing seasons after the planting of the plants and success shall be measured by 90% survival of plantings proposed.
- cc. A growing season, for the purposes of interpreting the Order of Conditions, is considered April through October of any given year.
- dd. 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.

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- ee. Excess material will be disposed of legally. The Commission will require documentation of compliance with this requirement.
- ff. Other permits may include, but are not limited to; street opening permits, Board of Health approvals, state and federal permits.
- gg. The Commission's decision is not intended to permit a person or activity to infringe upon the property of others.
- hh. 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.
- ii. The Commission will seek daily logs of activities conducted on the site and may elect to require independent monitoring of the activities in the event an activity is found to be non-compliant with this decision.
- jj. Portable sanitary facilities will be required for workers on the site and it may not be located within a resource area.
- kk. Dewatering is permitted as specified in the application dated April 26, 2006.
- ll. The Commission's decision does not confer property rights onto the applicant.
- mm. 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.
- nn. 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.
- oo. **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.**
- pp. **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.**
- qq. 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.

Conditions for Approval:

The Conservation Commission approves the project, based upon the findings noted above and subject to the ?? 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. **The work shall conform to the following plans except as herein conditioned:** Sheet 1 of 3, 3 a, Hartman Engineering, Sample Circular Cofferdam Design, "Cofferdam for Construction of Headworks Structure of Wastewater Treatment Plant", November 7, 2003; Sheet 2 of 3, 3b, Sample Circular Commerdam Design, Hartman Engineering, Sample Circular Cofferdam Design, "Cofferdam for Construction of Headworks Structure of Wastewater Treatment Plant", November 7, 2003, rev. 12-03-03 (Revised lengths of sheet piling); Sheet 3 of 3, 3c, Hartman Engineering, Sample Circular Cofferdam Design, "Cofferdam for Construction of Headworks Structure of Wastewater Treatment Plant", November 7, 2003, Rev. 12-03-03 (Eliminated Details 4 and 5); Figure 2a – Site Features and Proposed Work Areas former Raytheon Facility – Wayland, MA, undated and unstamped, received Apr 27, 2006; Figure 2b - Site Features and Proposed Work Areas former Raytheon Facility – Wayland, MA, undated and unstamped received Apr 27, 2006; Figure 2c, Site Features and Proposed Work Areas former Raytheon Facility – Wayland, MA, undated and unstamped received Apr 27, 2006; Figure 1, "Existing Conditions in Northern Excavation Area", June 14, 2006, Former Raytheon Facility – Wayland, MA, Jeffrey J. Plante, P.E.; and Figure 2 – "Proposed Restoration Plan in Northern Excavation Area", June 14, 2006, Former Raytheon Facility – Wayland, MA, Jeffrey J. Plante, P.E. Note: The plans that best define the work area are Figures 1 and 2.
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 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

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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 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.

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. A sediment barrier is also to be installed along the northern side of the cart path to protect vegetated areas just north of the path.

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

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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 on going 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** on the site the applicant shall create a lay down area for construction equipment and vehicles. The area shall be subject to the review and approval or approval with modifications by the Conservation Commission.
17. **Prior to commencing any work on the site** the applicant shall submit to a Town a letter addressing the existing accounts (in the amount of \$100,000 and \$30,000) for two prior projects and that this work will be secured with those monies.
18. **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.
19. 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>
20. 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.
21. 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.
22. If stockpiling is required, other than sediment barriers, the location shall be designated on a Figure referenced in this decision and shall be used unless otherwise modified by the Conservation Commission. Any 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.

23. 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.

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

25. The excavated hole shall be contained (fenced) such that animals cannot accidentally fall into the hole.

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

26. The applicant shall create and maintain a daily log of activities conducted on the site. The Commission may elect to require independent monitoring of the activities in the event an activity is found to be non-compliant with this decision.

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

28. This decision permits no permanent change in grade in a resource area, buffer zone, or on the Conservation lands.

29. 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.**

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

31. 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 or draining to 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

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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.

32. The required reports shall be submitted within five business days after each required written report (the second inspection of each cycle). Not less than 35% of the performance bond shall be forfeited if this condition is not met.

33. 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.

34. 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.

35. The bordering vegetated wetlands that are altered shall be restored using native wetlands plant species. Replicated wetlands shall be monitored for not less than two growing seasons after being planted. Native plant species shall be used for the replication. Any planting that is replaced shall in kind and the Commission shall be notified of any replanting required with the date of that the work has been done. The monitoring period for any replanted vegetation shall be two growing seasons after the planting is done. The plantings shall generally mimic or complement the existing wetlands vegetation found on the site and enhance the values of the wetlands for wildlife, water quality, and other Bylaw values.

36. The replicated wetland shall be deemed successful if not less than 90% area coverage of the vegetation is reestablished with wetland plant species (designated facultative or wetter, and approved by the Commission) that survive for not less than three consecutive growing seasons. The growing season for cultivated vegetation is considered to be from April 1 to October 31 and shall not include the year that plantings were done unless planting is completed prior to July 1. A written assessment shall be submitted to the Conservation Commission after each growing season for which monitoring is required. After two growing seasons if a success rate of less than 75% has been identified, the wetlands specialist shall propose replacement plantings for the Commission's review and approval or approval with modifications and thereafter such plantings shall be done.

37. Any dewatering or draw down 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 o the Conservation Commission who may formally note any change from the narrative in the application. Changes may require formal action by the Commission.

38. 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.

39. 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.**

40. At the end of each workday, the applicant shall mechanically sweep or manually sweep sediments from the adjacent streets, unless tracking and sediment is not evident on the streets.

41. 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.

42. 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.

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. 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. 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.

45. Chemical storage, other than that specified in Condition 43, shall be in an upland area and shall include secondary containment for any liquids being stored. Chemicals shall not be stored on the Cow Common Conservation Area.

46. 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.

47. The Conservation Commission shall receive written notice, with a set of dated photographs, within 48 hours after the applicant has determined that:
- a: The soil removal that needed to in the specific Area to achieve the clean-up goal has been completed.
 - b: Final grades for replacement of replacement soil has been completed.
 - c: When the planting for a specific area has been achieved. This notice shall include the date that planting in the Area for which the notice is being provided, commenced.

48. 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):**

49. 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.
50. 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 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) Two sets of as-built site plans shall be prepared by a registered land surveyor or registered professional engineer showing the wetland

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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).

51. 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. If this decision 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 Permit.

This Permit expires on August 8, 2009.

If necessary, an extension should be filed before July 1, 2009.

A compliance review shall be submitted no later than March 12, 2009.

This decision is not valid without a notarized signature sheet.



TOWN OF WAYLAND
 MASSACHUSETTS
 01778
CONSERVATION COMMISSION

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

CHAPTER 194
 WETLANDS AND WATER RESOURCES PROTECTION BYLAW
 PERMIT

430 Boston Post Road (322-647)

Wayland Conservation Commission: _____

Barbara Howell

Ellen Turner

R.H. Baderna

Date issued: 8/8/06

Commonwealth of Massachusetts, Middlesex County

On this 19th day of July, 2006

Before me, the undersigned Notary Republic, personally appeared Barbara Howell

Proved to me through satisfactory evidence of identification, which was/were
known to me personally

to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he/she signed it voluntarily for its stated purpose as a member of the Wayland Conservation Commission.

[Signature]

 Signature of Notary Republic
Foran J. Monohan
 Printed Name of Notary Republic

This Permit is issued to the applicant as follows: _____ by hand delivery on _____
 by certified mail on 8/8/06

with
1158270
PK RM

BOTH WAYS

DOCUMENT 01434197

Southern Middlesex LAND COURT
REGISTRY DISTRICT

RECEIVED FOR REGISTRATION

On: Feb 01, 2007 at 09:59A

Document Fee: 75.00
Receipt Total: \$75.00

CERT: 234881 BK: 01307 Pg: 76

LOUIS BURKHARDT (978) 436-8238
NAME TEL.
800 TECHNOLOGY PARK DRIVE
STREET ADDRESS
BILLERICA, MA 0201821
CITY OR TOWN ZIP

Official Receipt for Recording in:

Middlesex South Registry of Deeds
208 Cambridge St.
Cambridge, Massachusetts 02141

Issued To:
K

Recording Fees

Document Description	Number	Book/Page	Recording Amount
ORD	00021750	48934 277	\$75.00
			\$75.00

Collected Amounts

Payment Type	Amount
Check	38524
	\$75.00
	\$75.00

Total Received : \$75.00
Less Total Recordings: \$75.00
Change Due : \$.00

Thank You
EUGENE C. BRUNE - Register of Deeds

By: Kimberley M

Receipt# Date Time
0702269 02/01/2007 10:12a

Official Receipt for Recording in:

Middlesex South Registry of Deeds
208 Cambridge St.

Cambridge, Massachusetts 02141

Issued To:
WALKIN

Recording Fees

Document Description	Number	Cert Number	Recording Amount
ORD	01434197	234881	\$75.00
			\$75.00

Collected Amounts

Payment Type	Amount
Check	38496
	\$75.00
	\$75.00

Total Received : \$75.00
Less Total Recordings: \$75.00
Change Due : \$.00

Thank You
EUGENE C. BRUNE - Register of Deeds

By: Eileen M

Receipt# Date Time
0702255 02/01/2007 09:59a