

19 November 2009
Reference: 0095922

Mr. Brian Monahan
Conservation Commission
Wayland Town Building
41 Cochituate Road
Wayland, MA 01778

Re: Request for Certificate of Compliance (DEP File No. 322-0647)
Soil Remediation and Wetland Restoration
Former Raytheon Facility
Wayland, Massachusetts

Dear Mr. Monahan and Commissioners:

On behalf of Raytheon Company (Raytheon), Environmental Resources Management (ERM) is submitting this request for a Certificate of Compliance for soil remediation and wetland restoration activities conducted at the Former Raytheon Facility located at 430 Boston Post Road in Wayland, Massachusetts (Site; Figure 1).

The Town of Wayland Conservation Commission (Commission) issued an Order of Conditions (Order) on 8 August 2006 under the Wetlands Protection Act (WPA; 310 CMR 10.000) and the Town of Wayland Wetlands Bylaw Chapter 194. The Order was issued in response to the Notice of Intent (NOI) submitted on 26 April 2006 (ERM, 2006a) for remediation of soil impacted by chlorinated solvents that would require work within the 100-foot Buffer Zone to Bordering Vegetated Wetland (BVW) and a limited amount of work in the resource area BVW. Additionally, on 14 June 2006, a Restoration Plan (ERM, 2006b) was submitted to the Commission to provide specifications for the wetland restoration activities to follow the soil remediation program.

A Certificate of Compliance is being sought based on achievement of the project goals: removal of the chlorinated solvent-impacted soil from the source area in the Northern Area of the Site and replication and restoration of the Resource Area to function as an ecologically valuable wetland.

This package includes:

- Professional Engineer's Certification (Attachment 1);
- WPA Form 8A – Request for a Certificate of Compliance (Attachment 2);
- Wayland Wetlands By-Law Chapter 194 Submittal Checklist (Attachment 3);
- As-built plans (Attachment 4);
- Check in the amount of \$50.00 payable to the Town of Wayland (Attachment 5); and
- Site Photographs (Attachment 6).

Background

Site investigation activities conducted under the Massachusetts Contingency Plan (MCP; 310 CMR 40.0000) identified a zone of soil contamination in the Northern Area of the Site (Figure 2). As described in the NOI, excavation and off-site disposal of the impacted soil from this zone, the "source area", would impact areas of the 100-foot Buffer Zone to BVW and, to a limited extent, the upgradient portion of a swale determined to be a part of the Resource Area by previous Orders issued for work at the Site.

The project was comprised of the following components:

- Construction of an 80-foot diameter circular cofferdam to access impacted soils;
- Excavation and off-site disposal of saturated source area soils exceeding the MCP Method 1 GW-1/S-2 soil standards (cleanup goals);
- Installation of an infiltration gallery for application of remedial additives as part of groundwater remediation activities;
- Application of a low-permeability confining layer and high-organic content topsoil to restore the wetland area to the pre-existing hydrologic regimes;
- Re-establishment of pre-existing grades;

- Revegetation of wetland and buffer zone with native species to restore pre-existing conditions; and
- Ecological monitoring for two growing seasons.

Replication of the wetland and restoration of the associated buffer zone areas were completed on 4 October 2007. Ecological monitoring began during the 2008 growing season and concluded with the 2009 growing season. The replication and restoration areas are stable and provide valuable habitat (ERM, 2009a and ERM, 2009d). Photographs of the restoration area are provided as Attachment 6. Based on observations during project activities and data collected over 2 years of ecological monitoring, it is ERM's opinion that the wetland restoration was conducted in substantial compliance with the project plans submitted with the NOI and with the Restoration Plan referenced in the Order.

The Commission currently holds a \$30,000 bond used to secure performance of the project. This money was originally submitted to the Commission in February 2004 to secure work conducted under DEP File Number 322-0564. That work was completed and a request for a Certificate of Compliance and return of the bond money was submitted to the Commission on 10 October 2006. The request was not addressed and the bond money was not returned. In the 8 August 2006 Order of Conditions for DEP File Number 322-0647, the Commission requested use of the \$30,000 account to secure the current project activities. Project activities have been completed and the work was conducted in substantial compliance with the Order as documented in this submittal package. Therefore, it is no longer necessary for the Commission to hold the bond as a tool to ensure completion of the project. At this time Raytheon requests return of the \$30,000 bond held by the Commission to secure performance of the conditions set by the Order.

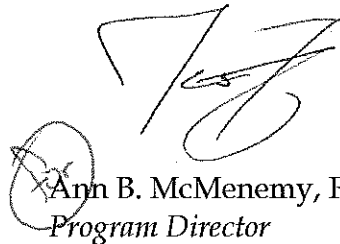
Mr. Brian Monahan
19 November 2009
Page 4

If you have any questions, or would like to schedule a Site visit, please contact the undersigned at (617) 646-7800. Thank you for your time and consideration of this request.

Sincerely,

A handwritten signature in black ink, consisting of a large, stylized 'J' and 'D' intertwined.

John C. Drobinski, P.G., LSP
Principal-in-Charge

A handwritten signature in black ink, featuring a large 'A' and 'M' with a stylized 'B' and 'M' below them. There is a small circular mark to the left of the signature.

Ann B. McMenemy, PWS, CWS
Program Director

encl:

Figure 1 Site Locus Map

Figure 2 Site Plan

Attachment 1 Professional Engineer's Certification

Attachment 2 WPA Form 8a - Request for Certificate of Compliance

Attachment 3 Wayland Wetlands By-Law Ch. 194 Submittal Checklist

Attachment 4 As-Built Project Plans

Attachment 5 Copy of Certification of Compliance Filing Fee Check

Attachment 6 Site Photographs

cc: Massachusetts DEP, Wetlands and Waterways

Louis Burkhardt, Raytheon

Benson Gould, CMG Environmental

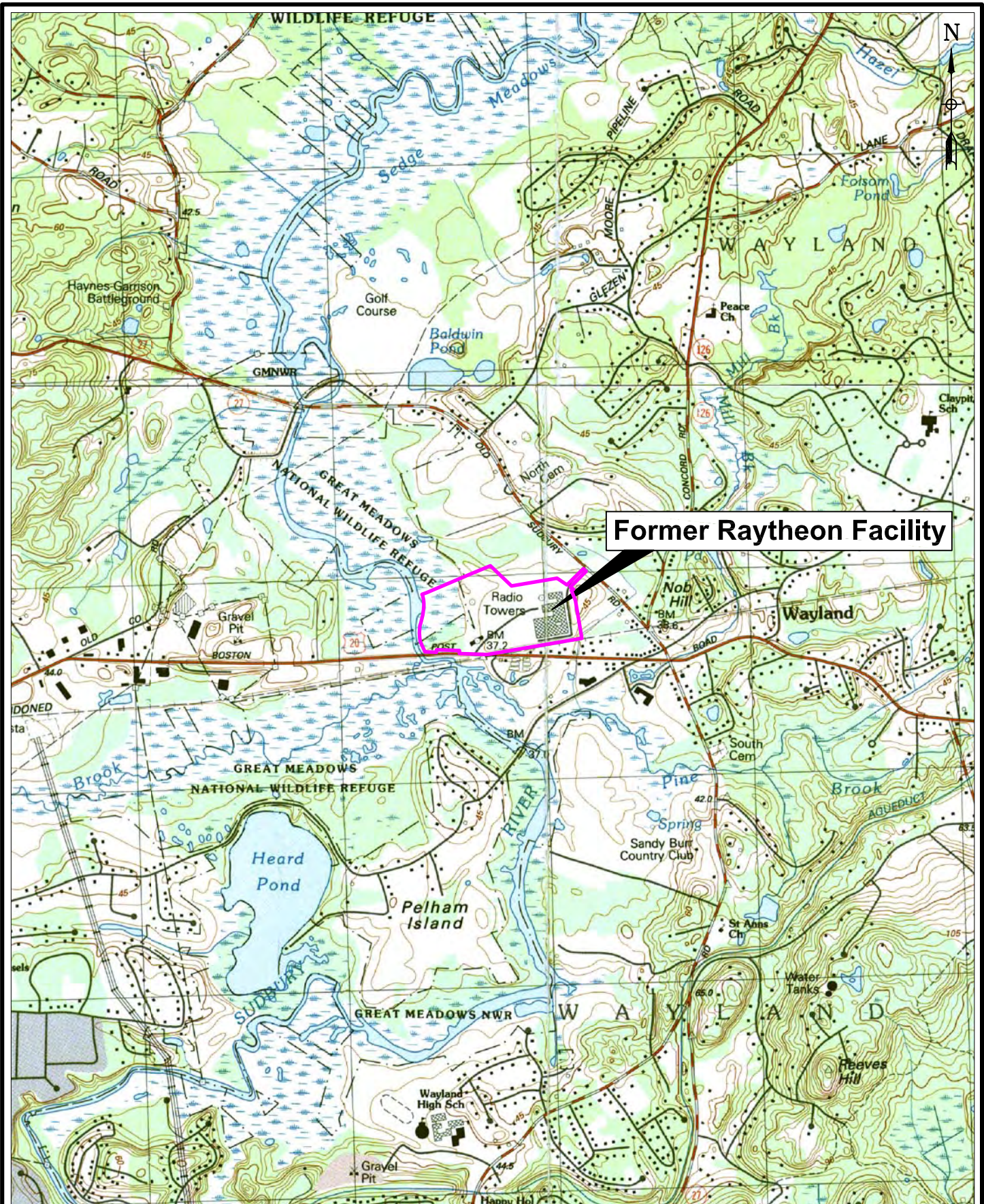
Paula Phillips, Congress Group

Public Repositories

REFERENCES

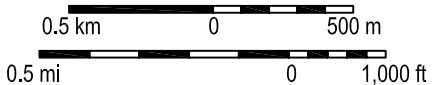
- ERM. 2006a. *Notice of Intent for Remedial Actions in Bordering Vegetated Wetland and the 100-Foot Buffer Zone; Former Raytheon Facility, 430 Boston Post Road, Wayland, MA.* 26 April.
- ERM. 2006b. *Restoration Plan; DEP File # 322-0647; 430 Boston Post Road, Former Raytheon Facility.* 14 June.
- ERM. 2007a. *Response to Order of Conditions; Former Raytheon Facility; 430 Boston Post Road, Wayland, Massachusetts; DEP File No. 322-0647.* 4 June.
- ERM. 2007b. *Notice of Commencement DEP File No. 322-0647; Former Raytheon Facility; 430 Boston Post Road, Wayland, Massachusetts.* 20 June.
- ERM. 2008. *Documentation of Legal Disposal of Excavated Soil; Order of Conditions Findings "bb" (WPA) and "ee" Ch. 194); MA DEP File No. 322-647; Northern Area Source Area Excavation; Former Raytheon Facility.* 7 January.
- ERM. 2009a. *2008 Wetland Restoration Monitoring Report, 430 Boston Post Road, Wayland, Massachusetts.* 9 January.
- ERM. 2009b. *Compliance Review for Order of Conditions; DEP File No. 322-647; Former Raytheon Facility; 430 Boston Post Road, Wayland, Massachusetts.* 12 March.
- ERM. 2009c. *Request for Extension of Order of Conditions; DEP File No. 322-647; Former Raytheon Facility; 430 Boston Post Road, Wayland, Massachusetts.* 1 July.
- ERM. 2009d. *2009 Wetland Restoration Monitoring Report, 430 Boston Post Road, Wayland, Massachusetts.* 25 September.
- Wayland Conservation Commission. 2006. *Order of Conditions and Wayland's Wetlands and Water Resources Bylaw Chapter 194 Permit.* 8 August.

Figures



Former Raytheon Facility

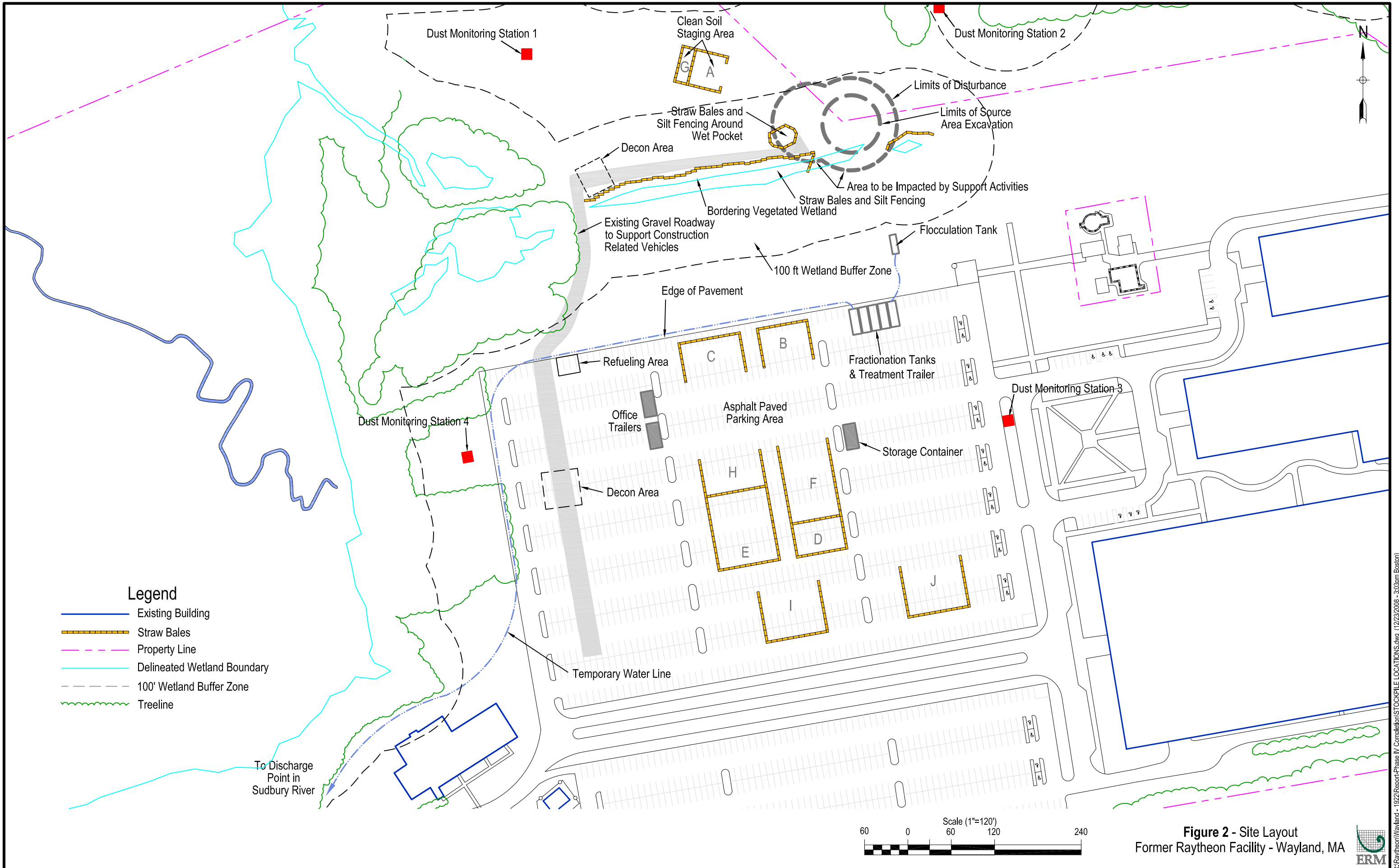
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Legend	
	Subject Property Line

Figure 1 - Site Locus Map
Former Raytheon Facility - Wayland, MA





Legend

- Existing Building
- Straw Bales
- - - Property Line
- Delineated Wetland Boundary
- - - 100' Wetland Buffer Zone
- ~ ~ ~ Treeline

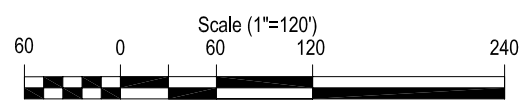


Figure 2 - Site Layout
Former Raytheon Facility - Wayland, MA



*Attachment 1
Professional Engineer's
Certification*

Professional Engineer's Certification
(DEP File# 322-0647)
Soil Remediation and Wetland Restoration
Former Raytheon Facility
Wayland, Massachusetts

On behalf of Raytheon Company (Raytheon), Environmental Resources Management (ERM) has prepared this Professional Engineer's Certification for soil remediation and wetland restoration activities conducted at the Former Raytheon Facility located at 430 Boston Post Road in Wayland, Massachusetts (Site).

ERM oversaw the implementation of soil remediation via excavation and off-site disposal and wetland replication/restoration activities on a daily basis from the commencement of work in June 2007 through completion of the restoration in October 2007. Additionally, ERM wetland scientists have completed the two seasons of monitoring required by the Order of Conditions (Order) issued 8 August 2006. Written field inspection reports were submitted to the Town of Wayland Conservation Commission (Commission) on a bi-weekly basis. Based on observations during construction, it is ERM's opinion that the project was conducted in substantial compliance with the project plans referenced in the Order.

The attached tables document the two sets of special conditions in the Order and ERM's manner of compliance with each. While it is ERM's opinion that the project was carried out in substantial compliance with all conditions in the Order, the following paragraphs contain additional comments to explain minor deviations.

Special Condition 13 attached to the Wetlands Protection Act Form 5 (WPA #13) required written notice to be sent to the Commission in the event of "any change to the plans identified in Condition #12 [those plans submitted with the Notice of Intent]..." The plans submitted with the NOI depicted the installation of two circular cofferdams to facilitate the excavation of the impacted soil. The project team later removed the smaller, 60-foot diameter cofferdam from the scope of work in order to focus resources on the removal of the impacted material within the footprint of the 80-foot diameter cofferdam. As this change did not affect the permitted total area of disturbance or the area of impact to the Resource Area, it was not communicated to the Commission in writing. However, no contention with this change was noted during the site walks with members of the Commission documented in the inspection reports.

As documented in the as-built project plans, 1,339 square feet (ft²) of Resource Area were replicated instead of the 1,545 ft² proposed in the Restoration Plan (ERM, 14 June 2006). The reason for this discrepancy is the use of a more precise survey of the existing wetland flags conducted during project activities. The 1,330 ft² of replicated area resulted in a 2.4:1 replication ratio when compared to the 543 ft² disturbed by the


project. This ratio still exceeds the 1.5:1 ratio required by the WPA and the Town Wetland Bylaw.

Parts a and b of Special Condition 47 attached to Wayland Wetlands Bylaw Chapter 194 (Ch194 #47) required written notice, with dated photographs, within 48 hours of the following events:

- a) *Completion of the soil removal:* Soil excavation activities were completed on 31 August 2007 and documented, in text and photographs, in Inspection Report #6 (IR#6; ERM, 7 September 2007). While IR#6 was submitted in compliance with the deadlines for such reports in Special Conditions WPA #49 and Ch194 #32, the documentation of the completion of soil removal activities was not submitted within the 48-hour requirement.
- b) *Achievement of final grades:* Final grades were achieved on 2 October 2007 and documented in IR#8 (ERM, 5 October 2007). Again, the inspection report was submitted on time, but the notice of achievement of final grades contained therein was not submitted within the 48-hour requirement.

The project goals were to remove the chlorinated solvent-impacted soils from the source area in the Northern Area and to restore areas of the Buffer Zone to Bordering Vegetated Wetland and Resource Area disturbed by these activities. Both of these goals have been achieved.

Therefore, I certify based on my observations, conversations with ERM field representatives, and data collected over 2 years of ecological monitoring that, to the best of my knowledge, the project was completed in substantial compliance with the Order, dated 8 August 2006 for DEP File Number 322-0647.


Jason D. Flattery, P.E.
Registered Professional Engineer
Massachusetts License #47849



Summary of Conditions Associated with WPA Form 5
DEP File Number 322-0647
Former Raytheon Facility
Wayland, Massachusetts

Special Condition	Full Text of Special Condition	Professional Engineer's Comment
WPA #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.	The project was completed in substantial compliance with the conditions in the Order.
WPA #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.	No action required.
WPA #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.	No action required.
WPA #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.	Project activities were completed on 4 October 2007 with revegetation of the wetland. The subsequent wetland monitoring activities required by this Order were completed on 3 August 2009. A request to extend the Order until 8 August 2010 was filed in order to complete reporting activities within the timeframe set by this condition.
WPA #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.	A request to extend the Order to 8 August 2010 was filed on 1 July 2009. No response was received from the Commission.
WPA #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.	Backfill used to replace the impacted material removed from the excavation was sourced from the adjacent site development project. Samples of this material were analyzed for compounds listed in DEP Policy COMM-97-001 as referenced by Special Condition WPA #52. The results of these sample analyses are summarized in Inspection Report (IR) #6 and the Phase IV Completion Report
WPA #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.	No appeals were filed.

Summary of Conditions Associated with WPA Form 5
DEP File Number 322-0647
Former Raytheon Facility
Wayland, Massachusetts

Special Condition	Full Text of Special Condition	Professional Engineer's Comment
WPA #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 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 to be 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.	The Order was recorded in the Middlesex South Registry of Deeds on 1 February 2007. The recording information was submitted to the Commission in a letter dated 4 June 2007.
WPA #9	A sign shall be displayed at the site not less than 2 square feet or more than 3 square feet in size bearing the words, "Massachusetts Department of Environmental Protection" or ["MA DEP"] "File Number 322-647".	A sign of these specifications was placed at the project site prior to commencing work.
WPA #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.	Not applicable.
WPA #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.	This Professional Engineer's narrative is attached to the Request for Certificate of Compliance.
WPA #12	The work shall conform to the plans and special conditions referenced in this Order.	While the project was completed in substantial conformance with the plans and special conditions in the Order, there were a few minor deviations which are documented in this table. See the text of the P.E. Narrative for a discussion of these circumstances.
WPA #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.	The excavation of the impacted soil with two cofferdams as presented in the Notice of Intent (NOI; ERM 26 April 2006) was simplified to one cofferdam. This allowed the project to focus resources on the source area of the chlorinated solvent impacts. However, the elimination of the smaller of the two cofferdams did not affect the total permitted area of disturbance to either the 100-foot buffer to Bordering Vegetated Wetland or the Resource Area itself. This change was not communicated in writing to the Commission. No contention with this issue was brought up by members of the Commission during the site walks documented in the inspection reports.

Summary of Conditions Associated with WPA Form 5
DEP File Number 322-0647
Former Raytheon Facility
Wayland, Massachusetts

Special Condition	Full Text of Special Condition	Professional Engineer's Comment
WPA #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.	ERM and Raytheon complied with requests made by the Commission for site access during project activities. The Department did not make any such requests.
WPA #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 the work conditioned by this Order.	No action required.
WPA #16	Prior to the start of any 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.	The wetland flags and stakes were checked prior to commencing work and replaced where necessary. The stakes were protected from work activities by the sedimentation barrier used to protect wetland areas.
WPA #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.	The barriers were installed prior to commencing work and were surveyed by a Professional Land Surveyor to confirm their proper location. The location and installation of the barriers were inspected by the Commission on 29 June 2007. Daily logs were kept of sedimentation barriers inspections and repairs and have been provided in the inspections reports submitted to the Commission.
WPA #18	No work will be undertaken within the areas subject to jurisdiction until the original Order has been recorded in the Registry of Deeds (refer to Condition #8).	See response to Special Condition WPA #8.
WPA #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.	A set of the final construction drawings was provided to the Commission in the 4 June 2007 Response to Order of Conditions.

Summary of Conditions Associated with WPA Form 5
DEP File Number 322-0647
Former Raytheon Facility
Wayland, Massachusetts

Special Condition	Full Text of Special Condition	Professional Engineer's Comment
WPA #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.	Not applicable.
WPA #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.	Submittals to the Commission have substantially complied with this condition.
WPA #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.	The Response to Order of Conditions contained a recommendation to use an outstanding \$30,000 performance bond to secure the work performed under DEP File Number 322-647
WPA #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.	A schedule was provided to the Commission in the Response to Order of Conditions.
WPA #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.	This list was provided in the Response to Order of Conditions.
WPA #25	No condition.	N/A
WPA #26	The Conservation Commission shall receive notice by the applicant or a duly authorized representative not less than 2 nor more than 5 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 5 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.	A Notice of Commencement was received by the Commission on 21 June 2007. Work was not ceased upon commencement.

Summary of Conditions Associated with WPA Form 5
DEP File Number 322-0647
Former Raytheon Facility
Wayland, Massachusetts

Special Condition	Full Text of Special Condition	Professional Engineer's Comment
WPA #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.	A survey was conducted by a P.L.S. on 27 June 2007 as documented to the Commission in IR #1.
WPA #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 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.	See response to Special Condition WPA #17. In addition to the orange construction fence incorporated into the sedimentation controls, the construction fence was extended to encompass the limit of work as noted in IR#2.
WPA #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.	This information was provided in the Response to Order of Conditions.
WPA #30	A copy of this Order shall be included in any bid document.	ERM's Request for Proposal was submitted for bids on 28 June 2006, prior to the issuance of this Order of Conditions. However, upon their selection as the remedial contractor, Maxymillian Technologies was provided with a copy of the Order.
WPA #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.	Copies of the Order were maintained on-site by ERM and Maxymillian Technologies throughout the duration of intrusive project activities.
WPA #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.	As documented in IR#1, the Commission conducted an inspection of the sedimentation controls on 28 June 2007 and granted verbal approval to begin work.
WPA #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.	On 27 June 2007, silt sacks were installed in six catch basins in the area of the parking lot used for stockpiling material and along the route of travel to Route 20 (IR#1). Inspection and maintenance of the silt sacks was conducted in accordance with this condition.

Summary of Conditions Associated with WPA Form 5

DEP File Number 322-0647

Former Raytheon Facility

Wayland, Massachusetts

Special Condition	Full Text of Special Condition	Professional Engineer's Comment
WPA #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 provided to the Conservation Commission within 45 days of commencing work at the site.	Not applicable. The project footprint did not meet the criteria in Standard 8 of the EPA Stormwater Management Policy that would trigger the filing of a Notice of Intent or a Storm Water Pollution Prevention Plan. This item was documented for the Commission in the Response to Order of Conditions.
WPA #35	There shall be a pre-construction 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.	The pre-construction conference was held on 25 June 2007 as documented in IR#1. All required parties were in attendance.
WPA #36	The stockpiling location shall be designated in the Storm Water 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.	As noted above, a SWPPP was not required for this project. Best management practices for the location, containment, and protection of material stockpiles were used throughout the project and are documented in the inspection reports.
WPA #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. Pre-construction 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.	Pre-construction photographs were provided in IR#1. Post-construction photographs were provided in IR#9.
WPA #38	Grading shall conform to the plans referenced in this decision except as conditioned herein.	The site was restored to pre-existing grades in the remediation area and confirmed by topographical survey (Phase IV Completion Report).
WPA #39	Equipment shall not be refueled or serviced within 100 feet of the Bordering Vegetated Wetland 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.	Equipment was refueled according to the refueling plan provided to the Commission in the Response to Order of Conditions and as amended in IR#3. As stated in that inspection report, the amendment allowing refueling of the equipment within the cofferdam was verbally approved by the Commission.

Summary of Conditions Associated with WPA Form 5
DEP File Number 322-0647
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Special Condition	Full Text of Special Condition	Professional Engineer's Comment
WPA #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.	As documented in IR#8, disturbed areas outside of the wetland restoration area were seeded with a mix from New England Wetland Plants and mulched with straw.
WPA #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, North Hampton, 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.	See response to Special Condition WPA #40.
WPA #42	Dewatering shall conform to the findings in this decision and the specification outlined in the Notice of Intent dated 4/26/06, as amended. This shall include obtaining the necessary NPDES permit.	Approval to discharge treated water from the excavation under the National Pollutant Discharge Elimination System Remediation General Permit was received from the EPA on 3 October 2006 (Response to Order of Conditions).
WPA #43	At the end of each work day, the applicant shall mechanically sweep or manually sweep sediments from the adjacent streets, unless tracking and sediment is not evident on the streets.	A mechanical sweeper was kept on-site beginning 12 July 2007 (IR#2). The roadway and stockpile areas were swept as needed.
WPA #44	Any debris, which falls into any pond, stream, or wetland, shall be removed 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.	Debris was not observed to have fallen into a pond, stream, or wetland during project activities. Construction debris was collected in an on-site dumpster provided by Maxymillian Technologies.
WPA #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.	Flammable and combustible chemicals were not stored on site in quantities in excess of 50 gallons. As documented in the inspection reports, diesel fuel was brought on site on an as-needed basis via delivery truck. Equipment in use within the resource area was refueled such that no more than 50 gallons was stored in the fuel tank at a time. Routine servicing was not performed on site.

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WPA #46	Replication shall be done as approved by the Conservation Commission. The replicated area shall be monitored for not less than 2 growing seasons after the planting has been completed. The monitoring shall not include any planting done after July 1 of any year.	Replication of the wetland area disturbed by the project was conducted in conformance with the Restoration Plan as documented in the Phase IV Completion Report. Planting was completed on 4 October 2007. The wetland was monitored during the 2008 and 2009 growing seasons as documented in the 2008 and 2009 Annual Wetland Restoration Monitoring Reports.
WPA #47	<p>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 has occurred.</p> <p>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 5 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 days before this Order expires shall also be submitted to the Commission.</p>	ERM submitted nine bi-weekly inspection reports for the period from 25 June 2007 to 12 October 2007 in order to comply with this condition. Alicia Kabir of ERM conducted the weekly inspections and provided the Registered Professional Engineer certifications for each report. Limited deviations were identified by Ms. Kabir during her inspections, primarily related to minor sedimentation control and/or stockpile damage. The details of her inspections and the resulting actions are summarized in the inspection reports.
WPA #48	No condition.	N/A
WPA #49	The required reports shall be submitted within 5 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.	ERM complied with this condition.

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WPA #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.	A stockpile of the required materials was maintained on site throughout the duration of the project. The stockpiled material was used to make the minor repairs noted in the inspection reports. No significant issues with the sedimentation controls, and no sedimentation or erosion problems were observed during the project.
WPA #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.	The soil used to backfill the excavation was inspected before use and samples were collected for laboratory analysis to confirm the material's quality. This analysis and the necessary certification from the property owner was documented in IR#6 and the Phase IV Completion Report. The wetland topsoil was purchased from Newland Farm of Newton, MA. The property owner certification for this material was provided in IR#8.
WPA #52	<p>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 disposal site, as defined in 310 CMR 40.0000, upon that source property.</p> <p>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, 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.</p>	See response to Special Condition WPA #51.
WPA #53	No condition.	N/A

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WPA #54	No underground sprinkler systems may be installed within the 100-foot buffer zone. This condition shall remain in force permanently and be recorded on the Certificate of Compliance.	Sprinkler systems were not part of the scope of this project.
WPA #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.	Chemicals used on site were stored in a construction trailer in the parking lot (outside of the resource buffer zone). No bulk quantities of liquid chemicals were stored on site.
WPA #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.	De-icing chemicals were not used on site as part of this project.
WPA #57	No condition.	N/A
WPA #58	No condition.	N/A
WPA #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 drainage, 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.	No action required.
WPA #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.	Not applicable. No work was proposed or conducted on any site drainage systems as part of this project.
WPA #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.	The sedimentation controls were removed and disposed of (plastic construction fencing and silt fencing) or dispersed on site (straw bales) during a site inspection in spring 2009.

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WPA #62	<p>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 the 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.</p> <p>b) Two sets of as-built site plans shall be prepared by a Registered Professional 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.</p> <p>c) A copy of the as-built shall be submitted on a computer disk in AutoCAD format dxf, dwg, or may be emailed to the Town Surveyor at MTB_surveyor@msn.com (if this is not possible please contact the Commission).</p>	<p>The Certificate of Compliance has been requested using the form identified in this condition. This table satisfies the requirement of a detailed narrative prepared by a Professional Engineer. Only minor deviations have occurred as documented herein. A request for extension of the Order of Conditions to 8 August 2010 was requested in a letter dated 1 July 2009, though no response was received from the Commission. (Note: Special Conditions WPA #63 and Ch194 #51 stipulate that a request for extension be filed not less than 30 days before expiration of the Order.) At this time, the work, including the required wetland restoration monitoring, has been completed. As stated in response to Special Condition WPA #60, no work was proposed or conducted on any site drainage system.</p> <p>The required as-built plans, previously submitted as part of the Phase IV Completion Report, are attached to the request for Certificate of Compliance.</p> <p>The as-built plan was emailed to the town surveyor on 19 November 2009.</p>
WPA #63	<p>The work authorized hereunder shall be completed within 3 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 30 days prior to the expiration date of this Order. If this Order is intended to be valid for more than 3 years, the extension date and the special circumstances warranting the extended time period are set forth as a special condition in this Order.</p>	<p>See responses to Special Conditions WPA #4 and WPA #5. Intrusive project tasks were completed in October 2007, as described in the Phase IV Completion Report. At the time of the request for an extension (1 July 2009), the only outstanding project task was the 2009 late growing season wetland monitoring. The extension was requested to conduct that monitoring event and allow sufficient time for the subsequent reporting and filing of this Request for Certificate of Compliance.</p>

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Ch194 #1	The work shall conform to the following except as herein conditioned: (List of plans and figures)	The project was completed in substantial compliance with the conditions in the Order.
Ch194 #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.	See Special Condition WPA #8.
Ch194 #3	The work shall conform to the plans and special conditions referenced in this permit.	See Special Condition WPA #12.
Ch194 #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.	This affidavit was included in the Response to Order of Conditions.
Ch194 #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 a Certificate of Completion. 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.	Not applicable.
Ch194 #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.	ERM substantially complied with this condition.
Ch194 #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, 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.	Not applicable.
Ch194 #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 the persons representing the applicant on the site during work 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.	An example of the daily log to be used on site was submitted for review by the Commission in the Response to Order of Conditions. Copies of the daily logs from the site were provided in the inspection reports.

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Ch194 #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.	See responses to Special Conditions WPA #29 and Ch194 #8.
Ch194 #10	The Conservation Commission shall receive notice by the applicant or a duly authorized representative not less than 2 nor more than 5 business days prior to 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 5 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.	See response to Special Condition WPA #26.
Ch194 #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.	See responses to Special Conditions WPA #17, WPA #27, and WPA #28.
Ch194 #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.	See response to Special Condition WPA #24.
Ch194 #13	A copy of this permit shall be included in any bid document.	See response to Special Conditional WPA #30.
Ch194 #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.	See response to Special Condition WPA #31.
Ch194 #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.	See response to Special Condition WPA #32.

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Ch194 #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.	The lay down area was defined for the Commission's review in the Response to Order of Conditions.
Ch194 #17	Prior to commencing any work on the site the applicant shall submit to the Town a letter addressing the existing accounts (in the amount of \$100,000 and \$30,000) for 2 prior projects and that this work will be secured with those monies.	As proposed in the Response to Order of Conditions, the work completed under this Order was secured with only the \$30,000 bond. This money was previously used to secure a project that had been completed and for which a Request for Certificate of Compliance had been submitted.
Ch194 #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.	An estimate of the total area to be disturbed was submitted in the Response to Order of Conditions.
Ch194 #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	ERM and Raytheon substantially complied with this condition. Approval to discharge under the EPA's NPDES Remediation General Permit (RGP), rather than the Construction General Permit, was sought and granted. The RGP was the more appropriate permit given the project circumstances. Documentation of EPA's approval was provided in the Response to Order of Conditions.
Ch194 #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.	The required sanitary facilities were provided and located in the parking lot, outside of the 100-foot resource area buffer zone.
Ch194 #21	There shall be a pre-construction 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.	See response to Special Condition WPA #35.
Ch194 #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.	See response to Special Conditions WPA #36.

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Ch194 #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.	See response to Special Condition WPA #37.
Ch194 #24	The applicant shall give a copy of any test results to the Conservation Commission within 10 days of receipt.	The results of analyses performed on samples from the site were provided to the Commission in the inspection reports. These included confirmation samples from the bottom and sides of the excavation area, water treatment system permit compliance samples, waste characterization samples, and clean fill confirmation samples.
Ch194 #25	The excavated hole shall be contained (fenced) such that animals cannot accidentally fall into the hole.	See response to Special Condition WPA #28.
Ch194 #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.	See response to Special Condition Ch194 #8.
Ch194 #27	No permanent drainage structure shall be used as a temporary sedimentation basin or for erosion control during the permitted activity.	ERM and Raytheon complied with this condition.
Ch194 #28	This decision permits no permanent change in grade in a resource area, buffer zone, or on the Conservation lands.	As documented in the inspection reports and the Phase IV Completion Report, the disturbed areas were restored to their pre-existing grades
Ch194 #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.	See response to Special Condition WPA #39.
Ch194 #30	A spill containment kit shall be kept with any drilling unit used on the site.	See response to Special Condition WPA #39. Spill kits were maintained at the refueling area at the edge of the parking lot and at the excavation site.

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Ch194 #31	<p>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.</p> <p>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.</p>	See response to Special Condition WPA #47.
Ch194 #32	The required reports shall be submitted within 5 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.	See response to Special Condition WPA #49.
Ch194 #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.	See response to Special Condition WPA #40.
Ch194 #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, North Hampton, 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.	See response to Special Condition WPA #41.

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Ch194 #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 2 growing seasons after being planted. Native plant species shall be used for the replication. Any planting that is replaced shall be in kind and the Commission shall be notified of any replanting required with the date of (sic) 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.	See response to Special Condition WPA #46. No replanting has been conducted.
Ch194 #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 2 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.	See response to Special Condition WPA #46. The replicated wetland has met the performance standards.
Ch194 #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 to the Conservation Commission who may formally note any change from the narrative in the application. Changes may require formal action by the Commission.	Dewatering and subsequent water treatment were conducted in accordance with the EPA NPDES Remediation General Permit. Dewatering, treatment, and discharge activities are summarized in the inspection reports and the Phase IV Completion Report. Treated water was discharged directly to the Sudbury River.
Ch194 #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.	As documented in the inspection reports and Phase IV Completion Report, some soil removed from the excavation was reused as backfill or to create the low-permeability layer in the replicated wetland. Results of laboratory analyses performed on samples of this material were used to confirm its suitability. These analytical data were provided to the Commission in IR#2 and IR#5 (Stockpiles, A, B, C, and G).

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Ch194 #39	Pesticides, herbicides, and fungicides shall not be used within the wetland, flood plain, 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.	Pesticides, herbicides, fungicides, and fertilizers were not used during the project.
Ch194 #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.	See response to Special Condition WPA #43.
Ch194 #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.	See response to Special Condition WPA #44.
Ch194 #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.	See response to Special Condition WPA #50.
Ch194 #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.	See response to Special Condition WPA #45.
Ch194 #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.	ERM and Raytheon Complied with this condition.
Ch194 #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 in the Cow Common Conservation Area.	See response to Special Condition WPA #55.
Ch194 #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.	See response to Special Condition WPA #56.

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Ch194 #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 (sic) in the specific Area to achieve the clean-up goal has been completed.	Soil excavation to meet clean-up goals was completed on 31 August 2007 as documented in text and photographs in IR#6. This report was submitted on 7 September 2007.
	b: Final grades for replacement of (sic) replacement soil has (sic) been completed.	Final grades were achieved on 2 October 2007 as documented in text in photographs in IR#8. This report was submitted to the Commission on 5 October 2007.
	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.	Wetland planting was initiated and completed on 4 October 2007 as documented in IR#8 submitted on 5 October 2007.
Ch194 #48	By acceptance of this Permit and commencement of the 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.	See response to Special Condition WPA #59.
Ch194 #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.	See response to Special Condition WPA #61.

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Wayland, Massachusetts

Special Condition	Full Text of Special Condition	Professional Engineer's Comment
Ch194 #50	<p>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 (sic) 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.</p> <p>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, building footprint and landscaping. These plans shall include the date/s of fieldwork.</p> <p>c) A copy of the as-built shall be submitted on a computer disk in AutoCAD format dxf, dwg, or may be emailed to the Town Surveyor at MTB_surveyor@msn.com (if this is not possible please contact the Commission).</p>	<p>See response to Special Condition WPA #62.</p> <p>See response to Special Condition WPA #62.</p> <p>See response to Special Condition WPA #62.</p>
Ch194 #51	<p>The work authorized hereunder shall be completed within 3 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 30 days prior to the expiration date of this Order. If this Order is intended to be valid for more than 3 years, the extension date and the special circumstances warranting the extended time period are set forth as a special condition in this Order.</p>	<p>See responses to Special Conditions WPA #4, WPA #5, and WPA #63.</p>

Attachment 2
WPA Form 8A - Request for a
Certificate of Compliance



WPA Form 8A – Request for Certificate of Compliance

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

A. Project Information

Important:

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



Upon completion of the work authorized in an Order of Conditions, the property owner must request a Certificate of Compliance from the issuing authority stating that the work or portion of the work has been satisfactorily completed.

1. This request is being made by:

Raytheon Company
Name
880 Technology Park Drive MS 3-3029
Mailing Address
Billerica MA 01821
City/Town State Zip Code
978-436-8238
Phone Number

2. This request is in reference to work regulated by a final Order of Conditions issued to:

Raytheon Company
Applicant
8 August 2006 322-647
Dated DEP File Number

3. The project site is located at:

430 Boston Post Road Wayland
Street Address City/Town
23 52
Assessors Map/Plat Number Parcel/Lot Number

4. The final Order of Conditions was recorded at the Registry of Deeds for:

Wayland Business Center
Property Owner (if different)
Middlesex 41163 126
County Book Page

Certificate (if registered land)

5. This request is for certification that (check one):

- the work regulated by the above-referenced Order of Conditions has been satisfactorily completed.
 the following portions of the work regulated by the above-referenced Order of Conditions have been satisfactorily completed (use additional paper if necessary).

- the above-referenced Order of Conditions has lapsed and is therefore no longer valid, and the work regulated by it was never started.



A. Project Information (cont.)

6. Did the Order of Conditions for this project, or the portion of the project subject to this request, contain an approval of any plans stamped by a registered professional engineer, architect, landscape architect, or land surveyor?

Yes

If yes, attach a written statement by such a professional certifying substantial compliance with the plans and describing what deviation, if any, exists from the plans approved in the Order.

No

B. Submittal Requirements

Requests for Certificates of Compliance should be directed to the issuing authority that issued the final Order of Conditions (OOC). If the project received an OOC from the Conservation Commission, submit this request to that Commission. If the project was issued a Superseding Order of Conditions or was the subject of an Adjudicatory Hearing Final Decision, submit this request to the appropriate DEP Regional Office (see <http://www.mass.gov/dep/about/region/findyour.htm>).

Attachment 3
Wayland Wetlands By-Law
Ch. 194 Submittal Checklist

**WAYLAND'S WETLANDS AND WATER RESOURCES BYLAW ("CHAPTER 194")
APPLICATION SUBMISSION REQUIREMENTS CHECKLIST**

Page 1 of 4

Upon submittal of any Bylaw application the applicant(s), property owner (if different), and their representative(s) must sign this checklist.

The following 8 items are necessary for ALL Bylaw applications. No exceptions.

- × Original MA Wetlands Protection Act ("WPA") application, including owner(s) signature, the applicant(s) signature, minimum 1 set of colored plan(s), narrative, etc. NOTE: If a WPA Application is not filed a copy of either a statement as to not applicable (limited generally to buffer zone to bordering land subject to flooding) or a valid Order of Resource Area Determination (ORAD) must be provided with copies.
- × Original Chapter 194 Bylaw application, including owner(s) signature, the applicant(s) signature, and minimum 1 set of colored plan(s), narrative, etc.
- × 8 copies of the MA Wetlands Protection Act application, including all plans, narratives, etc.
- × 8 copies of the Chapter 194 Bylaw application, including all plans, narratives, etc.
- NA A separate check for all applicable Wetlands Act fees.
- × A separate check for all applicable Chapter 194 Bylaw fees.
- NA A list of the 100' Abutters, certified by the Assessors Office.
- × Evidence of Board of Health receipt of application or approval for all applications.
- × Project Summary
 - PS 1. A narrative statement describing all of the activities proposed. If work is omitted from the narrative it may not be permitted.
 - PS 2. A narrative summary description of the types of wetland resource areas on or near the site. Omission of resource areas is a basis for denial of the project as being incomplete.
 - PS 3. A narrative discussion how the project has been designed to minimize impacts to resource areas and how any mitigation has been proposed to better protect or enhance the resource areas during and after construction. **The Conservation Commission will evaluate your application looking at a project and the impact on the resource area (e.g. a wetland, pond, vernal pool, riverfront area, etc.) The Commission's priorities for project assessment are avoidance, minimization, and mitigation of impacts to resource area/s in that order. If mitigation is proposed the Commission will require a greater than 1:1 ratio of replication for impact –1:1.5 for wetlands and 1:1.4 for buffer zone. Your summary should clearly include how you have addressed these priorities.**
 - PS 4. A narrative discussion that presents justification, based on factors of technical or economic feasibility, why alternatives that might minimize or completely avoid adverse impact to the Riverfront Area, Floodplain, the Buffer Zone, and/or any other resource area are not being proposed. At a minimum there must be discussion of the alternative for no alteration.

The following items are required for Site Plans submitted with a Bylaw application; however, if the Applicant considers that the information is not relevant to the scope or scale of the proposed project, a Waiver(s) of requirements must be requested at the time of filing the application (see p. 4) with the Conservation Commission.

**WAYLAND'S WETLANDS AND WATER RESOURCES BYLAW ("CHAPTER 194")
APPLICATION SUBMISSION REQUIREMENTS CHECKLIST**

Page 2 of 4

Site Plan Minimum Requirements

The following shall be included on the Site Plan:

- × 1A. Stamp of a Professional Engineer (P.E.) and/or a Professional Land Surveyor (P.L.S.) depending upon proximity to lot lines or project complexity.
OR
- 1B. Stamp of a Registered Sanitarian (R.S.) is acceptable for designs of septic systems handling less than 2,000 gallons per day, with incidental site work. Not acceptable for other project designs, determination of lot lines, or non-septic grading.

- × 2. Grade elevations based on National Geodetic Vertical Datum (NGVD). Grade contours in the area of work shall be provided with at least 1-foot intervals.
- × 3. Plan Scale: 1 inch = 10 feet, or 1 inch = 20 feet.
- × 4. Wetlands flagging with letters and/or numbers as defined in the field.
- × 5. Date that wetlands flagging was done, name of who did the delineation work, and/or source of information used to depict the wetlands.
- × 6. Site Plans must clearly show existing conditions and proposed conditions, utilities, impervious surfaces, limit of lawn, trees greater than 6 inches in diameter, significant land features such as rock outcroppings, all Resource Areas (differentiate each) including Buffer Zone. *Note: It may be more comprehensible to submit two plans: an existing conditions plan and a proposed conditions plan.*
- × 7. Site plans must detail the permanent demarcation of the limit of lawn with minimum 30' offset from resource area for new construction, and minimum average 15' offset for existing dwellings.
- × 8. Colored lines/areas for Wetland Resource Areas and Critical Site Features with suggested colors:
 - Blue - stream/bank limit of flood plain
 - Green – Limit of lawn and/or tree line
 - Gray – Areas of impervious surface
 - Black - Limit of work on property including construction activity
 - Yellow – riverfront 100ft and 200ft (Need another symbol as well since yellow will not copy.)
 - Red – Wetland resource & 30 ft no-disturb line
 - Brown – area of filling of resource area or buffer zone
- NA 9. Locations and identifiers for all test pit locations.
- NA 10. A cross-section of grading and profile for proposed septic systems.
- NA 11. Locations for temporary stockpiles or storage of soils or demolition debris during construction.
- NA 12. Access route for construction equipment.
- NA 13. Location of hay bales and/or silt fence sediment barrier.
- NA 14. Detail for installation of sediment barrier.
- NA 15. Location for refueling of equipment. (Outside buffer zone strongly preferred)
- NA 16. Pre/Post-Construction Lot Coverage Summary for areas within by-law jurisdiction: a) Total lot area; b) total impervious area (**Note: impervious areas shall include, but are not limited to, roofs, decks, walks, and driveways**); c) total landscaped/lawn area; and d) total area altered during construction (including temporary impacts).

**WAYLAND'S WETLANDS AND WATER RESOURCES BYLAW ("CHAPTER 194")
APPLICATION SUBMISSION REQUIREMENTS CHECKLIST**

Page 3 of 4

Drainage Requirements

The Commission seeks to protect water quality for surface water and groundwater, and to have no increase to the rate or quantity of runoff of storm water from the property.

NA 1A. For projects adding less than or equal to 500 square feet of impervious area, a narrative description of specific measures used to provide for infiltration of runoff equivalent to runoff this additional impervious area. Those measures must be clearly depicted on the Site Plan as a specification.

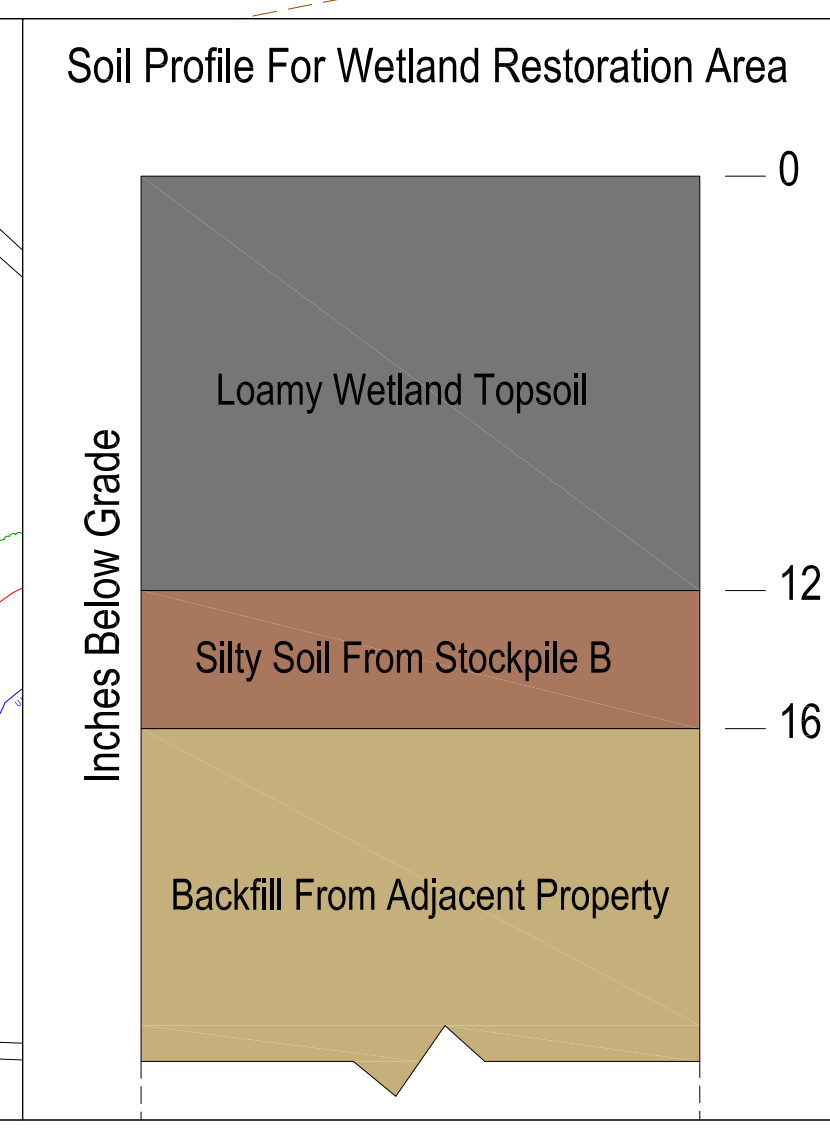
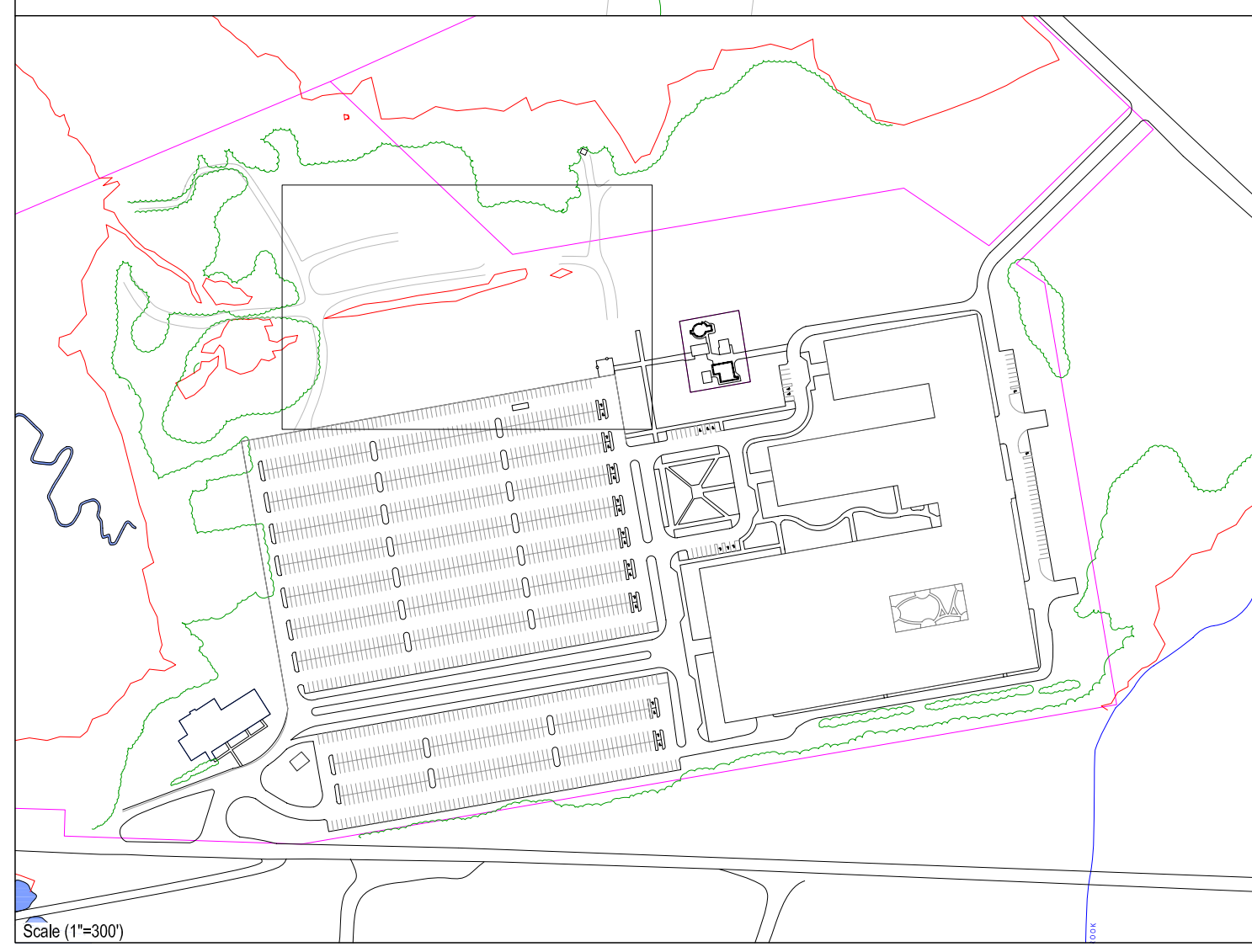
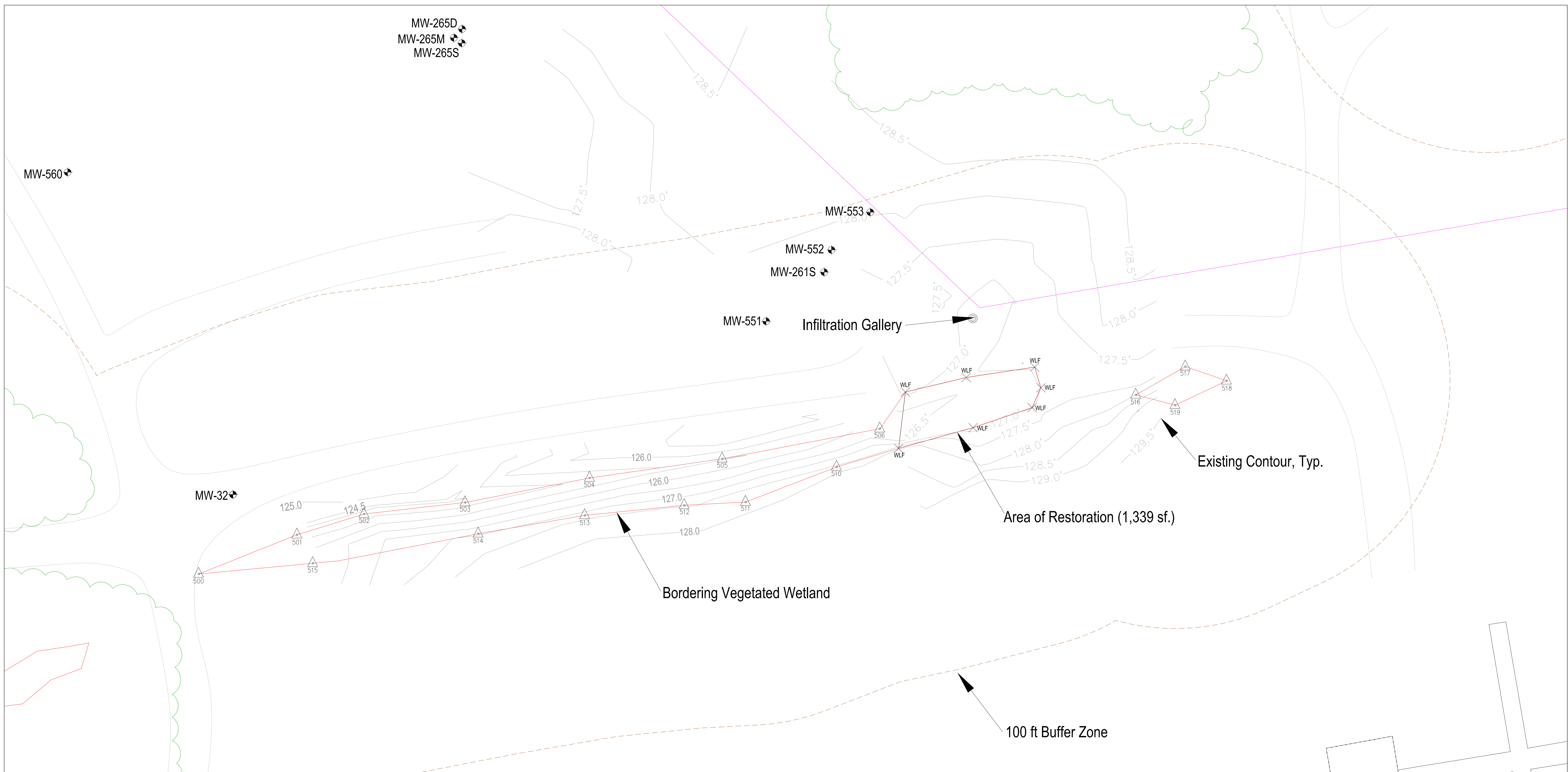
OR

- 1B. For projects adding more than 500 square feet of impervious area a set of calculations with:
 - 1B.1 A narrative discussion of the method used, and a statement of all assumptions used in drainage calculations
 - 1B.2 A plan showing drainage catchment areas
 - 1B.3 Supporting calculations stamped by a P.E.
 - 1B.4 Summary tables presenting Pre/Post Construction Storm Water Runoff Rates and Volumes for a 1-inch storm event, a 10-year, and a 100-year storm events. Note: Rainfall of at least 7 inches in 24 hours must be used for 100-year storm event.
- NA 2. Description whether site is within an urbanized area or Riverfront area (NPDES – Phase II Storm Water). If site is within an urbanized area, as defined by Town of Wayland map, the nearest off-site storm water drainage structures must be identified. Urbanized Areas: Town of Wayland Map entitled: "Urbanized Areas from 2000 United States Census Wayland, Mass." prepared by Wayland GIS, June 20, 2001.
- NA 3. Narrative description of structural and non-structural best management practice (BMP) (See "Definitions), controls for storm water management with the project **both during phases of construction and for long term site management:**
 - 3a. Evaluation of BMP selection and factors of site suitability including: soils, drainage area, depth to water table, depth to bedrock, slopes and proximity to wells and foundations
 - 3b. Discussion of construction phasing
 - 3c. Relevant site characterization data for design
 - 3d. Water quality calculations for total suspended solids (TSS) removal
 - 3e. Calculated storm water recharge rate
 - 3f. Calculated peak discharge rate
- NA 4. Maintenance requirements for BMPs must be specified. Operation and Maintenance (O&M) plans for Stormwater shall be submitted with the application describing short-term BMPs (during construction) and long-term BMPs (post-construction) for management of the drainage structures, roadway and/or parking lot (as applicable) including but not limited to sweeping; catch basin cleaning; snow storage and erosion controls, such as hay bales or sediment fences. The drainage components (Best Management Practice – BMP) shall be as described using terminology in the DEP Storm water Technical Handbook, March 1997.
- NA 5. Aquifer Protection District – If the project is within this area, a narrative description of how the project complies with aquifer protection requirements.

Soils Information

- NA 1. Septic Systems or Drainage BMPs (where applicable) - Clear statement of how many test pits or borings were conducted for the project planning and engineering evaluations and what number and types of analytical methods may have been applied for soils characterization including visual evaluation, percolation tests, field screening, and laboratory analyses.
- NA 2. Septic Systems and/or applicable drainage BMP - Copies of all soil data including boring and/or test pit logs.
- NA 3. Soil auger or test pit logs for delineation of wetland resources on the property.

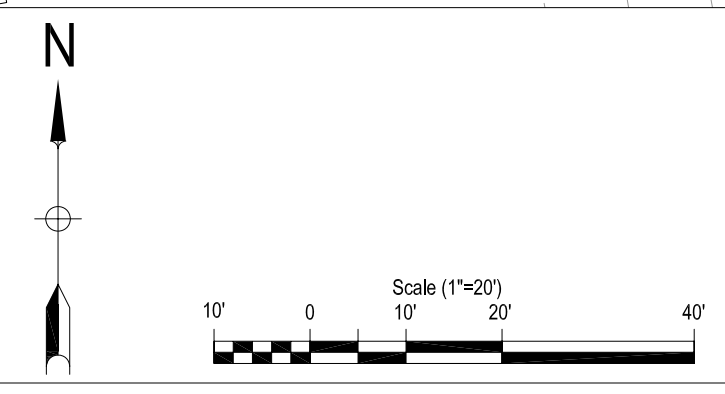
Attachment 4
As-built Project Plans



Legend

- Property Line
- Delineated Wetland Boundary
- 100' Wetland Buffer Zone
- Treeline
- Wetland Flag (ERM)
- Wetland Flag (Other)
- Monitoring Well Location

Notes:
 1. ERM Wetland Flags set by ERM Wetland Scientist October 4, 2007.
 2. Wetland Flag Locations not set by ERM were taken from the Wayland Town Center Master Special Permit Submission, Grading & Drainage Plan, Dated May 10 2007



Attachment 5
Copy of Certificate of Compliance
Filing Fee Check

VENDOR

CHECK NUMBER

ERM Account Number:

PLEASE DETACH AND RETAIN FOR YOUR RECORDS

INVOICE NUMBER	DATE	VOUCHER NO.	AMOUNT
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TOTAL:

THIS DOCUMENT CONTAINS HEAT SENSITIVE INK. TOUCH OR PRESS RED LOGO NEAR SIGNATURE LINE - RED IMAGE DISAPPEARS WITH HEAT.



ERM
399 Boylston Street, 6th Floor
Boston, MA 02116
(617) 646-7800



WACHOVIA
3-50
310

DATE:

10/21/09

NO. 059593

PAY fifty dollars and 00/100

\$ 50.00

TO THE ORDER OF Town of Wayland

Marcia A. DeMarco

AUTHORIZED SIGNATURE

ORIGINAL CHECK IS PRINTED ON CHEMICAL REACTIVE PAPER WHICH CONTAINS A WATERMARK

⑈059593⑈ ⑆031000503⑆ 2000031445506⑈

ERM.

Attachment 6
Site Photographs



Photograph 1 – Blue vervain in restoration area. (3 August 2009)



Photograph 2 – Diversity of native species in restoration area. (3 August 2009)



Photograph 3 – Restoration Area looking northwest. (3 August 2009)



Photograph 4 – Restoration Area looking east. (3 August 2009)



Photograph 5 - Restoration area with buffer zone in foreground.

(3 August 2009)



Photograph 6 - Restoration area looking northwest. Note black willow in foreground. (3 August 2009)