



TOWN OF WAYLAND
MASSACHUSETTS
CONSERVATION COMMISSION

Wayland's Wetlands and Water Resources Protection Bylaw
CHAPTER 194 PERMIT
264 Old Connecticut Path – November 16, 2018
(Also DEP File 322-928)

Applicant/Owner: Ben Keefe
Town of Wayland
41 Cochituate Road
Wayland, MA 01778

Subject Property: 264 Old Connecticut Path, Wayland, MA

Deed Reference: Book 777 / Page 77, Middlesex South Registry of Deeds

Project Description: An application filed for the renovation and replacement of the existing athletic facilities at Wayland High School with stormwater management and temporary erosion controls within the wetland buffer zone at 264 Old Connecticut Path (Map 37, parcel 260). The scope of work includes the following:

1. Replacement and relocation of the existing stadium complex
2. Replacement of the existing synthetic turf field and competition track
3. Replacement and enlargement of the existing bleachers
4. Demolishing the existing tennis courts and installing six new courts near Old Connecticut Path
5. Relocating the softball field
6. Installing additional parking for 28 vehicles
7. Construction of a concessions building and restrooms
8. Re-grading of the site

Decision: The Wayland Conservation Commission (hereinafter “Commission”) voted to issue a Chapter 194 permit approving the proposed work, as conditioned herein pursuant to Chapter 194. **Sixty-seven** trees will be removed for this project. This permit is subject to the conditions noted below and based upon the findings listed below thereafter. The Commission finds that the conditions are necessary, in accordance with the provisions of Chapter 194, to protect those interests noted in the findings.

Plan Reference/s:

1. Town of Wayland Improvements to Wayland High School Athletic Facilities (38 sheets labeled L1.00 – L7.12), prepared by Weston & Sampson, signed and stamped by Eugene Richard Bolinger, R.L.A, dated July 26, 2018.
2. Notice of Intent/Chapter 194 Application, received on July 30, 2018. [The initial filing was missing the NOI application form and provided electronically on August 1, 2018.]
3. Stormwater Report, prepared by Weston & Sampson, dated July 11, 2018.

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

Special Conditions Issued by the Wayland Conservation Commission:

CONDITIONS TO BE MET BEFORE COMMENCING WORK:

1. **Prior to commencing any work**, the applicant shall provide *written notice*, not less than two or more than five business days prior to commencing any activity permitted by this Order, to the Commission. *E-mail shall not be considered written notice.*
2. **Prior to commencing any work permitted by this permit**, a copy of this permit shall be filed at the Middlesex South Registry of Deeds.
3. **Prior to commencing any work** a copy of the Construction General Permit/SWPPP shall be provided to the Commission.
4. **No work shall begin until the appeal period has expired for the Order of Conditions issued pursuant to the Wetlands Protection Act.**
5. **Prior to commencing any work**, the applicant shall provide the name and phone number of the Contractor, the foreman in charge of the project, the person responsible for all on-site erosion controls, the name of the person who shall make the inspection of the sediment barriers and the name of any alternate.
6. **Prior to commencing any work**, the applicant shall provide the Commission with a landscaping plan for the compensation of the 26 removed trees from the 100 foot wetland buffer and for the 41 trees outside the wetland buffer for their review and approval.
7. **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. The completion of this inspection does not imply the barriers have been installed in the required location – such certification is the responsibility of a qualified professional.
8. **Prior to commencing any work at the site**, the applicant shall provide the Conservation Commission with a construction phasing plan detailing anticipated time periods for construction, construction materials and equipment storage, anticipated roadway or access drive closures, and disposal plans for the crumb rubber infill material.
9. **Prior to commencing any work at the site**, the applicant shall provide final site plans based upon the NGVD datum to the Conservation Commission (Commission) if the project design changes after the issue date of this permit. Significant changes to the site plans may require filing a new Notice of Intent.
10. **Prior to commencing any work at the site**, the applicant shall mark the boundary of the wetlands by wooden stakes or prominent flagging. The 30-foot no disturb buffer shall also be marked by wooden stakes or prominent flagging using different color flagging tape.
11. **Prior to commencing any work**, the applicant shall schedule an on-site meeting with the applicant, contractor, person responsible for all on-site erosion controls, the OPM, and the Conservation Administrator.
12. **Prior to commencing any work at the site**, the applicant shall provide a copy of the manufacturer's specifications regarding installation, care and maintenance, and snow removal guidelines for the virgin EPDM infill proposed for the field.

REPORTING REQUIREMENTS:

13. **There shall be at least one site inspection done while work is on-going at the site. This shall take place within thirty (30) days, or sooner** after work has started on the site the

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

CONDITIONS TO BE MET DURING THE PROJECT:

16. This permit may be extended by the Commission for up to three years upon application to the Commission at least 30 days prior to the expiration date of the decision.
17. This permit does not relieve the applicant or any other person of the necessity of complying with all other applicable federal, state, or local statutes, ordinances, bylaws, or regulations.
18. Any backfill used in connection with this project shall be clean fill. Any backfill shall *contain no trash, refuse, rubbish, or debris, including but not limited to wood, lumber, bricks, plaster, asphalt, electronic and computer components, wire lath, paper, cardboard, pipe, tires, ashes, refrigerators, motor vehicles, or parts of any of the foregoing.*
19. **Tracking on the paved road/street shall be avoided.** The paved road/street shall be swept as needed for any tracking from the on-site activities. Any evidence of failure to comply with this condition may result in the issuance of a stop-work order. A construction entrance shall be constructed to avoid persistent tracking on the paved road/access drive.
20. Any catch basins on or adjacent to and down gradient from the site shall be protected by Silt Sacks while construction is ongoing at the property. Silt Sacks shall be maintained and regularly cleaned of sediments until all areas associated with the work permitted by this Order have been permanently stabilized and the Commission has formally approved their removal. **They shall be monitored at least weekly and after major (1.5" in 24 hrs) storm events to ensure proper function and removed immediately after construction has been completed**
21. The installation of sediment barriers should be done by hand or with equipment designed to minimize the amount of land disturbed.

22. Sediment barriers shall be a minimum of 10-inch diameter straw wattles, unless an alternative has been approved prior to installation by the Commission, and shall be installed around the perimeter of the project sites as shown on the plan referenced in this permit. The applicant shall be responsible for documenting that the sediment barriers were installed in the proper location (including photographs).
23. A small supply of straw wattles and silt fence shall be stockpiled for emergency use only. The applicant shall immediately control any erosion/sedimentation problems that occur on the site. They shall also immediately notify the Commission if any corrective action has been required. The need for any additional erosion/sedimentation controls found to be necessary by either the applicant or the Commission during construction shall be implemented by the applicant.
24. Failure to comply with all conditions stated herein, and with all related statutes and other regulatory measures, shall be deemed cause to revoke or modify this Permit.
25. No permanent drainage structure shall be used as a temporary sedimentation basin or for erosion control during construction.
26. Any dewatering or draw down activities shall not be directly discharged into a resource area or catch basin. The Conservation Commission's approval does not alter the need for the work to be conducted in compliance with State or Federal regulations and permitting applicable to construction dewatering. See Mass DEP requirements for Permit #BRP WM10 including submission to EPA for coverage under the Federal General Permit for Construction Dewatering. <http://mass.gov/dep/water/approvals/wm10.pdf> **Any dewatering shall be approved, in advance, by the Conservation Commission or Conservation Administrator. Thereafter,** prior to commencing any dewatering, the contractor shall provide 24 hours written notice (excluding holidays and weekends) to the Conservation Administrator.
27. All disturbed or exposed areas shall be brought to final finished grade and stabilized with loam and seed. Any artificial grass blades or loose crumb rubber that migrated off the field during demolition activities shall be cleaned up and properly disposed.
28. Subsequent to removal of the existing field and prior to construction of the new field, the locations of monitoring wells shall be specified by the Commission and one round of samples taken to establish a baseline condition for total and dissolved benzene, arsenic, styrene, cadmium, chromium, copper, lead, silica, zinc, hardness, and SVOCs including the phthalates BBP, DBP, DEHP, and DIBP. During and after construction, the Applicant shall sample groundwater, any and all cleanout locations within the field drainage system, and the overflow discharge pipe for the above-noted substances monthly for the first year following the initiation of the installation of the field. After the first year, the Applicant may reduce sampling frequency to quarterly, with one round collected during the month of September for the life of the field. Detailed reports including analytical results shall be submitted to the Commission or its Agent upon receipt.
29. In addition to the above-noted sampling, after the infill has been installed the Applicant shall sample groundwater, any and all cleanout locations within the field drainage system, and the overflow discharge pipe for the above-noted substances within 72 hours of any rain event of greater than 2.5 inches. Detailed reports including analytical results shall be submitted to the Commission or its Agent upon receipt.
30. The National Ambient Water Quality Criteria of MCP Method 1 GW-3 or, in the absence of applicable standards for testing particular substances, any peer-reviewed regulatory guidelines shall be used for sampling testing. In the event that sampling results exceed the parameters at any time, the Applicant shall evaluate response actions with a goal of

restoring background levels. Such actions could include replacing the infill material with an alternative infill or replacement of the artificial turf field with natural turf. Such response actions shall be submitted to the Commission for review and approval in the form of a Notice of Intent, if required, by the Commission or its Agent, within 90 days of the exceedance.

31. The Applicant shall submit to the Commission for review and approval a protocol and plan for monitoring any migration of infill material and synthetic grass blades from the synthetic turf field to the wetland buffer zone. The plan shall include installation of screens in the stormwater system below grade in the cleanout locations and the overflow discharge pipe to intercept the infill material and synthetic grass blades for regular monitoring and quantification. Maintenance of the screens shall be performed according to the vendor's standard maintenance practices. The protocol and plan shall also include monitoring of the drainage swale together with the old drainage ditch leading from the end of the 2007 drainage swale to the river. Such a protocol should include at least three transects from the edge of the field towards the wetlands with proposed sampling locations. At these locations, soil samples should be sieved and then crumbs and/or synthetic grass blades quantified. This monitoring shall be done quarterly to determine if the infill material and/or synthetic grass blades do migrate from the site towards or into the wetland buffer zone. Additional sampling points shall be added in the event crumbs and/or synthetic grass blades are detected at the farthest sampling point from the field until no crumbs and/or synthetic grass blades are detected. Detailed reports shall be submitted to the Commission or its Agent within 72 hours of monitoring. In the event that monitoring results exceed a reasonably acceptable level in the opinion of the Commission, the Applicant shall evaluate response actions with a goal of restoring background levels. Such actions could include replacing the infill material with an alternative infill or replacement of the artificial turf field with natural turf. Such response actions shall be submitted to the Commission for review and approval in the form of a Notice of Intent, if required by the Commission or its Agent, within 90 days of the exceedance.
32. A copy of this Permit shall be provided to the project contractor and OPM and shall be available on the site at all times during construction.
33. Any excess excavated material shall be removed from the site and disposed of legally. Asphalt pavement, brick, concrete, synthetic carpet, and crumb rubber infill onsite recycling shall be processed in accordance with 310 CMR 16.03(2)(b)5, including the requirement to notify the Board of Health 30 days prior to commencement of recycling operations. Evidence shall be provided demonstrating compliance with this condition.
34. There shall be no stockpiling of soil or other materials within 100 feet of the wetland area except as depicted on the plan referenced in this decision. Any erodible material stockpiled overnight shall be covered with plastic or canvas, or stabilized in a manner acceptable to the Commission to prevent soil from entering any resource area. Stockpiles shall also be contained with straw bales around the perimeter of the pile. Stockpiling shall be minimized.
35. Equipment shall not be refueled or serviced within 100 feet of the riverfront, wetlands, and any other resource area or within the buffer zone except as conditioned herein. **The equipment shall be refueled in the area designated on the site plan.**
36. No more than a total of 50 gallons of flammable or combustible chemicals relating to this project shall be stored on the site at any one time. No routine servicing of vehicles used for this project shall be permitted on the site. The Conservation Commission shall be notified prior to initiating any emergency repair on the site.

- 37. **Plantings within the buffer zone shall be a native species or cultivar of a native species that has been approved in advance. Any tree 6” or greater in diameter at breast height shall be replaced in accordance with the “Replace Tree and Shrub Schedule” below.**
- 38. If any tree within the buffer zone is cut down without leaving the snag, the tree shall be replaced with new plantings according to the Replacement Tree and Shrub Schedule.

Replacement Tree and Shrub Schedule

Existing trees to be removed	Replacement Trees and Shrubs			
Size (dbh) of tree to be cut	Number of deciduous shade trees 2.5” dbh or greater	Number of evergreen trees 5-6’ in height or greater	Number of large shrubs or small trees 5-6’ in height or greater	Number of shrubs 3’ in height or greater
6” to less than 12”	2	2	4	6
12” to less than 18”	3	3	6	9
18” to less than 24”	5	5	10	12
24” and greater	To be determined but plantings may be in proportion to cross-section area dbh (diameter breast height)			

- 39. Replacement plantings must be installed within 180 days of the day when the existing tree is cut. Replacement plantings that do not survive for at least two growing seasons must be replaced. No Certificate of Compliance shall be issued if the plants have not been established for at least two growing seasons unless a security, for planting that has been done, is accepted by the Commission.
- 40. Snow removal from the artificial turf field is not recommended. If necessary, snow shall not be removed by plowing or shoveling using conventional equipment. Only specialized equipment shall be used for snow removal operations. Chemicals and other substances shall not be used for treatment of snow and ice. Snow shall not be stored on the field or in the wetland buffer zone.
- 41. A professional engineer shall oversee the installation of the stormwater drainage system. The depth of excavation and elevation of the bottom of the systems shall be field verified and photographs shall document the installation.
- 42. A final Operation and Maintenance Plan shall be submitted at completion of the project that specifies the responsible party, inspection requirements, and corrective actions, and provides inspection templates. Annual inspection reports shall be submitted to the Conservation Department by December 31st of each year.

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

- 43. No composting and/or dumping of debris are permitted within 100’ of a wetland resource area. Any existing material within the buffer zone shall be removed.
- 44. No underground sprinkler systems shall be installed within the wetland buffer area.

45. The applicant shall clearly delineate the 30-foot no disturb wetland resource area with native shrubs as approved by the Commission.
46. The applicant shall maintain naturally vegetation strip within 30 feet of the wetlands. This vegetated area shall consist of native plant species including shrubs, wild grasses, and wildflowers and can be mowed once in the late fall. Invasive plants can be removed by hand or with hand tools.
47. No de-icing chemicals shall be used on any paved surface located within the 100-foot wetland buffer except with the prior written permission of the Commission. The Commission will consider the use of calcium chloride.
48. No pesticides, herbicides or insecticides shall be used on the grounds located within the 100-foot wetland buffer or riverfront zone, except with the prior written permission of the Commission.
49. The School Department shall be responsible for all maintenance required for the operation of an artificial turf field and track. Department of Public Works shall be responsible for maintenance activities outside the stadium complex. Groundwater monitoring shall be performed by an outside contractor who is qualified to perform water quality sampling.

CONDITIONS ADDRESSING PROJECT COMPLETION:

50. 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.
51. The Conservation Commission and/or Conservation Administrator may require the removal and dispersal of the erosion controls after the site has been fully stabilized to their satisfaction. Sediment barriers may also be removed if, upon a required site inspection, the R.S., P.E. or P.L.S. has certified that the site is permanently stabilized.
52. The applicant shall submit a request for a Certificate of Compliance not less than **60** days before this decision expires. That request shall include the following items:
 - a. The request for a Certificate of Compliance shall be submitted with a **detailed narrative** (signed original plus two copies and electronic submittal) prepared by a P.E. registered in the Commonwealth of Massachusetts, which lists conditions that were **not** complied with and the reasons for non-compliance and details the manner and extent of any deviations from compliance with any condition, shall be submitted with a request for a Certificate of Compliance. This narrative shall certify compliance with the approved plans referenced above and this Permit and setting forth any deviation/s that exist with a note as to how it/they may be corrected. Work that is not complete shall be detailed in a schedule of planned completion dates prior to expiration of the Permit with a certification to the commitment of resources by an authorized official representative of the applicant to complete the work prior to expiration of the Permit.
 - b. Two sets of 11 x 17 inch as-built site plans and two full size plans shall be prepared and stamped by a registered land surveyor or registered professional engineer showing the project site including wetland resource areas, grades, utilities, and landscaping. These plans shall include the date/s of fieldwork. **The plan shall be based upon the NGVD datum and indicated on plan.**

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

This decision is not valid without a signature sheet.

The page numbering does not include the signature sheet.

This Permit expires on November 16, 2021

If necessary, an extension must be filed by September 16, 2021.

Findings:

- a. Chapter 194 requires filing an application for any work to be done in a resource area – work is proposed in resource areas for this project.
- b. The resource areas that have been identified in the application are: Vegetated Wetlands and associated Buffer Zones, Land under Water, Riverfront, and Bank.
- c. These resource areas identified have values relating to: the protection of public and private water supplies, prevention of pollution, wildlife habitat, prevention of flooding, prevention of storm damage, protection of ground water, unusual plants, wildlife, wildlife habitat, and passive recreation.
- d. A public hearing was opened on August 23, 2018 and closed on October 11, 2018.
- e. The minutes of the hearings are incorporated as part of the record for this decision.
- f. Inspections by a P.E. will be required given the scope of the work, the proximity of sensitive habitats, and the importance of having the system properly installed.
- g. Discovery of additional resource areas, not identified in the wetlands report, will be grounds to find this decision to be incomplete, inaccurate, and/or invalid.
- h. The proposed softball field and artificial turf fields are located within the Capture Zone of Happy Hollow Wells as delineated by the 2010 AECOM Hydrogeologic Investigation of the Happy Hollow wells.
- i. Sediment barriers will be required until disturbed areas are permanently stabilized.
- j. This decision is intended to run concurrently with the Order of Conditions issued pursuant to the Wetlands Protection Act for DEP File 322-926.
- k. The requirements and findings of this permit are consistent with the provisions of Chapter 194. As noted above, the wetland buffer zone is a resource area as defined by Chapter 194 – those conditions have been adopted as part of this decision.
- l. The Commission considers the installation of sprinkler systems within the buffer zone to have the potential impact of increasing the elution (washing) of applied fertilizers (nutrients) and pesticides (toxic substances) from the lawn into the wetland resource area.
- m. **This decision does not permit the installation of any temporary or permanent underground sprinkler system.**
- n. The Commission requires the replacement of any tree cut that is greater than 6” diameter at breast height (dbh). Twenty-six trees are permitted for removal within the wetland buffer area and require compensation per the tree replacement schedule. Another 41 trees are approved for removal outside the wetland buffer and require compensation.
- o. 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.
- p. The Conservation Commission will accept an alternative sediment barrier providing the specifications for these have been submitted to the Commission for formal action at a

- Commission meeting. The use of an alternative barrier shall not be presumed to be permissible unless formally approved by the Conservation Commission. Alternative barriers previously approved by the Commission shall be deemed acceptable.
- q. To protect wetland areas from disturbance by invasive plants, the Commission requires that landscaping be achieved with native noninvasive plants according to *The Vascular Plants of Massachusetts: A County Checklist* (First Revision 2011) by Melissa Dow Cullina, Bryan Connolly, Bruce A. Sorrie and Paul Somers, for work in a resource area or buffer zone. A cultivar may be accepted as a substitute plant on a case-by-case basis.
 - r. All excess excavated material will be removed from the site. The Commission will require documentation of compliance with this requirement.
 - s. Disposal of the artificial turf field will consist of recycling the infill and synthetic carpet.
 - t. A growing season, for the purposes of interpreting this Permit, is considered April through October of any given year.
 - u. Discharges to the river, wetland resources, or the Town drainage system, if not properly permitted by DEP or EPA, are prohibited.
 - v. During construction, precautions must be taken to avoid accidental spills of oils or hazardous materials in or near the river or wetland resources or other resource areas. Precautions include limiting where equipment is serviced and refueled, having spill containment kits at the site, and taking steps to avoid spills and accidents.
 - w. **Any deviation from the approved, detailed plan will require a formal determination by the Commission as to whether this decision may be modified or a new filing will be required.**
 - x. 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.
 - y. Site plans shall be based upon the National Geodetic Vertical Datum (NGVD) and indicated on plan.
 - z. Submission of an as-built plan showing significant deviations from the approved plan may result in a requirement to file a new application, enforcement action, or other actions as deemed appropriate by the Commission.
 - aa. Any required approval by the Commission may be provided within 21 business days unless additional information is requested.
 - bb. Any required approval or action by the Conservation Administrator may be taken within 12 business days unless additional information is requested.
 - cc. The Conservation Commission may consider revoking this permit in the event the material presented during the hearing and/or on the plans is found to be different from material provided to another Board, Commission or official for work other than that described to the Conservation Commission during the public hearings.