



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

Date of Issue: November 16, 2018

Applicant: Ben Keefe, Facilities Director

Owner: Town of Wayland, School Department

Project Location: 264 Old Connecticut Path

Map and Lot Number(s): Map 37 Lot 034

Project Description:

The project involves 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. 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 along 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
9. Improving utilities, including stormwater

Plans and Documents:

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

1. Town of Wayland Improvements to 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. [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.

Critical Dates:

1. This Order of Conditions is valid for three years. Expiration date 11/16/2021.

Findings:

1. The Applicant filed a Notice of Intent on July 30, 2018 for the replacement of the synthetic turf field and improvements to the athletic facilities at the Wayland High School. The initial filing did not include a signed WPA Form 3 which was subsequently provided electronically on August 1, 2018. The public hearing was closed on October 11, 2018.
2. The Commission finds the site significant to all the interests checked on page 2 of the state Order of Conditions, with no evidence presented by the applicant to rebut any of these presumptions.
3. The Commission finds that the project described in the Notice of Intent meets the performance standards of the state Wetlands Protection Act to the extent practicable, provided that all Conditions of the state Order and all conditions listed below are met.



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4. A portion of the work is located in the wetland buffer area, subject to jurisdiction. The determination of the wetland resource areas was performed in November 2017 by Dave Burke. The mean annual high water determination was performed in April 2018 by Dave Burke. Due to unseasonable weather, the Conservation Administrator waived the requirement that wetland delineations are to be performed between April and October.
5. The Commission finds that Dudley Brook, located south of the Weston Aqueduct and across Old Connecticut Path from the high school is piped under the proposed tennis court location as shown on the plan: Subdivision Plan of Land in Wayland, MASS, dated November 29, 1968, prepared by Barnes Engineering Company, Inc. and not subject to jurisdiction.
6. The Commission finds that the removal of 26 trees from the wetland buffer area will require replacement. The planting plans provided, labeled L6.00-6.02, were not approved because they do not provide sufficient mitigation for the trees removed within the buffer area. In addition, the plan and corresponding table on plan L6.01 do not match and require correction.
7. The Commission finds that the eradication of invasive plants within the wetland buffer zone can be accomplished under this Order of Conditions and does not require additional permitting. Only native plant species can be planted or seeded in the wetland buffer area.
8. The Commission finds that mitigation is required for work within the wetland buffer area. The applicant shall maintain a naturally vegetated 30-foot wetland buffer from the bordering vegetated wetlands.
9. The Commission further finds that any additional changes will require approval by the Conservation Commission. Therefore, the applicant will be required to provide the Conservation Commission with a copy of a final construction plan if additional changes are proposed prior to the start of any construction for review and a determination as to whether the final plan is consistent with this Order. Any native plantings installed within the wetland buffer or riverfront area will need review and approval by the Conservation Commission.

Conditions:

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

Before Project Begins (Prior to any Alteration):

20. **A site meeting with an Agent of the Conservation Commission and agreement upon/proof of the following must occur** before any work may commence on the site.
 - A. **Proof of recording** of the Order of Conditions.
 - B. **Final Site Plans:**
 - 1) The applicant shall provide final site plans based upon the NGVD datum to the Conservation Commission (Commission) if the project design changes after the issue date of this permit.
 - 2) A new Notice of Intent is required if a project change results in an increase in disturbance or alteration or the plan is substantially different from the approved plans.
 - 3) The applicant shall provide a planting plan for review and approval by the Commission prior to the start of construction.
 - 4) The applicant shall provide a Construction Phasing Plan which provides for a. anticipated time periods for construction; b. construction materials and equipment storage; and c. anticipated roadway



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or driveway closures. Any changes to the construction phasing plan shall be provided to the Commission.

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

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

D. **Contact information** shall be provided to the Administrator including a written list of names, addresses, business phone numbers, and mobile phone numbers of the project supervisor who will be responsible for ensuring on-site compliance with this Order and his/her alternate, including 24-hour contact information of the person responsible for the site.

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

F. **Limit of work line** for this construction project is considered the location of the erosion control barrier. No work, with the exception of landscaping, may be performed beyond the limit of work line without prior approval of the Conservation Commission under the Mass. Wetlands Protection Act and Wayland's Wetlands and Water Resources Protection Bylaw.

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

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

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

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

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

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

During Construction

21. **Order of Conditions prevails:** Except where modified by these Conditions, all work must be performed in accordance with the plans outlined by the applicant and referenced on page 1 of this Order. Where a conflict exists between the referenced plans and these Conditions, the Conditions will govern.
22. **Stop Work Orders:** An Agent of the Commission shall have the right to halt all or a portion of the work on the site if the Agent determines that any of the work is not in compliance with the Order of Conditions.



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Work shall not resume until the Commission is satisfied that the work will comply, and has so notified the applicant in writing.

23. **Maintain Erosion Controls:** Erosion controls shall be properly maintained throughout construction until the site is in a final stabilized condition. The site shall be managed such that no sediment leaves the proposed limit of disturbance to protect adjacent wetlands, land under water, and bank.
24. **Dewatering:** If dewatering is required, the discharge must be directed through adequate sedimentation controls on site. No dewatering may proceed until the Commission or its agent has inspected and approved the installation of the dewatering controls. No permanent drainage structure shall be used as a temporary sedimentation basin or for erosion control during construction.
25. **Demolition:** The building material generated from the demolition of the house and garage shall not be stored on the project site. All demolition material shall be removed at the end of each work day from the site. at rate so as not to scour the slope leading to the wetlands. Chemically treated pool water shall not be discharged to the wetlands.
26. **Backfill:** Any backfill used in connection with this project shall be Title 5 clean fill. Any backfill shall not contain trash, refuse, rubbish or debris, including but not limited to wood, lumber, bricks, plaster, wire lath, paper, cardboard, pipe, tires, ashes, refrigerators, motor vehicles, asphalt or parts of any of the foregoing. The applicant shall provide copies of documentation for shipments of soil material being received as clean fill at the project site.
27. Documentation shall be provided when the Certificate of Compliance is requested, to demonstrate that any excess excavated or demolition material was properly disposed of during construction.
28. **Eradication of invasive plants:** The applicant may remove invasive plants by hand or with hand-held power tools. Any replanting shall consist of native plants or a native seed mix.
29. **Work must conform with the approved plans:**
 - A. **Limit of work:** At no time shall heavy equipment operate, nor shall work, disturbance, or alteration occur beyond the erosion control barrier, which will also serve as a limit of work. No construction materials, stockpiled soil or fill, debris, brush, leaves, or other materials may be placed beyond the limit of work.
 - B. **Landscaping:** The exposed soil in the vicinity of the septic system shall be stabilized with a seed mix or hydroseeded and well established before a Certificate of Compliance will be issued. The drainage easement shall be cleaned of debris and replanted with the 43 plantings listed in Rick Olstein's July 25, 2018 email. The planting in the wetland buffer area, as indicated on the site plan shall require two full growing seasons to determine that the plantings are successfully established, and shall require replanting in case of failure. One growing season runs from April to October.
 - C. **Stormwater Management:** A professional engineer shall oversee the installation of the Cultec stormwater chambers. Soil testing shall be performed to evaluate the infiltration rate of the native soils beneath the chambers. The engineer shall verify that the chambers were installed as proposed on the site plans and at the required elevations. Installation shall be documented with photographs.
30. **Care of stockpiled materials:** Any stockpiled soil, sand or similar unconsolidated material must be stored outside of the 100-foot wetland buffer area unless otherwise authorized by these Conditions, by the Commission, or by an Agent of the Commission. Any stockpile of soil, sand, or similar materials must be enclosed within a line of entrenched and staked straw bales or siltation fence. In the event that all earthwork ceases for more than 30 days, all exposed soils must be stabilized with a temporary vegetative cover, straw mulch, or other method of erosion control accepted by the Commission.
31. **Equipment** shall not be refueled or serviced within 100 feet of the bordering vegetated wetlands. A spill containment kit shall be provided on the site at all times.



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32. **Fuel storage:** No more than a total of 50 gallons of flammable or combustible chemicals relating to this project shall be stored on the site at any one time. No routine servicing of vehicles used for this project shall be permitted on the site. The Conservation Commission shall be notified prior to initiating any emergency repair on the site.
33. **Site stabilization during construction:** During construction, bare ground that cannot be permanently stabilized shall be temporarily stabilized by a method approved by the Commission, such as jute netting or hydroseeding.

Upon Completion of Project

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

Conditions In Perpetuity

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

37. **Limit of Lawn:** no expansion within the 30-foot wetland buffer area is allowed. Removal of invasive plants and establishment of native plants are allowed as part of the Order of Conditions.
38. **Slope stabilization:** The existing slope located between the house/retaining wall and the top of bank shall be maintained with natural vegetation. This vegetated area shall consist of native plant species including shrubs, wild grasses, and wildflowers. No cutting of native vegetation is allowed.
39. No **garbage disposal** system shall be installed.
40. Annual **stormwater inspection reports** shall be submitted to the Conservation Department.



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41. **Disposal of yard waste:** Yard waste or other debris cannot be disposed in the wetland buffer zone. Every effort should be made to remove disposed yard waste within the wetlands and wetland buffer area.
42. **Prohibition of Chemical Applications**
 - A. **Deicing salts:** Only calcium-based deicing chemicals may be used on surfaces where runoff or drainage will discharge into wetland or riverfront resource areas. This condition is ongoing and does not expire with the expiration of the Order of Conditions or the issuance of a Certificate of Compliance.
 - B. **Lawn fertilizer:** No fertilizer may be applied within the wetland resource area (within the 100-foot buffer zone) or the Riverfront Area. This condition is ongoing and does not expire with the expiration of the Order of Conditions or the issuance of a Certificate of Compliance.
 - C. **Herbicide or Insecticides:** No herbicides or insecticides shall be used on the lawns or grounds located within the 100-foot wetland buffer zone or the inner riparian area except with the prior written permission of the Commission.
 - D. **Sprinkler systems:** No underground sprinkler systems shall be installed or reconnected within the 100-foot wetland buffer zone.

End of Attachment to Order of Conditions