



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

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

**Wayland's Wetlands and Water Resources Protection Bylaw**  
**CHAPTER 194 PERMIT**  
**Dudley Woods – February 22, 2017**  
**(Also File D-899)**

**Project Description:** An application filed proposing to construct handicapped accessible walking trails through Dudley Woods. The trails will be located in the wooded area between Pond Drive and Doran Road. The trails will be five feet wide with porous pavement. Stormwater runoff will be directed to bio-swales with stone underdrains.

**Decision:** The Wayland Conservation Commission ("Commission") voted to issue a Chapter 194 permit approving the proposed work, as conditioned herein pursuant to Chapter 194. 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:** Existing Conditions in Dudley Woods (not dated). 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 approved by this Permit, to the Conservation Commission. *E-mail shall not be considered written notice.*
2. **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.
3. **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.
4. **Prior to commencing any work at the site**, the applicant shall affirm to the Commission that the Building Commissioner has reviewed and approved the proposed activity or that no approval is required by them described in this permit.

**REPORTING REQUIREMENTS:**

5. **There shall be one site inspection done at the conclusion of the work approved by this Permit.** The inspection report shall include the date and time of the inspection.
6. **All written submissions to the Conservation Commission shall include: a date, the D File Number and the condition or conditions that the submission is intended to meet.** Failure to comply with this requirement may result in an incomplete file and adversely impact consideration of a Certificate of Compliance.
7. 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.*
8. This Permit may be extended by the Conservation Commission for one or more periods of up to three years each upon application to the Conservation Commission at least 30 days prior to the expiration date of the Permit.
9. This Permit 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.
10. Any backfill used in connection with this project shall be clean fill. 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.
11. **The contractor will install a gravel construction entrance to avoid any deterioration of Pond Drive and Doran Road.** Any evidence of failure to comply with this condition may result in the issuance of a stop-work order.
12. Sediment barriers shall be straw wattles or straw bales, unless an alternative has been approved prior to installation by the Conservation Commission, and shall be installed along the resource area side of the trails or soil stockpile. It shall be the applicant's responsibility to document that the sediment barriers were installed in the proper location.
13. This Permit is intended to comply with the provisions of 310 CMR 40.0032(3) in avoiding the degradation of property by the introduction of oil or hazardous materials at concentrations that are significantly higher than those existing at the project site whether or not those concentrations are reportable under 310 CMR 40.0000. The applicant shall provide copies of documentation for shipments of soil material being received as clean fill at the project site. The documentation shall identify the address of the specific property that was the source of the soil material, the name and mailing address of that property owner, and provide a certification by the operator/owner of that source property that there is no known disposal site, as defined in 310 CMR 40.0000, upon that source property.
14. 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.

15. A copy of this Permit shall be provided to the project supervisor and shall be available on the site at all times during construction.
16. Any excess excavated material shall be removed from the site and disposed of legally. Evidence shall be provided when the Certificate of Compliance request is provided demonstrating compliance with this condition.
17. There shall be no stockpiling of soil or other materials within 50 feet of any wetland area 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.
18. Any catch basins adjacent to and down gradient from the site shall be protected by Silt Sacks while construction is on going at the property. 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 approved by this Permit have been permanently stabilized and the Conservation Commission has formally approved their removal. **They shall be monitored at least weekly and after major (.5" in 24 hrs) storm events to ensure proper function and removed immediately after construction has been completed.**
19. Equipment shall not be refueled or serviced within 100 feet of the wetlands, and any other resource area or within the buffer zone except as conditioned herein. **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.**
20. A small supply of straw wattles or straw bales 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.
21. No change in grade shall be permitted by this Permit.

**CONDITIONS TO CONTINUE IN PERPETUITY**

22. No composting and/or dumping of debris are permitted within 100' of a wetland or stream. Any existing material within the buffer zone shall be removed. ***This Condition shall remain in force permanently and be recorded on the Certificate of Compliance.***
23. No de-icing chemicals shall be used on any paved surface located within the 100-foot buffer zone except with the prior written permission of the Commission. The Commission will consider the use of calcium chloride. ***This Condition shall remain in force permanently and shall be recorded as such on the Certificate of Compliance.***
24. No pesticides, herbicides or insecticides shall be used on the grounds located within the 100-foot buffer zone, except with the prior written permission of the Commission. ***This Condition shall remain in force permanently and shall be recorded as such on the Certificate of Compliance.***

**CONDITIONS ADDRESSING PROJECT COMPLETION:**

25. 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.
26. The applicant shall submit a request for a Certificate of Compliance not less than 60 days before this Permit expires. That request shall include the following items:
  - a. The request for a Certificate of Compliance shall be submitted with a narrative (the signed original and five copies) which lists any deviations from compliance with any condition. This shall include the date any required material was submitted to the Commission. This narrative shall *address* compliance with the approved plans referenced above and this Determination and setting forth any deviation/s that exist with a note as to how it/they may be corrected.
  - b. Five sets of as-built site plans shall be prepared showing the actual trail locations. These plans shall include the date/s of fieldwork. The plan shall be based upon the NGVD datum and indicated on plan.
  - c. A Chapter 194 Form properly filled out for a Certificate of Compliance.

**This decision is not valid without a signature sheet.  
The page numbering does not include the signature sheet.**

This Permit expires on February 22, 2020  
If necessary, an extension must be filed by February 1, 2020.

**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 the Buffer Zone.
- c. This Permit does not define the limits of resource areas regulated by the Bylaw.
- d. 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.
- e. A public meeting was opened and closed on February 16, 2017.
- f. The minutes of the hearings are incorporated as part of the record for this Permit.
- g. It was discussed at the meeting that there would be no change in grade as part of this project.
- h. It was discussed at the meeting that silt socks could be utilized as a sediment control option.
- i. Discovery of additional resource areas, not identified in the wetlands report, will be grounds to find this Permit to be incomplete, inaccurate, and/or invalid.
- j. The Wetlands Bylaw provides greater protection of the buffer zone – a resource area defined within Chapter 194.
- k. This decision is intended to run concurrently with the Determination of Applicability issued pursuant to the Wetlands Protection Act for File D-899.

Wayland's Wetlands & Water Resources Bylaw,  
Chapter 194 Permit – February 22, 2017  
Dudley Woods, Wayland  
Assessor's Maps 47A-47D, Lots 26, 27, 27A, 27F/ 55-55H/C-1, C-2/27  
Page 5 of 5

- i. The requirements and findings of this Permit are consistent with the provisions of Chapter 194 and are intended to be more stringent than the Determination of Applicability. As noted above, the buffer zone is a resource area as defined by Chapter 194 – those conditions have been adopted as part of this Permit.
- m. The Commission requires the replacement of any tree cut that is greater than 6" diameter at breast height (dbh). Any tree meeting these criteria must be replaced with either trees not less than 2.5" in diameter or shrubs as to be determined after an inventory of the proposed tree removal is submitted to the Commission.
- n. Nothing in this Permit 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 approved by this Permit.
- o. Sediment barriers will be required until disturbed areas within 100 feet of the wetlands are permanently stabilized.
- p. The Conservation Commission will accept an alternative sediment barrier providing the specifications for these have been submitted to the Commission approval by the Conservation Administrator. Alternative barriers previously approved by the Commission shall be deemed acceptable.
- q. Excess excavated material shall be removed from the buffer zone. The Commission will require documentation of compliance with this requirement.
- r. A growing season, for the purposes of interpreting this Permit, is considered April through October of any given year.
- s. Discharges to the wetlands or the drainage system, if not properly permitted by DEP or EPA, are prohibited.
- t. During construction, precautions must be taken to avoid accidental spills of oils or hazardous materials in or near the wetlands or other resource areas. Precautions include limiting where equipment is serviced and refueled, having spill containment kits at the site, and taking steps to avoid spills and accidents.
- u. **Any deviation from the approved, detailed plan will require a formal determination by the Commission as to whether this Permit may be modified or a new filing will be required.**
- v. 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.
- w. Site plans are required to be based upon the National Geodetic Vertical Datum (NGVD) and indicated on plan.
- x. Water quality will be impacted if the catch basins down gradient from the work are not protected while construction activity occurs at the site.
- y. 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.
- z. 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.



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**CONSERVATION COMMISSION**

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

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

Signature Sheet  
**Construction of Handicapped Accessible Trails at Dudley Woods  
(Pond Street)**

*File D-899*

Wayland Conservation Commission: \_\_\_\_\_

*Pierre Brechtman* \_\_\_\_\_  
*Bob Smith* \_\_\_\_\_  
*RA Rockman* \_\_\_\_\_

Date issued: 2/22/2017

This Permit is issued to the applicant as follows:  by hand delivery on 2/22/2017  
 by certified mail on \_\_\_\_\_



**Massachusetts Department of Environmental Protection**  
**Bureau of Resource Protection - Wetlands**  
**WPA Form 2 – Determination of Applicability**  
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

**A. General Information**

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



From:

Wayland Conservation Commission  
 Conservation Commission

To: Applicant

Jessica Brodie  
 Name  
41 Cochituate Road  
 Mailing Address  
Wayland                      MA                      01778  
 City/Town                      State                      Zip Code

Property Owner (if different from applicant):

Town of Wayland  
 Name  
 \_\_\_\_\_  
 Mailing Address  
 \_\_\_\_\_  
 \_\_\_\_\_  
 City/Town                      State                      Zip Code

1. Title and Date (or Revised Date if applicable) of Final Plans and Other Documents:

|   |                  |
|---|------------------|
| <u>Existing Conditions in Dudley Woods</u>                                  | <u>10/1/2015</u> |
| Title   | Date             |
| <u>Site Plan Dudley Woods Walking Trails (Marshall/Gary Landscape Arc.)</u> | <u>10/1/2015</u> |
| Title   | Date             |
| _____   | _____            |
| Title   | Date             |

2. Date Request Filed:

January 18, 2017

**B. Determination**

Pursuant to the authority of M.G.L. c. 131, § 40, the Conservation Commission considered your Request for Determination of Applicability, with its supporting documentation, and made the following Determination.

Project Description (if applicable):

The proposed project consists of constructing handicapped accessible walking trails through Dudley woods. The trails will be five feet wide with porous pavement. Disturbed areas adjacent to the trail will be covered with shredded bark mulch (or equivalent). Stormwater runoff will be directed to bio-swales with stone underdrains. A small parking area for four cars will be located on Pond Drive.

Project Location:

Dudley Woods, Pond Drive  
 Street Address  
47A/47B/47C/47D  
 Assessors Map/Plat Number

Wayland  
 City/Town  
26,27,27A,27F/55-55H/C-1,C-2/27  
 Parcel/Lot Number



**Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands**

**WPA Form 2 – Determination of Applicability**

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

**B. Determination (cont.)**

The following Determination(s) is/are applicable to the proposed site and/or project relative to the Wetlands Protection Act and regulations:

**Positive Determination**

Note: No work within the jurisdiction of the Wetlands Protection Act may proceed until a final Order of Conditions (issued following submittal of a Notice of Intent or Abbreviated Notice of Intent) or Order of Resource Area Delineation (issued following submittal of Simplified Review ANRAD) has been received from the issuing authority (i.e., Conservation Commission or the Department of Environmental Protection).

1. The area described on the referenced plan(s) is an area subject to protection under the Act. Removing, filling, dredging, or altering of the area requires the filing of a Notice of Intent.

2a. The boundary delineations of the following resource areas described on the referenced plan(s) are confirmed as accurate. Therefore, the resource area boundaries confirmed in this Determination are binding as to all decisions rendered pursuant to the Wetlands Protection Act and its regulations regarding such boundaries for as long as this Determination is valid.

2b. The boundaries of resource areas listed below are not confirmed by this Determination, regardless of whether such boundaries are contained on the plans attached to this Determination or to the Request for Determination.

3. The work described on referenced plan(s) and document(s) is within an area subject to protection under the Act and will remove, fill, dredge, or alter that area. Therefore, said work requires the filing of a Notice of Intent.

4. The work described on referenced plan(s) and document(s) is within the Buffer Zone and will alter an Area subject to protection under the Act. Therefore, said work requires the filing of a Notice of Intent or ANRAD Simplified Review (if work is limited to the Buffer Zone).

5. The area and/or work described on referenced plan(s) and document(s) is subject to review and approval by:

Name of Municipality \_\_\_\_\_

Pursuant to the following municipal wetland ordinance or bylaw:

Name \_\_\_\_\_

Ordinance or Bylaw Citation \_\_\_\_\_





Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands  
**WPA Form 2 – Determination of Applicability**  
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

**B. Determination (cont.)**

6. The following area and/or work, if any, is subject to a municipal ordinance or bylaw but not subject to the Massachusetts Wetlands Protection Act:

7. If a Notice of Intent is filed for the work in the Riverfront Area described on referenced plan(s) and document(s), which includes all or part of the work described in the Request, the applicant must consider the following alternatives. (Refer to the wetland regulations at 10.58(4)c. for more information about the scope of alternatives requirements):

- Alternatives limited to the lot on which the project is located.
- Alternatives limited to the lot on which the project is located, the subdivided lots, and any adjacent lots formerly or presently owned by the same owner.
- Alternatives limited to the original parcel on which the project is located, the subdivided parcels, any adjacent parcels, and any other land which can reasonably be obtained within the municipality.
- Alternatives extend to any sites which can reasonably be obtained within the appropriate region of the state.

**Negative Determination**

Note: No further action under the Wetlands Protection Act is required by the applicant. However, if the Department is requested to issue a Superseding Determination of Applicability, work may not proceed on this project unless the Department fails to act on such request within 35 days of the date the request is post-marked for certified mail or hand delivered to the Department. Work may then proceed at the owner's risk only upon notice to the Department and to the Conservation Commission. Requirements for requests for Superseding Determinations are listed at the end of this document.

1. The area described in the Request is not an area subject to protection under the Act or the Buffer Zone.
2. The work described in the Request is within an area subject to protection under the Act, but will not remove, fill, dredge, or alter that area. Therefore, said work does not require the filing of a Notice of Intent.
3. The work described in the Request is within the Buffer Zone, as defined in the regulations, but will not alter an Area subject to protection under the Act. Therefore, said work does not require the filing of a Notice of Intent, subject to the following conditions (if any).  
**SEE ATTACHED SPECIAL CONDITIONS.**

4. The work described in the Request is not within an Area subject to protection under the Act (including the Buffer Zone). Therefore, said work does not require the filing of a Notice of Intent, unless and until said work alters an Area subject to protection under the Act.



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands

**WPA Form 2 – Determination of Applicability**

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

**B. Determination (cont.)**

5. The area described in the Request is subject to protection under the Act. Since the work described therein meets the requirements for the following exemption, as specified in the Act and the regulations, no Notice of Intent is required:

Exempt Activity (cite applicable statutory/regulatory provisions)

6. The area and/or work described in the Request is not subject to review and approval by:

Town of Wayland  
Name of Municipality

Pursuant to a municipal wetlands ordinance or bylaw.

Wetlands and Water Resources Protection  
Name

Chapter 194  
Ordinance or Bylaw Citation

**C. Authorization**

This Determination is issued to the applicant and delivered as follows:

by hand delivery on

by certified mail, return receipt requested on

2/22/2017  
Date

Date

This Determination is valid for three years from the date of issuance (except Determinations for Vegetation Management Plans which are valid for the duration of the Plan). This Determination does not relieve the applicant from complying with all other applicable federal, state, or local statutes, ordinances, bylaws, or regulations.

This Determination must be signed by a majority of the Conservation Commission. A copy must be sent to the appropriate DEP Regional Office (see <http://www.mass.gov/eea/agencies/massdep/about/contacts/>) and the property owner (if different from the applicant).

Signatures:

*Suzanne Greenbaum*  
*Barbara Hull*

*[Signature]*  
*R. Backman*

2/22/2017  
Date



**Massachusetts Department of Environmental Protection**  
Bureau of Resource Protection - Wetlands

## **WPA Form 2 – Determination of Applicability**

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

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### **D. Appeals**

The applicant, owner, any person aggrieved by this Determination, any owner of land abutting the land upon which the proposed work is to be done, or any ten residents of the city or town in which such land is located, are hereby notified of their right to request the appropriate Department of Environmental Protection Regional Office (see <http://www.mass.gov/eea/agencies/massdep/about/contacts/>) to issue a Superseding Determination of Applicability. The request must be made by certified mail or hand delivery to the Department, with the appropriate filing fee and Fee Transmittal Form (see Request for Departmental Action Fee Transmittal Form) as provided in 310 CMR 10.03(7) within ten business days from the date of issuance of this Determination. A copy of the request shall at the same time be sent by certified mail or hand delivery to the Conservation Commission and to the applicant if he/she is not the appellant. The request shall state clearly and concisely the objections to the Determination which is being appealed. To the extent that the Determination is based on a municipal ordinance or bylaw and not on the Massachusetts Wetlands Protection Act or regulations, the Department of Environmental Protection has no appellate jurisdiction.

**Determination of Applicability  
Special Conditions for Dudley Woods Trail (D-899)  
Town of Wayland Recreation Department  
Issue date: February 22, 2017**

**Negative Determination Condition 3 Special Conditions:**

1. Erosion and sediment controls will be installed to protect the isolated wetlands.
2. Pre-construction site walk to identify tree removal and possible replacement.
3. Advance notification to the Conservation Commission before work starts or changes to the project scope.
4. Provide inventory of trees to be removed over 6-inches in diameter and replacement plan.
5. Stabilization of exposed soils to prevent erosion.
6. Site inspection report by applicant at the conclusion of the work.
7. Operation and Maintenance Plan for porous pavement that includes maintenance schedule, inspection reports, and responsible party.