

**Wayland Recreation Department**  
**Minutes**  
**April 13, 2010**  
**Recreation Meeting**

Present: Thomason, Meliones, Virzi, Wright, McShea (McShea left 8:50)

Meliones opened the meeting at 7:04 PM.

Wright motion to accept minutes from March 1 and March 22, bills and payroll. Second Thomason. Vote unanimous in favor.

Discussion on appointing Meliones to CPC committee retroactive to July 1, 2009. Virzi motion to appoint Anna Meliones to CPC retroactive to July 1, 2009. Second Thomason. Vote unanimous in favor.

Steve Goldstein Rte. 30 Recreation. Updated commission with handout entitled Recreation Commission Meeting – 4/13/10. Article 27 – Transfer and Lease of Recreation Portion of The Loker Conservation and Recreation Area.

Proposed Discussion topics

1. Update since last meeting.
  - a. Submitted amended article (exhibit 1)
  - b. Clarified what article is and isn't  
Section a transfer control of land, section b addressing leasing of land, section c addresses the lease back of the land.
  - c. Clarified what follow passage of the article  
Virzi what we are really voting on is the ability to proceed and allow them to get the RFP's in hand for what can be done there. This will not go back to town meeting for any other vote.
  - d. Met with other boards, department heads  
Including 3x with Fin. Com. , Land Use Committee, CPC, DPW, BOH, Directors ect.
  - e. Held neighborhood meetings  
6 meetings invited over 500 households had a total of @ 75 people attend over the 6 meetings.
  - f. Why people support article.  
People support it for a variety of reasons. It addresses the need for more recreation space, the need for more fields, senior recreation space, ice rink time. Provides a center for programs that money goes out of town currently for. Asset for the neighborhood and the community. Close place for seniors to go to. Return on the 1.7 million dollar investment the town put into getting the site. Financial benefit as it is a first rate recreation facility without the added expense to the town. Approved by WAYS, Youth lacrosse, Youth Hockey Association and WBSA.
  - g. Why people oppose the article.  
Some prefer no development at all on this site. Traffic impact on Rice Rd., Rte. 30 and Thompson Road. Though this would potentially fix the road issues by pushing the envelope on this. Some people want to vote on specifics instead of a conceptual plan. Article does not address this. Lack of or a difference of understanding of the suitability of the site.
2. Address outstanding questions and concerns (exhibits 2-7). Large packet handed out to the commission, scanned into this document at the end.
3. Vote on the article

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Meliones asked about the email from 3/24 and has anything in the wording changed from that email in regards to the wording of the article. No changes. Wright requested that McShea check with Town Counsel on the wording of section a, b, and c in the warrant for the article. What each means?

Meliones said that back in 2003 the WBSA voted to play t-ball on this site. In 2003 the WBSA board did not finish the t-ball season on the site because too many parents were afraid of the site and did not wish to play there anymore.

Meliones said that she watched the BOS meeting the previous evening and said that Michael Tichnor brought up at the BOS that maybe we should do an environmental study of the property. And that currently we have a feasibility study going on for the Field Use Master Plan and results are expected to come out in July. Wright questioned whether we could find additional money to have Gale Associates research more of the DOW site.

Goldstein said that the site is safe and clean and it has been looked at under all use scenarios. Commission decided to vote after public comment

Stu Gray EMASS softball, presented a field development in a conceptual proposal. This is a first step in a long journey, he is the commissioner of EMASS softball league and explained that Wayland is the core place to play with the league having over 350 participants. They have been to complexes all over the country but no where in this area do we have any larger complexes. Would like to build own complex here in Wayland, perhaps on the Greenways site. Would like to see 4 fields around a central core building with lavatories, snackbar, press box. This would be a softball facility for old and young people. Anna commented that this site is on the Field Use Master Plan study schedule. Gray proposes that their league of 350 would put some time and money into design and development of this facility. They have the energy and time to make this happen. Wright wanted to know their time frame. Gray responded within the next three years. Virzi encouraged group to pursue this issue as we tend to focus on the youth in town and he is happy to see a focus on the seniors. The Field Use Master Plan will make recommendations on what should be on this site. Virzi would be interested to know how much use would be from a regional perspective and versus a town perspective. Gray commented that they would be looking to host some substantial softball tournaments here and would be able to give back to the town. Wright commented that he thought this was a great idea, the fact that they are looking to fund it would be great for the town. Field use study may show need for some other types of fields, and we would need to determine time allocations. Also determine usable times for other groups. Suggested that EMASS talk to other leagues in town. Come back to the commission in September once the commission has had the opportunity to review the findings in the field use master plan study due out in July.

Public Comment –

Mark Lucier 2 Rice Spring Lane – President of Wayland Youth Lacrosse Program. We are constantly looking for place to practice. Our board voted to support concept of a recreation facility on the Loker Site. Also we voted unanimously to support the article as written. This is the 1<sup>st</sup> step toward allowing the project to move forward. We feel it fits into the context of the community and would be appropriate. Would help community and give kids an opportunity to do things.

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Public Comment continued...

Tom Maglione 29 Rice Road. I ask the commission to vote against having a commercial facility on town property. I have asked for financial plans, unsuccessfully. There was a proposal before to do this and that was voted down. Lose track that method 3 assessment was low non-intensive usage and was intended to be passive recreation. Continuing the deed restrictions on this site. No residential housing is allowed to be built there. Intense usage for neighborhood site. Needs more time to look at this. Do field use plan and see what comes from that.

Reed Newton 9 Goodman Lane – support the article from both a soccer perspective and for the neighborhood. See no problem with having this in the neighborhood.

Betsy Brigham 78 Rice Rd. – Not opposed to hockey rink, however there are lots of questions not answered, no public form, worry that public will not have a say, concerned about traffic, access point off Rice Rd. Concerned over private use of public land, hours of operation, any noise or lights. Would like to see field use study come back first to see what needs are, wait to get information.

Dave Poulin 42 Decatur Lane – This land may be used for active/ passive or both types of recreation. The fact that this is a for profit versus a non-profit has no bearing on the proposed use of the facility. On Method 3 study an AUL to restrict future residential use is not required for site.

Mickey Hand 38 Rice Rd. Risk assessment Phase II breaks everything down about Dow and their field. Everything in there is a medium risk – where stuff is in Dow. Susan Cook (Fry) BOH chairman at the time sat through all the meetings with Dow. Worked for Millipore for years. Sat down at negotiations. Document from her questions she wants rec. com. to answer. Must redo entire process if start changing the intended use. Was intended for trail small field recreation. You are changing the rules.

Peter Kipp 40 Rice Rd. – Concerned about traffic, noise, trips up and down Rice Rd. Not fully flushed out, researched or determined. Financials – is it economically viable. Risk – uncertainty moving too fast. Kids love recreation programs, certainly support more fields, needs due diligence.

Carol Plum Old Rock Rd. – Lots of construction going on near our neighborhood, stop trying to put it all in Cochituate. Did not get enough information- would like more information before more construction.

Mark Santangelo 15 Oak St. – RFP process concerns me, who crafts? Who signs? Is Recreation Commission going to put details in RFP? Is BOS going to trump Recreation Commission on details? Hours of operation, number of parking spaces, field who pays, who maintains it? Is it being used 7 days a week? Disappointed that there is no draft RFP for this site. Went from a community use and pay to taking over entire space and not free to the public. Not a public community asset. Who writes the RFP? What happens when BOS doesn't like ideas?

Paul Nicholas 72 West Plain St. – Wayland Hockey Association – Board fully supports article 27 to allow the start of the RFP process that would best protect the town. Boards do their due diligence. Phase II was done prior to remediation on property being completed. Fin. Com. has financial plan and voted 5-1 that the plan is financially viable.

Commission Discussion on vote:

Thomason respects the environmental concerns. What happened 10 years ago may not be how site is now. Are there comparable facilities in other towns? Public land to private for profit

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facility is concerning. Ice rink piece is turning into a regional benefit. Would like to see a consultants report on the feasibility study, maybe wait until next town meeting.

Wright – essentially in favor of concept. Still have some concerns. Some will get resolved during the permitting process. Some issues still need to be flushed out. Not looking for final RFP or design. Concern of field study, we would be preempting that report. Would love to appropriate funds to look at this concept as part of Gale Associates field use master plan study. Health concerns – can't sort out in short period of time. BOS considering getting an expert to review existing documentation to review environmental legal status on the property. Issues need to be vetted and put to bed before town meeting.

Virzi – Study in the works, we know the study will say we are woefully underfunded. May find another use for Dow property. But fiscal reality is that we will not have plan to fund fields. Public/private partnership for the pool, we worked hard to make sure town interest was protected. No way to do it without public/private partnership. To be clear a vote of yes nothing happens except allowing group to put together an RFP and get other boards involved. Get BOS input, Recreation Commission input and other boards to craft plan.

Meliones – who is writing RFP?

Wright – Difference between pool and this is that Rte. 30 Rec. is not going to fund RFP. Input with other groups. There have been several valid concerns raised that moving forward they all will need to be addressed. Can't see putting the brakes on it at this point.

Thomason- felt we had so much more to go on with the pool.

Virzi – all youth groups are in support, fin. com. voted in support.

Meliones – suggest deferring vote until after field study plan in July. In favor of conceptual plan. In meantime hold a public forum and other people can weigh in on the issues. Needs public vetting, environmental review and the disruption of the land. Though support the concept defer vote until Fall Town Meeting.

Joe Nolan – Should be a matter of fact not interpretation on the health issues.

Meliones – defer vote.

Wright- can we make it a conditional vote, with an independent condition? Asked for support of this idea, review of safety of site.

8:50 pm, McShea leaves meeting'

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Additional minutes, taken by Anna Meliones.

Virzi motioned to support article 27 at May town meeting as is. Second by Wright. Some discussion. Vote was 2 in favor 2 opposed.

Mickey Hand tried to get his video to work, but it did not. He gave commission description of what was on the video.

Discussion on beach facility. Betsey Brigham asked commission to consider allowing use of the new bathhouse for crew team during the off season of the beach season. We will discuss further with McShea.

9:45 Virzi motion to adjourn. Second Meliones. Vote all in favor.

Next meeting Monday, May 3<sup>rd</sup> at 7:00pm.

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**Town of Wayland**

**Annual Town Meeting May 2010**

**ARTICLE: TRANSFER AND LEASE THE RECREATION PORTION OF THE LOKER  
CONSERVATION AND RECREATION AREA**

*Proposed by: Petitioners*

To determine whether the Town will vote to:

- a.) authorize the Recreation Commission, with the approval of Town Counsel as to form to transfer the care, custody, management and control of the area of land located on Commonwealth Road (Route 30) and Rice Road in Wayland, Massachusetts, shown as "Recreation Area" on the plan entitled "Plan of Land in Wayland, Massachusetts Loker Conservation and Recreation Area" dated April 1, 2004, prepared by the Town of Wayland Town Surveyor's Office which property is described in a deed dated May 2, 2000 and recorded with the Middlesex South Registry of Deeds in Book 31387 Page 169 and in Certificate of Title No. 218188 registered in Land Registration Office at said Registry of Deeds in Registration Book 1221 Page 38 to the Board of Selectman for the purposes set forth in Paragraph b.) below;
- b.) authorize the Board of Selectmen together with the approval of the Recreation Commission, and the approval of Town Counsel as to form, to lease as lessor, all or any portion of said area of land, subject to a restriction that a recreational facility shall be constructed on said land and that the town may lease back all or portions of said facility and land for recreational purposes, and that if construction of said recreational facility has not commenced by April 30, 2015, the actions under this article shall not be taken, and
- c.) authorize the Board of Selectmen together with the approval of the Recreation Commission, and the approval of Town Counsel as to form, to lease, as lessee, all or portions of said land and facility with said new improvements thereon, for recreational purposes, upon such terms and conditions as the Selectman deem appropriate and Recreation Commission approves.

add to minutes of 4/13

rec. com. meeting

**Question: Is site clean and safe?**

**Claims:**

- "Lingering concerns remain about health and environmental issues due to past chemical pollution on the site, and the final published risk assessment clearly defined a medium risk for children and animals on the site." Tom Maglione, Town Crier 4/1/10
- "No one wants to risk exposure of their children to possible chemical risks still present at the site. The present proposal negates many, if not all, of the safeguards for human exposure set in place many years ago." Tom Maglione, Town Crier 4/1/10
- The site was not properly remediated and there is still contamination on the site. Mickey Hand, neighborhood meeting, 3/28/10
- There is an increased risk to our children and increased cancer risk. Mickey Hand, neighborhood meeting, 3/28/10

**Facts:**

- Mass DEP's response action outcome (RAO) resulted in a A2 rating on 4/3/2000 (exhibit 2)
- An A2 rating is defined as one that has "No Significant Risk" and one for which the "Activity & Use Limitation" is rated as "None" (exhibit 2)
- Rating achieved after a Phase III completed. (exhibit 2)
- Method 3 risk characterization for during Phase III completion report stated in its conclusion "...Site poses no significant risk to human health under current and reasonably foreseeable Site use conditions." (exhibit 3)
- "foreseeable Site use conditions" were defined in the method 3 risk characterization. They assess potential exposure pathways to children residing at the site, playing at the site and swimming in its ponds. They also assess exposure of adult residents, construction workers exposed to subsurface soils, landscapers and community gardeners. Multiple forms of exposure including soil ingestion, skin contact and inhalation (exhibit 4)
- As a condition prior to acquiring the site, the town commissioned an analysis of all prior work and studies. The analysis concluded that the site had been "adequately characterized and remediated under the Massachusetts contingency plan process" and that it was "not aware of any significant impediments or environmental encumbrances on the property." (exhibit 5)
- A study of cancer incidence over the period during and after Dow operated its research facility showed that "no unusual geographic pattern of cancer cases was observed for any of the cancer types evaluated" and that "it seemed unlikely that an environmental factor (specifically, contamination associated with the Dow site) was responsible for the development of cancer in Wayland" (exhibit 6)



### **Questions: What can be done on the site and by whom?**

- Can the site be used for active recreation?
- Are there any limitations as to what the town can do on the property?
- Can a for profit business build and operate the facility?

### **Claims:**

- "When the town acquired the site, the intended usage was always for passive recreation." Tom Maglione, Town Crier 4/1/10
- "The intent expressed in the agreement and in meetings with Dow and all parties more than a decade ago was that the newly acquired town land be used for passive recreation and conservation." Constance Bean, Town Crier 3/25/10
- "The town or any potential developer can't drill test holes due to deed restrictions on the land which sites that Dow still has rights on the property and must be notified and give permission." Mickey Hand, neighborhood meeting, 3/28/10
- "Building indoor and outdoor fields, meeting rooms and a two-rink ice hockey arena, for paying customers, a private developer's business run on town land, seems wrong, ethically and legally." Constance Bean, Town Crier 3/25/10
- "There was a conspiracy and cover up of the property because Dow purchased a library for the town." Mickey Hand, neighborhood meeting, 3/28/10

### **Facts:**

- According to Town Counsel, "... the land under the Rec Comm.'s jurisdiction may be used for active or passive recreation or both" (exhibit 7)
- "The Town voted to purchase the property and later a review was conducted with the help of an outside consultant and some Wayland residents to determine the best uses for the site. Input from townspeople revealed a desire for more recreation resources at this site. The undisturbed portion of the property was set aside for passive recreation under the care and custody of the Conservation Commission. The Park & Rec portion of the land was selected because there was the expectation that the site of the former Dow building, which was already equipped with water, electricity and parking, would be ideal for some sort of recreational facility." Megan Lucier, Lisa Schimmel, MaryLynn Gentry, Conservation Commissioners at the time of the land acquisition from a letter to appear in the Town Crier on 4/15
- According to Town Counsel, "The nonprofit/profit status of the organization that would operate the facility and the method of financing the construction would have no bearing on whether the proposed use of the facility is allowed under the Town's Zoning Bylaws" exhibit 7
- Neither the Deed or the Order of Taking vest any rights to Dow Chemical over the land after completion of the acquisition (both available for review)

2

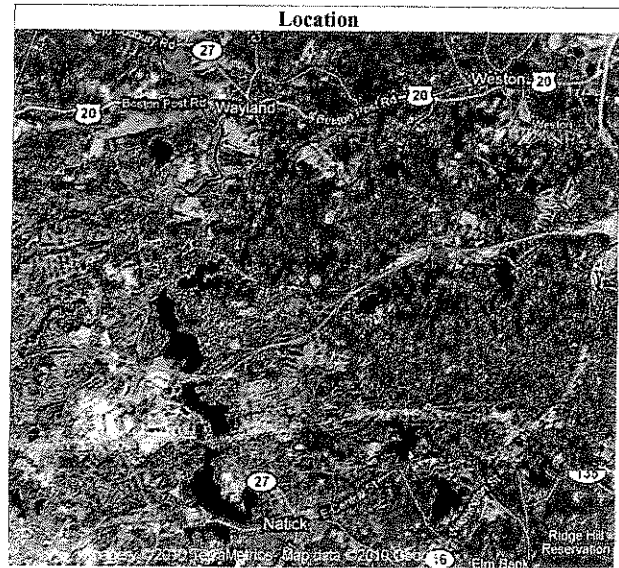
Site Information			
Site Number:	3-0003866	Category:	NONE
Site Name:	DOW CHEMICAL FMR	Release Type:	RAO
Address:	412 COMMONWEALTH RD	Current date:	4/3/2000
Town:	WAYLAND	Phase:	PHASE III
Zipcode:	01778-0000	RAO Class:	A2
Official notification date:	7/15/1993	Location type:	FORMER INDUSTRIAL LABORATORY
Initial status date:	11/10/1995	Source:	BURIED CONTAINERS, SEPTICTANK, UST

Response Action Information	
Response Action Type:	RAO Response Action Outcome - RAO
Status:	RAORCD RAO Statement Received
Submittal Date:	4/3/2000
RAO class:	A2
Activity & Use Limitation:	NONE
Response Action Type:	RAM Release Abatement Measure
Status:	PLANWR Written Plan Received
Submittal Date:	4/3/2000
RAO class:	
Activity & Use Limitation:	
Response Action Type:	PHASII Phase 2
Status:	CSRCVD Completion Statement Received
Submittal Date:	1/11/2000
RAO class:	
Activity & Use Limitation:	
Response Action Type:	TCLASS Tier Classification
Status:	TIERIC Tier IC Classification
Submittal Date:	2/24/1999
RAO class:	
Activity & Use Limitation:	
Response Action Type:	PHASEI Phase 1
Status:	CSRCVD Completion Statement Received
Submittal Date:	10/13/1998
RAO class:	
Activity & Use Limitation:	
Response Action Type:	RAM Release Abatement Measure
Status:	CSRCVD Completion Statement Received
Submittal Date:	1/8/1998
RAO class:	
Activity & Use Limitation:	
Response Action Type:	REL Potential Release or Threat of Release
Status:	TCTRNS Tier Classified Transition Sites
Submittal Date:	7/15/1993
RAO class:	
Activity & Use Limitation:	

Chemicals		
Chemical	Amount	Units
METALS		
VIRGIN OIL		
VOCS		

RAO Detail			
Class	Method	GW Category	Soil Category
A2	3	2	1

Tier Classification Detail							
NRS Totals	II	III	IV	V	VI	Zone 2	Imminent Hazard
331	125	81	20	105	0	N	N



From: Method 3 Risk Characterization

Former Dow Chemical Facility

4/2 Commonwealth Road

Wayland MA MA DEP AFlerisc Frackin # 3-3866

Prepared by: Gradient Corporation, Feb 25, 2000

3

## 9 Conclusions

This report presents a Method 3 risk characterization for the Former Dow Chemical facility in Wayland, Massachusetts. The risk characterization was conducted in accordance with the requirements set forth in 310 CMR 40.0900 of the MCP. The Method 3 approach, as defined in 310 CMR 40.0990, was used to characterize the potential risk of harm to human health and public welfare, safety, and the environment, based on current, reasonably foreseeable, and hypothetical future uses of the Site.

A Method 3 risk characterization involves the calculation of risks using site-specific data and exposure assumptions. For soil, risks were evaluated for site-wide exposure using site-wide average concentrations, and for exposures to four exposure areas using area-average concentrations. The risk characterization results indicate that environmental conditions at the Site pose no significant risk to human health under current and reasonably foreseeable Site use conditions. In addition, risks under a hypothetical residential scenario were also found to be below MA DEP limits. Therefore, an AUL to restrict future residential use is not required for the Site. The Site also poses no significant risk of harm to the safety, the environment, and public welfare.

Based on the marginal exceedance of the NOAELs for the short-tailed shrew and the site-specific information developed for chemical uptake into invertebrates, it is unlikely that Site exposures would be associated with evidence of harm to ecological receptors using the available habitat at the Site. In addition, a very large number of frogs, tadpoles, and crayfish were observed in the ponds. These receptors are very sensitive to chemical contamination or degraded habitats. The presence of these receptors in the ponds likely attests to the low bioavailability of chemicals present in sediments. Based on the results from the risk characterization and the field study, we determine:

- There is no physical evidence of a continuing release at or from the Site;
- There is no evidence of biologically significant harm associated with current or future exposure of ecological receptors to releases from the Site;
- The concentration of chemicals in general do not exceed Massachusetts Surface Water Quality Standards based on Site conditions; small exceedances are likely from background concentrations; and

- There is no indication of biologically significant harm to ecological receptors, considering their location and the fate and transport characteristics and toxicity of chemical releases.

Based on these determinations, we find no significant risk and recommend no further action.

From: Scope of work for MCP method 3 risk characterization  
Former Dow Chemical Facility  
412 Commonwealth Ave., Weymouth MA  
MA DEP Tracking # 3-2866  
Report by: Gradient Corp, Oct 27, 1999  
7 Exposure Assessment

(4)

## 7.1 Potential Receptors and Exposure Pathways

The receptors to be evaluated in the risk characterization include: a Hypothetical Future Adult and Child Resident, an Adult Construction Worker, an Adult Landscaper, an Adult Dog Walker, an Adult Community Gardener, a Child and Adolescent Site Visitor, and a Child and Adolescent Pond Visitor. The conceptual site model (Figure 7-1) illustrates the potential receptors and exposure pathways for the Site. Table 7-1 provides a summary of the receptors and exposure pathways to be evaluated in the Method 3 risk assessment.

### 7.1.1 Hypothetical Future Resident

Although the site is not planned to be used for residential housing, the Massachusetts Contingency Plan (MCP) requires that a Method 3 risk assessment include the evaluation of a residential scenario, in order to determine whether any additional remediation or Activity and Use Limitations (AULs) are needed for the Site. The risk assessment will evaluate adult and child residential exposures to surface soil, *via* incidental ingestion, dermal contact, and inhalation of particulates; exposure to groundwater VOCs migrating through the house foundation into indoor air; and exposure to contaminants *via* ingestion of home-grown produce.

Risks for the Hypothetical Future Resident will be evaluated in four main exposure areas in the western portion of the site (Figure 7-2):

- Upper Septic System Area in northwest corner of Site
- Former Burn Bucket Area, Former Fire Training Area, and Dredge Spoil Piles in northeast corner of Site
- Former Shallow Disposal/Glass Disposal Area, in the east-central area of Site near the solvent shed, cooling tower
- Former UST Area in the west-central area of Site

be used (MADEP, 1995, Table B-7). Because the average daily intake of homegrown produce was determined by assuming the yearly consumption is spread over the whole year, it will be assumed that residents consume homegrown produce 350 days/year, even though consumption is likely to be concentrated in the summer months. Consumption of a leafy vegetable (lettuce), a root vegetable (carrots), and a fruit (tomatoes) will be evaluated.

### 7.1.2 Construction Worker

A construction worker may contact subsurface soils if any excavation work is done for site redevelopment. The construction worker will be evaluated to determine whether any Activity and Use Limitations (AULs) need to be instituted at the Site to prevent contact with subsurface soils. The risk assessment will evaluate construction worker exposure to subsurface soil via incidental ingestion, dermal contact, and inhalation of particulates. The exposure area for the construction worker is considered to be the entire site. The MADEP default construction worker exposure frequency of 5 days/week for 6 months will be used to evaluate risk.

Construction Workers are assumed to be involved in intense activity for half the duration of the project and in routine activities during the other half. Therefore, a soil ingestion rate of 275 mg/day (average of the MADEP recommended enhanced soil ingestion rate of 500 mg/day and the normal soil ingestion rate of 50 mg/day) will be used. An averaging time of 27,375 days (75 years) will be used to evaluate cancer risk. Since this exposure is short term (*i.e.*, less than 7 years in duration), only sub-chronic non-carcinogenic risks will be quantified for the construction worker. An averaging time of 180 days (7 days/week for 6 months) will be used to characterize this subchronic exposure.

### **7.1.3 Landscaper**

The risk assessment will evaluate an adult landscaper exposure to surface soil *via* incidental ingestion, dermal contact, and inhalation of particulates. The Landscaper is assumed to mow the lawn and perform other maintenance activities over the entire site. The Landscaper is assumed to contact all areas of the Site with approximately equal frequency, therefore, the Landscaper scenario will evaluate exposure to soil over the entire site. The landscaper is assumed to have an exposure frequency of 1.5 hours/day, 5 days/week, for 6 months/year, from April through October, and an exposure duration of 30 years.

### **7.1.4 Adult Dog Walker**

Since the site is to be used for conservation land, the risk assessment will evaluate an adult who comes to the site on a regular basis to walk their dog. The risk assessment will evaluate exposure to surface soil *via* incidental ingestion, dermal contact, and inhalation of particulates. The Adult visitor is assumed to contact all exposure areas with approximately equal frequency, therefore, this scenario will evaluate exposure to soil over the four main exposure areas in the western portion of the Site. The adult dog walker will have an exposure frequency of 1 hour/day, 5 days/week, for the entire year, and an exposure duration of 30 years.

### **7.1.5 Adult Community Gardener**

The use of the site for conservation land might include use of a portion of the site for community gardens. The risk assessment will evaluate an Adult Gardener who is exposed to surface soil *via* incidental ingestion, dermal contact, and inhalation of particulates while gardening. The gardening scenario will be evaluated separately in each of four main exposure areas in the western portion of the site (Figure 7-2): the Upper Septic System Area; the Former Burn Bucket Area; the Former Shallow Disposal/Glass Disposal Area; and the Former UST Area. The gardening scenario will evaluate current conditions by assuming that a garden is placed in each of the four exposure areas, without any excavation or regrading of the soil. The exposure frequency for the adult is assumed to be 2 hours/day, 3 days/week, 5 months/year (May - September). The risk assessment will also evaluate consumption of homegrown produce by the Adult Gardener. The MADEP default values for the average daily intake of homegrown

produce will be used (MADEP, 1995, Table B-7). Consumption of a leafy vegetable (lettuce), a root vegetable (carrots), and a fruit (tomatoes) will be evaluated.

#### **7.1.6 Child and Adolescent Site Visitor**

The risk assessment will evaluate exposure to surface soil *via* incidental ingestion, dermal contact, and inhalation of particulates, for a Child (2-6 years old) and an Adolescent (7-15 years old) Site Visitor. Both of these receptors are assumed to contact all exposure areas with approximately equal frequency, therefore, this scenario will evaluate exposure to soil over the four main exposure areas in the western portion of the site combined. Both site visitors are assumed to have an exposure frequency of 2 hours/day, 1 day/week during the school year (9 months), and 2 days/week during the summer (3 months).

#### **7.1.7 Child and Adolescent Visitor to North Pond**

The risk assessment will evaluate exposure to surface water and sediment, for a Child (2-6 years old) and an Adolescent (7-15 years old) visitor to the North Pond. The North Pond will be evaluated separately from the East and West ponds, as it is considered to be more accessible than the other two ponds. The Child and Adolescent pond visitors are assumed to both wade and swim in the pond. While wading, the receptor is exposed to surface water *via* dermal contact, and to sediment *via* dermal contact and incidental ingestion. While swimming, the receptor is exposed to surface water *via* dermal contact and incidental ingestion. The exposure frequency for wading is assumed to be 2 hours/day, 2 days/week during the summer (3 months), and 1 day/week for 6 months of the school year (it is assumed that no pond exposure will occur during winter months). In addition, it is assumed that both receptors may swim in the pond 5 days/year for 1 hour/day.

#### **7.1.8 Adolescent Visitor to East and West Ponds**

The East and West ponds will be evaluated together as one exposure unit, as they are adjacent to one another and are considered equally accessible. The risk assessment will evaluate exposure to surface water and sediment *via* incidental ingestion and dermal contact, for an adolescent visitor (7-15 years old). Due to the relatively difficult access to these ponds, it is assumed that the adolescent will only wade (and not swim) in the ponds. The exposure frequency for the East and West ponds is assumed to be less than



**Table 7-1**  
**Summary of Exposure Scenarios to be**  
**Evaluated in Baseline Risk Assessment**  
**Former Dow Chemical Facility, Wayland, MA**

Receptors	Exposure Area	Exposure Media	Exposure Pathways	Exposure Frequency and Duration
Adult Resident Age 6-31	4 Exposure Areas: Upper Septic System Area (NW corner of site)  Former Burn Bucket Area, Former Fire Training Area, and Dredge Spoil Piles (NE corner of site)  Former Shallow Disposal/Glass Disposal Area. (East central area of site near solvent shed, cooling tower.)  Former UST Area (West central area of site)	Soil  Groundwater  Home-grown produce	Incidental Ingestion, Dermal Contact, Inhalation of Particulates  Inhalation of VOCs in indoor air  Ingestion	260 days/yr  24 hr/day, 350 day/yr  350 days/yr  Duration 25 years

Receptors	Exposure Area	Exposure Media	Exposure Pathways	Exposure Frequency and Duration
Child Resident Age 1-6 (Age 1-8 for noncancer)	4 Exposure Areas: Upper Septic System Area (NW corner of site)  Former Burn Bucket Area, Former Fire Training Area, and Dredge Spoil Piles (NE corner of site)  Former Shallow Disposal/Glass Disposal Area. (East central area of site near solvent shed, cooling tower.)  Former UST Area (West central area of site)	Soil	Incidental Ingestion, Dermal Contact, Inhalation of Particulates	260 days/yr
		Groundwater	Inhalation of VOCs in indoor air	24 hr/day, 350 day/yr
Construction Worker	Whole site	Home-grown produce	Ingestion	350 days/yr  Duration 5 or 7 years
		Soil	Incidental Ingestion, Dermal Contact, Inhalation of Particulates	130 days/yr for 1 year
Adult Landscaper	Whole site	Soil	Incidental Ingestion, Dermal Contact, Inhalation of Particulates	1.5 hours/day 5 days/week 6 months/year for 30 years
Adult Dog Walker	Whole Site	Soil	Incidental Ingestion, Dermal Contact, Inhalation of Particulates	5 days/week 1 hour/day for 30 years

Receptors	Exposure Area	Exposure Media	Exposure Pathways	Exposure Frequency and Duration
Adult Gardener	4 Exposure Areas: - Upper Septic System Area - Former Burn Bucket Area, - Former Shallow Disposal/Glass Disposal Area - Former UST Area	Soil  Garden-grown produce	Incidental Ingestion, Dermal Contact, Inhalation of Particulates  Ingestion	2 hours/day; 3 days/week; 5 months/year; for 30 years.  350 days/yr.
Child Visitor (2-6 yr old)	Whole site	Soil	Incidental Ingestion, Dermal Contact, Inhalation of Particulates	2 hours/day, 2 days/week for 3 months/yr; and 1 day/week for 9 months/yr; for 4 years.
Adolescent Visitor (7-15 yr old)	Whole site	Soil	Incidental Ingestion, Dermal Contact, Inhalation of Particulates	2 hours/day, 2 days/week for 3 months/yr; and 1 day/week for 9 months/yr; for 8 years
Child Visitor (2-6 yr old)	North Pond	Surface Water  Sediment	Incidental Ingestion and Dermal Contact	Wading: 2 hours/day 2 days/week for 3 months/yr, and 1 day/week for 6 months/yr, for 4 years  Swimming: 5 days/year, 1 hr/day for 4 years

Receptors	Exposure Area	Exposure Media	Exposure Pathways	Exposure Frequency and Duration
Adolescent Visitor (7-15 yr old)	North Pond	Surface Water Sediment	Incidental Ingestion and Dermal Contact	Wading: 2 hours/day 2 days/week for 3 months/yr, and 1 day/week, for 6 months/yr for 8 years  Swimming: 5 days/year, 1 hr/day for 8 years
Adolescent Visitor (7-15 yr old)	East and West Ponds	Surface Water Sediment	Incidental Ingestion and Dermal Contact	Wading: 2 hours/day, 1 day/every 2 weeks; 9 months/year; for 8 years.

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**CDM** Camp Dresser & McKee Inc.

consulting  
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Cambridge, Massachusetts 02139  
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April 12, 2000

close to  
closing

**DRAFT**

Mr. Jeff Ritter  
Executive Secretary  
Wayland Town Offices  
41 Cochituate Road  
Wayland, MA 01778

**Subject:** Due Diligence Investigation and Report to the Board of Selectmen of the Town of Wayland

Dear Mr. Ritter:

CDM is pleased to submit this letter report to the Town of Wayland regarding the Dow property known as the former Dow Chemical Facility located at 412 Commonwealth Road and assigned DEP release tracking number 3-3866. This report is presented in two parts. The first part details our history with the property inclusive of our development of a Phase I Report in 1998 as well as a chronology of document consideration and review in the intervening period of time. The second part is our review of the final or nearly final documents recently submitted by Ransom Environmental.

**Part 1. History of CDM Involvement.**

Our history at the site started with an independent review of material in 1998. This review culminated in production of a Phase I report outlining our understanding of the site and recommending that the site proceed to the Phase II Comprehensive Site Assessment prior to any land taking or receipt of the site by the Town. In essence, this report recommended that Dow continue at the site through the Phase II comprehensive site assessment process including a risk characterization. Such completion of the risk characterization then clearly demonstrates current and future risks at the site relative to site reuse and allows the Town to consider the site in a completely characterized mode. This approach is much safer than that of an ordinary due diligence report at the Phase I level of site assessment but was certainly warranted in this case given the past use of the site by Dow. From the point of that recommendation, our history of review has consisted of the receipt and reading of the Phase II and RAM documents by our LSP, Mr. William Swanson. In addition to the pertinent documents provided by Dow's consultant, Ransom Environmental and attendance at the public meeting where the draft risk assessment was presented, Mr. Swanson also was provided the comments by the two senior LSP's employed by the site neighbors (NED/Dow Neighbors, Inc.). At key points in the process CDM provided written comments on the documents and copies of these letters are attached to this letter report.

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Furthermore, our LSP, Mr. Swanson, walked over the site with the neighbors and other interested parties in autumn of 1999 (October 30) to select likely or suspect locations for additional due diligence sampling and analysis. It was determined that this work should be undertaken to provide a reasonable degree of assurance that the site had been fully remediated.

### Part 2. Final Report Review.

The key document reviewed is the final Method 3 Risk Assessment Report for the site. The Method 3 approach utilized is the most detailed of the available approaches and uses site specific data and detailed information about the chemicals detected to arrive at an assessment of risk.

One way to view the results of the risk assessment is to go directly to the numbers computed for the cancer and noncancer risks. For cancer risks a total of 14 different possible scenarios were evaluated by Gradient Corp., a team subcontractor to Ransom. The acceptable level of risk according to DEP protocol is 1 additional risk of cancer in a population of 100,000. For conservation land uses the highest risk computed is 1 additional risk of cancer in a population of 1,000,000, ten times lower than or 10% of the allowable or acceptable level for the anticipated uses. Stated another way, the total cancer risk is 1/10 of the allowable risk. For residential scenarios in specific areas of the site where former Dow activities occurred, the highest risk is 6 additional cancer risks in a population of 1,000,000, somewhat lower than the allowable or acceptable level. Stated another way, the total cancer risk is 6/10 or 60% of the allowable risk. For noncancer risks, a total of 16 different possible scenarios were evaluated. The acceptable risk value is 1 and the highest computed value is 0.1, ten times lower than the allowable or 1/10 or 10% of the acceptable level. The numbers utilized in the computations are generally conservative, that is the computations are designed to overestimate risk due to uncertainties in the fundamental research and derivation of the numbers. So, the conclusion is that the site is safe for general use.

In addition, direct physical evidence of healthy biota at the site coupled with the chemical evidence indicate there is no adverse impact from the site to resident biota. These risk calculations were further reduced by the recent release abatement measure (RAM) activities.

In the risk assessment, Gradient dealt with background concentrations of contaminants for polynuclear aromatic hydrocarbons, dioxin and metals. Determination of background levels of dioxin in the Boston metropolitan area is problematic and the data that can be used to establish background is limited. Nevertheless, CDM views the dioxin concentrations at the site as residing on the low end of the concentration range of urban sites we have studied or are otherwise familiar with. For polynuclear aromatic hydrocarbons and metals, the concentrations appear to be above background and were

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thus subjected to detailed risk characterization to determine if they indeed resulted in a significant risk. As noted above, there was a determination of "no significant risk".

Our detailed comments appear below regarding review of the Method 3 Risk Characterization Former Dow Chemical Facility (Final) Dated February 25, 2000:

The Method 3 Human Health Risk Characterization was given a complete final review by CDM. Overall, the risk characterization was thorough and complete. The analytical data used to support the risk characterization was representative of site conditions and of sufficient quality to characterize site risks. MADEP protocols were generally followed regarding the development of exposure scenarios, exposure calculations, and the development of exposure point concentrations.

One exception to following MADEP guidance was the use of USEPA soil/skin adherence factors associated with dermal risk. While the use of the EPA values is acceptable, they are less conservative than the MADEP default factors. While the risk characterization may not be as conservative as if the default factors was used, the overall conclusion of "no significant" risk is consistent with the low levels of residual contaminants remaining on-site. The following are comments and observations that do not change the conclusions of the risk characterization:

#### Section 4.2.3

The fraction of surface soil from contaminated source parameter listed in Table 4-2 should be included in the ingestion equation (4-9).

#### Section 4.3.1

The sentence "Therefore this scenario assumes that a house is placed directly on the site and no mixing or regarding of the site occurs" is misleading since the subsurface soils are used to calculate EPCs.

#### Section 4.3.3

The landscaper exposure frequency extending from April through October should be stated as seven months rather than six months.

#### Table 4-2 Summary of Exposure Input Factors

The Soil/Skin Adherence Factors used in this table are cited as USEPA, 1999, which is Dermal Risk Assessment Interim Guidance. According to the USEPA, this document is not to be cited or quoted at this time, as it has not officially been released to the public. However, according to the USEPA, it is acceptable to cite the original study or studies





**CDM** Camp Dresser & McKee Inc.

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With respect to Ransom's Completion Report Release Abatement Measure No. 3 dated March 30, 2000, CDM concurs that a class A-2 response action outcome statement (RAO) may be filed for the site.

Summary.

It is CDM's opinion that the site has been adequately characterized and remediated under the Massachusetts Contingency Plan process. CDM is not aware of any significant impediments or environmental encumbrances on the property and recommends that from an environmental management point of view the Town may proceed with the purchase of the property.

Very truly yours,

CAMP DRESSER & MCKEE INC.

William R. Swanson, P.E., LSP  
Vice President

cc: Bruce Haskell

from: Health consultation

Assessment of Cancer Incidence and Exposure Opportunities  
from the Former Dow Chemical Site in Wayland <sup>1914</sup> ~~1914~~ 1994, 1995

Prepared by: MA Dept of Public Health, 1998

## I. SUMMARY/BACKGROUND

In response to a request by the Wayland Board of Health, the Community Assessment Unit (CAU) of the Massachusetts Department of Public Health, Bureau of Environmental Health Assessment (MDPH/BEHA) conducted an investigation of cancer incidence in the town of Wayland and the potential for possible exposures to chemicals originating from the former Dow Chemical site located at 412 Commonwealth Road.

In response to these concerns, the MDPH conducted a descriptive epidemiological study of cancer incidence for the town of Wayland as a whole and for each of its two census tracts. The MDPH also reviewed available environmental information and sampling data for the former Dow site to determine if local residents may have been exposed to chemicals originating from the site.

In June 1997, the MDPH, under a cooperative agreement with the Agency for Toxic Substances and Disease Registry (ATSDR), completed a Health Consultation entitled, *Assessment of Cancer Incidence in Wayland, Massachusetts, 1982-1992* (MDPH 1997a). This Consultation was released for public comment in June and the public comment period ended in December 1997.

This investigation concluded the following results:

- ① all cancer types investigated occurred approximately equal to or slightly greater than the expected rates;
- ① cancer incidence in the area of the Dow Chemical site generally occurred less often than expected;
- ① no unusual geographic pattern of cancer cases was observed for any of the cancer types evaluated; and
- ① based on the health outcome data reviewed and evaluation of exposure pathways, it seemed unlikely that an environmental factor (specifically, contamination associated with the Dow site) was responsible for the development of cancer in Wayland.

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**Steve Goldstein**

**From:** Turkington, Frederic [fturkington@wayland.ma.us]  
**Sent:** Monday, April 12, 2010 4:49 PM  
**To:** steve.goldstein@comcast.net  
**Subject:** FW: Article 27 - Question  
**Attachments:** WAYDOWPROPDEEDTOWNRECORDED.tif

FYI

**From:** Mark Lanza [mailto:mjlanza@comcast.net]  
**Sent:** Monday, April 12, 2010 2:57 PM  
**To:** Turkington, Frederic  
**Subject:** Re: Article 27 - Question

Fred,

The following are my brief responses to S. Goldstein's questions below:

- When the Town purchased the property, it was purchased subject to the restriction that it be used for conservation and recreation purposes only. See the attached copy of the deed. There was no restriction on the types of recreational uses. Thus, the land under the Rec. Comm.'s jurisdiction may be used for active or passive recreation or both.
- The nonprofit/profit status of the organization that would operate the facility and the method of financing the construction of the facility have no bearing on whether the proposed use of the facility is allowed under the Town's Zoning Bylaws. As long as (i) the facility is leased by the Town (as lessee); (ii) the Town owns the land; and (iii) the Town conducts recreational programs in the facility and on the land, the proposed facility and use of the land are allowed as matter of right, subject to site plan review and approval, under the Town's Zoning Bylaws.

Mark

----- Original Message -----

**From:** Steve Goldstein  
**To:** 'Mark Lanza'  
**Cc:** 'Turkington, Frederic'  
**Sent:** Monday, April 12, 2010 9:23 AM  
**Subject:** RE: Article 27 - Question

Mark,

I appreciate that this is a busy period for you. I was wondering when you might be able to send me an opinion or opinion letters or e-mails on the matters in the e-mails below, summarized here:

- Title to land and article establishing part of it for recreation allow for creation of recreation facilities for active recreation
- Potential scenarios for financing and operating recreation center on land allowable under #37 town uses zoning

I have meetings to review this article with the Board of Selectmen this evening and Recreation Commission Tuesday evening and would like to be adequately prepared to address these matters if they come up.

4/13/2010