

COMMONWEALTH OF MASSACHUSETTS  
EXECUTIVE OFFICE OF ENERGY & ENVIRONMENTAL AFFAIRS  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
NORTHEAST REGIONAL OFFICE

205B Lowell Street, Wilmington, MA 01887 • (978) 694-3200

DEVAL L. PATRICK  
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Commissioner

April 10, 2009

Francis X. Dougherty  
Twenty Wayland, LLC  
c/o KGI Properties  
260 Boston Post Road, Suite 901  
Wayland, MA 01778

Dear Mr. Dougherty,

Thank you for your recent letter regarding Title 5 and wastewater discharge concerns related to the Wayland Town Center Project ("Twenty Wayland"). In your letter you reference a contractual agreement between Twenty Wayland and the Wayland Wastewater Management District Commission (WWMDC) which obligates WWMDC to provide 45,000 gpd of discharge capacity to Twenty Wayland. You further state in your letter that Twenty Wayland has no responsibility to address any of the issues related to capacity issues at the Wayland wastewater treatment plant (WWTP).

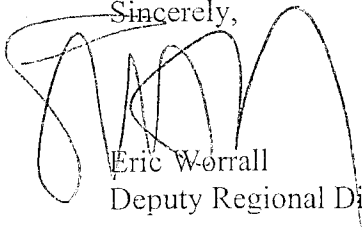
You may be aware that the MassDEP has previously made the determination that a sewer connection permit would be required for Twenty Wayland's project pursuant to 310 CMR 7.04 prior to any construction or use of any sewer system to convey wastewater to the Wayland WWTP. The Department notified Twenty Wayland that it was exercising its authority under this provision of the regulations in correspondence sent to you on November 19, 2007. MassDEP has also informed Twenty Wayland on numerous occasions that due to capacity issues at the Wayland WWTP, as well as significant concerns about the age and condition of the plant, a permit approval was unlikely to be granted. MassDEP encouraged Twenty Wayland to consider alternatives including phasing of the project or reuse of treated wastewater for purposes such as irrigation, toilet flushing, and other uses to reduce its wastewater discharge volume.

Since 2007, MassDEP has worked extensively and cooperatively with representatives of Twenty Wayland, WWMDC and the Town of Wayland in an effort to reach a mutually agreed upon approach to upgrade the deteriorated WWTP and allow for continued responsible growth in the Town of Wayland. The Department does not believe it is productive for Twenty Wayland to

adopt the position that it has no responsibility to continue to work cooperatively with all the aforementioned parties to resolve these issues; it is certainly counterproductive to Twenty Wayland achieving its objective of advancing its development project.

Please do not hesitate to contact me with any questions or concerns.

Sincerely,

A handwritten signature in black ink, appearing to be 'Eric Worrall', written over the typed name.

Eric Worrall  
Deputy Regional Director

Cc: Fred Turkington, Wayland Town Manager  
David Scofield, WWMDC