



Massachusetts Department of Environmental Protection  
 Bureau of Resource Protection - Wetlands  
**WPA Form 4B – Order of Resource Area  
 Delineation**

Provided by MassDEP:  
 090-1302  
 MassDEP File Number  
 \_\_\_\_\_  
 eDEP Transaction Number

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40 and  
 The Andover Wetlands Protection Bylaw

Andover  
 City/Town

**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.



**Note:** Before completing this form consult your local Conservation Commission regarding any municipal bylaw or ordinance.

From: Andover  
 1. Conservation Commission

2. This Issuance is for (check one):

- a.  Order of Resource Area Delineation
- b.  Amended Order of Resource Area Delineation

3. Applicant:

Bill Robichaud  
 a. First Name b. Last Name  
Hewlett-Packard Enterprise  
 c. Organization

165 Dascomb Road  
 d. Mailing Address

Andover MA 01810  
 e. City/Town f. State g. Zip Code

4. Property Owner (if different from applicant):

a. First Name b. Last Name  
 c. Organization  
 d. Mailing Address  
 e. City/Town f. State g. Zip Code

5. Project Location:

165 Dascomb Road Andover 01810  
 a. Street Address b. City/Town c. Zip Code

202-0; 202-6-18; 202-1-165, 202-1  
 d. Assessors Map/Plat Number e. Parcel/Lot Number

Latitude and Longitude (in degrees, minutes, seconds): 42.625162 -71.181757  
 f. Latitude g. Longitude

6. Dates: December 19, 2017 October 16, 2018  
 a. Date ANRAD filed b. Date Public Hearing Closed c. Date of ORAD Issuance

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

Hewlett Packard Enterprise 165 Dascomb Road, Andover, Massachusetts, Existing Conditions Plan of Land (Sheets SV-1 through SV-13) prepared by VHB stamped and signed by Shelby L. Turner III, PLS on 10-11-18 11-28-2017, last revised 10-1-2018  
 a. Title b. Date



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## B. Order of Delineation

1. The Conservation Commission has determined the following (check whichever is applicable):

a.  **Accurate:** The boundaries described on the referenced plan(s) above and in the Abbreviated Notice of Resource Area Delineation are accurately drawn for the following resource area(s):

1.  Bordering Vegetated Wetlands
2.  Other resource area(s), specifically:

a. \_\_\_\_\_

b.  **Modified:** The boundaries described on the plan(s) referenced above, as modified by the Conservation Commission from the plans contained in the Abbreviated Notice of Resource Area Delineation, are accurately drawn from the following resource area(s):

1.  Bordering Vegetated Wetlands

BVW Wetland Area 1: Flags 1-102 through 1-187 and 1-193N through 1-208;

BVW Wetland Area 2: Flags 2-100 through 2-178;

BVW Wetland Area 2A: Flags A2-100 through 2A-126;

BVW Wetland Area 3: Flags 3-100 through 3-120;

BVW Wetland Area 3A: Flags 3A-100 through 3A-131;

BVW Wetland Area 4: Flags 4-100 through 4-212;

BVW Wetland Area 5: Flags 5-107C through 5-108D;

BVW/Vernal Pool Wetland Area 6: Flags 6-100 through 6-114;

BVW Wetland Area 7: Flags 7-106 through 7-118;

BVW Wetland Area 7A: Flags 7A-100 through 7A-124; and

BVW Wetland Area 8: Flags 8-100 through 8-127;

2.  Other resource area(s), specifically:

Bank Flags Wetland Area 1: Flags B1-300 through B1-302 and B1-316 through B1-318;

Bank Flags Wetland Area 3: Flags 3-121 and 3-122;

Bank Flags Wetland Area 7A: Flags 7A-125 through Flags 7A-129;

Freshwater Wetland 1: Flag IW1-100 through IW1-108;

Freshwater Wetland 12: Flags 12-100 through 12-111; and

Vernal Pool Wetland 1: Flags VP1-100 and VP1-110 through VP1-112.

c.  **Inaccurate:** The boundaries described on the referenced plan(s) and in the Abbreviated Notice of Resource Area Delineation were found to be inaccurate and cannot be confirmed for the following resource area(s):

1.  Bordering Vegetated Wetlands
2.  Other resource area(s), specifically:

\_\_\_\_\_  
\_\_\_\_\_



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3.  The boundaries were determined to be inaccurate because:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**C. Findings**

This Order of Resource Area Delineation determines that the boundaries of those resource areas noted above, have been delineated and approved by the Commission and are binding as to all decisions rendered pursuant to the Massachusetts Wetlands Protection Act (M.G.L. c.131, § 40) and its regulations (310 CMR 10.00). This Order does not, however, determine the boundaries of any resource area or Buffer Zone to any resource area not specifically noted above, regardless of whether such boundaries are contained on the plans attached to this Order or to the Abbreviated Notice of Resource Area Delineation.

This Order must be signed by a majority of the Conservation Commission. The Order must be sent by certified mail (return receipt requested) or hand delivered to the applicant. A copy also must be mailed or hand delivered at the same time to the appropriate DEP Regional Office (see <http://www.mass.gov/eea/agencies/massdep/about/contacts/find-the-massdep-regional-office-for-your-city-or-town.html>).

**D. Appeals**

The applicant, the owner, any person aggrieved by this Order, any owner of land abutting the land subject to this Order, 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 DEP Regional Office to issue a Superseding Order of Resource Area Delineation. When requested to issue a Superseding Order of Resource Area Delineation, the Department's review is limited to the objections to the resource area delineation(s) stated in the appeal request. The request must be made by certified mail or hand delivery to the Department, with the appropriate filing fee and a completed 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 Order. 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.

Any appellants seeking to appeal the Department's Superseding Order of Resource Area Delineation will be required to demonstrate prior participation in the review of this project. Previous participation in the permit proceeding means the submission of written information to the Conservation Commission prior to the close of the public hearing, requesting a Superseding Order or Determination, or providing written information to the Department prior to issuance of a Superseding Order or Determination.

The request shall state clearly and concisely the objections to the Order which is being appealed and how the Order does not contribute to the protection of the interests identified in the Massachusetts Wetlands Protection Act, (M.G.L. c. 131, § 40) and is inconsistent with the wetlands regulations (310 CMR 10.00). To the extent that the Order is based on a municipal bylaw or ordinance, and not on the Massachusetts Wetlands Protection Act or regulations, the Department of Environmental Protection has no appellate jurisdiction.

## ORAD - Special Conditions, Findings, and Notations

# 165 Dascomb Road

DEP FILE NO. 090-1302 SPECIAL CONDITIONS

1 FINDING - NOTICE OF JURISDICTION UNDER THE MASSACHUSETTS WETLANDS PROTECTION ACT, M.G.L.C. 131, S. 40. The Andover Conservation Commission hereby finds that all or part of the property is subject to jurisdiction under the Massachusetts Wetlands Protection Act, M.G.L.C. 131, s. 40. The owner is hereby notified of his or her responsibility to comply with the provisions of that statute. This condition shall remain in effect in perpetuity and shall survive the issuance of a Certificate of Compliance.

2 FINDING – ANDOVER WETLANDS PROTECTION BYLAW. The Andover Conservation Commission hereby finds that all or part of the property is subject to jurisdiction under the Andover Wetlands Protection Bylaw. The owner is hereby notified of his or her responsibility to comply with the provisions of that statute. The Conservation Commission finds that all conditions set forth in this ORAD are necessary to protect the interest described in the Andover Wetlands Protection Bylaw. This condition shall remain in effect in perpetuity and shall survive the issuance of a Certificate of Compliance.

### 3 FINDINGS:

3a) The site contains Bordering Vegetated Wetlands (BVW), Freshwater Wetlands, Bank, and Vernal Pools. This ORAD is issued for the following wetland flag series only, as shown on the approved plan noted below in 3b.

- BVW Wetland Area 1: Flags 1-102 through 1-187 and 1-193N through 1-208;
- BVW Wetland Area 2: Flags 2-100 through 2-178;
- BVW Wetland Area 2A: Flags A2-100 through 2A-126;
- BVW Wetland Area 3: Flags 3-100 through 3-120;
- BVW Wetland Area 3A: Flags 3A-100 through 3A-131;
- BVW Wetland Area 4: Flags 4-100 through 4-212;
- BVW Wetland Area 5: Flags 5-107C through 5-108D;
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- BVW Wetland Area 7: Flags 7-106 through 7-118;
- BVW Wetland Area 7A: Flags 7A-100 through 7A-124;
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- Bank Flags Wetland Area 3: Flags 3-121 and 3-122;

- Bank Flags Wetland Area 7A: Flags 7A-125 through Flags 7A-129;
- Freshwater Wetland 1: Flag IW1-100 through IW1-108;
- Freshwater Wetland 12: Flags 12-100 through 12-111; and
- Vernal Pool Wetland 1: Flags VP1-100 and VP1-110 through VP1-112.

3b) The wetland flag series listed above in 3a, and their connecting wetland lines, are shown on the approved plan entitled, "*Hewlett Packard Enterprise 165 Dascomb Road, Andover, Massachusetts, Existing Conditions Plan of Land (Sheets SV-1 through SV-13)*" prepared by VHB dated November 28, 2017, last revised October 1, 2018, stamped and signed by Shelby L. Turner, III, PLS on October 11, 2018.

#### 4 NOTATIONS:

4a) The ANRAD filed on December 19, 2017 included a 325,016 square foot area contained within a portion of the site identified on the plans as Lot E. During the course of the peer review process, the Applicant removed this portion of the site from the ANRAD. This area is depicted on the Cover Sheet SV-1 and Sheet SV-12 by a cross-hatching and labeled as "Area Not Included IN ANRAD Area = 325,016 SF". As a result, this area has been excluded from this ORAD determination.

4b) A number of off-site wetland systems occur within 100-feet of the Property Boundary that would place jurisdictional Buffer Zone on the site that have not been confirmed in this ORAD. Therefore, the Commission's jurisdiction over work on this site extends beyond that which is shown on the ORAD Plans.

4c) Two confirmed Vernal Pools, one contained within Wetland 1 (extending from Tewksbury into Andover) and the other within Wetland 6 (CYP 3909) have been delineated in the field, and referenced above in 3a and 3b. Two Potential Vernal Pools also occur on the site, one identified by NHESP within Wetland 4 (PVP 554) and the other identified by VHB and LEC within Wetland 2. The Commission urges the Applicant to evaluate the two PVPs throughout the 2019 spring hydro-period in accordance with the *NHESP Guidelines for Certification of Vernal Pool Habitat* (March 2009) to gather data on whether they qualify for certification and protection as Vernal Pools.

5 SPECIAL CONDITION: This ORAD does not permit any work or activities that will dredge, fill, alter, or disturb jurisdictional wetland resource areas and/or buffer zones on the parcels subject to this ORAD. As noted above in 4b, this ORAD does not represent the full extent of the Commission's jurisdiction on these parcels.



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The Andover Wetlands Protection Bylaw

Andover  
City/Town

## E. Signatures

October 16, 2018  
Date of Issuance

Please indicate the number of members who will sign this form.

6  
1. Number of Signers

*Kevin J. Porter*  
Signature of Conservation Commission Member

*[Signature]*  
Signature of Conservation Commission Member

*[Signature]*  
Signature of Conservation Commission Member

*Christine Duvall*  
Signature of Conservation Commission Member

*[Signature]*  
Signature of Conservation Commission Member

Signature of Conservation Commission Member

*[Signature]*  
Signature of Conservation Commission Member

This Order is valid for three years from the date of issuance.

If this Order constitutes an Amended Order of Resource Area Delineation, this Order does not extend the issuance date of the original Final Order, which expires on \_\_\_\_\_ unless extended in writing by the issuing authority.

This Order is issued to the applicant and the property owner (if different) as follows:

2  By hand delivery on

3.  By certified mail, return receipt requested on

a. Date

a. Date

October 16, 2018