



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands

**WPA Form 5 – Order of Conditions**

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

Provided by MassDEP:

090-1086

MassDEP File #

3<sup>rd</sup> Amendment

eDEP Transaction #

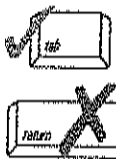
Andover

City/Town

*and Andover Wetlands Protection By-Law*

**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.



1. From: Andover  
Conservation Commission

2. This issuance is for (check one):  
a.  Order of Conditions b.  Amended Order of Conditions

3. To: Applicant:

a. First Name	b. Last Name	
<u>Raytheon Company</u>		
c. Organization		
<u>350 Lowell Street</u>		
d. Mailing Address		
<u>Andover</u>	<u>MA</u>	<u>01810</u>
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:

<u>350 and 366 Lowell Street</u>	<u>Andover</u>
a. Street Address	b. City/Town
<u>155-1; 155-3; 176-2</u>	
c. Assessors Map/Plat Number	d. Parcel/Lot Number
Latitude and Longitude, if known:	
<u>42d 38 m 48 s</u>	<u>71d 10m 54s</u>
d. Latitude	e. Longitude

This document consists of



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**A. General Information (cont.)**

6. Property recorded at the Registry of Deeds for (attach additional information if more than one parcel):  
Essex North District  
 a. County Essex North District b. Certificate Number (if registered land)  
3977-2; 15262-166  
 c. Book 3977-2; 15262-166 d. Page
7. Dates: September 4, 2018 October 2, 2018 October 16, 2018  
 a. Date Notice of Intent Filed b. Date Public Hearing Closed c. Date of Issuance
8. Final Approved Plans and Other Documents (attach additional plan or document references as needed):  
Parking Lot Reconstruction & Drainage Improvements  
 a. Plan Title  
John G. Crowe Assoc. Inc.  
 b. Prepared By c. Signed and Stamped by  
9-12-18 1"=40'  
 d. Final Revision Date e. Scale  
Notice of Intent and Stormwater Report 9-11-18  
 f. Additional Plan or Document Title g. Date

**B. Findings**

1. Findings pursuant to the Massachusetts Wetlands Protection Act:  
 Following the review of the above-referenced Notice of Intent and based on the information provided in this application and presented at the public hearing, this Commission finds that the areas in which work is proposed is significant to the following interests of the Wetlands Protection Act (the Act). Check all that apply:
- a.  Public Water Supply b.  Land Containing Shellfish c.  Prevention of Pollution  
 d.  Private Water Supply e.  Fisheries f.  Protection of Wildlife Habitat  
 g.  Groundwater Supply h.  Storm Damage Prevention i.  Flood Control
2. This Commission hereby finds the project, as proposed, is: (check one of the following boxes)

**Approved subject to:**

- a.  the following conditions which are necessary in accordance with the performance standards set forth in the wetlands regulations. This Commission orders that all work shall be performed in accordance with the Notice of Intent referenced above, the following General Conditions, and any other special conditions attached to this Order. To the extent that the following conditions modify or differ from the plans, specifications, or other proposals submitted with the Notice of Intent, these conditions shall control.



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**B. Findings (cont.)**

Denied because:

- b.  the proposed work cannot be conditioned to meet the performance standards set forth in the wetland regulations. Therefore, work on this project may not go forward unless and until a new Notice of Intent is submitted which provides measures which are adequate to protect the interests of the Act, and a final Order of Conditions is issued. **A description of the performance standards which the proposed work cannot meet is attached to this Order.**
- c.  the information submitted by the applicant is not sufficient to describe the site, the work, or the effect of the work on the interests identified in the Wetlands Protection Act. Therefore, work on this project may not go forward unless and until a revised Notice of Intent is submitted which provides sufficient information and includes measures which are adequate to protect the Act's interests, and a final Order of Conditions is issued. **A description of the specific information which is lacking and why it is necessary is attached to this Order as per 310 CMR 10.05(6)(c).**
- 3.  Buffer Zone Impacts: Shortest distance between limit of project disturbance and the wetland resource area specified in 310 CMR 10.02(1)(a) \_\_\_\_\_ a. linear feet

**Inland Resource Area Impacts: Check all that apply below. (For Approvals Only)**

Resource Area	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
4. <input type="checkbox"/> Bank	_____ a. linear feet	_____ b. linear feet	_____ c. linear feet	_____ d. linear feet
5. <input type="checkbox"/> Bordering Vegetated Wetland	_____ a. square feet	_____ b. square feet	_____ c. square feet	_____ d. square feet
6. <input type="checkbox"/> Land Under Waterbodies and Waterways	_____ a. square feet	_____ b. square feet	_____ c. square feet	_____ d. square feet
	_____ e. c/y dredged	_____ f. c/y dredged		
7. <input type="checkbox"/> Bordering Land Subject to Flooding	_____ a. square feet	_____ b. square feet	_____ c. square feet	_____ d. square feet
Cubic Feet Flood Storage	_____ e. cubic feet	_____ f. cubic feet	_____ g. cubic feet	_____ h. cubic feet
8. <input type="checkbox"/> Isolated Land Subject to Flooding	_____ a. square feet	_____ b. square feet		
Cubic Feet Flood Storage	_____ c. cubic feet	_____ d. cubic feet	_____ e. cubic feet	_____ f. cubic feet
9. <input type="checkbox"/> Riverfront Area	_____ a. total sq. feet	_____ b. total sq. feet		
Sq ft within 100 ft	_____ c. square feet	_____ d. square feet	_____ e. square feet	_____ f. square feet
Sq ft between 100-200 ft	_____ g. square feet	_____ h. square feet	_____ i. square feet	_____ j. square feet



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**B. Findings (cont.)**

**Coastal Resource Area Impacts: Check all that apply below. (For Approvals Only)**

- |  | Proposed<br>Alteration  | Permitted<br>Alteration | Proposed<br>Replacement         | Permitted<br>Replacement        |
|--|---|-------------------------|---------------------------------|---------------------------------|
| 10. <input type="checkbox"/> Designated Port Areas                 | Indicate size under Land Under the Ocean, below   |                         |                                 |                                 |
| 11. <input type="checkbox"/> Land Under the Ocean                  | a. square feet  | b. square feet          |                                 |                                 |
|  | c. c/y dredged  | d. c/y dredged          |                                 |                                 |
| 12. <input type="checkbox"/> Barrier Beaches                       | Indicate size under Coastal Beaches and/or Coastal Dunes below  |                         |                                 |                                 |
| 13. <input type="checkbox"/> Coastal Beaches                       | a. square feet  | b. square feet          | c. <sup>cu yd</sup> nourishment | d. <sup>cu yd</sup> nourishment |
| 14. <input type="checkbox"/> Coastal Dunes                         | a. square feet  | b. square feet          | c. <sup>cu yd</sup> nourishment | d. <sup>cu yd</sup> nourishment |
| 15. <input type="checkbox"/> Coastal Banks                         | a. linear feet  | b. linear feet          |                                 |                                 |
| 16. <input type="checkbox"/> Rocky Intertidal Shores               | a. square feet  | b. square feet          |                                 |                                 |
| 17. <input type="checkbox"/> Salt Marshes                          | a. square feet  | b. square feet          | c. square feet                  | d. square feet                  |
| 18. <input type="checkbox"/> Land Under Salt Ponds                 | a. square feet  | b. square feet          |                                 |                                 |
|  | c. c/y dredged  | d. c/y dredged          |                                 |                                 |
| 19. <input type="checkbox"/> Land Containing Shellfish             | a. square feet  | b. square feet          | c. square feet                  | d. square feet                  |
| 20. <input type="checkbox"/> Fish Runs                             | Indicate size under Coastal Banks, Inland Bank, Land Under the Ocean, and/or inland Land Under Waterbodies and Waterways, above |                         |                                 |                                 |
|  | a. c/y dredged  | b. c/y dredged          |                                 |                                 |
| 21. <input type="checkbox"/> Land Subject to Coastal Storm Flowage | a. square feet  | b. square feet          |                                 |                                 |



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**B. Findings (cont.)**

\* #22. If the project is for the purpose of restoring or enhancing a wetland resource area in addition to the square footage that has been entered in Section B.5.c (BVW) or B.17.c (Salt Marsh) above, please enter the additional amount here.

22.  Restoration/Enhancement \*:

a. square feet of BVW

b. square feet of salt marsh

23.  Stream Crossing(s):

a. number of new stream crossings

b. number of replacement stream crossings

**C. General Conditions Under Massachusetts Wetlands Protection Act**

The following conditions are only applicable to Approved projects.

1. 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 Order.
2. The Order does not grant any property rights or any exclusive privileges; it does not authorize any injury to private property or invasion of private rights.
3. This Order 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.
4. The work authorized hereunder shall be completed within three years from the date of this Order unless either of the following apply:
  - a. the work is a maintenance dredging project as provided for in the Act; or
  - b. the time for completion has been extended to a specified date more than three years, but less than five years, from the date of issuance. If this Order is intended to be valid for more than three years, the extension date and the special circumstances warranting the extended time period are set forth as a special condition in this Order.
5. This Order may be extended by the issuing authority for one or more periods of up to three years each upon application to the issuing authority at least 30 days prior to the expiration date of the Order.
6. If this Order constitutes an Amended Order of Conditions, this Amended Order of Conditions does not extend the issuance date of the original Final Order of Conditions and the Order will expire on \_\_\_\_\_ unless extended in writing by the Department.
7. Any fill used in connection with this project shall be clean fill. Any fill shall contain no trash, refuse, rubbish, or debris, including but not limited to lumber, bricks, plaster, wire, lath, paper, cardboard, pipe, tires, ashes, refrigerators, motor vehicles, or parts of any of the foregoing.
8. This Order is not final until all administrative appeal periods from this Order have elapsed, or if such an appeal has been taken, until all proceedings before the Department have been completed.





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**C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)**

18. All sedimentation barriers shall be maintained in good repair until all disturbed areas have been fully stabilized with vegetation or other means. At no time shall sediments be deposited in a wetland or water body. During construction, the applicant or his/her designee shall inspect the erosion controls on a daily basis and shall remove accumulated sediments as needed. The applicant shall immediately control any erosion problems that occur at the site and shall also immediately notify the Conservation Commission, which reserves the right to require additional erosion and/or damage prevention controls it may deem necessary. Sedimentation barriers shall serve as the limit of work unless another limit of work line has been approved by this Order.

**NOTICE OF STORMWATER CONTROL AND MAINTENANCE REQUIREMENTS**

19. The work associated with this Order (the "Project") is (1)  is not (2)  subject to the Massachusetts Stormwater Standards. If the work is subject to the Stormwater Standards, then the project is subject to the following conditions:
- a) All work, including site preparation, land disturbance, construction and redevelopment, shall be implemented in accordance with the construction period pollution prevention and erosion and sedimentation control plan and, if applicable, the Stormwater Pollution Prevention Plan required by the National Pollution Discharge Elimination System Construction General Permit as required by Stormwater Condition 8. Construction period erosion, sedimentation and pollution control measures and best management practices (BMPs) shall remain in place until the site is fully stabilized.
  - b) No stormwater runoff may be discharged to the post-construction stormwater BMPs unless and until a Registered Professional Engineer provides a Certification that:
    - i. all construction period BMPs have been removed or will be removed by a date certain specified in the Certification. For any construction period BMPs intended to be converted to post construction operation for stormwater attenuation, recharge, and/or treatment, the conversion is allowed by the MassDEP Stormwater Handbook BMP specifications and that the BMP has been properly cleaned or prepared for post construction operation, including removal of all construction period sediment trapped in inlet and outlet control structures;
    - ii. as-built final construction BMP plans are included, signed and stamped by a Registered Professional Engineer, certifying the site is fully stabilized;
    - iii. any illicit discharges to the stormwater management system have been removed, as per the requirements of Stormwater Standard 10;
    - iv. all post-construction stormwater BMPs are installed in accordance with the plans (including all planting plans) approved by the issuing authority, and have been inspected to ensure that they are not damaged and that they are in proper working condition;
    - v. any vegetation associated with post-construction BMPs is suitably established to withstand erosion.



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**C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)**

- c) The landowner is responsible for BMP maintenance until the issuing authority is notified that another party has legally assumed responsibility for BMP maintenance. Prior to requesting a Certificate of Compliance, or Partial Certificate of Compliance, the responsible party (defined in General Condition 18(e)) shall execute and submit to the issuing authority an Operation and Maintenance Compliance Statement ("O&M Statement") for the Stormwater BMPs identifying the party responsible for implementing the stormwater BMP Operation and Maintenance Plan ("O&M Plan") and certifying the following: *i.*) the O&M Plan is complete and will be implemented upon receipt of the Certificate of Compliance, and *ii.*) the future responsible parties shall be notified in writing of their ongoing legal responsibility to operate and maintain the stormwater management BMPs and implement the Stormwater Pollution Prevention Plan.
- d) Post-construction pollution prevention and source control shall be implemented in accordance with the long-term pollution prevention plan section of the approved Stormwater Report and, if applicable, the Stormwater Pollution Prevention Plan required by the National Pollution Discharge Elimination System Multi-Sector General Permit.
- e) Unless and until another party accepts responsibility, the landowner, or owner of any drainage easement, assumes responsibility for maintaining each BMP. To overcome this presumption, the landowner of the property must submit to the issuing authority a legally binding agreement of record, acceptable to the issuing authority, evidencing that another entity has accepted responsibility for maintaining the BMP, and that the proposed responsible party shall be treated as a permittee for purposes of implementing the requirements of Conditions 18(f) through 18(k) with respect to that BMP. Any failure of the proposed responsible party to implement the requirements of Conditions 18(f) through 18(k) with respect to that BMP shall be a violation of the Order of Conditions or Certificate of Compliance. In the case of stormwater BMPs that are serving more than one lot, the legally binding agreement shall also identify the lots that will be serviced by the stormwater BMPs. A plan and easement deed that grants the responsible party access to perform the required operation and maintenance must be submitted along with the legally binding agreement.
- f) The responsible party shall operate and maintain all stormwater BMPs in accordance with the design plans, the O&M Plan, and the requirements of the Massachusetts Stormwater Handbook.



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**C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)**

- g) The responsible party shall:
  1. Maintain an operation and maintenance log for the last three (3) consecutive calendar years of inspections, repairs, maintenance and/or replacement of the stormwater management system or any part thereof, and disposal (for disposal the log shall indicate the type of material and the disposal location);
  2. Make the maintenance log available to MassDEP and the Conservation Commission ("Commission") upon request; and
  3. Allow members and agents of the MassDEP and the Commission to enter and inspect the site to evaluate and ensure that the responsible party is in compliance with the requirements for each BMP established in the O&M Plan approved by the issuing authority.
- h) All sediment or other contaminants removed from stormwater BMPs shall be disposed of in accordance with all applicable federal, state, and local laws and regulations.
- i) Illicit discharges to the stormwater management system as defined in 310 CMR 10.04 are prohibited.
- j) The stormwater management system approved in the Order of Conditions shall not be changed without the prior written approval of the issuing authority.
- k) Areas designated as qualifying pervious areas for the purpose of the Low Impact Site Design Credit (as defined in the MassDEP Stormwater Handbook, Volume 3, Chapter 1, Low Impact Development Site Design Credits) shall not be altered without the prior written approval of the issuing authority.
- l) Access for maintenance, repair, and/or replacement of BMPs shall not be withheld. Any fencing constructed around stormwater BMPs shall include access gates and shall be at least six inches above grade to allow for wildlife passage.

Special Conditions (if you need more space for additional conditions, please attach a text document):

**See Special Conditions Attached**

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**D. Findings Under Municipal Wetlands Bylaw or Ordinance**

1. Is a municipal wetlands bylaw or ordinance applicable?  Yes  No
2. The Andover Conservation Commission hereby finds (check one that applies):
- a.  that the proposed work cannot be conditioned to meet the standards set forth in a municipal ordinance or bylaw, specifically:

1. Municipal Ordinance or Bylaw \_\_\_\_\_ 2. Citation \_\_\_\_\_

Therefore, work on this project may not go forward unless and until a revised Notice of Intent is submitted which provides measures which are adequate to meet these standards, and a final Order of Conditions is issued.

- b.  that the following additional conditions are necessary to comply with a municipal ordinance or bylaw:

Article XIV Andover Wetland Protection By-Law

1. Municipal Ordinance or Bylaw \_\_\_\_\_ 2. Citation \_\_\_\_\_

3. The Commission orders that all work shall be performed in accordance with the following conditions and with the Notice of Intent referenced above. To the extent that the following conditions modify or differ from the plans, specifications, or other proposals submitted with the Notice of Intent, the conditions shall control.

The special conditions relating to municipal ordinance or bylaw are as follows (if you need more space for additional conditions, attach a text document):  
See Attached Special Conditions

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

## 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 on which the work authorized by this Order is proposed 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 WETLAND PROTECTION BYLAW.** The Conservation Commission finds that all conditions set forth in this Order of Conditions are necessary to protect the interest described in the Andover Wetland Protection Bylaw. The owner is hereby notified of his or her responsibility to comply with the provisions of that By-Law. **This condition shall remain in effect in perpetuity and shall survive the issuance of a Certificate of Compliance.**  
**Please note: Of specific importance for this amendment is the significant replacement of the North and East Parking lots and the addition of Water Quality Structures. Additionally as an addition to “the Bank” is campus addition of 366 Lowell Street. The project is also a significant replacement of the parking area and a 2,600 sqft increase in impervious area. As detailed in the Horsley Witten letter (Sept 4, 2018), the Applicant is utilizing a portion of the bank’s credits for this work.**
3. **FINDING – RIVERFRONT AREA.** The Conservation Commission finds that the proposed work is NOT located within the two hundred foot Riverfront Area.
4. **FINDING – SETBACK REQUIREMENTS -** The Conservation Commission finds that the applicants request to Waiver the compliance with the Commissions setback requirements is granted as these setbacks are from drainage structures and unique to this project.
5. **FINDING – NON DISTURBANCE ZONE -** The Conservation Commission finds that the applicants request to Waiver the compliance with the Commissions requirements to monument the NON DISTURBANCE ZONE is granted as these setbacks are from drainage structures and unique to this project.
6. **FINAL APPROVED PLAN AND OTHER DOCUMENTS.** Work shall conform to the plans referenced on Page 1 of this Order and to the following materials submitted by the applicant and which are on file with the Andover Conservation Commission: See attached
7. **RELIANCE UPON PEER REVIEW.** The Conservation Commission is in partial reliance upon a peer review of the filing completed by **Horsley Witten**. The documentation for this review is comprised a letter reports dated September 4, 2018, and September 18, 2018, in which the conclusion was “HW is satisfied with the Applicants response to our initial peer review.”
8. **INSTALLATION OF EROSION CONTROL.** Prior to commencement of work the applicant shall retain the services of the design professional or a Professional Land Surveyor to stake out the location of the proposed sediment controls. The applicant shall then install the sediment controls in accordance with the above-referenced plans.
9. A written request for inspection of the erosion control shall be submitted to the Conservation Commission, and a satisfactory inspection performed before any land-disturbing activity may commence. The Conservation Commission or its agents may require other sediment controls as field conditions warrant. The

siltation control device shall be the Limit of Construction beyond which no earth-disturbing activity shall occur or heavy equipment shall be allowed. All siltation and erosion controls shall be maintained in a state of good repair. The siltation control devices shall not be removed until the commission or its agent has reviewed and found satisfactory the stabilization of the disturbed area.

10. **STORMWATER MANAGEMENT.** The Applicant or his successors in interest shall be responsible in perpetuity to maintain all drainage and stormwater management features, including stormwater best management practices (BMPs) in good working order. The Conservation Commission reserves the right to enter upon the property and make independent examination of these BMP measures, and to require the Applicant or his successors in interest to perform such maintenance as is needed in its judgment. The Conservation Commission shall provide prior notice to the property owner of its intent to perform such inspection not less than forty-eight hours prior to such inspection. This condition shall remain in effect in perpetuity and shall survive the issuance of a Certificate of Compliance.

11. **MASTER STORMWATER MANAGEMENT PLAN.** This project consists of the proposed Construction of a campus-wide stormwater drainage system. The applicant has stated the design objectives for this project as follows:

- a. Mitigate increases in peak flows attributed to the anticipated full development of the Raytheon Company Campus at 350 Lowell Street
- b. Arrange an accounting system that enables Raytheon Company to earn peak flow reduction "credits" through the construction of stormwater mitigation, and draw on those credits for future campus development projects.

The applicant and the commission understand that this Order of Conditions establishes a mechanism by which the applicant may in the future utilize the surplus capacity created by the proposed construction.

12. **PROTOCOL FOR ADMINISTERING THE PEAK FLOW ACCOUNTING SYSTEM.**

- 12.1 A. The Town of Andover and Raytheon Company agree that Raytheon Company will install stormwater improvements for the purposes of stormwater mitigation for future development on the campus. As directed by the Commission, the Town of Andover will receive the ancillary benefit of reduced peak stormwater runoff downstream of the detention basin/ Constructed Stormwater Wetland (CSW#1). This is achieved through overcompensation and reduction of peak rates above and beyond what is required by the Massachusetts Department of Environmental Protection – Stormwater Management Guidelines (June 2008 or as may be revised)..

The stormwater quantity improvements will mitigate approximately 5 acres of impervious surface associated with additional development. Raytheon Company proposes to "Bank" only 3 acres of additional impervious surface of this "Stormwater Mitigation Bank" and provide the additional 2 acres to mitigate for stormwater runoff from existing site development within the watershed not related to the Raytheon Company Campus at 350 Lowell Street.

B. The stormwater system at the Raytheon Campus consists of a series of catch basins, manholes, drainage pipe, drainage swales and constructed stormwater wetlands (CSW's) .The drainage system is divided into two separate drainage areas, Drainage Area A and

Drainage Area B. New stormwater discharges to Drainage Area A will result in attenuation of both stormwater volume as well as stormwater quality. New stormwater discharges to Drainage Area B will result in attenuation of only stormwater volume. Additional mitigation of stormwater quality will need to be provided to the drainage design for any further development within Drainage Area B.

- 12.2 It is understood that the timeframe for full build-out of Raytheon Company Campus is approximately 30 years.
- 12.3 Construction of the stormwater improvements will provide mitigation for increases in peak runoff rates and water quality associated with future campus development projects. It is understood that the peak flow increase is mitigated through the construction of a flood control box at the outlet to CSW#1, and that this value will serve as the credit upon which Raytheon Company may compensate future development and resultant increases in peak runoff rates.
- 12.4 After issuance of this Order, future Raytheon Company development projects within the watershed outlined in the Notice of Intent are subject to the following standards of review by the Commission for the purpose of evaluating peak flow and storm water quality impacts, including any new Notice of Intent filed where proposed work is located within a protected resource area or applicable buffer zone within the Town of Andover.

0 < 2,000 sf net impervious area increase - Activity does not need to be reported to the Commission, except as a summary in an annual report to be filed with the Commission at the end of each calendar year,

2,000 sf < 5, 000 sf net impervious area increase - Activity shall be reported to Commission staff with supporting documentation evaluating the estimated increase in peak runoff rate, estimated reduction in peak flow credits to offset a peak runoff increase, and Best Management Practices (BMP's) proposed to enhance water quality. These projects will be reviewed by Commission staff to verify compliance with DEP - Stormwater Management Guidelines (June 2008 or as may be revised), and shall be considered acceptable by Commission staff if the Stormwater Management Standards are met.

5,000 sf or greater net impervious area increase - Activity shall be reported to Commission staff with supporting documentation evaluating the estimated increase in peak runoff rate, estimated reduction of peak flow credits (measured as impervious area) to offset a peak runoff increase, and Best Management Practices (BMP's) proposed to enhance water quality. These projects will be reviewed by Commission staff to verify compliance with DEP - Stormwater Management Guidelines (June 2008 or as may be revised), and shall be considered insignificant by the Commission if the Stormwater Management Standards are met. Upon satisfactory proof of project is insignificance by Raytheon Company, work may proceed with no further review by the Commission. The Commission reserves the right to require an Amended Order of Conditions for projects involving 5,000 sf or greater of net impervious area increase, in the event the project has an impact to a resource area under the Commission's legal jurisdiction. For projects requiring

Planning Board review and approval, the Conservation Commission may defer review of the project until Planning Board action is taken.

12.5 Raytheon Company shall be responsible for Submitting a letter to the Commission at the end of each calendar year to summarize projects completed during that year and a statement that Raytheon Company has implemented all aspects of an Operation and Maintenance Plan. Remaining peak flow credits will be tracked informally by the Commission offices and formally documented in an Amended Order of Conditions under one of the following scenario's, whichever occurs first:

- 1 When a Notice of Intent is made for an amended Order of Conditions for a project, which occurs within the jurisdiction of the Andover Conservation Commission.
- 2 When Raytheon Company applies for an extension of the existing Order of Conditions at five-year intervals.

Requests for an Amended Order of Conditions shall be in writing and extensions will be granted at five-year intervals up to six times, at the Applicant's request.

Upon completion of each authorized phase of construction, Raytheon Company shall have their engineering consultant evaluate the effectiveness and function of the drainage improvements. The engineering consultant shall prepare and submit a report to the Commission together with any recommendations for improvement or modifications of the drainage system to maintain the system's performance.

Raytheon Company shall be responsible to implement all aspects of the Operation and Maintenance Plan for the Master Stormwater Management Plan, including all maintenance measures on the detention pond, parking lot sweeping, and catch basin maintenance. Raytheon Company is responsible for the construction, maintenance, and monitoring of the detention basin sites so that the optimal performance of the basins is maintained. Raytheon Company has the right to modify the detention basins and associated drainage structures for the purposes of increasing efficiency and/or merge the basin sites with future development projects. Detention basin modification is subject to review and approval of the Commission.

14 **FINDING - WATER QUALITY.** The Conservation Commission finds that in order to protect the interests of the Massachusetts Wetlands Protection Act the Applicant shall be responsible to incorporate Best Management Practices for stormwater enhancement / quality on a project by project basis throughout the implementation of the Master Stormwater Management Plan. .

15 **CERTIFICATE OF COMPLIANCE.** Not more than thirty days following completion of the project, the applicant shall submit with their request for a Certificate of Compliance, an affidavit prepared by a professional engineer or land surveyor registered in the Commonwealth of Massachusetts, stating that the site has been developed in accordance with the requirements of this Order of Conditions, based upon an on-site inspection and the referenced site plan.

16 An as-built drawing, prepared by a Professional Land Surveyor or Professional Engineer, registered in the Commonwealth of Massachusetts, and depicting the final and actual condition of all areas within the jurisdiction of the Massachusetts Wetlands Protection Act shall accompany such request.

- 17 EXCAVATION DEWATERING. In the event that excavation dewatering is required within any area subject to jurisdiction of the Wetlands Protection Act the applicant shall notify the Conservation Commission in advance of such work, and shall be responsible to ensure that such water is free of suspended solids before being discharged into either a wetland or into any storm water drainage system. This condition applies to all forms of dewatering, including pumping and trenching.
- 18 NOTIFICATION OF COMMENCEMENT OF WORK. The applicant shall notify the Conservation Commission, in writing, 48 hours before any activity commences on the project site and shall advise the Conservation Commission of the name(s) and telephone number(s) of the person(s) responsible on site for compliance with this Order. This list shall be resubmitted if any changes are made to it.
- 19 The applicant or contractor responsible for the project's completion shall be notified of, and understand, the requirements of this Order of Conditions. The applicant and/or contractor shall acknowledge receipt of the Order of Conditions by submitting a letter to that effect to the Conservation Commission. A copy of this Order, as well as copies of the above-mentioned documents, plans, and reports shall be on-site while activities regulated by this Order are being performed.
- 20 This Order of Conditions shall be made part of all construction documents for this project. All contractors working at the site shall be made aware of the provisions contained within this Order of Conditions and shall adhere to all the Special Conditions contained herein. The applicant, or his designee, shall, at all times, have a copy of the Final Order of Conditions at the site and shall monitor compliance with the provisions of this Order.
- 21 CONSTRUCTION OVERVIEW BY DESIGN ENGINEER / REPORTS. In accordance with Massachusetts General Laws Chapter 44, §53G, the Conservation Commission finds that projects that are subject to a future amended Order of Conditions (conditions 13.5) may require the applicant provide funds prior to commencement of work to the Commission for the reasonable fees of a consultant with professional credentials to be selected by the Commission to review and/or approve the inspection of work thereunder. Such fees shall be an estimate of inspections which shall take place for all of the work proposed, including the installation of erosion control measures, completion of earthwork activities associated with modifications of the drainage swale and to inspect stabilization of the site and as may be required should site conditions warrant such extension. Since the fees are an estimate, additional fees may be required pending the duration of the project and/or overpayment returned to the applicant upon the issuance of a Certificate of Compliance.
- 22 All other inspections may be undertaken by the applicants representative once every 7 calendar days and within 24 hours of the end of a 2-year storm event or greater (i.e., 3.2 inches of rainfall within a twenty-four hour period), throughout the duration of the project. This period shall begin when siltation controls are installed, and shall end with issuance of a Certificate of Compliance or Partial Certificate of Compliance whichever is applicable.
- 23 The weekly logs/reports shall be submitted on a monthly basis to the Conservation Commission and shall state whether such work is in his or her opinion in compliance with the Order of Conditions. The Conservation Commission reserves the right to require submission of such reports on a more frequent interval.
- 24 The applicant must request approval for temporary cessation of reports in writing prospectively. This

**request must have the approval of the Commission's consultant.** Failure to submit satisfactory reports shall be deemed sufficient cause for revocation of this permit without further review.

- 25 The applicant shall provide periodic monitoring of the "Shallow Ponding Area" during construction to determine if the hydrology is appropriate to support the landscape treatment proposed. Should the hydrology require the substitution of plant material, the Commission should be so informed of any changes. The applicant should demonstrate 75% plant growth of native species within this area prior to receipt of a Certificate of Compliance.**
- 26 **SPLASH PAD** – The applicant shall install a splash pad as outlined in their letter dated August 24<sup>th</sup>, 2009 at the discharge point to the 36" pipe on the west side of the loop road.
- 27 **CLEAN FILL.** All fill used in connection with this project shall be clean borrow. The following shall be prohibited: chemically contaminated material; concrete and asphalt rubble; stumps and other solid waste.
- 28 **GRADING AND STABILIZATION.** Grading shall conform to the plans and data referenced above. In all cases final grades shall have a minimum of two inches of topsoil (measured in place) over all disturbed areas. In all cases exposed soil areas shall be stabilized with vegetation, e.g., grass or some form of ground cover plant. In no case shall wood chips, mulch, or similar covering be acceptable on sloping ground in lieu of vegetation.
- 29 **STOCKPILING.** All debris, fill and excavated material stockpiles must be surrounded by staked hay bales to prevent sediment from surface runoff from entering the wetland.
- 30 **CONTROL OF CONSTRUCTION DEBRIS.** No construction debris (paper, wood, metal, concrete, etc.) may be allowed to enter the wetland resource areas at any time. Windblown material shall be promptly removed from wetland resource areas.
- 31 **DAMAGES TO RESOURCE AREAS.** Any damage caused as a direct result of this project to any wetland resource areas, beyond that authorized by the Order, is the responsibility of the applicant to repair, restore or replace. Sedimentation or erosion into these areas shall be considered damage to wetland resource areas. The Conservation Commission shall be promptly notified of any damage to wetland resource areas. Following notification, the applicant must submit a plan for abatement of the problem and restoration. This plan must be approved by the Conservation Commission prior to implementation.
- 32 **SURPLUS EARTH MATERIALS.** It shall be the responsibility of the Applicant to ensure that any and all surplus materials that are not needed for use on the project are lawfully disposed of outside any area subject to protection under M.G.L.c 131, s. 40, unless such disposal area and activity are regulated under either a valid Order of Conditions or Determination of Applicability.
- 33 **CONSTRUCTED STORMWATER WETLAND (CSW#1)** - The drainage swale, Shallow Ponding area and remaining area upgradient of the headwall shall be inspected on an annual basis and maintained as required to assure its proper function as a CSW.



Massachusetts Department of Environmental Protection  
 Bureau of Resource Protection - Wetlands  
**WPA Form 5 – Order of Conditions**  
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:  
 090-1086  
 MassDEP File #  
 3<sup>rd</sup> Amendment  
 eDEP Transaction #  
 Andover  
 City/Town

**E. Signatures**

This Order is valid for three years, unless otherwise specified as a special condition pursuant to General Conditions #4, from the date of issuance.

October 16, 2018  
 1. Date of Issuance

Please indicate the number of members who will sign this form.  
 This Order must be signed by a majority of the Conservation Commission.

6  
 2. Number of Signers

The Order must be mailed 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 Department of Environmental Protection Regional Office, if not filing electronically, and the property owner, if different from applicant.

Signatures:

*Kevin J. Pate*  
*[Signature]*  
*[Signature]*

*[Signature]*  
*[Signature]*

by hand delivery on

by certified mail, return receipt requested, on

Date

Date

**F. 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 MassDEP Regional Office to issue a Superseding Order of Conditions. The request must be made by certified mail or hand delivery to the Department, with the appropriate filing fee and a completed Request of 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 associated with this appeal 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 providing written information to the Department prior to issuance of a Superseding Order.

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 ordinance or bylaw, and not on the Massachusetts Wetlands Protection Act or regulations, the Department has no appellate jurisdiction.



Massachusetts Department of Environmental Protection  
 Bureau of Resource Protection - Wetlands  
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 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

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 090-1086  
 MassDEP File #  
 3<sup>rd</sup> Amendment  
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 Andover  
 City/Town

**G. Recording Information**

Prior to commencement of work, this Order of Conditions must be recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land subject to the Order. In the case of registered land, this Order shall also be noted on the Land Court Certificate of Title of the owner of the land subject to the Order of Conditions. The recording information on this page shall be submitted to the Conservation Commission listed below.

Andover  
 Conservation Commission

Detach on dotted line, have stamped by the Registry of Deeds and submit to the Conservation Commission.

To:

Andover  
 Conservation Commission

Please be advised that the Order of Conditions for the Project at:

350 and 366 Lowell Street  
 Project Location

090-1086 3<sup>rd</sup> Amendment  
 MassDEP File Number

Has been recorded at the Registry of Deeds of:

Essex North District  
 County

Book

Page

for: Property Owner

and has been noted in the chain of title of the affected property in:

Book

Page

In accordance with the Order of Conditions issued on:

Date

If recorded land, the instrument number identifying this transaction is:

Instrument Number

If registered land, the document number identifying this transaction is:

Document Number

Signature of Applicant