

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
Article XIV, Andover Wetlands Protection By-Law

Provided by MassDEP:
090-1296
MassDEP File #

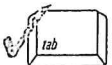
eDEP Transaction #
Andover
City/Town

A. General Information

Please note:
this form has
been modified
with added
space to
accommodate
the Registry
of Deeds
Requirements

1. From: Andover
Conservation Commission
2. This issuance is for (check one):
a. Order of Conditions b. Amended Order of Conditions
3. To: Applicant:

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



a. First Name Silver Phoenix Construction b. Last Name _____
c. Organization _____
d. Mailing Address PO Box 306
e. City/Town Tweksbury f. State MA g. Zip Code 01876

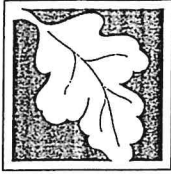
4. Property Owner (if different from applicant):

a. First Name Frank b. Last Name Zavri
c. Organization _____
d. Mailing Address 87 Salem Street
e. City/Town Andover f. State MA g. Zip Code 01810

5. Project Location:

a. Street Address 17 Boutwell Road b. City/Town Andover
c. Assessors Map/Plat Number 216 d. Parcel/Lot Number Lot 5

Latitude and Longitude, if known: 42° 39' 57" N 71° 13' 49" W
d. Latitude e. Longitude



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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
 a. County Essex North b. Certificate Number (if registered land) 307
 14544
 c. Book 14544 d. Page 307

7. Dates: September 5, 2017 June 5, 2018 June 30, 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):

Proposed Overall Site Development 13 & 17 Boutwell Road (Sheets 1 and 2) and Wetland Restoration & Mitigation Plan 25 Foot No Disturb Buffer Mitigation Plan 13 & 17 Boutwell Road (Sheets 1 and 2)

a. Plan Title
 Andover Consultants James S. Fairweather III
 b. Prepared By c. Signed and Stamped by
 May 16, 2018 1"=40'
 d. Final Revision Date e. Scale
 See attached list of Reviewed Documents
 f. Additional Plan or Document Title g. Date

B. Findings

1. Findings pursuant to the Massachusetts Wetlands Protection Act:

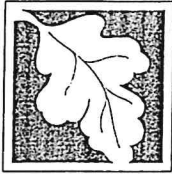
Following the review of the above-referenced Notice of Intent and based on the information provided in this application and presented at the public hearing, this Commission finds that the areas in which work is proposed is significant to the following interests of the Wetlands Protection Act (the Act). 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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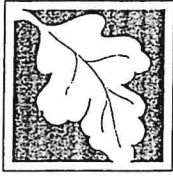
B. Findings (cont.)

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	<u> </u> a. linear feet	<u> </u> b. linear feet	<u> </u> c. linear feet	<u> </u> d. linear feet
5. <input checked="" type="checkbox"/> Bordering Vegetated Wetland	<u>14,440**</u> a. square feet	<u> </u> b. square feet	<u>15,120</u> c. square feet	<u>16,220</u> d. square feet
**Previous Enforcement Order carried over into this Order for resolution				
6. <input type="checkbox"/> Land Under Waterbodies and Waterways	<u> </u> a. square feet	<u> </u> b. square feet	<u> </u> c. square feet	<u> </u> d. square feet
	<u> </u> e. c/y dredged	<u> </u> f. c/y dredged		
7. <input type="checkbox"/> Bordering Land Subject to Flooding	<u> </u> a. square feet	<u> </u> b. square feet	<u> </u> c. square feet	<u> </u> d. square feet
Cubic Feet Flood Storage	<u> </u> e. cubic feet	<u> </u> f. cubic feet	<u> </u> g. cubic feet	<u> </u> h. cubic feet
8. <input type="checkbox"/> Isolated Land Subject to Flooding	<u> </u> a. square feet	<u> </u> b. square feet		
Cubic Feet Flood Storage	<u> </u> c. cubic feet	<u> </u> d. cubic feet	<u> </u> e. cubic feet	<u> </u> f. cubic feet
9. <input type="checkbox"/> Riverfront Area	<u> </u> a. total sq. feet	<u> </u> b. total sq. feet		
Sq ft within 100 ft	<u> </u> c. square feet	<u> </u> d. square feet	<u> </u> e. square feet	<u> </u> f. square feet
Sq ft between 100-200 ft	<u> </u> g. square feet	<u> </u> h. square feet	<u> </u> i. square feet	<u> </u> j. square feet



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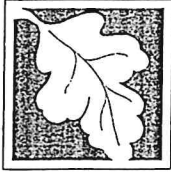
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B. Findings (cont.)

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

	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted 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	_____	_____	_____ ^{cu yd}	_____ ^{cu yd}
	a. square feet	b. square feet	c. nourishment	d. nourishment
14. <input type="checkbox"/> Coastal Dunes	_____	_____	_____ ^{cu yd}	_____ ^{cu yd}
	a. square feet	b. square feet	c. nourishment	d. 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):

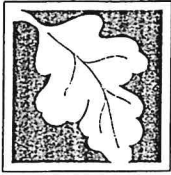
a. number of new stream crossings

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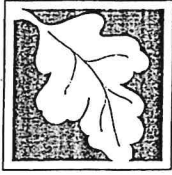
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C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)

9. No work shall be undertaken until the Order has become final and then has been 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 upon which the proposed work is to be done. In the case of the registered land, the Final Order shall also be noted on the Land Court Certificate of Title of the owner of the land upon which the proposed work is done. The recording information shall be submitted to the Conservation Commission on the form at the end of this Order, which form must be stamped by the Registry of Deeds, prior to the commencement of work.
10. A sign shall be displayed at the site not less than two square feet or more than three square feet in size bearing the words,

"Massachusetts Department of Environmental Protection" [or, "MassDEP"]
"File Number 090-1296 "
11. Where the Department of Environmental Protection is requested to issue a Superseding Order, the Conservation Commission shall be a party to all agency proceedings and hearings before MassDEP.
12. Upon completion of the work described herein, the applicant shall submit a Request for Certificate of Compliance (WPA Form 8A) to the Conservation Commission.
13. The work shall conform to the plans and special conditions referenced in this order.
14. Any change to the plans identified in Condition #13 above shall require the applicant to inquire of the Conservation Commission in writing whether the change is significant enough to require the filing of a new Notice of Intent.
15. The Agent or members of the Conservation Commission and the Department of Environmental Protection shall have the right to enter and inspect the area subject to this Order at reasonable hours to evaluate compliance with the conditions stated in this Order, and may require the submittal of any data deemed necessary by the Conservation Commission or Department for that evaluation.
16. This Order of Conditions shall apply to any successor in interest or successor in control of the property subject to this Order and to any contractor or other person performing work conditioned by this Order.
17. Prior to the start of work, and if the project involves work adjacent to a Bordering Vegetated Wetland, the boundary of the wetland in the vicinity of the proposed work area shall be marked by wooden stakes or flagging. Once in place, the wetland boundary markers shall be maintained until a Certificate of Compliance has been issued by the Conservation Commission.



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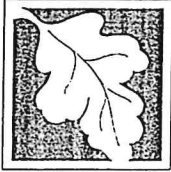
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C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)

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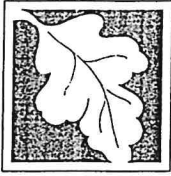
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C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)

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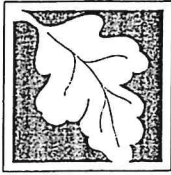
C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)

- 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 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):
Conservation Commission
 - 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:

See attached	Article XIV
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

Silver Phoenix Construction, 17 Boutwell Road, Map 216, Lot 5
DEP FILE NO. 090-1296 SPECIAL CONDITIONS

Findings

1. The Andover Conservation Commission hereby finds that all or part of the property on which the work authorized by this Order of Conditions 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 this statute. **This condition shall remain in effect in perpetuity and shall survive the issuance of a Certificate of Compliance.**
2. The Andover Conservation Commission hereby finds that all or part of the property on which the work authorized by this Order of Conditions is proposed is subject to jurisdiction under the Andover Wetlands Protection By-Law, Article 14. The owner is hereby notified of his or her responsibility to comply with the provisions of this statute. **This condition shall remain in effect in perpetuity and shall survive the issuance of a Certificate of Compliance.**
3. The Andover Conservation Commission finds that all conditions set forth in this Order are necessary to protect the interests described in the Wetlands Protection Act and the Andover Wetland Protection Bylaw.
4. The Andover Conservation Commission finds that Special Conditions in perpetuity (Conditions 1. and 4.) of the August 3, 2004 Enforcement Order (EO) issued for 17 Boutwell Road and further referenced in the *Release of the Enforcement Order Notification of Satisfactory Completion of Work* dated July 26, 2005 are transferred and incorporated into this Order of Conditions with specific reference to the Finding 1 and Special Conditions 11 and 58 of this Order of Conditions.
5. The Andover Conservation Commission finds that clearing and grading commenced on this site under a previous Order of Conditions issued to the Congregation Beth Israel of the Merrimack Valley (DEP File #:090-0923) that occurred at two locations within the 50-foot No-Structure Zone that required waivers and Buffer Zone Restoration .
6. The Andover Conservation Commission finds that construction of a the limited access stream crossing and associated driveway, utilities, and site grading commenced on this site under a previous Order of Conditions issued to the Congregation Beth Israel of the Merrimack Valley (DEP File #:090-0923) that resulted in approximately 7,500± square feet of disturbance within the 25-foot No Disturbance Zone. Silver Phoenix Construction, and/or its successors and assigns have assumed responsibility to compensate for this work and is providing 19,395± square feet of Buffer Zone Enhancement Plantings primarily within the 25-foot No Disturbance Zone, but a portion of the No-Disturbance Zone will be expanded to the 50-foot No-Build Zone within the Buffer Restoration Areas #2 and #5. The Commission finds that based on the values associated with the 25-foot No Disturbance Zone on this site that this level of mitigation provides adequate restoration for the work that occurred within the 25-foot No Disturbance Zone.
7. The Andover Conservation Commission hereby finds that the “25’ NON-DISTURBANCE ZONE” and the “25 foot No Disturb Mitigation Areas #1 through #5 depicted on the approved plan shall remain in effect in perpetuity. No building or alteration is to occur in these restricted areas. **This Condition shall be a continuing condition and shall not expire with the issuance of a Certificate**

of Compliance.

8. The Andover Conservation Commission finds that the EO Wetland Restoration Areas (14,460± square feet) were never adequately established, but the Applicant is proposing to restore 12,220± s.f. (Existing Restoration Area #1 and #2) and create 4,000± square feet of additional Wetland Restoration (Restoration Area #3) for a total of 16,220± square feet of Wetland Mitigation.
9. The Andover Conservation Commission finds that 155± square feet of BVW was permanently altered and 378± square feet of BVW was be temporarily altered by Congregation Beth Israel of the Merrimack Valley (DEP File #:090-0923) for construction of the limited access driveway crossing within the footprint of a previously existing earthen driveway. The temporary alteration was restored in-kind, in-place. The 155± square feet of permanent impacts will be mitigated as part of the above referenced 16,220± square feet of Wetland Mitigation
10. Furthermore, the Andover Conservation Commission finds the temporary alteration to 378± s.f. of the BVW resulted in a temporary wetland impact that was restored resulting in no net loss of wetland area. As such, the proposed project is not expected to adversely affect the existing functions and values associated with on-site wetlands.
11. Prior to **issuance of Certificate of Compliance**, any deed (as defined below) for all or any portion of the property subject to this Order of Conditions which includes a non-disturbance zone shall be recorded at the Registry of Deeds and contain the following language:

"This property is subject to a non-disturbance zone in which no alteration of land or vegetation may occur. The non-disturbance zone is shown on the plans entitled _____, recorded at the Essex County Registry of Deeds, North District, at Book ____, Page ____, and/or registered with the Land Registration Office of the Essex County Registry District as Document No. _____ and as described in the Order of Conditions recorded in the same Registry at Book ____, Page ____, and/or in the same Registry District as Document _____. In accordance with said Order of Conditions, this language shall be incorporated in full into all future deeds, easements, mortgages, leases, licenses, occupancy agreements or any other instrument of transfer, whereby an interest in and/or a right to use the property or a portion thereof is conveyed (a "Deed")."

The plans referenced in this Order of Conditions shall be recorded with the Order of Conditions and cross referenced thereto in the Essex County Registry of Deeds and/or the Essex County Registry District. **This finding shall remain in effect in perpetuity and shall survive the issuance of a Certificate of Compliance**

Special Conditions

12. Work shall conform to the plans referenced on Page 1 of this Order and to the following materials. The Conservation Commission is in partial reliance upon a peer review of this filing performed by LEC Environmental Consultants Inc. and Horsley and Whitten Group. The documentation from this review are included in the below list which are on file with the Andover Conservation Commission.
 - a. Notice of Intent for 2 Proposed Single Family Dwellings 17 Boutwell Road, Andover, Massachusetts, prepared by Andover Consultants Inc. dated August 22, 2017;

- b. Proposed Overall Site Development 13 & 17 Boutwell Road (Sheets 1 and 2) and Wetland Restoration & Mitigation Plan 25 Foot No Disturb Buffer Mitigation Plan 13 & 17 Boutwell Road (Sheets 1 and 2) prepared by Andover Consultants, Inc. dated August 17, 2017, date stamped and signed by James S. Fairweather III on September 5, 2017.
- c. Culvert Analysis Peer Review prepared by Horsley Witten Group dated November 20, 2107.
- d. Culvert Analysis for 2 Proposed Single Family Dwellings 17 Boutwell Road, Andover, Massachusetts prepared by Andover Consultants, Inc. dated September 26, 2017
- e. Culvert Drainage Divide Plan, 13 & 17 Boutwell Road, prepared by Andover Consultants, Inc. dated September 21, 2017
- f. Culvert Analysis Peer Review prepared by Horsley Witten Group dated December 15, 2107.
- g. Notice of Intent Silver Phoenix Construction Response to Horsley Witten Group December 15, 2017 Letter prepared by Andover Consultants, Inc. dated May 21, 2018.
- h. Culvert Analysis Peer Review prepared by Horsley Witten Group dated May 25, 2108.
- i. Notice of Intent Silver Phoenix Construction Response to LEC Environmental Consultants, Inc. December 6, 2017 Email Comments prepared by Andover Consultants, Inc. dated May 21, 2018.
- j. Proposed Overall Site Development 13 & 17 Boutwell Road (Sheets 1 and 2) and Wetland Restoration & Mitigation Plan 25 Foot No Disturb Buffer Mitigation Plan 13 & 17 Boutwell Road (Sheets 1 and 2) prepared by Andover Consultants, Inc. dated August 17, 2017, revised May 16, 2018 date stamped and signed by James S. Fairweather III on May 17, 2018.
- k. NOI Peer Review Summary with attached Email Correspondence and Plan Comments prepared by LEC Environmental Consultants, Inc. dated June 4, 2018.

13. Only work explicitly described in the above-referenced plans and documents is authorized under this Order of Conditions.

14. The Commission and its peer review consultants, in evaluating the Notice of Intent submittal and supporting documents and submittals, have relied solely upon the data and representations made by the Applicant and its representatives. Accordingly, the Applicant shall indemnify and save harmless the Commission, its consultants, Agents, and the Town of Andover against any and all claims arising out of or in connection with any work or structures authorized herein. Any discrepancies, errors or omissions discovered may result in revocation, suspension or modification of this Order without liability to the municipality or its consultants or Agents.

15. This Order of Conditions shall be made part of all construction documents for this project. This document shall be included in all construction contracts including subcontracts dealing with work proposed and shall supersede any conflicting contract requirements. 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.

16. Until the Certificate of Compliance to this Order is issued, a Conservation Commissioner or Agent of the Commission reserves the right to enter and inspect the property at reasonable times in order to evaluate compliance with this Order and any instructions or orders issued pursuant to this Order. Such parties may require any information, measurements, photographs and/or materials or may require any additional information deemed necessary for that evaluation. Further, work shall be halted onsite if the Conservation Commissioner or Agent of the Commission determines that any of the work is not in compliance with the Order. Work shall not resume until the Commission is satisfied that the work will comply with the Order and has so notified the Applicant in writing.
17. This Order shall apply to any successor in control in interest of the property described in the Notice of Intent and accompanying plans, and to any contractor or other person performing work conditioned by this Order. These obligations shall be expressed in all deeds to succeeding owners of all or portions of the property (This is in addition to DEP's Standard Condition under B. Findings, General Conditions 16).

Pre-Construction

18. Prior to commencement of work, the Applicant shall have received all other permits required by law and provide the Commission with copies of said permits including if necessary, but not limited to an:
 - a. EPA NPDES Phase II Stormwater Permit.
19. Prior to construction, a soil evaluation will be conducted by a competent soil professional in the location of the two infiltration systems managing the roof runoff. The depth to the estimated seasonal high ground water will be recorded and the bottom of the infiltration systems will be adjusted to provide two feet of separation between the bottom of the system and the seasonal high ground water elevation. Written documentation signed by a professional engineer must be submitted to the Town, noting the depth to groundwater and the bottom elevation of the systems. If two feet of separation is not feasible a letter must be submitted by a professional engineer to the Conservation Commission documenting the maximum separation available and justifying the final design of the infiltration systems. Under no circumstances can the infiltration systems be installed below the seasonal high water table.
20. Prior to commencement of work, the sign displayed according to B. Findings General Condition 10 must say **DEP & ACC File No. 090-1296**. This sign is not to be attached to a living tree.
21. The Applicant shall also provide the Andover Conservation Commission and/or its Agent with the names and 24-hour, 7 days/week phone numbers of the on-site construction manager(s) who are responsible to coordinate the construction and ensure compliance with this Order.
22. Prior to the commencement of any work onsite, the limits of all wetland resource areas shall be re-established with surveyors tape. Once established, said markers shall be checked and replaced as necessary and shall be maintained until all construction has been completed and a Certificate of Compliance has been issued. Note: This is in addition to DEP's Standard Condition under B. Findings, General Condition 17.
23. Prior to commencement of work, the erosion control line shall be staked in the field by a professional land surveyor for inspection by the Commission or an Agent of the Commission prior to installation of the erosion controls.

24. Following approval of the staked limits of the erosion control boundary, the erosion controls shall be installed between all disturbed areas and the wetlands to prevent the introduction of sediment into any wetland resource area. All siltation and erosion controls shall be installed as specified on the Plan and as described below. The erosion control barrier shall consist of double staked hay bales. Hay bale erosion control barriers shall be double staked; having their ends butted one against another without leaving appreciable space for sediment to travel through the barrier. The siltation control devices shall be the Limit of Construction beyond which no earth-disturbing activity shall occur or heavy equipment shall be allowed. Accumulation of sediment 6 inches or more shall be removed and deposited in areas outside the 100-foot Buffer Zone. 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 an Agent of the Commission has reviewed and found satisfactory the stabilization of the disturbed area.
25. Prior to commencement of work, the installed erosion control barrier must be inspected and approved by the Commission or an Agent of the Commission. This inspection may be coupled with the pre-construction meeting referenced in Special Condition 28. The Conservation Commission or an Agent of the Commission may require other sediment controls as field conditions warrant.
26. At all times during construction, the Applicants shall maintain an on-site stockpile of a minimum of 30 hay bales and a sufficient amount of wooden stakes to be used to control emergency problems. Hay bales are to be tarped to protect from the elements.
27. The developer or contractor responsible for the project's completion shall be notified of, and understand, the requirements of this Order of Conditions. The developer 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.
28. **Not more than 2 weeks prior to the commencement of work**, a pre-construction meeting shall be held with the Conservation Agent and the Commission's Environmental Monitor, and the Applicant's On-Site Construction Manager, Project Engineer and Wetland Scientist to review and discuss the Order of Conditions, construction procedures, methods, and erosion controls. **Prior to requesting the pre-construction meeting**, the Applicant shall submit the following to the Conservation Commission:
 - a. A statement that the items enumerated in Special Conditions 18 through 27 have been executed and the required supporting information has been provided to the Commission; and
 - b. A statement signed by the Applicant, owner of the property and the person responsible for the construction of the project that such individuals understand the terms and conditions as specified in the Order and that such persons agree to comply with the referenced provisions.
29. The Andover Conservation Commission shall be notified in writing at least two (2) business days in advance of commencement of work to enable the Commission to inspect the site to ensure compliance with the conditions.

Construction Monitoring/Reports

30. WETLAND SCIENTIST. The Applicant shall retain a Wetland Scientist to monitor work within the Wetland Restoration Areas and installation of the enhancement plantings to ensure such work is conducted in accordance with the Order of Conditions and standard industry practices. **The name and credentials of the individual *must* be submitted to the Commission prior to the Pre-Construction Meeting referenced in Special Conditions 28 and be approved by the Conservation Commission *prior* to commencement of work.**
31. CONSTRUCTION OVERVIEW BY ENVIRONMENTAL MONITOR / REPORTS. In accordance with Massachusetts General Laws Chapter 44, §53G, the Conservation Commission requires that 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 during once every 7 calendar days and within 24 hours of the end of a storm event having ½ inch of rainfall or greater within a twenty-four hour period, throughout the duration of the project and required inspections associated with the proposed work. This period shall begin when siltation controls are installed, and shall end with issuance of a Certificate of Compliance. **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.**
- Weekly logs/reports shall be maintained and submitted at a minimum 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. The Conservation Commission also reserves the right to authorize the consultant to reduce the number of weekly inspections submitted on a monthly basis at their discretion. The applicant must request approval for temporary cessation of reports in writing. **This request must have the prior approval of an Agent for the Commission.**
32. Excavated material not used for backfill shall be removed from the area and properly disposed of by the contractor. Records shall be kept documenting that the excess material has been properly disposed of at a legal site.
33. A manifest or bill, as applicable, shall be provided to the Conservation Department documenting the legal disposal of excavated materials, building debris, concrete, asphalt, and/or materials removed from the site including that material removed from dumpsters and until a Certificate of Compliance is issued.
34. The two proposed driveway culverts shall be installed during the dry season.
35. Within ten days of the installation of the building foundation, but in every case prior to framing or further construction of the building, any retaining wall, the two driveway culverts, and paving the driveway, the Applicant shall submit to the Conservation Commission and Environmental Monitor a Certified Foundation Plan prepared by a Registered Land Surveyor. Said plan shall be sufficiently detailed to show the horizontal location of the foundation or retaining wall with respect to the property lines, wetland boundaries, and the top of foundation elevation or elevations if more than one level, and the location of any major openings, including, but not limited to, garage entrance, if one shall be provided for, top and bottom of retaining walls, and culvert inverts. The intent of this

Certified Plan is to ensure the proper field location of the building, retaining wall, culverts, and driveway in comparison to the approved plan. No further construction may occur until the Certified Plan has been approved by an Agent of the Commission.

36. Within ten days of the installation of the two infiltration systems managing the roof runoff, written documentation must be provided by a professional engineering attesting to the installation of the two infiltration systems. Including elevation of the bottom of the systems, elevation of the top of the systems, total widths, and total lengths.

Wetland Restoration and Buffer Zone Restoration

37. All three BVW Restoration Areas and all five 25-foot No Disturb Buffer Zone Mitigation Areas must be completed prior to issuance of an Occupancy Permit for either of the two proposed dwellings.
38. All Wetland Restoration and No Disturb Buffer Zone Mitigation shall be accomplished under the direct supervision of the Applicant's Wetland Scientist and in accordance with the approved plans.
39. Wetland Restoration shall be constructed in accordance with the requirements of 310 CMR 10.55(4), and all notations on the plans.
40. The Restoration Areas shall be regraded, as may be required to achieve appropriate wetland hydrology within each Restoration Area. Once this regrading occurs, the restoration area must be inspected by the Andover Conservation Commission and/or an Agent of the Commission and the Applicant's Wetland Scientist to ensure properly hydrology has been achieved. No Pesticides are to be applied in wetland restoration areas. Any exposed substrate shall be protected against erosion until re-establishment of wetland vegetation occurs.
41. Finished grades within the Wetland Restoration Area shall be in conformance with the Plans and at elevations that will provide for a hydrological connection between the restoration area and the adjacent wetlands. Existing berms between Wetland Restoration Areas 1 and 2 must be removed to ensure such surficial hydrology. The final grading of the restoration areas shall result in no abrupt changes in elevation or berms upon removal of the erosion control barriers. Final grading shall be reviewed by the Environmental Monitor and the Applicant's Wetland Scientist prior to planting.
42. All wetland plantings within the Wetland Restoration Area and Buffer Zone Mitigation Areas are to be performed by hand. Plants are to be inspected by the Applicant's wetland scientist prior to installation to ensure proper quantity, size, and species as specified on the plans. The Final planting layout shall be inspected by the Environmental Monitor and the Applicant's Wetland Scientist prior to installation. After plantings are completed, the Wetland Restoration Area and Buffer Zone Mitigation Areas shall be hand raked to eliminate compaction of the soils as much as possible and inspected by the Environmental Monitor and the Applicant's Wetland Scientist.
43. Purple Loosestrife (*Lythrum salicaria*) and Common Reed (*Phragmites australis*) or any other invasive or exotic species shall not be planted or allowed to remain in the Restoration or Buffer Zone Areas. The Common Reed currently growing within Wetland Restoration Area 2 must be removed and properly disposed off-site. Invasive species growing in the Buffer Zone Restoration Areas also must be removed and disposed off-site. This work must be performed prior to any other planting.

A minimum 75 percent survival of the woody plantings within the Wetland Restoration Area and the Buffer Zone Restoration is required and these areas shall be re-established with indigenous wetland plant species. If after 180 growing season days or at any other point during post construction monitoring, it is evident in the opinion of the Applicant's Wetland Scientist that the 75 percent survival requirement will not be achieved, the Applicant shall supplement the plantings as necessary to achieve the required survival rate. If after the end of five growing seasons, 75 percent survival of the woody plants has not been achieved, the Applicant shall provide healthy wetland vegetation in sufficient quantity to achieve the 75 percent survival criteria as directed by the Applicant's Wetland Scientist.

44. The Applicant's Wetland Scientist shall monitor the Wetland Restoration Area and Buffer Zone Plantings for five growing seasons, conducting spring and fall monitoring visits to document conditions. A detailed report will be prepared by the Applicant's Wetland Scientist and submitted to the Commission no later than November 1st of each year during the five year monitoring period to document the yearly monitoring visits. Each report will include an observed species list, relative abundance of each species, percent cover of upland and wetland species, survival of woody vegetation, the viability of the plantings, invasive species and removal recommendations, and proposed remedial measures to ensure 75 percent survival.
45. Prior to the issuance of the final Certificate of Compliance for the project, the Applicant's Wetland Scientist shall certify to the Commission that the Wetland Restoration Area and Buffer Zone Mitigation Areas has achieved the 75 percent survival criteria as noted in Special Condition 41.

Construction

46. Grading shall conform to the plans and data referenced above. In all cases final grades shall have a minimum of four 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.
47. All debris, fill, and excavated material stockpiles within 100 feet of a wetland area must be surrounded by staked hay bales, at a minimum, to prevent sediment from surface runoff from entering the wetland.
48. 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.
49. 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.
50. 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.

51. Whether from on-site or off site sources, any fill used in connection with this project shall be natural material. Only clean coarse sands or gravel free of fines and organic debris may be used for crossing of streams and wetlands.
52. If unforeseen problems occur during construction which may affect the interests of the Wetlands Protection Act or the Town of Andover Wetlands Protection Bylaw, the Commission shall immediately be notified and a meeting shall be held between the Commission or its Agent, the Applicant and other concerned parties to determine appropriate corrective measures agreed upon. Subsequent to the resolution, the activity and resulting actions shall be documented in writing.
53. The Conservation Commission reserves the right to amend this Order of Conditions after a legally advertised public hearing if plans and circumstances, change or if new conditions or information so warrant.
54. In the event that dewatering is required within any area subject to the Commission's jurisdiction or such water is discharged within the Commission's jurisdiction, the Applicant shall notify the Commission or an Agent of the Commission at least 2 business days in advance of such work and shall be responsible to ensure that such water is free of suspended solids before being discharged toward a wetland or into any storm water system. This condition applies to all forms of dewatering, including pumping and trenching. Any dewatering areas shall be monitored daily to ensure that sediment laden water is appropriately settled prior to discharge toward the resource areas. No discharge of water is allowed directly into any area subject to the jurisdiction of the Commission. Dewatering shall be performed using a settling basin and/or a silt sock TM or approved equivalent filtering device. The filtering device shall be laid such that the end is at least 50 feet from the edge of any wetland above the sediment control line. During dewatering the device shall be monitored and replaced as needed. Sediment from the device shall be disposed of properly.
55. The Commission reserves the right to require additional erosion and/or damage controls if deemed necessary. These may be required by the Commission or an Agent of the Commission at any time deemed appropriate.
56. All waste products, grubbed stumps, slash, construction materials, etc shall be deposited at least 100 feet from the wetland resource area. There shall be no dumping of leaves, grass clippings, trash or any kind of refuse in areas under the Conservation Commission's jurisdiction.
57. During and after work on this project, there shall be no discharge or spillage of fuel, oil, or other pollutants. In the event that there is a spill of any kind and any quantity on the site, the Applicant shall notify the Conservation Commission. Those shall be noted on the Certification of Compliance and remain in perpetuity.
58. Site grading and construction shall be scheduled to avoid periods of high surface water. Once begun, grading and construction shall move uninterrupted to completion to avoid erosion and siltation of the wetlands.
59. Final grading of the site shall not direct additional runoff onto the property of others. This project shall not increase the rate of runoff, not cause flood or storm damage to abutters or the property of

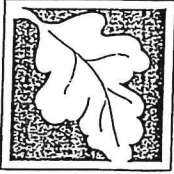
others. It shall be incumbent upon the Applicant to assure compliance with this condition. The project Applicant/owner shall be solely liable for any damage to other properties as a result of this construction. A Professional Engineer shall specifically address this condition in the Certificate of Compliance.

60. Under no circumstances will invasive plant species be permitted during the re-landscaping and planting of the disturbed site.
61. All No-Disturbance Markers shall be installed prior to issuance of an Occupancy Permit. Such bounds shall be determined by the Commission or an Agent of the Commission and consist of the existing relocated Markers with permanent medallions (specification provided by the Conservation Commission), bearing the following inscription: "NON-DISTURBANCE ZONE TO WETLAND. PER ORDER OF ANDOVER CONSERVATION COMMISSION. DO NOT REMOVE." This monumentation is required to identify and protect the No Disturbance Zone in perpetuity, and thus these bounds must remain in place and be maintained in perpetuity. This will be accomplished through a combination of dense vegetation and medallions as shown on the approved plan. This condition will be enforceable by the Andover Conservation Commission against the owner or successors. This condition shall remain in effect in perpetuity. **This Condition shall be a continuing conditions and shall not expire with the issuance of a Certificate of Compliance.**

Certificate of Compliance

62. Prior to issuance of the Certificate of Compliance all erosion and sedimentation control barriers still in place shall be removed from the site. Prior to the removal of erosion and sedimentation control barriers, the Conservation Commission shall be notified and will inspect the site to verify the appropriateness of siltation barrier removal. No erosion control barriers will be removed from the site unless approved by the Conservation Commission or an Agent of the Conservation Commission.
63. If the completed work differs from that on the original plans and/or conditions listed in this Order, a report must be submitted to the Commission thirty (30) days prior to completion specifying how the work differs, at which time the Applicant shall first request a modification to the Order. Upon review and approval by the Commission, the Applicant may request in writing a Certificate of Compliance.
64. 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. 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 or the Andover Wetlands Bylaw shall accompany such request.
65. The Request for a Certificate of Compliance shall be submitted using WPA Form 8A. The Conservation Commission will not consider issuing a Certificate of Compliance until the following items are submitted to, and accepted by, the Commission:
 - a. A written narrative certifying compliance prepared by a Professional Engineering registered in the State of Massachusetts with the conditions and approved plans and Order of Conditions, setting forth any deviations that exist and their potential effect on the project;

- b. Post construction photographs demonstrating compliance with the Order including established vegetation where required;
 - c. A written certification by the Applicant's Wetland Scientist that the restoration areas have achieved 75 percent survival criteria, setting forth any deviations that exist and their potential effect on the project or its compliance with the Order of Conditions; and
 - d. A written request for a Certificate of Compliance.
66. The original Certificate of Compliance signed by the Commission must be recorded at the North Essex Registry of Deeds.



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
Article XIV, Andover Wetlands Protection By-Law

Provided by MassDEP:
090-1296
MassDEP File #

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.

June 20, 2018
1. Date of Issuance

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

6
2. Number of Signers

This Order must be signed by a majority of the Conservation Commission.

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:

Donald S. Cooper
[Signature]
[Signature]

[Signature]
[Signature]
Chloë Andrea Duvall

by hand delivery on
JUNE 20, 2018
Date

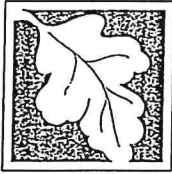
by certified mail, return receipt requested, on
Date

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

WPA Form 5 – Order of Conditions

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40
Article XIV, Andover Wetlands Protection By-Law

Provided by MassDEP:
090-1296
MassDEP File #

eDEP Transaction #
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:

17 Boutwell Road

Project Location

090-1296

MassDEP File Number

Has been recorded at the Registry of Deeds of:

Essex North

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