



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  
and the *Town of Andover Wetlands Protection Bylaw*

Provided by MassDEP:

090-1284

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

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:  
Christopher Cronin  
a. First Name b. Last Name  
Andover Department of Municipal Services  
c. Organization  
397 Lowell Street  
d. Mailing Address  
Andover MA 01810  
e. City/Town f. State g. Zip Code

4. Property Owner (if different from applicant):  
Same as Applicant  
a. First Name b. Last Name  
c. Organization  
d. Mailing Address  
e. City/Town f. State g. Zip Code

5. Project Location:  
5 Campanelli Drive Andover  
a. Street Address b. City/Town  
142 6  
c. Assessors Map/Plat Number d. Parcel/Lot Number  
Latitude and Longitude, if known: 42d41m36.58s N 71d11m53.35s W  
d. Latitude e. Longitude

*This document contains 32 pages.*



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  
and the *Town of Andover Wetlands Protection Bylaw*

Provided by MassDEP:  
090-1284  
MassDEP File #

eDEP Transaction #  
Andover  
City/Town

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

6. Property recorded at the Registry of Deeds for (attach additional information if more than one parcel):

Essex

a. County

14692

c. Book

b. Certificate Number (if registered land)

310

d. Page

7. Dates: February 1, 2017 May 11, 2017 May 16, 2017  
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):

Andover Municipal Services Facility (14 Sheets)

a. Plan Title

James I. Pearson

b. Prepared By

April 3, 2017

d. Final Revision Date

Stormwater Report

f. Additional Plan or Document Title

James I. Pearson

c. Signed and Stamped by

1" = 30'

e. Scale

March 22, 2017

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.



**WPA Form 5 – Order of Conditions**

**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) 25 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 e. c/y dredged	b. square feet f. c/y dredged	c. square feet	d. square feet
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 checked="" type="checkbox"/> Riverfront Area	a. total sq. feet	b. total sq. feet		
Sq ft within 100 ft	0	0	0	0
Sq ft between 100-200 ft	c. square feet 11,700	d. square feet 11,700	e. square feet 11,700	f. square feet 11,700
	g. square feet	h. square feet	i. square feet	j. square feet



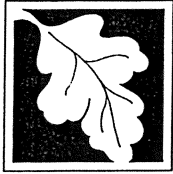
### WPA Form 5 – Order of Conditions

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40  
and the *Town of Andover Wetlands Protection Bylaw*

## 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                  | <u>                    </u><br>a. square feet   | <u>                    </u><br>b. square feet |   |   |
|  | <u>                    </u><br>c. c/y dredged   | <u>                    </u><br>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                       | <u>                    </u><br>a. square feet   | <u>                    </u><br>b. square feet | <u>                    </u><br>c. nourishment | <u>                    </u><br>d. nourishment |
| 14. <input type="checkbox"/> Coastal Dunes                         | <u>                    </u><br>a. square feet   | <u>                    </u><br>b. square feet | <u>                    </u><br>c. nourishment | <u>                    </u><br>d. nourishment |
| 15. <input type="checkbox"/> Coastal Banks                         | <u>                    </u><br>a. linear feet   | <u>                    </u><br>b. linear feet |   |   |
| 16. <input type="checkbox"/> Rocky Intertidal Shores               | <u>                    </u><br>a. square feet   | <u>                    </u><br>b. square feet |   |   |
| 17. <input type="checkbox"/> Salt Marshes                          | <u>                    </u><br>a. square feet   | <u>                    </u><br>b. square feet | <u>                    </u><br>c. square feet | <u>                    </u><br>d. square feet |
| 18. <input type="checkbox"/> Land Under Salt Ponds                 | <u>                    </u><br>a. square feet   | <u>                    </u><br>b. square feet |   |   |
|  | <u>                    </u><br>c. c/y dredged   | <u>                    </u><br>d. c/y dredged |   |   |
| 19. <input type="checkbox"/> Land Containing Shellfish             | <u>                    </u><br>a. square feet   | <u>                    </u><br>b. square feet | <u>                    </u><br>c. square feet | <u>                    </u><br>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 |   |   |   |
|  | <u>                    </u><br>a. c/y dredged   | <u>                    </u><br>b. c/y dredged |   |   |
| 21. <input type="checkbox"/> Land Subject to Coastal Storm Flowage | <u>                    </u><br>a. square feet   | <u>                    </u><br>b. square feet |   |   |



**WPA Form 5 – Order of Conditions**

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40  
and the *Town of Andover Wetlands Protection Bylaw*

Provided by MassDEP:  
090-1284  
MassDEP File #

eDEP Transaction #  
Andover  
City/Town

**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.



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  
and the *Town of Andover Wetlands Protection Bylaw*

Provided by MassDEP:

090-1284

MassDEP File #

eDEP Transaction #

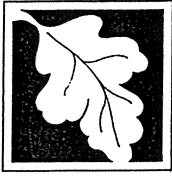
Andover

City/Town

### 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            090-1284            "
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.



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  
and the *Town of Andover Wetlands Protection Bylaw*

Provided by MassDEP:

090-1284

MassDEP File #

eDEP Transaction #

Andover

City/Town

### 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.

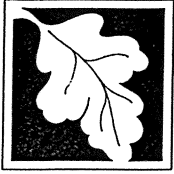
#### NOTICE OF STORMWATER CONTROL AND MAINTENANCE REQUIREMENTS

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.



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  
and the *Town of Andover Wetlands Protection Bylaw*

Provided by MassDEP:  
090-1284

MassDEP File #

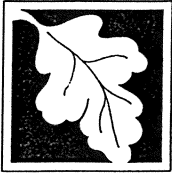
eDEP Transaction #

Andover

City/Town

### 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.



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  
and the *Town of Andover Wetlands Protection Bylaw*

Provided by MassDEP:

090-1284

MassDEP File #

eDEP Transaction #

Andover

City/Town

#### 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 Findings and Special Conditions**

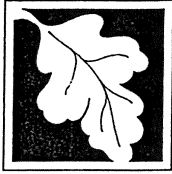
---



---



---



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  
and the *Town of Andover Wetlands Protection Bylaw*

Provided by MassDEP:

090-1284

MassDEP File #

eDEP Transaction #

Andover

City/Town

## 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:

Town of Andover Wetlands Protection Bylaw

Article IV

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 Findings and Special Conditions

---



---



---



---

# 5 Campanelli Drive New Municipal Services Building

DEP FILE NO. 090-1284 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. **This finding shall remain in effect in perpetuity and shall survive the issuance of a Certificate of Compliance.**
2. FINDING - NOTICE OF JURISDICTION UNDER THE ANDOVER WETLAND PROTECTION BYLAW. 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 Andover Wetlands Protection Bylaw, Article 14. 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. **This finding shall remain in effect in perpetuity and shall survive the issuance of a Certificate of Compliance.**
3. FINDING – ANDOVER WETLAND PROTECTION BYLAW. The Andover 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 Commission makes the Finding that the proponent has provided the Commission with a suitable notification (in the form of a Notice of Intent, Stormwater report, and other documents cited in this Order). Furthermore, the Commission makes the Finding that the proposed work reviewed by the Commission and their peer reviewers, and approved by this Order conforms to performance standards and design specifications in the regulations adopted by the Commission.
4. WORK AUTHORIZED UNDER THIS ORDER – Only work explicitly described in the on the Plans referenced on Page 2, Section A.8. of the Order of Conditions and to the following documents and materials that were partially relied upon by the Commission to issue this Order of Conditions. To the extent that the information contained in the reports and on the plans differ, the plans control. If necessary, direction or clarification may be sought from the Conservation Agent or the designated Environmental Monitor.

1/25/17	Notice of Intent Application received from Weston & Sampson dated 1/24/17;
2/1/17	Abutter Notification Letter for NOI application received by Andover Conservation about February 7 public hearing;
2/6/17	Received at Town Clerk's Office and Conservation Division a signed Disclosure of Appearance of Conflict of Interest form for Ann Marton;
3/1/17 5:20pm	Email from Jeff Alberti attaching revised documents and plans;

- 3/6/17 11:57am Email from Jeff Alberti attaching Response to Peer Review Comments; Received updated NOI documents and revised plans from Weston & Sampson;
- 3/14/17 Public notification of Notice of Intent public hearing on March 21 ran in local newspaper;
- 3/15/17 Abutter Notification Letter for NOI application received by Andover Conservation about March 21 public hearing;
- 3/21/17 Received, from Weston & Sampson: "NOI Filing – Response to LEC Peer Review Comments" dated 3/20/17;
- 3/23/17 Received, from Weston & Sampson: "NOI Filing – Response to D.C. MacRitchie Peer Review Comments" dated 3/23/17;
- 4/4/17 Received "NOI Filing – Responses to D.C. MacRitchie, LLC Peer Review Comments" (2 copies of this document, including revised plan sets) from Weston & Sampson dated 4/4/17; and
- 4/12/17 Received, from Weston & Sampson, "NOI Filing – Response to D.C. MacRitchie, LLC Peer Review Comments (Dated April 125, 2017)";

5. FINDING – RELIANCE UPON PEER REVIEW. The Conservation Commission is in partial reliance upon a peer review of the filing completed by Ann Marton of LEC Environmental and Dan MacRitchie, PE of D.C. MacRitchie, Inc. The documentation for this review is comprised of the following letter reports and/or their representations at Public Hearing.

- 1/25/217 Wetland Boundary Peer Review prepared by Ann M. Marton of LEC Environmental Consultants, Inc. (LEC)
- 2/10/17 11:00am Email from Ann Marton with additional proposal for NOI review which Cons Com will pay;
- 2/10/17 3:46pm Email from Ann Marton with peer review;
- 2/15/17 2:31pm Email from Dan MacRitchie with initial review comments;
- 2/15/17 Initial Peer Review and Recommendations prepared by Dan MacRitchie of D.C, MacRitchie, LLC (MacRitchie);
- 3/2/17 10:12am Email from Ann Marton to Jeff Alberti with 1/25/17 Wetland Boundary Peer Review Report;
- 3/16/17 Second Peer Review Initial Comments and Recommendations prepared by Dan MacRitchie;
- 3/21/17 NOI Peer Review Summary prepared by Ann M. Marton of LEC;
- 3/24/17 Email and invoice from Dan MacRitchie about status of peer review;
- 4/6/17 Peer Review & Recommendations for Stormwater Report rev 3/22/17 & 4/3/17" prepared by Dan MacRitchie dated 4/5/17;
- 4/18/17 9am Email from Dan MacRitchie stating that he had completed a review for 5 Campanelli Drive and that all of the issues he had raised had been addressed; and
- 5/2/17 6:45pm Email from Dan MacRitchie with Final Peer Review dated 5/2/17.

The Commission and its consultants, in evaluating the Notice of Intent submittal and supporting documents, 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.

6. FINDING – RIVERFRONT AREA. The Conservation Commission finds that a portion of the project site and proposed work is located within the two hundred Riverfront Area (RFR). Specifically, the site is proximate to an unnamed tributary to the Merrimack River. The applicant has demonstrated compliance with the *WPA Regulations General Performance Standards* for Riverfront Area at 310 CMR 10.58 (4) (a)-(c) and is altering less than 10% of the Riverfront Area on the Project Site. The Applicant also has demonstrate compliance with the *WPA Regulations No Significant Adverse Impact Standards* at 310 CMR 10.58 (4) (d) and is providing 11,700 square feet of mitigation plantings to ensure the project does not impair the capacity of the riverfront area to provide important wildlife habitat functions. The Commission finds that the applicant has complied with these performance standards.
7. FINDING – BORDERING VEGETATED WETLAND. The Conservation Commission finds that the site contains a Bordering Vegetated Wetland and relied upon a Wetland Boundary Peer Review Report dated January 25, 2017 prepared by Ann Marton of LEC Environmental Consultants, Inc. to confirm the accuracy of the BVW as depicted on the site plans.
8. FINDING – 25-FOOT NON DISTURBANCE ZONE. The Andover Conservation Commission finds that the site contains the 25-foot Non Disturbance Zone; however, no work is proposed or authorized to occur within the 25-foot No-Disturbance Zone
9. FINDING – 25-FOOT NON-DISTURBANCE ZONE – REQUIRED DEED LANGUAGE. 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")."
10. FINDING - 25 FOOT PERMANENT BUFFER STRIP PROTECTED. The Andover Conservation Commission hereby finds that **prior to issuance of a Certificate of Compliance or cessation of inspection by the Environmental Monitor**, Berntsen Feno Survey Markers with permanent medallions (information can be provided by the Conservation Commission), bearing the following inscription: "25 FOOT NON-DISTURBANCE ZONE TO WETLAND. PER ORDER OF ANDOVER

CONSERVATION COMMISSION. DO NOT REMOVE.” shall be installed approximately every 50-feet along the 25-foot No Disturbance Boundary. The condition will be enforceable by the Andover Conservation Commission against the owner and /or its successors. **This condition shall remain in effect in perpetuity and shall survive the issuance of a Certificate of Compliance.**

11. FINDING –LAWN/LANSCAPE CHEMICALS WITHIN 100 FEET OF WETLAND. The Conservation Commission finds that in order to minimize the potential for adverse impacts on water quality, the use of any type of lawn or landscape chemical, pesticide or herbicide is prohibited in the 25-foot Non-Disturbance Zone and only organic, slow release, low-nitrogen type and phosphorous free fertilizers or herbicides are allowed within the area 75-100 feet horizontally from the boundary of Bordering Vegetated Wetland depicted on the approved plans. **This condition will be enforceable by the Andover Conservation Commission against the owner and/or its successors. This condition shall remain in effect in perpetuity.**
12. FINDING – DIGITAL FILE FOR WETLAND RESOURCES. **Prior to commencement of work**, the applicant shall provide to the Andover Conservation Commission a digital file containing the file of the confirmed boundary of resource areas. The file format shall be in AutoCAD DWG (or ASCII DXF) version 2010 or earlier and Adobe PDF, delivered on CD-ROM or DVD-R media. AutoCAD file delivery shall be in full model view. The digital file shall include property boundaries, dimensions, easements, rights-of-way, edge of pavement, edge of side walk, edge of water bodies, wetland boundaries, topographic contours, spot elevations, etc. Said digital data shall be delivered in Massachusetts State Plane Coordinate System, North American Datum 1983 and North American Vertical Datum 1988, in U.S. Survey Feet.
13. FINDING – **Prior to commencement of work**, 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**

14. **All materials required to be submitted to the Commission shall also be submitted to the Environmental Monitor for review and approval. For the purposes of this order the Environmental Monitor functions as an Agent of the Commission.**
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 an 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 required federal, state, and/or local permits required by law including, if necessary, but not limited to an EPA NPDES Stormwater Permit.
19. Prior to commencement of work the deed restriction required in Finding #9 shall be recorded against the deed for any and all portions of the subject property. Proof of such recording must be provided to the Commission prior to commencement of work.
20. Prior to commencement of work, the sign displayed according to B. Findings General Condition 10 must say **DEP & ACC File No. 090-1284**. This sign is not to be attached to a living tree.
21. 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.
22. 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.
23. **EROSION CONTROLS** - 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. 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. A written request for inspection of the erosion control shall be submitted to the Conservation Commission and the Environmental Monitor, and a satisfactory inspection performed before any land-disturbing activity may commence. This inspection may be coupled with the pre-construction meeting referenced in Special Condition 25.

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.

At all times during construction, the Applicants shall maintain an on-site stockpile of erosion controls sufficient to respond to any emergency problem that may arise. Such stockpile must be replenished as it is used.

24. CONSTRUCTION OVERVIEW BY DESIGN ENGINEER / 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. 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.**

Where submission of a certified foundation plan is otherwise required under this Order of Conditions a copy of said certified foundation plan shall be attached to the next inspection report following installation of the foundation. 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. **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 prospectively. **This request must have the prior approval of an Agent for the Commission.** Failure to submit satisfactory reports shall be deemed sufficient cause for revocation of this permit without further review.

25. 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/or Wetland

Scientist/Component Expert 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 12, 13, and 18 through 24 have been executed and the required supporting information has been provided to the Commission;
- b. 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. This list shall be resubmitted if any changes are made to it; and
- c. 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.

26. NOTIFICATION OF COMMENCEMENT OF WORK. The applicant shall notify the Conservation Commission, in writing, at least two (2) business days before any activity commences on the project site

The developer or contractor responsible for the project's completion shall be notified of, and understand, the requirements of this Order of Conditions. 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.

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.

### **Riverfront Area Enhancement Planting Mitigation**

27. The proposed Riverfront Area Enhancement Plantings shall be installed in conjunction with/immediately following completion of the grading within the Riverfront Area and as early in the construction process as feasible.
28. Riverfront Area Enhancement plantings are to be inspected by the Applicant's wetland scientist or other experienced Competent Expert prior to installation to ensure proper quantity, size, and species as specified on the plans. Only native species shall be used, no cultivars. The final planting layout shall be inspected by the Environmental Monitor and the Applicant's Wetland Scientist/Competent Expert prior to planting.
29. It is intended that at least 75 percent of the Riverfront Area Enhancement be established with indigenous native plant species and that at least 75 percent of the woody vegetation has survived 2 full growing seasons after their planting. Invasive or exotic species shall not be planted or allowed to remain. If at any point during post construction monitoring, it is evident in the opinion of the Applicant's Wetland Scientist/Competent Expert that the above

standards will not be achieved, the Applicant shall supplement the plantings as necessary to achieve the required coverage. If after the end of 2 full growing seasons, 75 percent re-establishment has not been achieved or at least 75% of the woody plants have not survived, the Applicant shall provide healthy replacement plantings in sufficient quantity to achieve the 75 percent re-establishment criteria.

30. The Applicant's Wetland Scientist/Competent Expert shall monitor the Riverfront Area Enhancement for 2 consecutive full growing seasons, conducting spring and fall monitoring visits to document conditions within the Riverfront Area Enhancement. A detailed report shall be prepared by the Applicant's Wetland Scientist/Component Expert and submitted to the Commission/Environmental Monitor no later than November 1<sup>st</sup> of each year during the two 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 species, the viability of the plantings, invasive species and removal recommendations, proposed remedial measures to ensure 75 percent re-establishment, and photographs.
31. Prior to the issuance of the final Certificate of Compliance for the project, the Applicant's Wetland Scientist/Competent Expert shall certify to the Commission that the replication area has achieved the 75 percent re-establishment.

### **Construction**

32. SOIL ASSESSMENT. Within 15 days after the site is cleared and grubbed the applicant's competent soils professional shall conduct confirmatory soils testing as required to complete a soils evaluation in accordance with the Massachusetts Stormwater Handbook and to demonstrate adequate permeability for infiltration and acceptable seasonal high groundwater. The soil evaluation shall also demonstrate that the existing receiving layer soils have no more than 30% clay or 40% silt (Per Table IB-1 of Handbook Volume 2, c 2).

A minimum of three test pits shall be excavated to a depth of 40-inches below the bottom of the receiving layer at each infiltration basin. A minimum of one soil sample shall be collected from each test pit that is representative of the least pervious soil layer within the zone that is 40-inches below the receiving layer. Each soil sample shall be tested in a laboratory to determine its USDA textural classification. A Soils Evaluation Report, prepared by the applicant's competent soils professional shall be submitted to the conservation commission within five days of the testing. The report shall include the results of these tests. The competent soils professional shall certify that the actual conditions are the same as the presumptions in the design of the BMPs. In the event there is a need to change the design to meet the requirements of the BMP, revised documents shall be submitted to the conservation commission for their evaluation as to whether the revisions are within the parameters of the original application and the Permit may be amended or if the changes are such that a new application will be required.

33. BIORETENTION AREAS. Prior to placing planting soils or bioretention soils in infiltration areas, the applicant shall submit to the conservation commission soil specifications and the results of a soil evaluation to demonstrate that the planting and bioretention soil infiltration rates will be no more restrictive than the underlying subsoil receiving layer infiltration rate.

34. **CERTIFIED FOUNDATION PLAN.** Within ten days of the installation of any building foundation or retaining wall, but in every case prior to framing or further construction of the building, the applicant shall submit to the Conservation Commission and the 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 and wetland resource areas, 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. The intent of this Certified Plan is to ensure the proper field location of the building or retaining wall in comparison to the approved plan. No further construction may occur until the Certified Plan has been approved by an Agent of the Commission.
35. **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 Agent/Environmental Monitor 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. 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 wetland resource area. Dewatering shall be performed using a settling basin and/or a silt sock <sup>TM</sup> 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.
36. **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.
37. **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.
38. **STOCKPILING.** All debris, fill and excavated material stockpiles within 100 feet of a wetland area must be surrounded by staked hay bales to prevent sediment from surface runoff from entering the wetland.
39. **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.
40. **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.

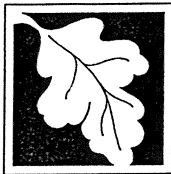
41. SURPLUS EARTH MATERIALS. It shall be the responsibility of the Applicant to ensure that any and all surplus materials that are not needed for use on the project are lawfully disposed of outside any area subject to protection under M.G.L.c 131, s. 40, unless such disposal area and activity are regulated under either a valid Order of Conditions or Determination of Applicability.
42. 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.**

The Owner shall retain a qualified professional to inspect the storm water management basins in accordance with the Stormwater Management Operation and Maintenance Plan dated February 2017 (see attached) to ensure proper function and maintenance of the system. **This Condition shall be a continuing condition and shall not expire with the issuance of a Certificate of Compliance.**

43. 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, WPA Form 8A; 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 setting forth any deviations that exist and their potential effect on the project or its compliance with the Order of Conditions; and a written certification by the Applicant's Wetland Scientist/Competent Expert that the Riverfront Area Enhancement Plantings have achieved 75 percent survival and nearly 100% cover.

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.

The original Certificate of Compliance signed by the Commission must be recorded at the North Essex Registry of Deeds and proof of such recording must be provided to the Commission.



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  
and the *Town of Andover Wetlands Protection Bylaw*

Provided by MassDEP:  
090-1284  
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.

May 16, 2017  
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.

5  
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:

[Signature]  
[Signature]

[Signature: Kevin J. Puts]  
[Signature: Alexandra Brucell]

by hand delivery on  
May 16, 2017  
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.



**Attachment H –**  
**Long-Term Operation and Maintenance Plan**



## **1.0 Introduction**

The following document has been written to comply with the stormwater guidelines set forth by the Massachusetts Department of Environmental Protection (MassDEP). The intent of these guidelines is to encourage Low Impact Development techniques to improve the quality of the stormwater runoff. These techniques, also known as Best Management Practices (BMPs) collect, store, and treat the runoff before discharging to adjacent environmental resources.

## **2.0 Purpose**

This Operation and Maintenance Plan (O&M Plan) is intended to provide a mechanism for the consistent inspection and maintenance of each BMP installed on the project site. Included in this O&M Plan is a description of each BMP type and an inspection form for each BMP. The Town of Mansfield is the owner and operator of the system and is responsible for its upkeep and maintenance. This work will be funded on an annual basis through the town's operating budget. The estimated budget to maintain these BMPs utilizing the Municipal Services Department workforce and equipment is approximately \$1,000 per year. This budget assumes that Town equipment will be utilized and no additional equipment rental is required.

In the event the Town sells the property, it is the Town's responsibility to transfer this plan as well as the past three years of operation and maintenance records to the new property owner.

## **3.0 BMP Description and Locations**

### **3.1 Street Sweeping**

Street sweeping consists of using a street sweeping machine to clean impervious areas of accumulated sediment, debris, and trash at parking areas.

### **3.2 Deep Sump Catch Basins**

Deep sump catch basins will be located throughout the site and used as pre-treatment before entering the infiltration basin. The deep sump catch basins are designed to remove trash, debris, and coarse sediment from the stormwater runoff.

### **3.3 Grassed Areas and Filter Strips**

There are several grassed areas throughout the site, particularly adjacent to the proposed basins that will receive stormwater runoff. These grassed areas are intended to slow runoff velocities and promote infiltration of stormwater.

### **3.4 Infiltration Basins & Subsurface Infiltration Structures**

There are several infiltration basins & subsurface structures in the facility that will receive stormwater. An infiltration basin will be built on the northeastern section of the site and on the southern section, while subsurface infiltration structures will be built in the western area and southern area of the site. These structures also significantly mitigate TSS.

#### **4.0 Inspection, Maintenance Checklist and Schedule**

##### **4.1 Street Sweeping**

Street sweeping shall be performed on the proposed parking lot areas on a monthly average, primarily in the spring and fall. Street sweeping shall be performed using an appropriate street sweeping machine.

In the event of contamination by a spill or other means, all street sweeping cleanings must be evaluated in accordance with the Hazardous Waste Regulations, 310 CMR 30.000 and handled as hazardous waste.

In the absence of evidence of contamination, street sweeping cleanings may be taken to a landfill or other facility permitted by MassDEP to accept Solid Waste without any prior approval by MassDEP. Please note that current MassDEP regulations prevent landfills from accepting materials that contain free-draining liquids.

##### **4.2 Deep Sump Catch Basins**

Inspect and/or clean catch basin at least four times per year and at the end of foliage and snow removal seasons. Sediments must be removed whenever the depth of deposits is greater than or equal to one half the depth from the bottom of the invert of the lowest pipe in the basin. The catch basin and oil-grit separators should be cleaned a minimum of four times per year regardless of the amount of sediment in the basin. They shall be cleaned using clamshell buckets or vacuum trucks.

In the event of contamination by a spill or other means, all cleanings must be evaluated in accordance with the Hazardous Waste Regulations, 310 CMR 30.000 and handled as hazardous waste.

In the absence of evidence of contamination, catch basin cleanings may be taken to a landfill or other facility permitted by MassDEP to accept Solid Waste without any prior approval by MassDEP. Please note that current MassDEP regulations prevent landfills from accepting materials that contain free-draining liquids.

#### 4.3 Grassed Areas and Filter Strips

All sediment and debris should be removed and disposed of according to local, state and federal regulations. During the growing season, vegetation should not exceed six inches in height, and should be mowed as necessary. Any grassed areas in close proximity to any areas that use salt in deicing applications should be re-seeded in the spring. Bare spots should be re-seeded as needed.

#### 4.4 Infiltration Basins & Subsurface Infiltration Structures

The infiltration basins and subsurface structures shall be inspected every six months during the first year, and annually thereafter. All accumulated sediment and debris in the infiltration basins and subsurface structures should be removed and disposed of according to local, state and federal regulations. During the growing season, vegetation should not exceed six inches in height in the infiltration basin, and should be mowed as necessary. Any grassed areas in close proximity to any areas that use salt in deicing applications should be re-seeded in the spring. Bare spots should be re-seeded as needed.

#### 4.5 Inspections and Record Keeping

- An inspection form should be filled out each and every time maintenance work is performed.
- A binder should be kept at the Municipal Services Department that contains all of the completed inspection forms and any other related materials.
- A review of all Operation & Maintenance actions should take place annually to ensure that these Stormwater BMPs are being taken care of in the manner illustrated in this Operation & Maintenance Plan.
- All operation and maintenance log forms for the last three years, at a minimum, shall be kept on site at the Municipal Services Department.
- The inspection and maintenance schedule may be refined in the future based on the findings and results of this operation and maintenance program or policy.

**5.0 Public Safety Features**

The larger onsite stormwater basins will be shielded from public access by fencing around the perimeter of the site. Underground stormwater system measures have been used in many cases which are protected from access via manhole covers and grates.

**6.0 Stormwater Management System Owner/Responsible Party**

Town of Andover  
Department of Municipal Services  
36 Bartlet Street  
Andover, MA 01810  
Contact: Christopher Cronin  
Telephone: 978-623-8710

This operation and Maintenance Plan will be recorded with the registry of deeds so that current and future owners are aware of the requirement for proper operation and maintenance of the onsite stormwater system.

**7.0 Estimated Operations and Maintenance Budget**

The estimated budget for annual operations and maintenance of this stormwater system is \$2,000 per year.

Town of Andover  
New Municipal Services Facility  
Permanent BMP Inspection Checklist

**Street Sweeping**

Frequency: Monthly, primarily in the spring and fall.

Location: Parking Lots and Driveways

Inspected By: \_\_\_\_\_ Date: \_\_\_\_\_

Observations: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Actions Taken: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Instructions: Sweep parking lot using street sweeping machine. All trash, debris, and sediments should be disposed of in accordance with local, state, and federal regulations.

**Deep Sump Catch Basins and Oil-Grit Separators**

Frequency: Inspect and clean deep sump catch basins and oil-grit separators in March, June, September and December.

Structure Number: \_\_\_\_\_

Inspected By: \_\_\_\_\_ Date: \_\_\_\_\_

Observations: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Actions Taken: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Instructions: Clean units four times per year or whenever the depth of the deposits is greater than or equal to one half the depth from the bottom of the invert to the lowest pipe in the structure.

**Grassed Areas**

Frequency: Grassed areas acting as vegetated filter strips should be inspected every six months during the first year and annually thereafter.

Location: \_\_\_\_\_

Inspected By: \_\_\_\_\_ Date: \_\_\_\_\_

Observations: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Actions Taken: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Instructions: Inspect grassed area. Mow grass as needed. Remove accumulated trash and debris. Remove sediment and re-seed bare spots as needed. All trash, debris, and sediments should be disposed of in accordance with local, state, and federal regulations.

**Infiltration Basins and Subsurface Infiltration Structures**

Frequency: The infiltration basins and Subsurface Infiltration Structures should be inspected every six months during the first year and annually thereafter.

Structure No.: \_\_\_\_\_

Inspected By: \_\_\_\_\_ Date: \_\_\_\_\_

Observations: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Actions Taken: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Instructions: Inspect grassed area. Mow grass as needed in infiltration basins. Remove accumulated trash and debris. Remove sediment and re-seed bare spots as needed. All trash, debris, and sediments should be disposed of in accordance with local, state, and federal regulations. Inspect underground isolation rows of chambers via manholes or inspection ports. Use reverse water jet to pull sediment back into manhole. Remove sediment, trash and debris as noted above.