



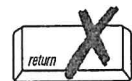
Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
WPA Form 5 – Order of Conditions
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40
 And the Andover Wetlands Protection Bylaw

Provided by MassDEP:
 090-1247
 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. **2nd Amended Order of Conditions**
3. To: Applicant:

a. First Name NBPIII Dascomb, LLC b. Last Name _____
 c. Organization _____
 401 Edgewater Place, Suite 265
 d. Mailing Address _____
 Wakefield MA 01880
 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:

146 Dascomb Road Andover
 a. Street Address b. City/Town
203 2
 c. Assessors Map/Plat Number d. Parcel/Lot Number

Latitude and Longitude, if known: 42d 37m 20.07s 71d 10m 43.75s
 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) 131
 c. Book 16812 d. Page 131
7. Dates: May 19, 2015 July 7, 2015 January 19, 2015
 a. Date Notice of Intent Filed b. Date Public Hearing Closed c. Date of Issuance
7. Dates: April 25, 2023 June 20, 2023 June 20, 2023
 d. Date Amendment Filed e. Date Public Hearing Closed f. Date of Issuance 3rd Amended OOC.
8. Final Approved Plans and Other Documents (attach additional plan or document references as needed):
Site Plans 146 Dascomb Buffer Restoration, Andover, MA
 a. Plan Title TEC, Inc. David John Nader, PE
 b. Prepared By Varies per Sheet-see below listing c. Signed and Stamped by Varies per sheet
 d. Final Revision Date Sheet C-1: Title and Index June 14, 2023
Sheet C-2: Legend & General Notes April 25, 2023
Sheet C-3: Existing Conditions May 22, 2023
Sheet C-4: Grading Plan May 9, 2023
Sheet C-5: Restoration & Planting Plan June 14, 2023
Sheet C-6: Erosion Control Plan April 25, 2023
Sheet C-7: Wetland and Planting Details April 25, 2023
Sheet C-8: Construction Details April 25, 2023
 f. Additional Plan or Document Title

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



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following conditions modify or differ from the plans, specifications, or other proposals submitted with the Notice of Intent, these conditions shall control.

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) 0
a. linear feet

Buffer Zone Resource Area	Permitted Alteration	Actual Alteration	Proposed Replacement	Permitted Replacement
0-25 Foot Buffer Zone	12,525	4,057	5,990	5,990
25-50 Foot Buffer Zone	8,430	8,430	8,430	8,430
50-100 Foot Buffer Zone	11,940	11,940	11,940	11,940

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

Resource Area	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
4. <input checked="" type="checkbox"/> Bank	<u>384</u> a. linear feet	<u>0</u> b. linear feet	<u>0</u> c. linear feet	<u>0</u> d. linear feet
5. <input checked="" type="checkbox"/> Bordering Vegetated Wetland	<u>1,478</u> a. square feet	<u>0</u> b. square feet	<u>0</u> c. square feet	<u>0</u> d. square feet
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
	<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		
	<u> </u> c. cubic feet	<u> </u> d. cubic feet	<u> </u> e. cubic feet	<u> </u> f. cubic feet



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9. Riverfront Area
- | | |
|-------------------|-------------------|
| a. total sq. feet | b. total sq. feet |
|-------------------|-------------------|

B. Findings (cont.)

- | | | | | |
|--------------------------|----------------|----------------|----------------|----------------|
| Sq ft within 100 ft | c. square feet | d. square feet | e. square feet | f. square feet |
| Sq ft between 100-200 ft | g. square feet | h. square feet | i. square feet | j. square feet |

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 | a. square feet | b. square feet | c. nourishment
cu yd | d. nourishment
cu yd |
| 14. <input type="checkbox"/> Coastal Dunes | a. square feet | b. square feet | c. nourishment
cu yd | d. nourishment
cu yd |
| 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 | | |
| 22. <input type="checkbox"/> Riverfront Area | a. total sq. feet | b. total sq. feet | | |
| Sq ft within 100 ft | c. square feet | d. square feet | e. square feet | f. square feet |



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Sq ft between 100-
 200 ft

g. square feet

h. square feet

i. square feet

j. square feet

B. Findings (cont.)

23. Restoration/Enhancement *:

* #23. 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.

a. square feet of BVW

b. square feet of salt marsh

24. 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.
 - c. If the work is for a Test Project, this Order of Conditions shall be valid for no more than one year.
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. An Order of Conditions for a Test Project may be extended for one additional year only upon written application by the applicant, subject to the provisions of 310 CMR 10.05(11)(f).
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,



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cardboard, pipe, tires, ashes, refrigerators, motor vehicles, or parts of any of the foregoing.

C. General Conditions Under Massachusetts Wetlands Protection Act

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.
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 090-1247 "
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.



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

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.
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.
19. The work associated with this Order (the "Project")
- (1) is subject to the Massachusetts Stormwater Standards
 - (2) is NOT 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;



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

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.

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 Findings and Special Conditions.

- 20. For Test Projects subject to 310 CMR 10.05(11), the applicant shall also implement the monitoring plan and the restoration plan submitted with the Notice of Intent. If the conservation commission or Department determines that the Test Project threatens the public health, safety or the environment, the applicant shall implement the removal plan submitted with the Notice of Intent or modify the project as directed by the conservation commission or the Department.



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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 _____ 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:

Andover Wetlands Protection By-Law _____ Article 14
 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

146 Dascomb Road

2nd Amended Order of Conditions – Buffer Zone Restoration/ Wetland Creation

DEP FILE NO. 090-1247 FINDINGS AND SPECIAL CONDITIONS

Findings

1. FINDING - 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 this statute. **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 By-Law, Article 14. The owner is hereby notified of his or her responsibility to comply with the provisions of this statute. **This finding shall remain in effect in perpetuity and shall survive the issuance of a Certificate of Compliance.**
3. FINDING - BORDERING VEGETATED WETLAND. The Conservation Commission relied upon an Order of Resource Area Delineation (DEP File # 090-1195) issued by the Commission on August 26, 2013 approving the boundary of Bordering Vegetated Wetland (BVW) as shown on an ANRAD Plan prepared by RJ O'Connell & Associates, Inc. dated 7-19-13.
4. FINDING - INTERMITTENT STREAM. The Conservation Commission relied upon an Order of Resource Area Delineation (DEP File # 090-1195) issued by the Commission on August 26, 2013 approving the Bank to Intermittent Stream as shown on an ANRAD Plan prepared by RJ O'Connell & Associates, Inc. dated 7-19-13.
5. FINDING –WETLAND CREATION/BUFFER ZONE RESTORATION. The Andover Conservation Commission finds that the original Applicant, Salvatore Lupoli of Lupoli Companies, proposed roadway widening and safety improvements along Dascomb Road that would have resulted in impacts to Bank to an Intermittent Stream, BVW, and the associated Buffer Zones. In 2018, Lupoli Companies began Phase I mitigation work with tree and brush clearing, grubbing, and regrading in the Buffer Zone only. Lupoli Companies halted this work in 2018 and no further work has occurred. Neither Lupoli Companies, nor the current Applicant/Property Owner, NBPIII Dascomb, LLC, intends to perform the previously approved roadway widening and safety improvements along Dascomb Road. Instead, NBPIII Dascomb, LLC proposes to create 1,285 SF of new

wetland planted with trees, shrubs, herbaceous plantings, and a seed mix; restore 26,360 SF of the impacted Buffer Zone with trees, shrubs, and seed mix; and create a 24,550 SF pollinator meadow beyond the Buffer Zone with a seed mix to offset the cutting of mature trees and associated Buffer Zone impacts.

6. FINDING – INVASIVE SPECIES CONTROL AND MANAGEMENT. The Commission finds that the on-site BVW and Buffer Zone contain invasive species including but not limited to multiflora rose (*Rosa multiflora*), Asiatic bittersweet (*Celastrus orbiculatus*), and glossy buckthorn (*Frangula alnus*). The Applicant proposes to physically remove all of the multiflora rose and glossy buckthorn by digging out their roots and replacing the plants with native silky dogwood (*Cornus amomum*) and speckled alder (*Alnus rugosa*). The Asiatic bittersweet will be removed by using the cut stem method, cutting the stem flush with the ground and directly applying herbicide to the freshly cut stem. The Applicant shall employ a qualified Invasive Species Consultant to perform the initial invasive species removal and cut stem method, and shall implement a Long-Term Invasive Species Management Plan in perpetuity. Since invasive species control and management is required in perpetuity, annual reports must be provided to the Commission no later than December 31 of each year documenting the prior year's control and management, any recommended updates to the management plan, and evidence that a qualified Invasive Species Control Specialist has been retained to perform the required work for the next calendar year. **This finding shall be enforceable by the Commission against the Applicant, Property Owner and/or its successors and assigns in interest or control of the property, shall remain in effect in perpetuity, and shall survive issuance of a Certificate of Compliance.**
7. FINDING – SPECIAL CONDITIONS. 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 Wetlands Protection By-law. **This finding shall remain in effect in perpetuity and shall survive the issuance of a Certificate of Compliance.**
8. FINDING - 25-FOOT NON DISTURBANCE ZONE. The Andover Conservation Commission finds that work will occur to restore the 25-foot No-Disturbance Zone as depicted on the approved plans. The Commission relied upon information presented by Mary Rimmer of Rimmer Environmental Consultants, LLC in a Request for Amendment to Amended Order of Conditions dated May 9, 2023 and amended site plans as referenced on the WPA Form 5-Order of Conditions Page 2, Section A. 8. The Commission also relied upon email correspondence with the Environmental Monitor and Conservation Staff and information presented by Ms. Rimmer during the May 9, 2023, May 16, 2023, June 6, 2023, and June Public Hearings. The Andover Conservation Commission hereby grants a waiver for this work as depicted on the plans and conditioned in this Order. No other waivers are granted for this project.
9. FINDING – CONSERVATION RESTRICTION. The Commission finds that a Conservation Restriction (CR) over 0.942 acres (41,030 SF) of land in perpetuity remains

a requirement for protection of wetland resource areas and the Buffer Zone. Said CR shall in substance and form comply with the most up to date EEA CR template. The Commission further finds that the Applicant/Owner proposes to designate the Andover Conservation Commission as the Grantee under the CR. The Commission acknowledges that a privately held 4-inch sewer force main extends through the southerly portion of the CR and continued operation and maintenance of this sewer force main will remain as an allowed use under the CR.

The Applicant/Owner shall submit a final draft Conservation Restriction to the Commission and the Board of Selectman for review and approval **within 60 days of issuance of the Amended OOC**. Any changes in the form of said CR other than typographical or grammatical changes must be approved in writing by the Conservation Commission before said changes are submitted to EEA-DCS for approval. If EEA-DCS requires changes that substantially expand the permitted activities in said CR, the Applicant shall immediately notify the Conservation Commission in writing of the requested changes so the Conservation Commission can review said proposed changes for compliance with the terms and provisions of Order of Conditions. If the Conservation Commission determines that said proposed changes to the CR are inconsistent with the purposes of the Order of Conditions, the Conservation Commission shall have sixty (60) days after receipt of said notice to discuss said proposed changes with EEA-DCS in order to seek deletion or modification of the requested change. The CR must be recorded at the Registry of Deeds within 30 days of EEA-DCS signature on the CR. **This finding shall remain in effect in perpetuity and shall survive the issuance of a Certificate of Compliance.**

10. FINDING – DECLARATION OF RESTRICTION. The Commission further finds that a Declaration of Restriction (DR), in substantial conformance with the attached draft Declaration, is required over the 0.942 acres (41,030 SF) of land labeled CR on the amended site plans as referenced on the WPA Form 5-Order of Conditions Page 2, Section A. 8. The Declaration of Restriction shall protect the CR land until the EEA-DCS approved Conservation Restriction is recorded at the Registry of Deeds pursuant to Special Condition 9. A draft of the final DR and cross referenced DR plan shall be provided to Conservation Staff and the Environmental Monitor for review and approval prior to recording. **Prior to commencement of work**, the Declaration of Restriction shall be recorded at the Registry of Deeds and a copy provided to the Commission.
11. FINDING – CONSERVATION RESTRICTION MARKERS. Within 30 days of completion of the Wetland Creation and Buffer Zone Restoration, CR markers shall be installed approximately every 50 feet along the CR boundary as shown on the Buffer Restoration Plan Sheet C-5. This condition will be enforceable by the Andover Conservation Commission against the Applicant, Owner and/or its successors and assigns in interest or control of the property. **This finding shall remain in effect in perpetuity and shall survive the issuance of a Certificate of Compliance.**

12. FINDING - CONSERVATION RESTRICTION 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 Conservation Restriction shall be recorded at the Registry of Deeds and contain the following language:

"This property is subject to Conservation Restriction in which no alteration of land or vegetation may occur. The Conservation Restriction 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")."

13. FINDING – LAWN/LANDSCAPE CHEMICALS WITHIN 100 FEET OF WETLAND AND WITHIN THE CR. 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 within the 100-foot Buffer Zone and the CR unless specifically authorized in this Order for invasive species management. Only organic, slow release, low-nitrogen and phosphorous free fertilizers or herbicides are allowed within 100 feet horizontally from the boundary of Bordering Vegetated Wetland or within the CR depicted on the approved plans. **This condition will be enforceable by the Andover Conservation Commission against the owner and/or its successors and assigns in interest or control of the property. This condition shall remain in effect in perpetuity.**

14. FINDING – STOCKPILING OF MATERIAL WITHIN THE BUFFER ZONE. The Conservation Commission finds that there shall be no stockpiling of material within the 100-foot buffer zone other than the stockpiling of material directly associated with the proposed restoration.

15. FINDING - RELIANCE UPON PEER REVIEW. The Conservation Commission is in partial reliance upon a peer review of the filing completed by Ann M. Marton, President and Director of Ecological Services, LEC Environmental Consultants, Inc. (LEC). The documentation for this review is comprised of the following:

- a. Request for Amendment to Amended Order of Conditions, prepared by Mary Rimmer of Rimmer Environmental Consultants, LLC originally dated April 25, 2023, updated May 9, 2023;
- b. Request for Amendment to Amended Order of Conditions, prepared by Mary Rimmer of Rimmer Environmental Consultants, LLC dated May 23, 2023; and

- c. Site Plans as referenced on the WPA Form 5-Order of Conditions page 2, Section A.8.

Special Conditions

16. Work shall conform to the plans referenced on Page 2, Section A.8. of this Order and to the following documents and materials that were partially relied upon by the Commission in determining to issue this Order of Conditions.

- a. Request for Amendment to Amended Order of Conditions, prepared by Mary Rimmer of Rimmer Environmental Consultants, LLC originally dated April 25, 2023, updated May 9, 2023; and
- b. Request for Amendment to Amended Order of Conditions, prepared by Mary Rimmer of Rimmer Environmental Consultants, LLC dated May 23, 2023.

To the extent that information contained in reports and on the plans differ, the plans control. If necessary, direction or clarification may be sought from the Conservation Agent or designated Environmental Monitor.

17. The Commission and its consultants, in evaluating the submittals and supporting documents, have relied solely upon the data and representations made by the Applicant and its representatives. Accordingly, the Applicant/Owner 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.

18. 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.

19. 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.

20. 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.

21. 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

22. **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.
23. **Prior to commencement of work**, this OOC shall be recorded at the Essex County Registry of Deeds. 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.
24. **Prior to commencement of work**, the sign displayed according to B. Findings General Condition 10 must say **DEP & ACC File No. 090-1247**. This sign is not to be attached to a living tree.
25. **Prior to the commencement of any work**, the limits of all wetland resource areas shall be re-established with surveyor's 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.
26. 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.
27. **EROSION CONTROLS** - Prior to commencement of work, the erosion control line shall be refreshed as may be necessary to ensure protection of the adjacent BVW and Stream.

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 Applicant 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.

28. WETLAND SCIENTIST. **Prior to commencement of work**, the Applicant shall retain a Wetland Scientist to monitor and supervise all restoration work including site grading, and placement and installation of the plantings, seed mixes, mulching, etc. to ensure such work is conducted in accordance with this Order 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 33 and be approved by the Conservation Commission *prior* to commencement of work.**

29. INVASIVE SPECIES SPECIALIST. **Prior to commencement of work and at least 14 days prior to the start of initial Invasive Species Management**, the Applicant shall retain (and provide proof of contract) an Invasive Species Specialist to perform the required invasive species control and management as detailed in the report referenced in Finding 8, and the site plans as referenced on the WPA Form 5-Order of Conditions Page 2, Section A. 8. The name(s) and credentials of the invasive species specialist(s) *must* be submitted to the Commission for approval by the Environmental Monitor or its Agent prior to any Pre-Construction Meeting and be approved **prior to commencement of any invasive species work**. Since invasive species control and management is required in perpetuity, evidence must be provided to the Commission on an annual basis that the Applicant, Owner or successors and assigns have retained the services of a qualified Invasive Species Specialist to perform the required invasive species control and management.

30. 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 wetland creation and buffer zone restoration. 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 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.

31. The Applicant shall 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.
32. 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/Contractor, Wetland Scientist, and Invasive Species Specialist 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 10, 22-25, and 28-32 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.
33. The Andover Conservation Commission and its Agents shall be notified in writing at least two (2) business days in advance of commencement of work for inspection of the site to ensure compliance with the conditions.

Wetland Creation and Buffer Zone Restoration

34. Extreme care shall be employed to ensure that the area of existing wetlands will not be altered during the proposed wetland creation and buffer zone mitigation and shall not exceed the limits as shown on the approved plans.
35. All wetland creation and buffer zone restoration shall be supervised by a Wetland Scientist to ensure compliance with the Order and the plans, to document that disturbance is avoided or minimized to the greatest extent, and to evaluate the process upon completion. The Wetland Scientist shall make a photographic record of the pre, during, and post-construction conditions. A progress report detailing the findings and actions taken shall be submitted to the Commission at the end of each week until completion of the wetland creation, buffer zone restoration, and upland meadow seeding.

36. The wetland creation and buffer zone restoration shall be constructed in accordance with all notations on the plans. The sub grades and final grades within the wetland creation shall be reviewed and approved by the Environmental Monitor and the Applicant's Wetland Scientist prior to planting.
37. All plantings 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. 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 prior to planting.
38. It is intended that at least 75 percent of the wetland creation, buffer zone restoration, and upland pollinator meadow be re-established with indigenous species and that at least 75 percent of the woody vegetation has survived **within five growing seasons** of 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 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 five growing seasons, 75 percent re-establishment has not been achieved or at least 75 percent of the woody plants have not survived, the Applicant shall provide healthy plantings in sufficient quantity to achieve the 75 percent re-establishment criteria as directed by the Applicant's Wetland Scientist.
39. The Applicant's Wetland Scientist shall monitor the Wetland Creation, Buffer Zone Restoration, and upland pollinator meadow for **five consecutive growing seasons**, conducting spring and fall monitoring visits to document conditions. A detailed report shall be prepared by the Applicant's Wetland Scientist and submitted to the Commission and the Environmental Monitor 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, the viability of the plantings, invasive species and removal recommendations, proposed remedial measures to ensure 75 percent re-establishment, and photographs.
40. 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 replication area has achieved the 75 percent re-establishment.

Construction

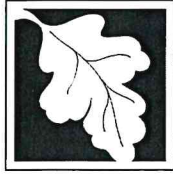
41. GRADING AND STABILIZATION. Grading shall conform to the plans and data referenced above. In all cases final upland grades shall have a minimum of four inches of topsoil (measured in place) over all disturbed areas. In all cases exposed soil areas shall be stabilized with vegetation. In no case shall wood chips, mulch, or similar covering be acceptable on sloping ground in lieu of vegetation.

42. **SURPLUS EARTH MATERIAL.** 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. 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. If requested, 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.
43. **CONTROL OF CONSTRUCTION DEBRIS.** No debris (paper, wood, plastic pots, etc.) may be allowed to enter the wetland resource areas or buffer zone at any time. Windblown material shall be promptly removed from wetland resource areas and buffer zones. There shall be no dumping of leaves, grass clippings, trash or any kind of refuse in areas under the Conservation Commission's jurisdiction.
44. **DAMAGE 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 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.
45. **UNFORESEEN PROBLEMS.** 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.
46. **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.
47. **DEWATERING.** 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 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 wetland resource area. 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.

Certificate of Compliance

48. Not more than thirty days following completion of the final monitoring report demonstrating 75 percent success, the Applicant shall submit with their request for a Certificate of Compliance, an affidavit prepared by the wetland scientist stating that the site has been restored 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.
49. 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 Environmental Monitor, the Applicant may request in writing a Certificate of Compliance.
50. 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. An As-Built Plan stamped by Professional Land Surveyor or Professional Engineer, registered in the Commonwealth of Massachusetts;
 - b. Post construction photographs demonstrating compliance with the Order including established vegetation;
 - c. A written certification by the Applicant's Wetland Scientist that the wetland creation, buffer zone restoration, and upland pollinator meadow have achieved 75 percent re-establishment 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.
51. 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 Andover Wetlands Protection Bylaw

Provided by MassDEP:
 090-1247
 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 26, 2023

1. Date of Issuance

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

6

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

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] Honea

[Signature]
[Signature] McNamee
[Signature] Alexandra Driscoll

by hand delivery on

by certified mail, return receipt requested, on

Date

Date

June 26, 2023

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 for Departmental Action Fee Transmittal Form, as provided in 310 CMR 10.03(7) within ten business days from the date of issuance of this Order. A copy of the request shall at the same time be sent by certified mail or hand delivery to the Conservation Commission and to the applicant, if he/she is not the appellant.

Any appellants seeking to appeal the Department's Superseding Order 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



Massachusetts Department of Environmental Protection
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 Andover
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Department has no appellate jurisdiction.

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.

 Conservation Commission

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

To:

 Conservation Commission

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

 Project Location

 MassDEP File Number

Has been recorded at the Registry of Deeds of:

 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



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
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090-1247

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Signature of Applicant