



NORSE ENVIRONMENTAL SERVICES, INC.

2100 Lakeview Avenue Unit 3A

Dracut MA 01826

TEL. (978) 649-9932

Website: www.norseenvironmental.com

ABBREVIATED NOTICE OF RESOURCE AREA DELINEATION

FOR

9B BANCROFT ROAD

ASSESSORS MAP 59 PARCEL 30A

ANDOVER, MA

APPLICANT: EDEN LANE LLC

OCTOBER 2024

PROJECT: 9B BANCROFT ROAD - ANDOVER

APPLICANT: EDEN LANE LLC

TABLE OF CONTENTS

- ABBREVIATED NOTICE OF RESOURCE AREA DELINEATION
- WETLAND FEE TRANSMITTAL FORM
- NOTIFICATION TO ABUTTERS
- ABUTTERS LIST
- AFFIDAVIT OF SERVICE
- ACCESS TO PROPERTY FORM
- ANRAD REPORT
- EMAILS, CORRESPONDENCES & SUPPORTING DOCUMENTATION
- ADDITIONAL FINDINGS
- ASSESSORS MAP
- LOCUS MAP
- ANDOVER GIS MAP
- USGS TOPOGRAPHIC MAP
- SOILS MAP
- FEMA MAP
- 2024 MASSMAPPER NHESP MAP
- PLAN



Massachusetts Department of Environmental Protection
 Bureau of Resource Protection - Wetlands
WPA Form 4A – Abbreviated Notice of
Resource Area Delineation
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:

 MassDEP File Number

 Document Transaction Number

 Andover
 City/Town

A. General Information

1. Project Location (**Note:** electronic filers will click on button for GIS locator):

9B Bancroft Road
 a. Street Address

 Andover
 b. City/Town

 01810
 c. Zip Code

 Latitude and Longitude:

 42.63813
 d. Latitude

 -71.12789
 e. Longitude

 Map 59
 f. Assessors Map/Plat Number

 Lot 30A
 g. Parcel /Lot Number

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



2. Applicant:

Greg
 a. First Name

 Edén Lane LLC
 c. Organization

 42 School Street
 d. Mailing Address

 Andover
 e. City/Town

 MA
 f. State

 01810
 g. Zip Code

 978-375-4418
 h. Phone Number

 i. Fax Number

 greg.alexandris@gmail.com
 j. Email Address

3. Property owner (if different from applicant):

Check if more than one owner (attach additional sheet with names and contact information)

 a. First Name

 b. Last Name

 c. Organization

 d. Mailing Address

 e. City/Town

 MA
 f. State

 01810
 g. Zip Code

 h. Phone Number

 i. Fax Number

 j. Email Address

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

4. Representative (if any):

Maureen
 a. Contact Person First Name

 Norse Environmental Services, Inc.
 c. Organization

 2100 Lakeview Avenue, Unit 3A
 d. Mailing Address

 Dracut
 e. City/Town

 MA
 f. State

 01826
 g. Zip Code

 978-649-9932
 h. Phone Number

 i. Fax Number

 maureen@norseenv.com
 j. Email Address

5. Total WPA Fee Paid (from attached ANRAD Wetland Fee Transmittal Form):

-0-
 a. Total Fee Paid

 -0-
 b. State Fee Paid

 -0-
 c. City/Town Fee Paid

Fees will be calculated for online users.



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WPA Form 4A – Abbreviated Notice of
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B. Area(s) Delineated

1. Bordering Vegetated Wetland (BVW) -0-
Linear Feet of Boundary Delineated
2. Check all methods used to delineate the Bordering Vegetated Wetland (BVW) boundary:
 - a. MassDEP BVW Field Data Form (attached)
 - b. Other Methods for Determining the BVW boundary (attach documentation):
 1. 50% or more wetland indicator plants
 2. Saturated/inundated conditions exist
 3. Groundwater indicators
 4. Direct observation
 5. Hydric soil indicators
 6. Credible evidence of conditions prior to disturbance
3. Indicate any other resource area boundaries that are delineated:

a. Resource Area	b. Linear Feet Delineated
c. Resource Area	d. Linear Feet Delineated

C. Additional Information

Applicants must include the following plans with this Abbreviated Notice of Resource Area Delineation. See instructions for details. **Online Users:** Attach the Document Transaction Number (provided on your receipt page) for any of the following information you submit to the Department.

1. ANRAD (Delineation Plans only)
2. USGS or other map of the area (along with a narrative description, if necessary) containing sufficient information for the Conservation Commission and the Department to locate the site. (Electronic filers may omit this item.)
3. Plans identifying the boundaries of the Bordering Vegetated Wetlands (BVW) (and/or other resource areas, if applicable).
4. List the titles and final revision dates for all plans and other materials submitted with this Abbreviated Notice of Resource Area Delineation.

D. Fees



Massachusetts Department of Environmental Protection
 Bureau of Resource Protection - Wetlands
**WPA Form 4A – Abbreviated Notice of
 Resource Area Delineation**
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:

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Document Transaction Number

Andover
City/Town

The fees for work proposed under each Abbreviated Notice of Resource Area Delineation must be calculated and submitted to the Conservation Commission and the Department (see Instructions and Wetland Fee Transmittal Form).

- 1. Fee Exempt: No filing fee shall be assessed for projects of any city, town, county, or district of the Commonwealth, federally recognized Indian tribe housing authority, municipal housing authority, or the Massachusetts Bay Transportation Authority.

Applicants must submit the following information (in addition to the attached Wetland Fee Transmittal Form) to confirm fee payment:

Commonwealth of MA -0- _____

2. Municipal Check Number

3. Check date

Town of Andover -0- _____

4. State Check Number

5. Check date

6. Payor name on check: First Name

7. Payor name on check: Last Name

E. Signatures

I certify under the penalties of perjury that the foregoing Abbreviated Notice of Resource Area Delineation and accompanying plans, documents, and supporting data are true and complete to the best of my knowledge. I



Massachusetts Department of Environmental Protection
 Bureau of Resource Protection - Wetlands
WPA Form 4A – Abbreviated Notice of
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Provided by MassDEP:

MassDEP File Number

Document Transaction Number

Andover
City/Town

understand that the Conservation Commission will place notification of this Notice in a local newspaper at the expense of the applicant in accordance with the wetlands regulations, 310 CMR 10.05(5)(a).

I further certify under penalties of perjury that all abutters were notified of this application, pursuant to the requirements of M.G.L. c. 131, § 40. Notice must be made in writing by hand delivery or certified mail (return receipt requested) to all abutters within 100 feet of the property line of the project location.

I hereby grant permission, to the Agent or member of the Conservation Commission and the Department of Environmental Protection, to enter and inspect the area subject to this Notice at reasonable hours to evaluate the wetland resource boundaries subject to this Notice, and to require the submittal of any data deemed necessary by the Conservation Commission or Department for that evaluation.

I acknowledge that failure to comply with these certification requirements is grounds for the Conservation Commission or the Department to take enforcement action.

1. Signature of Applicant

10-29-24
2. Date

3. Signature of Property Owner (if different)

4. Date

5. Signature of Representative (if any)

10-29-24
6. Date

For Conservation Commission:

Two copies of the completed Abbreviated Notice of Resource Area Delineation (Form 4A), including supporting plans and documents; two copies of the ANRAD Wetland Fee Transmittal Form; and the city/town fee payment must be sent to the Conservation Commission by certified mail or hand delivery.

For MassDEP:

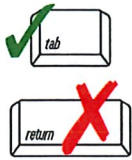
One copy of the completed Abbreviated Notice of Resource Area Delineation (Form 4A), including supporting plans and documents; one copy of the ANRAD Wetland Fee Transmittal Form; and a copy of the state fee payment must be sent to the MassDEP Regional Office (see Instructions) by certified mail or hand delivery. (E-filers may submit these electronically.)

The original and copies must be sent simultaneously. Failure by the applicant to send copies in a timely manner may result in dismissal of the Notice of Intent.



Massachusetts Department of Environmental Protection
 Bureau of Resource Protection - Wetlands
ANRAD Wetland Fee Transmittal Form
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

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



A. Applicant Information

1. Location of Project:

9B Bancroft Road	Andover
a. Street Address	b. City/Town
-0-	N/A
c. Fee amount	d. Check number

2. Applicant:

Greg	Alexandris	Eden Lane LLC
a. First Name	b. Last Name	c. Company
42 School Street		
d. Mailing Address		
Andover	MA	01810
e. City/Town	f. State	g. Zip Code
978-375-4418		
h. Phone Number		

3. Property Owner (if different):

_____	_____	_____
a. First Name	b. Last Name	c. Company

d. Mailing Address		
_____	_____	_____
e. City/Town	f. State	g. Zip Code

h. Phone Number		

B. Fees

The fee is calculated as follows for each Resource Area Delineation included in the ANRAD (check applicable project type). The maximum fee for each ANRAD, regardless of the number of Resource Area Delineations, is \$200 activities associated with a single-family house and \$2,000 for any other activity.

Bordering Vegetated Wetland Delineation Fee:

1. <input type="checkbox"/>	single family house project	_____	x \$2.00 =	_____	b. Fee for BVW
2. <input checked="" type="checkbox"/>	all other projects	0	x \$2.00 =	0	-0-
		a. feet of BVW			b. Fee for BVW

Other Resource Area (e.g., bank, riverfront area, etc.):

3. <input type="checkbox"/>	single family house project	_____	x \$2.00 =	_____	b. Fee
4. <input type="checkbox"/>	all other projects	_____	x \$2.00 =	_____	b. Fee
		a. linear feet			-0-

Total Fee for all Resource Areas: _____
 Fee

State share of filing fee: _____
 5. 1/2 of total fee less \$12.50

City/Town share of filing fee: _____
 6. 1/2 of total fee plus \$12.50

Online users: check box if fee exempt.



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
ANRAD Wetland Fee Transmittal Form
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

C. Submittal Requirements

- a.) Send a copy of this form, with a check or money order for the state share of the fee, payable to the Commonwealth of Massachusetts, to:

Department of Environmental Protection
Box 4062
Boston, MA 02211

- b.) **To the Conservation Commission:** Send the Abbreviated Notice of Resource Area Delineation; a **copy** of this form; and the city/town fee payment.
- c.) **To DEP Regional Office:** Send one **copy** of the Abbreviated Notice of Resource Area Delineation (and any additional documentation required as part of a Simplified Review Buffer Zone Project); a **copy** of this form; and a **copy** of the state fee payment. (E-filers of Notices of Intent may submit these electronically.)

**ABUTTER NOTIFICATION LETTER
UNDER THE MASSACHUSETTS WETLANDS PROTECTION ACT
AND THE ANDOVER WETLANDS PROTECTION BYLAW**

In accordance with the second paragraph of Massachusetts General Laws Chapter 131, Section 40, you are hereby notified of the following:

An Upcoming Andover Conservation Commission Public Hearing

To Whom It May Concern,

You are an abutter within 100 feet of the proposed project described below. An **Abbreviated Notice of Resource Area Delineation (ANRAD)** application has been filed with the Andover Conservation Commission by:

APPLICANT: Eden Lane, LLC

For work located at:

PROJECT ADDRESS: 9B Bancroft Road

ASSESSOR'S MAP & BLOCK: **MAP:** 59 **PARCEL:** 30A

The proposed project includes: The applicant is requesting the Commission to verify there are no resource areas per MGL, Chapter 131 Section 40 Massachusetts Wetlands Protection Act, 310 CMR 10.00 Massachusetts Wetlands Protection Act Regulations, Andover Wetlands Protection Bylaw and Regulations.

The Applicant's Agent is: Norse Environmental Services, Inc. ~ Maureen Herald
2100 Lakeview Avenue ~ Suite 3A
Dracut, MA 01826

THE PUBLIC HEARING WILL BE HELD AT: Pursuant to S.2475 "An Act Relative to Extending Certain COVID-19 Measures Adopted During the State of Emergency", which was enacted into law on June 16, 2021, and which was extended by legislation enacted on July 16, 2022, this meeting of the Andover Conservation Commission will be conducted via remote participation to the greatest extent possible. The virtual meeting will be broadcast on Comcast Channel 22 and Verizon Channel 45.

The meeting link is also available on the posted Meeting Notice posted on the Town of Andover website 48 hours prior to the hearing date.

DATE: November 19, 2024

TIME: 7:00 p.m.

NOTE: Notice of the public hearing, including its date, time, and place, will be published at least five (5) days in advance in the LAWRENCE EAGLE TRIBUNE.

NOTE: Plans and application describing the proposed activity are on file with the Andover Conservation Commission (978) 623-8360.

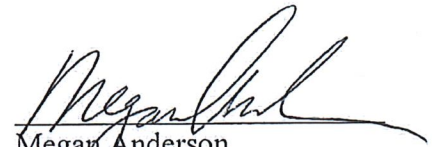
NOTE: You also may contact the Department of Environmental Protection, Northeast Regional Office for more information about this application or the Wetlands Protection Act at 978 694-3200.



**BOARD OF ASSESSORS
TOWN OFFICES
36 BARTLET ST
ANDOVER, MA 01810
978-623-8930**

**BOARD OF ASSESSORS
CERTIFICATION OF ABUTTERS
PETITION # C24-36**

I hereby certify the attached list of abutters as they currently appear on the Assessors' Office records.


Megan Anderson
Senior Assessor

October 4, 2024

9 Bancroft Road

276 SOUTH MAIN ST ANDOVER, MA 01810 59 0 1

LUC: 101

NELSON REALTY TRUST
NELSON AVI TR
PO BOX 81
NORTH READING, MA 01864-0000

280 SOUTH MAIN ST ANDOVER, MA 01810 59 0 2

LUC: 101

GREENCOURT REALTY TRUST TT
WILLIS DANA TR
280 SOUTH MAIN ST
ANDOVER, MA 01810-0000

10 BANCROFT RD ANDOVER, MA 01810 58 0 24

LUC: 101

YEN EARL C
TONG LUCENE TE
10 BANCROFT RD
ANDOVER, MA 01810-0000

9 BANCROFT RD ANDOVER, MA 01810 59 0 30

LUC: 101

CALLAWAY FAMILY LIVING TRUST
CALLAWAY AARON S & TRICIA A TRS
9A BANCROFT RD
ANDOVER, MA 01810

1 BANCROFT RD ANDOVER, MA 01810 59 0 31

LUC: 101

MORNINGSTAR TRUST
GUINEE PATRICK+STACEY TRS
1 BANCROFT RD
ANDOVER, MA 01810-0000

254 SOUTH MAIN ST ANDOVER, MA 01810 58 0 17 T

LUC: 944

PHILLIPS ACADEMY TRUSTEES OF
MAIN ST
ANDOVER, MA 01810-0000

8 BANCROFT RD ANDOVER, MA 01810 58 0 24 A

LUC: 106

YEN EARL C
TONG LUCENE TE
10 BANCROFT RD
ANDOVER, MA 01810-0000

15 BANCROFT RD ANDOVER, MA 01810 59 0 29 A

LUC: 934

TOWN OF ANDOVER
BANCROFT SCHOOL
36 BARTLET ST
ANDOVER, MA 01810-0000

9-B BANCROFT RD ANDOVER, MA 01810 59 0 30 A

LUC: 132

EDEN LANE LLC
42 SCHOOL ST
ANDOVER, MA 01810

3 BANCROFT RD ANDOVER, MA 01810 59 0 31 A

LUC: 101

MORNINGSTAR TRUST
GUINEE PATRICK+STACEY TRS
1 BANCROFT RD
ANDOVER, MA 01810-0000

AFFIDAVIT OF SERVICE

Under the Massachusetts Wetlands Protection Act, MGL Ch. 131, S. 40

(to be submitted to the Massachusetts Department of Environmental Protection and the Andover Conservation Commission when filing a Notice of Intent)

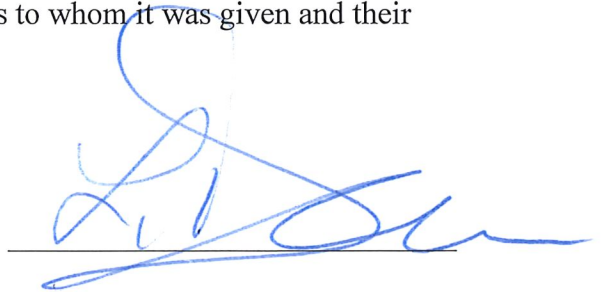
I, Liz Deneu, hereby certify under the pains and penalties of perjury
(Name of person making the Affidavit)

that on October 30, 2024, I gave notification to abutters in compliance with the second
(Date)
paragraph of Massachusetts General Laws Chapter 131, Section 40, and DEP Guide to
Abutter Notification dated April 8, 1994, in connection with the following matter:

An Abbreviated Notice of Resource Area Delineation (ANRAD) was filed under
the Massachusetts Wetlands Protection Act by Eden Lane LLC with the Andover
Conservation Commission on October 30, 2024, for property located at

9B Bancroft Road - Andover.
(Address of land where the work is proposed)

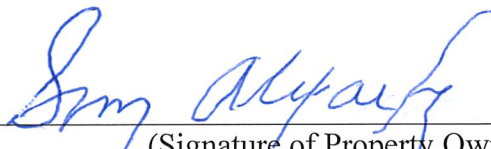
The form of the notification and a list of the abutters to whom it was given and their
address are attached to this Affidavit of Service.



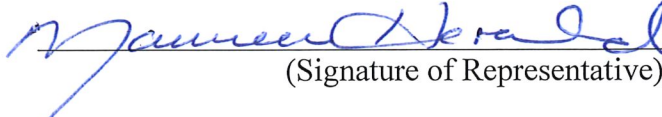
**ANDOVER CONSERVATION COMMISSION
PERMISSION TO ACCESS SITE**

APPLICANT/PROPERTY OWNER: Eden Lane LLC
ADDRESS: 42 School Street Andover, MA 01810
PHONE: 978-375-4418
EMAIL: gregalexandris@gmail.com
PROJECT ADDRESS: 9B Bancroft Road
ASSESSOR'S MAP & BLOCK: MAP: 59 Parcel: 30A
APPLICANT'S REPRESENTATIVE: Norse Environmental Services, Inc.
(name & address) 2100 Lakeview Avenue, Unit 3A
Dracut, MA 01826

I hereby give my permission to the Andover Conservation Commission, its agents and members or their designees, to access the site named above as need to perform their duties.



(Signature of Property Owner)



(Signature of Representative)

10-29-24

(Date)



NORSE ENVIRONMENTAL SERVICES, INC.

2100 Lakeview Avenue Unit 3A

Dracut MA 01826

TEL. (978) 649-9932

Website: www.norseenvironmental.com

Abbreviated Notice of Resource Area Delineation Report

For

**9B Bancroft Road
Andover, MA 01810**

Prepared For

Eden Lane LLC
42 School Street
Andover, MA 01810

Prepared By

Norse Environmental Services, Inc.
2100 Lakeview Avenue, Unit 3A
Dracut, MA 01826

October 2024

Narrative

On behalf of my client, Eden Lane LLC, I am filing an Abbreviated Notice of Resource Area Delineation (ANRAD) to confirm there are no resource areas on the property per MGL, Chapter 131, Section 40 Massachusetts Wetlands Protection Act, 310 CMR 10.00 Massachusetts Wetland Protection Act Regulations, Andover Wetlands Protection Bylaw and Regulations.

Existing Conditions

The property was recently subdivided from 9 Bancroft Road and consists of 3.88 +/- acres of land. An existing barn, landscape stream and pond, pump system and fenced paddock fields are located on the property. There are few trees located on the site.

Near the center of the property is a man-made landscape stream and pond. The landscape pond is approximately 2400 s.f. and the water is sourced from an irrigation well. The water feature has an external pump, valves and plumbing system that circulates the water through the landscape stream and pond. The stream channel and pond are underlaid with a thick, impermeable, rubber liner. River rocks, stones, cobbles, and gravel line the stream channel, bank, and pond to create a natural look. The rocks protect the liner from UV rays and provide a beneficial environment for bacteria to filter the pond water.

The former owners routinely stocked the pond with koi fish. The stream and pond edges were landscaped with a variety of plants including highbush blueberry (*Vaccinium corymbosum*), common winterberry (*Ilex verticillata*), sedges (*Carex* sp.), rushes (*Juncus* sp.) cinnamon fern (*Osmunda cinnamomea*) and sensitive fern (*Onoclea sensibilis*).

The USGS Topographic Map shows no perennial streams on or near the property. The site is not located in Bordering Land Subject to Flooding or 100-year flood plain. The property is not located within the NHESP mapping of Estimated and/or Priority Habitat. In addition, there are no certified or potential vernal pools located on or near the property (see enclosed maps).

Soils

The Web Soil Survey maps the site as Woodbridge series. Woodbridge soils consist of nearly level to steep, deep (5+ ft.), moderately well drained soils on drumlins. They formed in compact glacial till. Woodbridge soils have friable fine sandy loam or sandy loam surface soil and subsoil with moderate permeability over a firm, fine sandy loam, or sandy loam substratum at 15 to 38 inches which has slow or very slow permeability. Woodbridge soils have a very stony or extremely stony surface, except where stones have been removed, and have stones below the surface. They have a perched, seasonal high-water table at 18 to 24 inches. Major limitations are related to wetness, slow permeability in the substratum, stoniness, and slope.

Project History

The proponent is permitting a (3)-lot subdivision, Eden Estates, with the Andover Planning Board. The Town of Andover extensively reviewed the project. The proponent, project team and Andover department heads met several times at IDR meetings to discuss the project. Per the Planning Board's October 22, 2024, request, the proponent has agreed to file an ANRAD with the Andover Conservation Commission.

The project site has been thoroughly examined by Norse Environmental Services, Inc. (Norse) and the Director of Conservation, Mr. Robert Douglas. Please see the timeline below, emails and attached documentation.

March 25, 2024

Norse provided an email and letter to the Director of Conservation stating, "It is my professional opinion the landscape stream and pond are NOT resource areas under 310 CMR 10.00 or the Andover Wetlands Protection Bylaw and Regulations".

April 18, 2024

Mr. Douglas email notes a site visit was performed and requested additional information regarding the downstream test pits, soils, and vegetation from the landscape pond.

April 23, 2024

Norse email notes no hydric soils downstream of the pond.

June 1, 2024

Norse performed a site visit on 5-6-24 and provided the requested supplemental information documenting a predominance of upland plants and soils downgradient of the landscaped pond spillway.

June 18, 2024

Mr. Douglas sent an email stating, "The "Pond" on the property is a man-made landscaping feature that is not jurisdictional wetland. It is not connected with the up-gradient wetland and your soils report shows it is not connected hydraulically to the downhill wetland system near North Main Street.

June 18, 2024

Mr. Douglas sent a second email stating, "It was just pointed out to me that in addition to the "Pond" there is also a wetland shown on our GIS further to the south. This is not an area that I examined. Did you look at this?"

June 19, 2024

Norse sent an email stating "Bob, I walked the entire site and there are no resource areas on the property".

September 10, 2024

Mr. Douglas email states, "Based on our site visit and further research it was my opinion that the Koi Pond and waterfall is a landscape feature, and not a wetland jurisdictional to the Wetland Protection Act or the Bylaw".

Mr. Douglas notes concern that there may be on-site or off-site wetland systems that may throw buffers on to the proposed property. Mr. Douglas recommends filing a RDA or ANRAD.

September 13, 2024

Mr. Douglas email states, "I had a chance to get out and look at the 9 Bancroft property and the adjacent school property, and the downhill area immediately next to South Main Street".

Mr. Douglas email notes (3) areas of concern and request further evaluation. The first area is along the easterly property line between the Bancroft School and subject property. The second area is along the southwesterly corner of the property. The third area is along the rear westerly property line.

September 16, 2024

Norse requests Mr. Douglas provide a marked-up plan noting the areas of concern.

September 17, 2024

Mr. Douglas email states, "I'm sending you a map with the areas I'd like you to see. To the east of the property along the school property boundary there are areas of leaf staining, trees with buttressed roots and at least two drains. Please have a look. I have attached some pictures. My line of thinking is that if this is a wetland area and it is connected to the drainage system, then it might be considered a bordering vegetated wetland."

The second area is in the southwest corner of the property. This is a low area between the "D" shaped paddock and the southern property line. There is an area where water collects in the corner, likely due to it being confined by stone walls. There is an area clearly holds water, and the soil was very dark organic. I suspect it is a sapric soil which would indicate that it holds water for an average of 30-days a year. Despite the strong wetland indicators; it may not be connected to the down-gradient wetland system and therefore it would be an isolated wetland. If it is isolated, it may not be of sufficient size to be a town or state jurisdictional wetland.

September 23, 2024

Norse email states, "Please see the attached report addressing the email below. Let me know if you have any questions or concerns. I am happy to walk the site and review my findings with you." Please see the enclosed Norse supplemental report dated 9-21-24.

September 24, 2024

Mr. Douglas email states, "Thank you for your report. It was helpful for staff to see the soil data and have a better idea of the vegetation in the area.

The data presented appears to show the areas in question, Koi Pond, mid-meadow swale, eastern border with the school and the corner area south of the D-shaped coral do not meet the criteria of a wetland under the Wetland Protection act or the Andover Wetland Protection Bylaw. This represents the consensus of Conservation staff.

It should be noted that the consensus of staff - for future reference – that it would be valuable in cases such as this - to have the resources of an area evaluated under an ANRAD or Request for Determination of Applicability (RDA or “Determination”)....”

September 26, 2024

Mr. Douglas email states, “There could be off-site wetlands that could be jurisdiction under the Wetland Protection Act and/or the Town Wetland Bylaw”. The email furthers states, “the project its would be best served by the submittal of a Request for Determination (RDA) or Abbreviated Notice of Resource Area Delineation”.

Additional Findings

Bancroft Elementary School

The Conservation Commission issued an ORAD, DEP File No. 090-1071, for the Bancroft School on 12-17-2008. The ORAD notes the wetland (as shown on the Town of Andover Wetland Maps) between 9 Bancroft Road and the Bancroft School is NOT a jurisdictional resource area. Please see the enclosed ORAD and WPI November 18, 2008, Wetland Delineation Report.

The Town of Andover Wetland Maps or GIS were NOT updated to remove or eliminate the resource area along the property line.

The Bancroft Elementary School designed and constructed a drainage system with catch basins along the property line. Please see the enclosed Town of Andover drainage plan of the property.

9 Bancroft Road

The barn was constructed in 1992 and there was no conservation filing with the Andover Conservation Commission or Department of Environmental Protection (DEP).

The landscape stream and pond feature was constructed in 2005 and there was no conservation filing with the Andover Conservation Commission or DEP.

Conclusion

I performed a site visit on September 27, 2022, to review the property. It is my professional opinion there are NO resource areas per MGL, Chapter 131 Section 40 Massachusetts Wetland Protection, 310 CMR 10.00 Massachusetts Wetland Protection Regulations, Andover Wetland Protection Bylaw and Regulations.

Enclosed are the corresponding emails, documentation and Norse's reports on the property.

Emails, Correspondences and Supporting Documentation

Maureen Herald

From: Maureen Herald
Sent: Monday, March 25, 2024 10:42 AM
To: Robert Douglas; Lynn Viselli
Cc: gregalexandris@gmail.com; 'Mark B. Johnson'
Subject: 9 Bancroft Road - Andover - No Resource Areas
Attachments: Norse 3-25-24 No Resource Areas Letter.pdf; 1990s Aerial.pdf; 2001 Aerial.pdf; 2005 Aerial.pdf; Maps.pdf

Hi Bob,

Hope you've been well. It's my professional opinion there are no resource areas at the above property. Please see the enclosed letter, aerials, and maps. If you want to take a tour of the property let me know.

Thank you.

Maureen Herald
Norse Environmental Services, Inc.
2100 Lakeview Avenue, Unit 3A
Dracut, MA 01826
Ph: (978) 649-9932



Norse Environmental Services, Inc.
2100 Lakeview Avenue, Unit 3A
Draeut, MA 01826
Ph: (978) 649-9932
Website: www.norseenvironmental.com

March 25, 2024

Director of Conservation Commission
Mr. Robert Douglas
36 Bartlet Street
Andover, MA 01810

Re: 9 Bancroft Road
Andover, MA 01810

Mr. Douglas,

Norse Environmental Services, Inc. performed a site visit on 9-27-22 to inspect the property for resource areas per MGL, Chapter 131 Section 40 Massachusetts Wetlands Protection, 310 CMR 10.00 Massachusetts Wetlands Protection Act Regulations, Andover Wetlands Protection Bylaw and Regulations

The property consists of 4.5 acres of land, located on the southerly side of Bancroft Road. There is a historical single-family dwelling, garage, deck, patios, driveway, outbuildings, and barn on the property. The remaining land is fenced fields with a man-made landscape stream and pond in the center of the property.

The pond is approximately 2400 s.f. and water for the landscape stream and pond is sourced from an irrigation well. The water feature has an external pump, valves and plumbing system that circulates water through the landscape stream and pond. The stream channel and pond are underlaid with a thick, impermeable, rubber liner. River rocks, stones, cobbles, and gravel line the stream channel, bank, and pond to create a natural look. The rocks protect the liner from UV rays and provide a beneficial environment for bacteria to filter the pond water.

The former owners routinely stocked the pond with koi fish. The stream and pond edges are landscaped with a variety of plants including highbush blueberry (*Vaccinium corymbosum*), common winterberry (*Ilex verticillata*), sedges (*Carex* sp.), rushes (*Juncus* sp.) cinnamon fern (*Osmunda cinnamomea*) and sensitive fern (*Onoclea sensibilis*).

The Web Soil Survey maps the property as a Woodbridge Series. Woodbridge soil consists of nearly level to steep, deep (5+ ft.), moderately well drained soils on drumlins. They formed in compact glacial till. Woodbridge soils have friable fine sandy loam or sandy loam surface soil and subsoil with moderate permeability over a firm, fine sandy loam or sandy loam substratum at 15 to 38 inches which has slow or very slow permeability. Woodbridge soils have a very stony or extremely stony surface, except where stones have been removed, and have stones below the surface. They have a perched, seasonal high-water table at 18 to 24 inches. Major limitations are related to wetness, slow permeability in the substratum, stoniness and slope.

I reviewed aerial photographs and determined the man-made water features were installed between 2001 and 2005. Please see the enclosed aerial photographs.

310 CMR 10.04 defines Pond (inland) as means any open body of fresh water with a surface area observed or recorded within the last ten years of at least 10,000 square feet. Ponds may be either naturally occurring or human-made by impoundment, excavation, or otherwise. Ponds shall contain standing water except for periods of extended drought. Periods of extended drought for purposes of 310 CMR 10.00 shall be those periods, in those specifically identified geographic locations, determined to be at the “Advisory” or more severe drought level by the Massachusetts Drought Management Task Force, as established by the Executive Office of Energy and Environmental Affairs and the Massachusetts Emergency Management Agency in 2001, in accordance with the Massachusetts Drought Management Plan (MDMP).

Notwithstanding the above, the following human-made bodies of open water shall not be considered ponds:

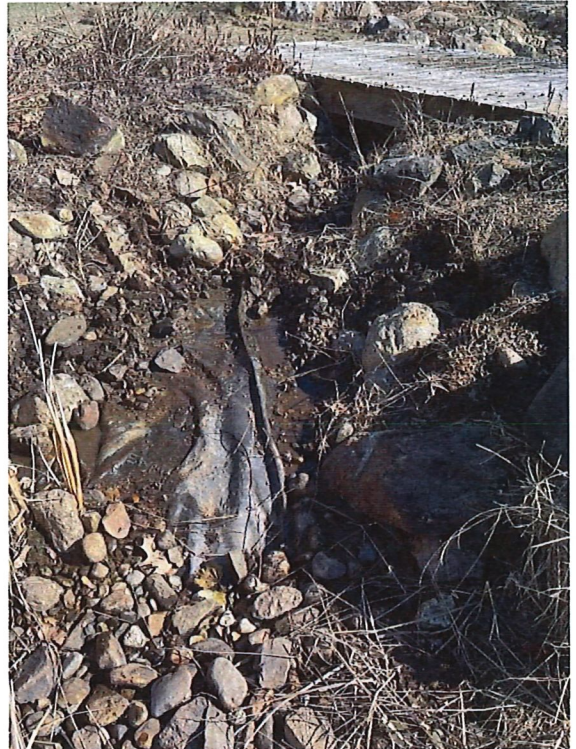
- (a) basins or lagoons which are part of wastewater treatment plants;
- (b) **swimming pools or other impervious human-made basins;** and
- (c) individual gravel pits or quarries excavated from upland areas unless inactive for five or more consecutive years.

The Andover Wetland Protection Regulations definition of Pond refers to 310 CMR 10.04 above. Please see the photographs of the landscape stream and pond below:



Landscape stream with rubber barrier liner.

Landscape stream and pond with rubber barrier liner





Landscape pond with rubber liner



Close up of rubber liner



Pumps



The man-made landscape stream and pond are underlaid by an impervious, rubber barrier liner and meets 310 CMR 10.04 "human-bodies of open water or other impervious human-made basins". It is my professional opinion; the landscape stream and pond are NOT resource areas under 310 CMR 10.00 or Andover Wetlands Protection Bylaw and Regulations.

I checked MassMapper to determine if there are any additional resource areas. The USGS Topographic map shows no perennial or intermittent streams on or near the property. The parcel is not located within Bordering Land Subject to Flooding or 100-year flood plain. The site is not located within the NHESP mapping of Estimated and/or priority Habitat. In addition, there are no potential or certified vernal pools on the property.

Enclosed are the aerials and maps of the property. If you have any questions or concerns regarding the above information, please do not hesitate to contact me.

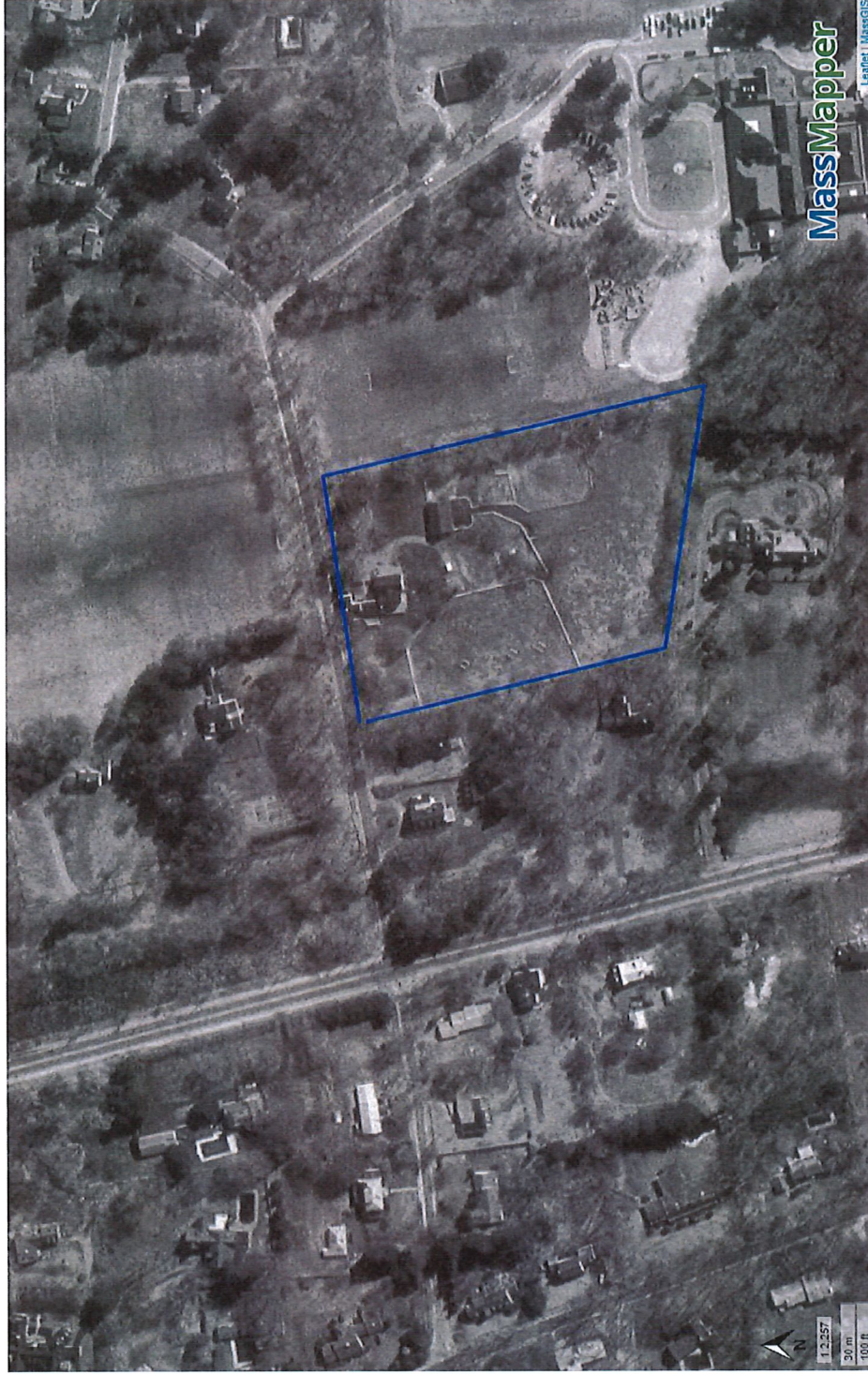
Sincerely,

Maureen Herald

Maureen Herald, PWS, CWS

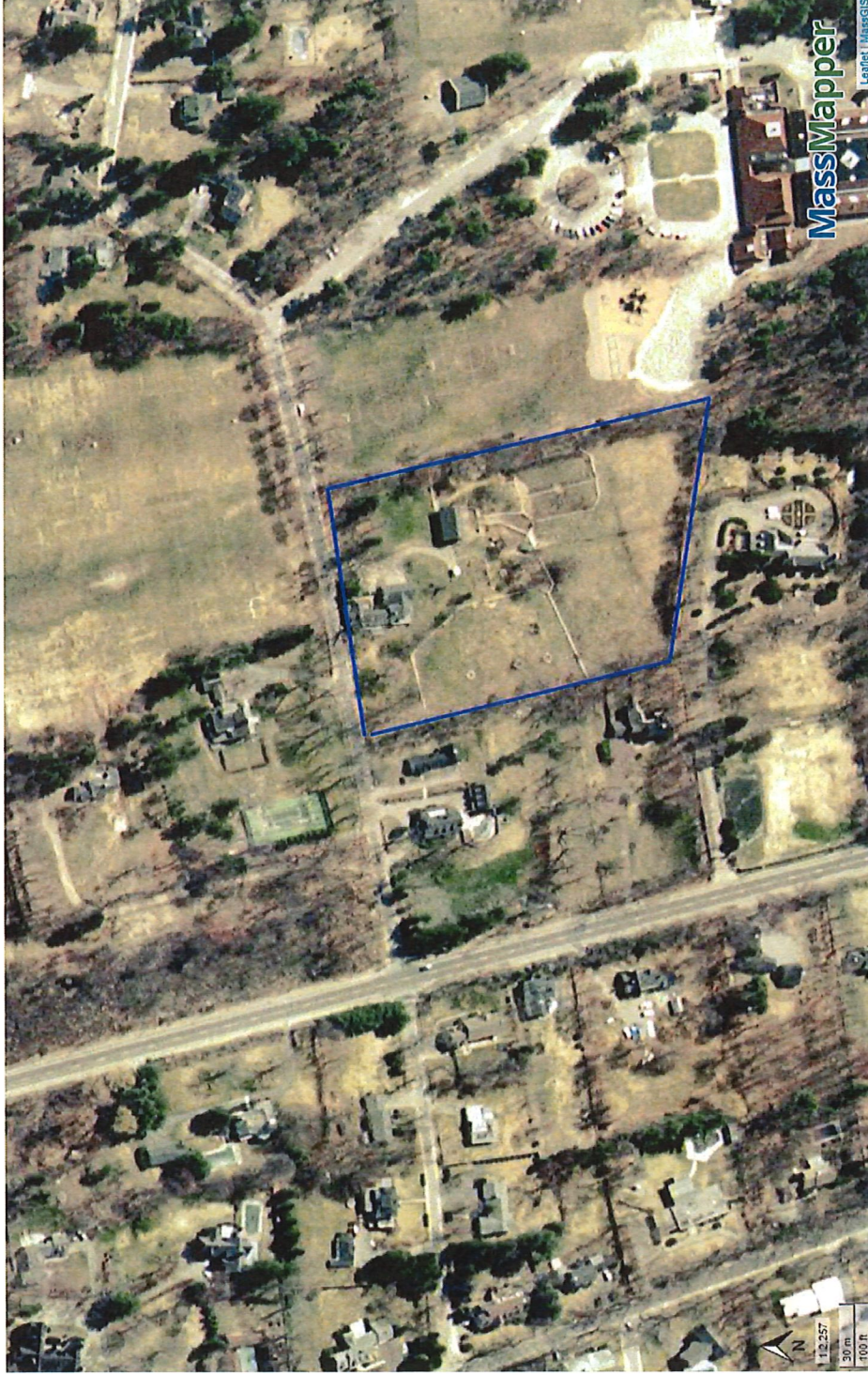
9 Bancroft Road - Andover

1990s Black and White Aerial Imagery
Property Tax Parcels



9 Bancroft Road - Andover

2001 Aerial Imagery
Property Tax Parcels



9 Bancroft Road - Andover

2005 Aerial Imagery
Property Tax Parcels



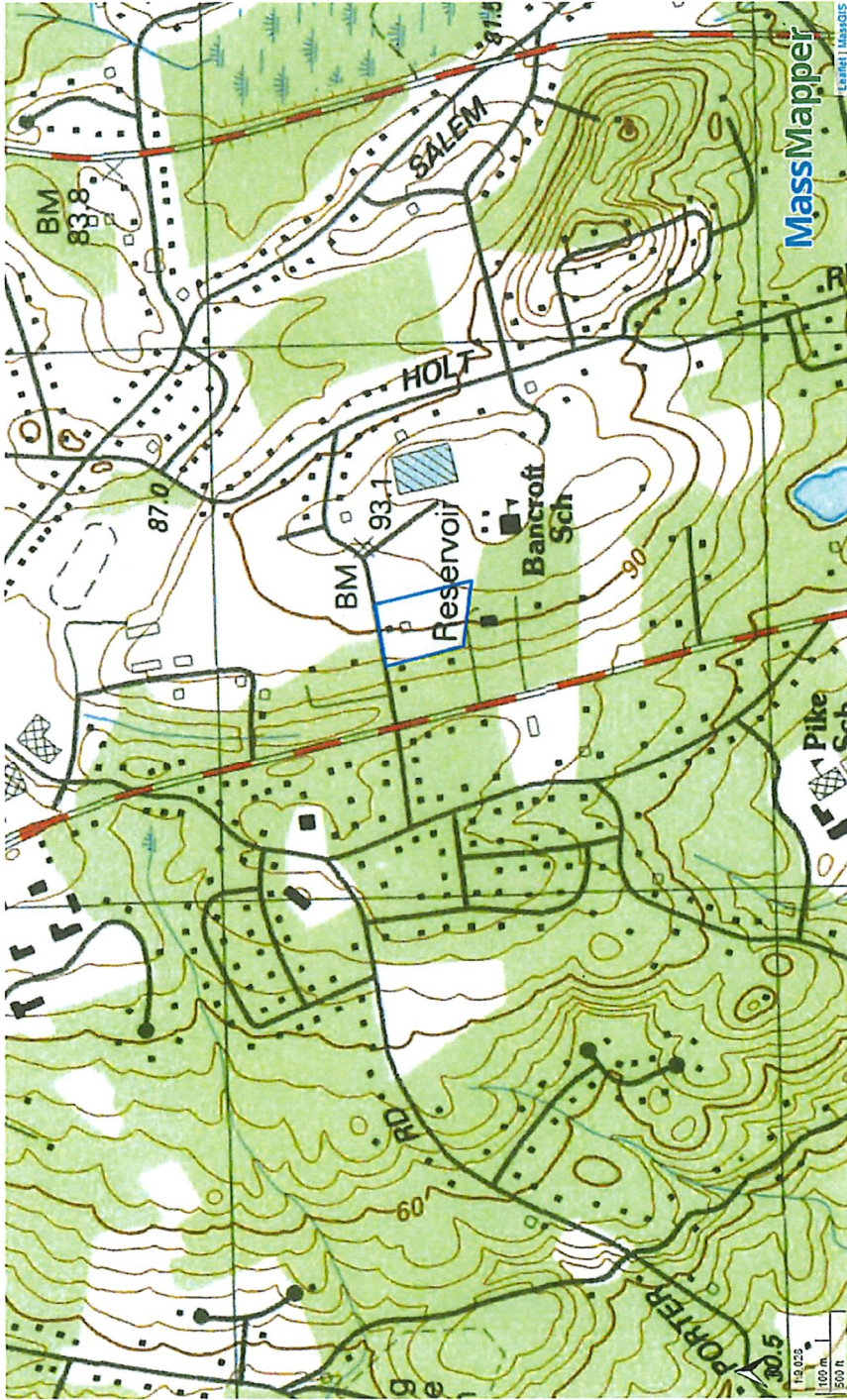
9 Bancroft Road - Andover

- DEP Wetlands Outlines Only
- DEP Wetlands Hydrologic Connections
- Property Tax Parcels

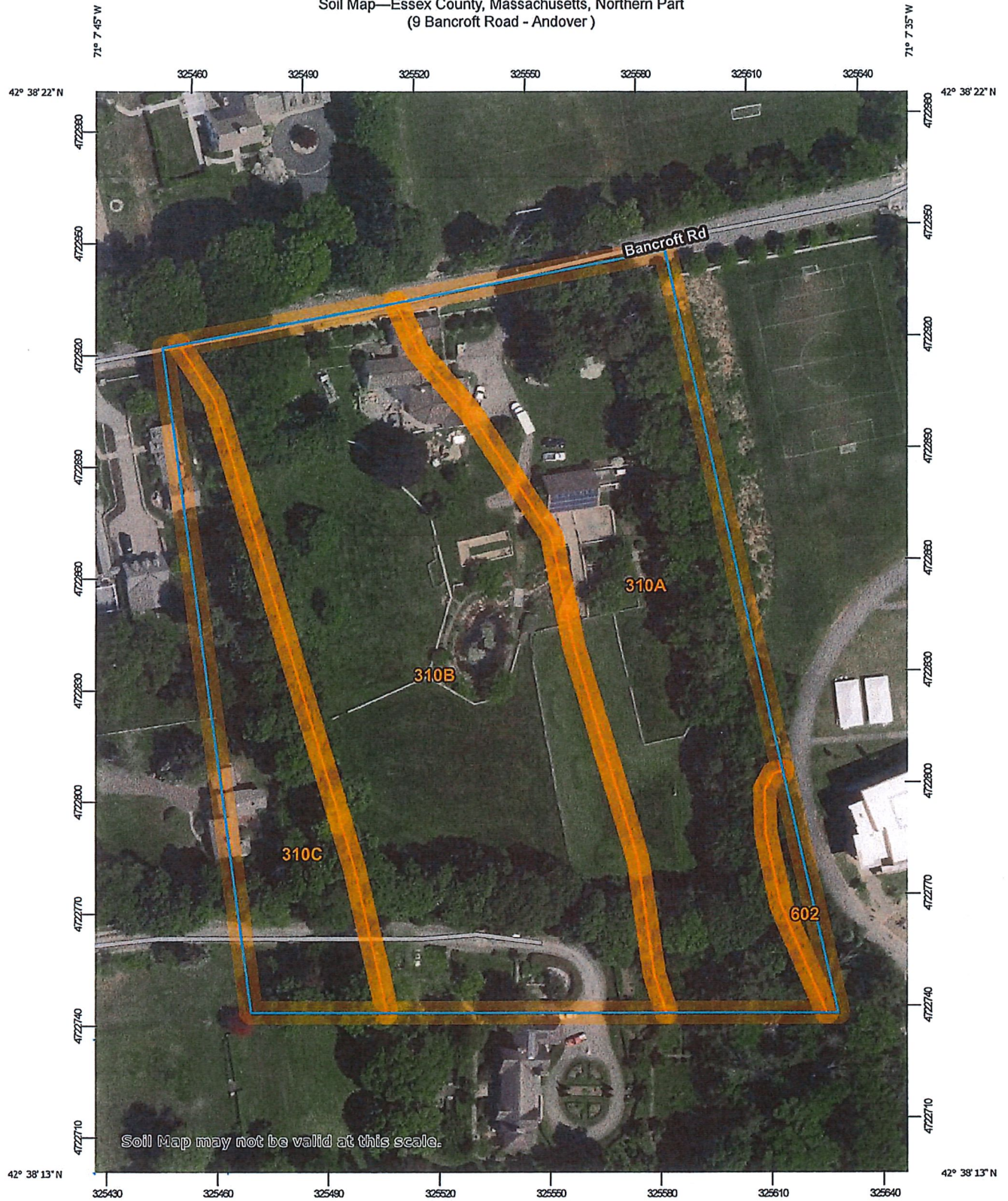


9 Bancroft Road - Andover

USGS Topographic Maps
Property Tax Parcels



Soil Map—Essex County, Massachusetts, Northern Part
(9 Bancroft Road - Andover)
























Map Scale: 1:1,410 if printed on A portrait (8.5" x 11") sheet.

0 20 40 80 120 Meters

0 50 100 200 300 Feet

Map projection: Web Mercator Corner coordinates: WGS84 Edge tics: UTM Zone 19N WGS84

MAP LEGEND

 Area of Interest (AOI)	 Spoil Area
 Soils	 Stony Spot
 Soil Map Unit Polygons	 Very Stony Spot
 Soil Map Unit Lines	 Wet Spot
 Soil Map Unit Points	 Other
 Special Point Features	 Special Line Features
 Blowout	 Water Features
 Borrow Pit	 Streams and Canals
 Clay Spot	 Transportation
 Closed Depression	 Rails
 Gravel Pit	 Interstate Highways
 Gravelly Spot	 US Routes
 Landfill	 Major Roads
 Lava Flow	 Local Roads
 Marsh or swamp	 Background
 Mine or Quarry	 Aerial Photography
 Miscellaneous Water	
 Perennial Water	
 Rock Outcrop	
 Saline Spot	
 Sandy Spot	
 Severely Eroded Spot	
 Sinkhole	
 Slide or Slip	
 Sodic Spot	

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:15,800.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service
Web Soil Survey URL:
Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Essex County, Massachusetts, Northern Part
Survey Area Data: Version 17, Sep 2, 2021

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: May 22, 2022—June 5, 2022

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

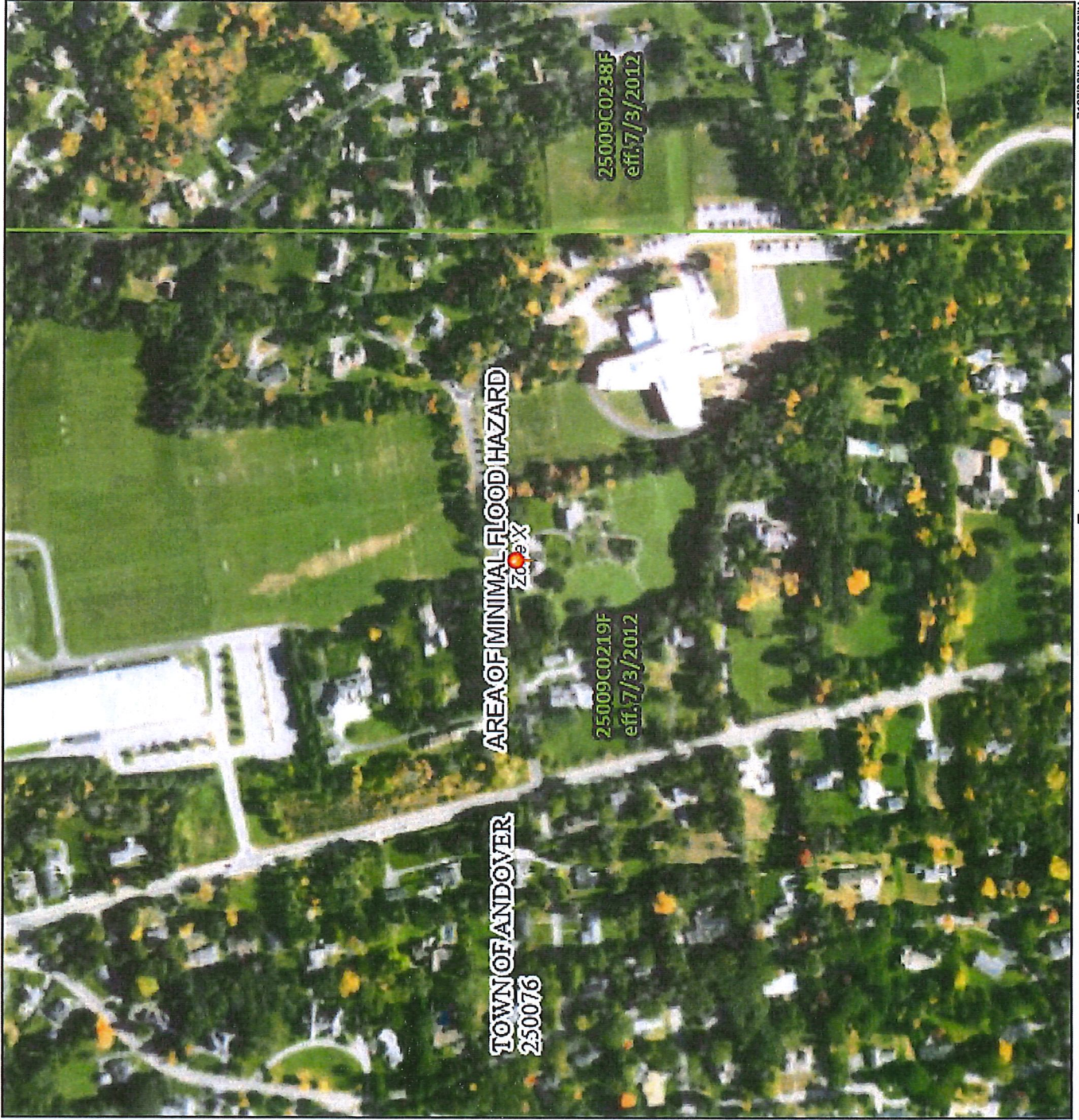
Map Unit Legend

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
310A	Woodbridge fine sandy loam, 0 to 3 percent slopes	2.5	35.0%
310B	Woodbridge fine sandy loam, 3 to 8 percent slopes	3.4	48.4%
310C	Woodbridge fine sandy loam, 8 to 15 percent slopes	1.1	15.1%
602	Urban land	0.1	1.5%
Totals for Area of Interest		7.1	100.0%

National Flood Hazard Layer FIRMette



71°08'W 42°38'53"N



71°07'22"W 42°38'7"N

Legend

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

SPECIAL FLOOD HAZARD AREAS	Without Base Flood Elevation (BFE) Zone A, V, A99	With BFE or Depth Zone AE, AO, AH, VE, AR	Regulatory Floodway

0.2% Annual Chance Flood Hazard, Area of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile (Zone X)

	Future Conditions 1% Annual Chance Flood Hazard Zone X
	Area with Reduced Flood Risk due to Levee, See Notes, Zone X
	Area with Flood Risk due to Levee Zone D

OTHER AREAS OF FLOOD HAZARD

	NO SCREEN	Area of Minimal Flood Hazard Zone X
	Effective LOMRS	
	Area of Undetermined Flood Hazard	Zone C
	Channel, Culvert, or Storm Sewer	
	Levee, Dike, or Floodwall	

OTHER AREAS

GENERAL STRUCTURES

	20.2	Cross Sections with 1% Annual Chance
	17.5	Water Surface Elevation
	8	Coastal Transect
	59	Base Flood Elevation Line (BFE)
		Limit of Study
		Jurisdiction Boundary
		Coastal Transect Baseline
		Profile Baseline
		Hydrographic Feature

OTHER FEATURES

	Digital Data Available
	No Digital Data Available
	Unmapped

MAP PANELS

The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

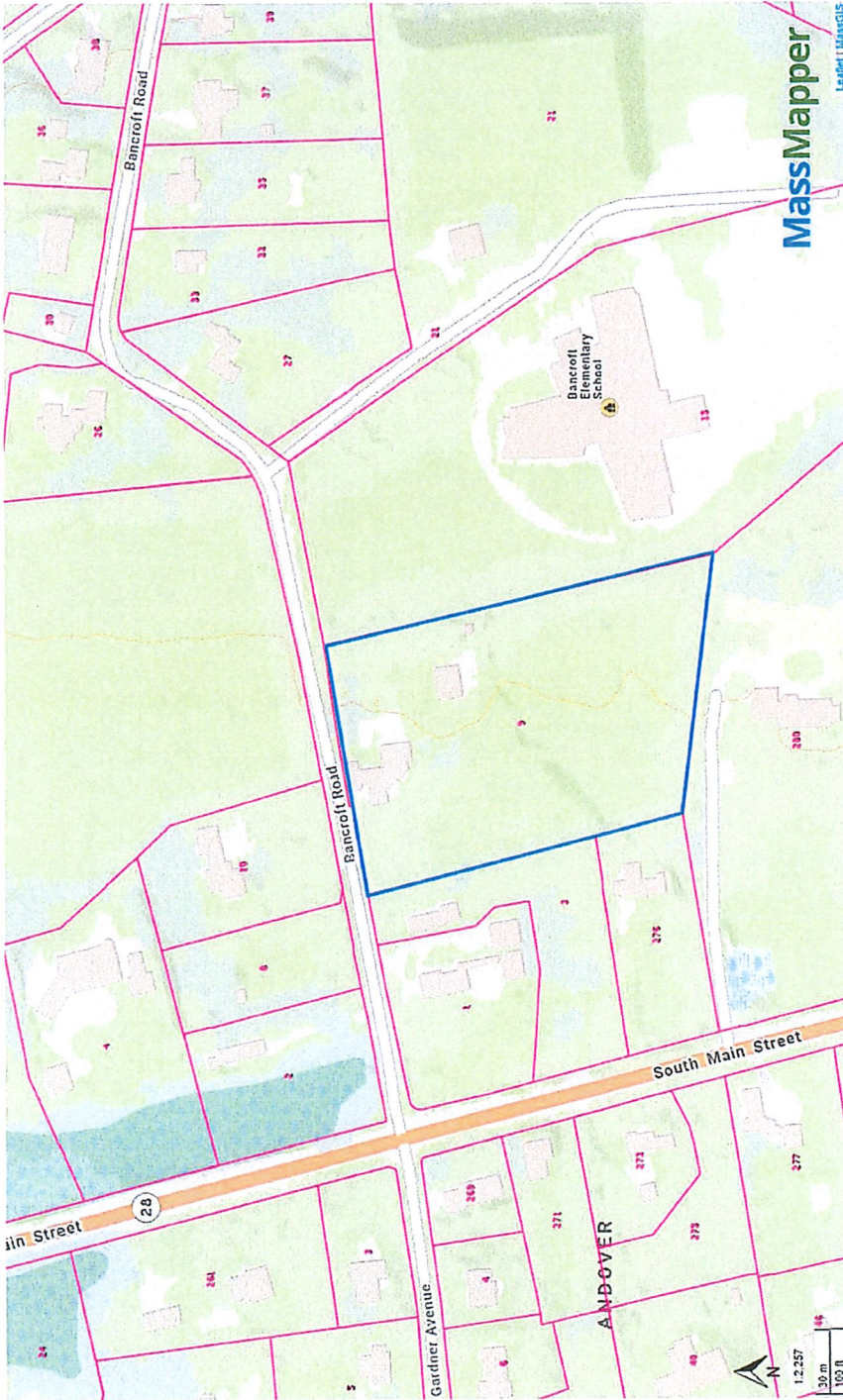
This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards.

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on 3/15/2024 at 11:50 AM and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.

9 Bancroft Road - Andover

- NHESP Priority Habitats of Rare Species
- NHESP Estimated Habitats of Rare Wildlife
- NHESP Certified Vernal Pools
- Property Tax Parcels



Maureen Herald

From: Robert Douglas <robert.douglas@andoverma.us>
Sent: Thursday, April 18, 2024 12:22 PM
To: Maureen Herald; Lynn Viselli
Cc: gregalexandris@gmail.com; 'Mark B. Johnson'
Subject: RE: 9 Bancroft Road - Andover - No Resource Areas - Email 1 of 2

Hi Maureen,
I had a good site visit with Mr Alexander.
Can you give me a call regarding your downstream (field) test pits?
Curious if there was any soils or veg downgradient of the spillway of the landscape pond.
All the best
Bob

From: Maureen Herald <maureen@norseenv.com>
Sent: Wednesday, April 17, 2024 8:47 AM
To: Robert Douglas <robert.douglas@andoverma.us>; Lynn Viselli <lynn.viselli@andoverma.us>
Cc: gregalexandris@gmail.com; 'Mark B. Johnson' <Mark@jblclaw.com>
Subject: RE: 9 Bancroft Road - Andover - No Resource Areas - Email 1 of 2

Hi Bob,

Circling back again regarding the above property.....any thoughts? Is Greg all set?

Thank you

Maureen Herald
Norse Environmental Services, Inc.
2100 Lakeview Avenue, Unit 3A
Dracut, MA 01826
Ph: (978) 649-9932

From: Maureen Herald
Sent: Thursday, April 11, 2024 10:35 AM
To: Robert Douglas <robert.douglas@andoverma.us>; Lynn Viselli <lynn.viselli@andoverma.us>
Cc: gregalexandris@gmail.com
Subject: RE: 9 Bancroft Road - Andover - No Resource Areas - Email 1 of 2

Hi Bob,

I just wanted to circle back to you regarding the above site. Do you need any other information? Do you agree there are no resource areas at the above property?

Thank you.

Maureen Herald

Maureen Herald

From: Maureen Herald
Sent: Tuesday, April 23, 2024 5:00 PM
To: Robert Douglas; gregalexandris@gmail.com
Subject: RE: Soils on Bancroft

Hi Bob,

Yes no hydric soils downstream of the pond. Do you want a data form or go out to the site so I can auger?

Let me know.

Thanks

Maureen Herald
Norse Environmental Services, Inc.
2100 Lakeview Avenue, Unit 3A
Dracut, MA 01826
Ph: (978) 649-9932

-----Original Message-----

From: Robert Douglas <robert.douglas@andoverma.us>
Sent: Tuesday, April 23, 2024 1:43 PM
To: Maureen Herald <maureen@norseenv.com>
Subject: Soils on Bancroft

Were there hydraulic soils downstream from the pond?
Bob

Sent from my iPhone

Maureen Herald

From: Maureen Herald
Sent: Saturday, June 1, 2024 11:11 AM
To: Robert Douglas; Lynn Viselli
Cc: gregalexandris@gmail.com
Subject: 9 Bancroft Road - Andover
Attachments: Norse 6-1-24 Supplemental Info.pdf

Hi Bob,

Please see the follow-up letter you requested. Have a great weekend.

Thanks

Maureen Herald
Norse Environmental Services, Inc.
2100 Lakeview Avenue, Unit 3A
Dracut, MA 01826
Ph: (978) 649-9932



Norse Environmental Services, Inc.
2100 Lakeview Avenue, Unit 3A
Dracut, MA 01826
Ph: (978) 649-9932
Website: www.norseenvironmental.com

June 1, 2024

Director of Conservation Commission
Mr. Robert Douglas
36 Bartlet Street
Andover, MA 01810

Re: 9 Bancroft Road
Andover, MA 01810

Mr. Douglas,

Per your request, Norse Environmental Services, Inc. performed a subsequent site visit on 5-6-24 to inspect the area downgradient of man-made pond. I performed several soil augers and noted the following soil profile: 0-14" 10 YR 2/2 and 14-22" 10 YR 4/6. These soils are indicative of an upland soil. I recorded the following vegetation: foxtail meadow (*Alopecurus pratensis*), common burdock (*Arctium minus*), ground ivy (*Glechoma hederacea*), dandelion (*Taraxacum officinale*), grass (*Fescue* sp.) and thistle (*Cirsium* sp.). These are all upland meadow species except for the foxtail meadow. Please see the photographs below:



Photograph: 5-6-24

Auger downgradient of
the man-made pond.

Soil Auger



Munsell Chart



The area downgradient of the pond has a predominance of upland plant species and soils. If you have any questions or concerns regarding the above information, please do not hesitate to contact me.

Sincerely,

Maureen Herald

Maureen Herald, PWS, CWS

Maureen Herald

From: Robert Douglas <robert.douglas@andoverma.us>
Sent: Tuesday, June 18, 2024 2:38 PM
To: Maureen Herald; Lynn Viselli
Cc: gregalexandris@gmail.com; Jacki Byerley
Subject: Other Wetland RE: 9 Bancroft Road - Andover

Hi Maureen,

It was just pointed out to me that in addition to the "Pond" there is also a wetland shown on our GIS further to the south.

This is not an area that I examined. Did you have a look at this?

All the best, Bob

From: Robert Douglas
Sent: Tuesday, June 18, 2024 1:19 PM
To: Maureen Herald <maureen@norseenv.com>; Lynn Viselli <lynn.viselli@andoverma.us>
Cc: gregalexandris@gmail.com
Subject: RE: 9 Bancroft Road - Andover

Thank you Maureen.

I will share this information at the IDR today.

The "Pond" on the property is a man-made landscaping feature that is not a jurisdictional wetland.

It is not connected with the up gradient wetland, and your soils report show it is not connected hydraulically to the down-hill wetland system near North Main Street.

All the best, Bob

From: Maureen Herald <maureen@norseenv.com>
Sent: Saturday, June 1, 2024 11:11 AM
To: Robert Douglas <robert.douglas@andoverma.us>; Lynn Viselli <lynn.viselli@andoverma.us>
Cc: gregalexandris@gmail.com
Subject: 9 Bancroft Road - Andover

Hi Bob,

Please see the follow-up letter you requested. Have a great weekend.

Thanks

Maureen Herald
Norse Environmental Services, Inc.
2100 Lakeview Avenue, Unit 3A
Dracut, MA 01826
Ph: (978) 649-9932

Maureen Herald

From: Maureen Herald
Sent: Wednesday, June 19, 2024 5:41 PM
To: Jacki Byerley; Robert Douglas; Lynn Viselli
Cc: gregalexandris@gmail.com
Subject: RE: Other Wetland RE: 9 Bancroft Road - Andover

Hi Bob and Jacki,

Jacki thank you for sending the link....very helpful.

Bob, I walked the entire site and there are no resource areas on the property. The GIS mapping shows wetlands along the Bancroft School...strange. In fact, it shows the road in the wetlands. I think for whatever reason the maps for this part of town are wrong. Bob, if you want to walk the site, I'm happy to meet you.

Stay cool.

Thanks

Maureen Herald
Norse Environmental Services, Inc.
2100 Lakeview Avenue, Unit 3A
Dracut, MA 01826
Ph: (978) 649-9932

From: Jacki Byerley <jacki.byerley@andoverma.us>
Sent: Tuesday, June 18, 2024 7:17 PM
To: Maureen Herald <maureen@norseenv.com>; Robert Douglas <robert.douglas@andoverma.us>; Lynn Viselli <lynn.viselli@andoverma.us>
Cc: gregalexandris@gmail.com
Subject: Re: Other Wetland RE: 9 Bancroft Road - Andover

Hi Maureen, the map is from GIS mapping system. The parcel shown here is before they carved off the house and created the back lot to subdivide. The area in question is on the south side, closest to the property line. Hopefully this comes through. <https://mimap.mvpc.org/map/index.html?viewer=Andover>

Get [Outlook for iOS](#)

From: Maureen Herald <maureen@norseenv.com>
Sent: Tuesday, June 18, 2024 4:34:54 PM
To: Robert Douglas <robert.douglas@andoverma.us>; Lynn Viselli <lynn.viselli@andoverma.us>
Cc: gregalexandris@gmail.com <gregalexandris@gmail.com>; Jacki Byerley <jacki.byerley@andoverma.us>
Subject: RE: Other Wetland RE: 9 Bancroft Road - Andover

Ok....can someone send me the plan?

Maureen Herald

From: Robert Douglas <robert.douglas@andoverma.us>
Sent: Tuesday, September 10, 2024 9:19 AM
To: Maureen Herald; Jacki Byerley; Lynn Viselli
Cc: gregalexandris@gmail.com
Subject: Follow-up 9 Bancroft Road - Andover

Hi Maureen,

Thank you for the opportunity to visit the Koi Pond at Bancroft. This appeared to be an ornamental feature. It was man-made and water from the landscape pond was pumped uphill and flowed down an attractive man-made rock waterfall and back into the pond to be recirculated again. You further did soil samples down gradient and determined there was not soil or plant hydrology nor any visible stream connection it to the wetlands along South Main Street. Based on our site visit and your further research it was my opinion that the Kio pond and waterfall is a landscape feature, and not a wetland jurisdictional to the Wetland Protection Act or the bylaw.

I've recently been shown a plan depicting three homes being built on the entirety of the lot. I feel I need to voice my concern that there may be on-site or off-site wetland systems that may throw buffer on to the proposed property. There are wetlands shown on our town topo deeper into the lot than the area we investigated and there may be wetlands on the Bancroft property that could be within 100-feet of construction. My strong recommendation would be that a Determination of Applicability or ANRAD be filed so as to be certain that site's construction would be in compliance with Conservation/Stormwater standards.

All the best, Bob Douglas
Director of Conservation

From: Maureen Herald <maureen@norseenv.com>
Sent: Wednesday, June 19, 2024 5:41 PM
To: Jacki Byerley <jacki.byerley@andoverma.us>; Robert Douglas <robert.douglas@andoverma.us>; Lynn Viselli <lynn.viselli@andoverma.us>
Cc: gregalexandris@gmail.com
Subject: RE: Other Wetland RE: 9 Bancroft Road - Andover

Hi Bob and Jacki,

Jacki thank you for sending the link...very helpful.

Bob, I walked the entire site and there are no resource areas on the property. The GIS mapping shows wetlands along the Bancroft School...strange. In fact, it shows the road in the wetlands. I think for whatever reason the maps for this part of town are wrong. Bob, if you want to walk the site, I'm happy to meet you.

Stay cool.

Thanks

Maureen Herald
Norse Environmental Services, Inc.
2100 Lakeview Avenue, Unit 3A

Maureen Herald

From: Robert Douglas <robert.douglas@andoverma.us>
Sent: Friday, September 13, 2024 2:32 PM
To: Maureen Herald; Jacki Byerley; Lynn Viselli
Cc: gregalexandris@gmail.com; Benjamin Meade; Paul Materazzo
Subject: RE: Follow-up 9 Bancroft Road - Andover

Hi Maureen,

I had a chance to get out and look at the 9 Bancroft property and the adjacent school property, and the downhill area immediately next to South Main Street. I think that absent a Determination of the Commission, it is important to get a good look at all the potential areas indicated by the Town Topo.

In the area semi-forested area between the School Property and 9-Bancroft there are some areas that collect water. There is a small leaf-stained area and two town drains. A few trees have buttressed roots. The upland canopy appears to be Norway Maple and not Red Maple that one would expect if it was a wetland – but I would like your thoughts on this area – as it is captured on our Town Topo as wetland.

The Koi Pond area had been previously examined and was clearly a non-jurisdictional landscape feature.

The Field swale I looked at today with Lois Alexander also appears to be an upland feature. The recently mowed groundcover was consistent throughout the field area in the mid-meadow swale, and this area is not a wetland in my opinion.

Another area I would like you to look at - that I examined with Greg Alexander today - is the South West corner. This is the lowest part of the property and is in between the crescent shaped paddock and the boundary with what I believe is the Willis property. We observed an area devoid of ground cover, comprised entirely of cracked-dry mud, that clearly held water for a portion of the year.

So, is this a wetland?

The soils clearly looked hydric.

Is it isolated, and if so, is it too small to be a Jurisdictional Isolated Wetland under the bylaw?

If it is connected to a wetland on the other side of the boundary stone-wall – does it flow all the way to the system on South Main Street and is therefore a Bordering Vegetated Wetland?

Greg noted that this specific area (south west corner) is the most distant from any of the structures.

Please let me know your thoughts.

All the best, Bob Douglas

From: Robert Douglas
Sent: Tuesday, September 10, 2024 9:19 AM
To: Maureen Herald <maureen@norseenv.com>; Jacki Byerley <jacki.byerley@andoverma.us>; Lynn Viselli <lynn.viselli@andoverma.us>
Cc: gregalexandris@gmail.com
Subject: Follow-up 9 Bancroft Road - Andover

Hi Maureen,

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Maureen Herald

From: Maureen Herald
Sent: Monday, September 16, 2024 12:42 PM
To: Robert Douglas; Jacki Byerley; Lynn Viselli
Cc: gregalexandris@gmail.com; Benjamin Meade; Paul Materazzo
Subject: RE: Follow-up 9 Bancroft Road - Andover
Attachments: Town GIS Map.pdf

Hi Bob,

Thank you for the follow-up and email. My understanding is you reviewed and walked the Bancroft School and 9 Bancroft Road property. I am happy to look and review any areas of interest. When you have a moment, can you please mark-up the attached plan, noting the areas of concern. I want to make sure I know the locations you are requesting I investigate. Once I get the marked-up plan, I will go out asap and get back to you as soon as possible.

Thank you

All the Best

Maureen Herald
Norse Environmental Services, Inc.
2100 Lakeview Avenue, Unit 3A
Dracut, MA 01826
Ph: (978) 649-9932

From: Robert Douglas <robert.douglas@andoverma.us>
Sent: Friday, September 13, 2024 2:32 PM
To: Maureen Herald <maureen@norseenv.com>; Jacki Byerley <jacki.byerley@andoverma.us>; Lynn Viselli <lynn.viselli@andoverma.us>
Cc: gregalexandris@gmail.com; Benjamin Meade <benjamin.meade@andoverma.us>; Paul Materazzo <paul.materazzo@andoverma.us>
Subject: RE: Follow-up 9 Bancroft Road - Andover

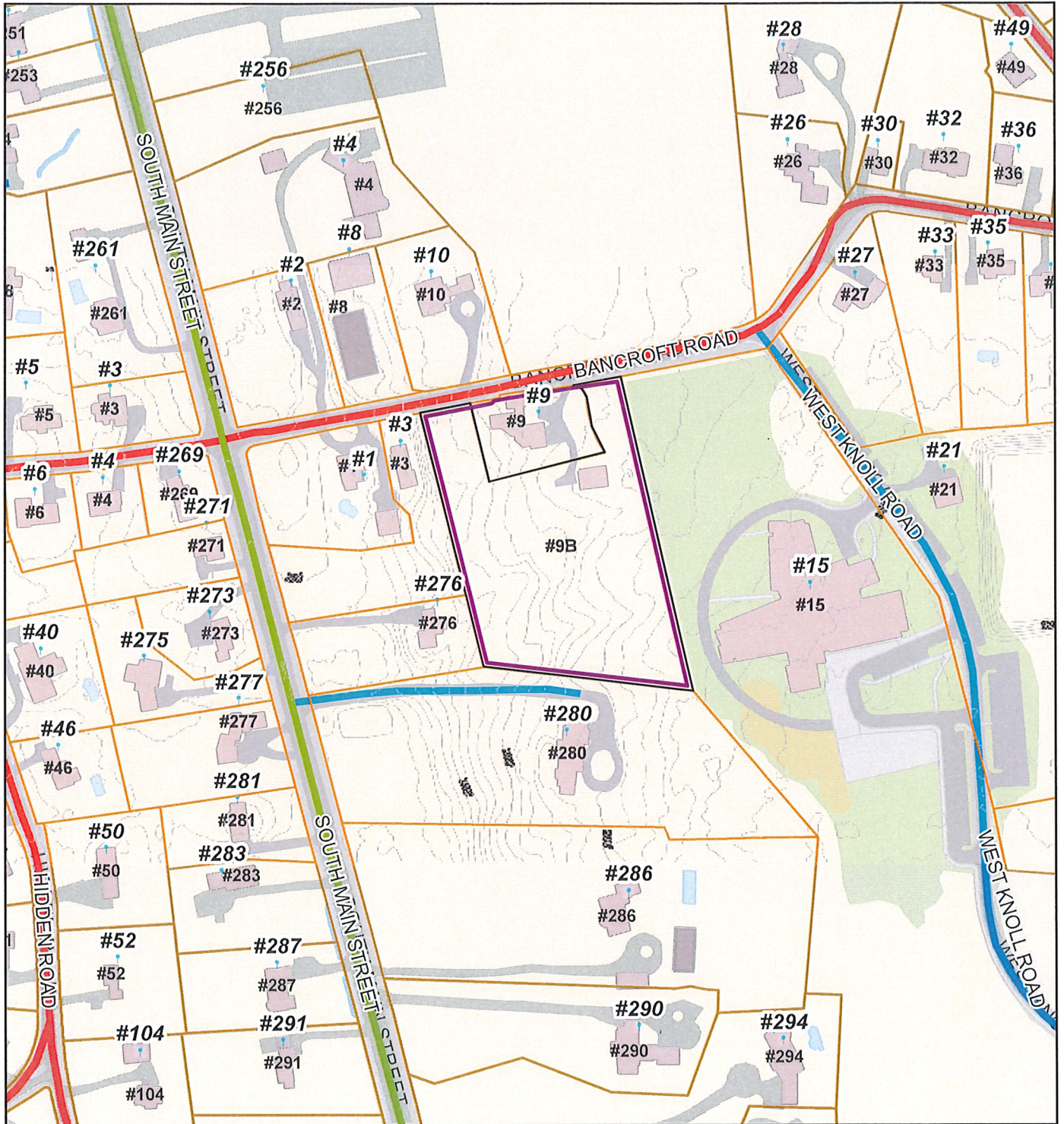
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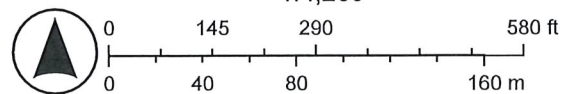
Town of Andover



9/16/2024, 12:29:08 PM

Parcels
 Road Jurisdiction

City or Town accepted road
 Unaccepted by city or town
 Massachusetts Department of Transportation



Maureen Herald

From: Robert Douglas <robert.douglas@andoverma.us>
Sent: Tuesday, September 17, 2024 12:38 PM
To: Maureen Herald; Jacki Byerley; Lynn Viselli
Cc: gregalexandris@gmail.com; Benjamin Meade; Paul Materazzo
Subject: RE: Follow-up 9 Bancroft Road - Andover
Attachments: Blanch Drain1.jpg; Blanch Lf staining.jpg; BANCROFT Wetlands Mark-up.jpg; Blanch tree.jpg

Hi Maureen.

Thank you for your email.

I'm sending you a map with the areas I'd like you to see.

To the east of the property along the school property boundary there are areas of leaf staining, trees with buttressed roots and at least two drains. Please have a look. Its best reached from the school side, so please just tell the desk staff that you will be out there. I have attached some pictures. My line of thinking is that if this is a wetland area and it is connected to the drainage system, then it might be considered a bordering vegetated wetland.

The second area is in the south west corner of the property. This is a low area between the "D" shaped paddock and the southern property line. There is an area where water collects in the corner, likely due to it being confined by stone walls. There is an area clearly holds water, and the soil was very dark organic. I suspect it is a sapric soil which would indicate that it holds water for an average of 30-days a year.

Despite the strong wetland indicators; it may not be connected to the down-gradient wetland system and therefore it would be an isolated wetland. If it is isolated, it may not be of sufficient size to be a town or state jurisdictional wetland.

Please have a look, I'm interested in your feedback.

All the best, Bob

From: Maureen Herald <maureen@norseenv.com>
Sent: Monday, September 16, 2024 12:42 PM
To: Robert Douglas <robert.douglas@andoverma.us>; Jacki Byerley <jacki.byerley@andoverma.us>; Lynn Viselli <lynn.viselli@andoverma.us>
Cc: gregalexandris@gmail.com; Benjamin Meade <benjamin.meade@andoverma.us>; Paul Materazzo <paul.materazzo@andoverma.us>
Subject: RE: Follow-up 9 Bancroft Road - Andover

Hi Bob,

Thank you for the follow-up and email. My understanding is you reviewed and walked the Bancroft School and 9 Bancroft Road property. I am happy to look and review any areas of interest. When you have a moment, can you please mark-up the attached plan, noting the areas of concern. I want to make sure I know the locations you are requesting I investigate. Once I get the marked-up plan, I will go out asap and get back to you as soon as possible.

Thank you

All the Best







Maureen Herald

From: Maureen Herald
Sent: Monday, September 23, 2024 9:03 AM
To: Robert Douglas; Jacki Byerley; Lynn Viselli
Cc: gregalexandris@gmail.com; Benjamin Meade; Paul Materazzo
Subject: RE: Follow-up 9 Bancroft Road - Andover
Attachments: Norse 9-21-24 Supplemental Info.pdf

Hi Bob,

Please see the attached report addressing the email below. Let me know if you have any questions or concerns. I am happy to walk the site and review my findings with you.

Thank you

Maureen Herald
Norse Environmental Services, Inc.
2100 Lakeview Avenue, Unit 3A
Dracut, MA 01826
Ph: (978) 649-9932

From: Robert Douglas <robert.douglas@andoverma.us>
Sent: Tuesday, September 17, 2024 12:38 PM
To: Maureen Herald <maureen@norseenv.com>; Jacki Byerley <jacki.byerley@andoverma.us>; Lynn Viselli <lynn.viselli@andoverma.us>
Cc: gregalexandris@gmail.com; Benjamin Meade <benjamin.meade@andoverma.us>; Paul Materazzo <paul.materazzo@andoverma.us>
Subject: RE: Follow-up 9 Bancroft Road - Andover

Hi Maureen.

Thank you for your email.

I'm sending you a map with the areas I'd like you to see.

To the east of the property along the school property boundary there are areas of leaf staining, trees with buttressed roots and at least two drains. Please have a look. Its best reached from the school side, so please just tell the desk staff that you will be out there. I have attached some pictures. My line of thinking is that if this is a wetland area and it is connected to the drainage system, then it might be considered a bordering vegetated wetland.

The second area is in the south west corner of the property. This is a low area between the "D" shaped paddock and the southern property line. There is an area where water collects in the corner, likely due to it being confined by stone walls. There is an area clearly holds water, and the soil was very dark organic. I suspect it is a sapric soil which would indicate that it holds water for an average of 30-days a year.

Despite the strong wetland indicators; it may not be connected to the down-gradient wetland system and therefore it would be an isolated wetland. If it is isolated, it may not be of sufficient size to be a town or state jurisdictional wetland.



Norse Environmental Services, Inc.
2100 Lakeview Avenue, Unit 3A
Dracut, MA 01826
Ph: (978) 649-9932
Website: www.norseenvironmental.com

September 21, 2024

Director of Conservation Commission
Mr. Robert Douglas
36 Bartlet Street
Andover, MA 01810

Re: 9 Bancroft Road
Andover, MA 01810

Mr. Douglas,

Per your 9-17-24 email request, Norse Environmental Services, Inc., performed a third site visit at the above property on 9-21-24. I inspected the area along the property line of the Bancroft Elementary School where you noted, “leaf staining, trees with buttressed roots and at least two drains.” You provided the yellow circled areas on the aerial image below which are the locations I field investigated. I refer to these areas as the “areas of concern”.

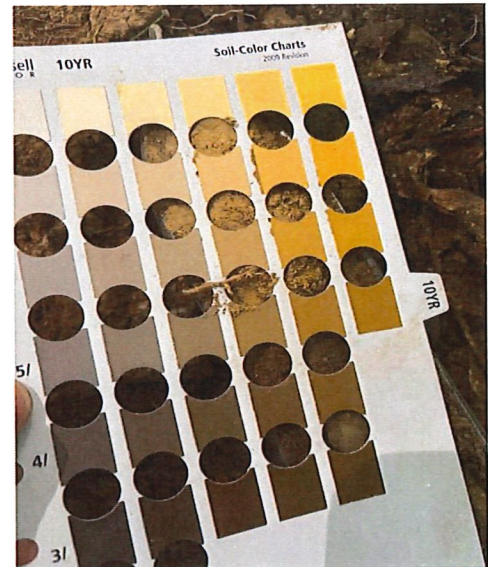


I walked the entire yellow circled area, along the school property line and investigated (4) different locations (numbered as red dots ⊗) on the aerial image. I augured in (3) of these locations to a minimum of 20”. Please see my findings on the following pages.

1. At the first location I observed upland vegetation and upland (non-hydric) soils. The overstory is dominated by Norway maple (*Acer platanoides*) with a few black cherry (*Prunus serotina*) trees. The understory consists of burning bush (*Euonymus occidentalis*) and multiflora rose (*Rosa multiflora*). The herbaceous layer was lacking vegetation, and the vine layer consists of oriental bittersweet (*Celastrus orbiculatus*). The vegetation is categorized as upland plants per the U.S. Army Corps of Engineers 2020, Northcentral and Northeast Region, National Wetland Plant List, version 3.5.

I augured to 20" and observed the following upland (non-hydric) soil profile.

Depth (in)	Soil Horizon/Layer	Soils Texture (USDA)	Soil Matrix	Redoximorphic Features
0-10"	Ap	FSL	10YR 2/2	None
10-20"	Bw	FSL	10 YR 6/6	None



2. The second area is located approximately 25 ft. from the school's stone retaining wall. The upland vegetation is consistent with the first location. I augured to a depth of 20" and observed a fill, gravelly topsoil.

Depth (in)	Soil Horizon/Layer	Soils Texture (USDA)	Soil Matrix	Redoximorphic Features
0-20"	Fill	Gravelly SL	10YR 2/2	None

The area is disturbed or altered most likely from the installation of the drain manhole

nearby. In addition, I observed a pile of fill near the drain manhole. Please see the photographs on the following page.



Pile of fill and drain manhole on the Bancroft School property.

3. At the third location, I observed a man-made ditch or swale, located on the property, which directs surface water into the series of catch basins near the property line. I did not observe any wetland or hydric vegetation within or around the swale.

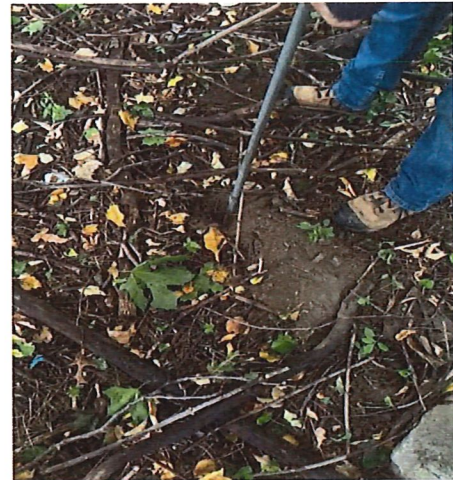


Man-made swale that directs stormwater into the catch basins on the Bancroft School Property. Please note the stone retaining wall in the background.

4. The fourth location is near the property line or near the “buttressed”/shallow rooted Norway maple. The overstory is dominated by Norway maple and understory consists of burning bush. The herbaceous layer is lacking except for some garlic mustard (*Alliaria petiolata*). These plants are characterized as upland plants.

I augured to a depth of 20” and observed the following soil profile.

Depth (in)	Soil Horizon/Layer	Soils Texture (USDA)	Soil Matrix	Redoximorphic Features
0-20”	Fill	Gravelly SL	10YR 2/2	None



The area is disturbed or altered, most likely from the installation of the nearby catch basin.



Norway maple with “buttressed”/shallow roots and catch basin.

Conclusion

Mr. Douglas, you note the observation of leaf staining, I did not observe any leaf staining. I did observe a man-made ditch or swale that directs water into the series of catch basins on the property. Regarding trees with buttressed or shallow root system, this can be an indicator of wetland hydrology and is common in forested wetlands. However, shallow root systems can also form in upland areas where bedrock is close to the surface or within stony soils. It is my opinion that the shallow roots are a result of the stony soils exhibited throughout the site. This would explain the field stone walls along the property line.

The area has upland vegetation and non-hydric soil. It is not a resource area under Massachusetts General Laws Chapter 131, Section 40: The Wetland Protection Act, 310 CMR 10.00 Wetland Protection Act Regulations, Town of Andover Wetland Protection Bylaw and Regulations.

Second Area of Concern

The second area of concern is located on the property, near the southwesterly corner or low area between the “D” shaped paddock and southerly property line. I walked the entire yellow circled area and investigated (3) different locations (numbered as 5-7, red dots ⊗) on the first page aerial. I augured in (2) of these locations to a minimum of 20”.

5. The fifth location is a low area, which collects and holds water, due to the existing sloping topography and surrounding stone walls. Please see the photograph below:

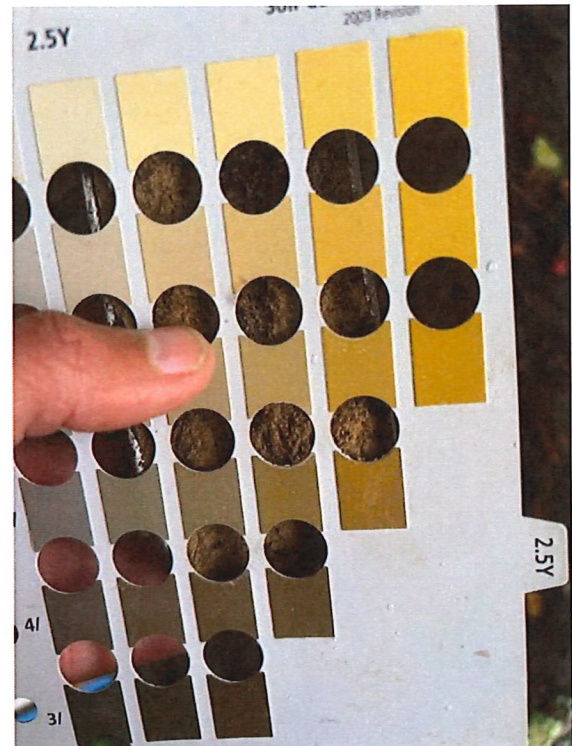


The overstory consists of crabapple (*Malus sylvestris*) and Norway maple. The nearby understory consists of burning bush and honeysuckle (*Lonicera* sp.). Most of the herbaceous layer is lacking, due to the standing water, but I did note some garlic mustard and woodbine (*Parthenocissus vitacea*). The vegetation is classified as upland plants.

I augur to 22" and observed upland (non-hydric) soils. Please see the soil profile below.

Depth (in)	Soil Horizon/Layer	Soils Texture (USDA)	Soil Matrix	Redoximorphic Features
0-12"	Ap	FSL	10YR 2/2	None
12-22"	Bw	FSL	2.5Y 4/4	7.5YR 6/6

Although I noted some redoximorphic features within the Bw horizon the matrix color is too bright to be considered a wetland or hydric soil. Please see the photograph below:



- The sixth location is approximately 48 ft. from the southerly property line and 6 ft. from the fence. I noted a dominance of Norway maple and some crabapple trees in the overstory. The understory consists of honeysuckle and the herbaceous layer consists of garlic mustard and nightshade (*Solanum* sp.). The vegetation is classified as upland plants.

I augured to 20" and observed the following upland (non-hydric) soil profile.

Depth (in)	Soil Horizon/Layer	Soils Texture (USDA)	Soil Matrix	Redoximorphic Features
0-12"	Ap	FSL	10YR 2/2	None
12-20"	Bw	FSL	2.5Y 4/4	None



7. The last location I observed has similar vegetation as noted throughout this report. Due to the rocky soils, I was unable to auger down to 20". I observed the topsoil color as 10YR 2/2 with no redoximorphic features. I did not observe wetland or hydric plants. Please see the photograph below:



Conclusion

Mr. Douglas you note in your 9-17-24 email the soil located within the low area are “very dark organic” and “suspect it is a sapric soil”. I disagree with your findings of a “very dark organic” soil or “sapric (muck) soil” located on the property. Organic soil is rich in organic matter that comes from recently decomposed plants and has at least 20-30% carbon or organic matter by dry weight. An example of an organic soil is a Histosol soil. This soil is typically found in a deep cattail marsh. The soil I observed throughout my investigation is mineral not organic.

The Town of Andover GIS and MassMapper wetland maps are tools to identify potential resource areas. As you are aware, sometimes the maps are correct and other times they are wrong. I have performed multiple site visits, walked, and investigated the onsite and offsite areas. There are no resource areas under Massachusetts General Laws Chapter 131, Section 40: The Wetland Protection Act, 310 CMR 10.00 Wetland Protection Act Regulations, Town of Andover Wetland Protection Bylaw and Regulations.

If you have any questions or concerns regarding the above information, please do not hesitate to contact me.

Sincerely,

Maureen Herald

Maureen Herald, PWS, CWS

Cc: Mr. Greg Alexandris
Mr. Mark Johnson, Esq.

Maureen Herald

From: Robert Douglas <robert.douglas@andoverma.us>
Sent: Tuesday, September 24, 2024 4:23 PM
To: Maureen Herald; Jacki Byerley; Lynn Viselli
Cc: gregalexandris@gmail.com; Benjamin Meade; Paul Materazzo
Subject: RE: Follow-up 9 Bancroft Road - Andover

Hi Maureen.

Thank you for your report.

It was helpful for staff to see the soil data and have a better idea of the vegetation in the area.

The data presented appears to show the areas in question, Koi Pond, mid-meadow swale, eastern border with the school and the corner area south of the D-shaped coral do not meet the criteria of a wetland under the Wetland Protection act or the Andover Wetland Protection Bylaw. This represents the consensus of Conservation staff.

It should be noted that the consensus of staff - for future reference – that it would be valuable in cases such as this - to have the resources of an area evaluated under an ANDRAD or Request for Determination of Applicability (RDA or “Determination”). The RDA is a simple three page form - and its *Section C* on page 3 allows a proponent to “*Request the Commission make the following determination – whether the area depicted on a plan . . . is an area subject jurisdiction of the Wetland Protection Act “ and “if it is subject to the jurisdiction of any municipal wetlands’ ordinance or bylaw”*. This form allows for the review by the Commission and the issuance of a **Determination of Applicability** permit. The advantage of this course of action is that the proponent would have the confidence of having a state and town permit signed by the issuing authority – the Conservation Commission – and not simply an opinion of staff. Additionally, should any abutter have a concern or comment regarding wetland issues, they would have the right to be lawfully noticed about the project/ delineation in a public meeting and the ability to comment on them.

All the best,
Bob Douglas
Andover Conservation, Director
978-623-8630

(References follow).

From the WPA (State law): 310 CMR 10.04: Definitions

Definition of Determination:

Determination. (a) a Determination of Applicability means a written finding by a conservation commission or the Department as to whether a site or the work proposed thereon is subject to the jurisdiction of M.G.L. c. 131, § 40. It shall be made on Form 2.

Definition of Request for Determination of Applicability:

Request for Determination of Applicability means a written request made by any person to a conservation commission or the Department for a determination as to whether a site or work thereon is subject to M.G.L. c. 131, § 40. It shall be submitted on Form 1.

Maureen Herald

From: Robert Douglas <robert.douglas@andoverma.us>
Sent: Thursday, September 26, 2024 1:04 PM
To: Maureen Herald; Jacki Byerley; Lynn Viselli
Cc: gregalexandris@gmail.com; Benjamin Meade; Paul Materazzo; Cooper, Donald
Subject: 100-foot Buffer zone RE: Follow-up 9 Bancroft Road - Andover

Hi Maureen,

Again than you for your report and deeper investigation into the onsite wetlands and on the School boundary to the east.

As you know, wetlands can “throw buffer” from neighboring parcels. I do recall in years past there have been substantial water related issues on the properties to the South and west of the 9-Bancroft parcel. I have been contacted by an abutter who is concerned that no delineation has been submitted or investigated for the neighboring properties. There could be off-site wetlands that could be jurisdictional under the Wetland Protection Act and/or the Town Wetland Bylaw.

It is my opinion that the Conservation division has been placed in an awkward position. This project has not been daylighted to the issuing authority (the Commission), and as stated in my previous email, neighbors have not been granted the opportunity to give their thoughts or evidence on this matter. I’m concerned that by having this project looked at solely by staff and not the Commission (or if requested by the Commission) a peer reviewer) - that important steps of the usual Conservation process may be missed.

I have been recently contacted by an abutter who stated that they believe they have a wetland that would be within 100-feet of the project. They also stated another down-gradient neighbor has wetlands within 100-feet of the property line that would conceivably throw-buffer on the project parcel. It is my understanding that this area has not been reviewed by the proponent.

As Director of Conservation, I find myself in an uncomfortable situation. I have abutters to a large project that have voiced reasonable concerns that their wetlands and properties may be impacted. There is not currently an application before the Conservation Commission for them to review or comment on. The Conservation Commission itself has not seen the plans the site, they have not done s site visit, or heard from the applicant or concerned parties. I fear that an important part of the review process has been bypassed in a piecemeal fashion - and that the public and the project itself would be best served by the submittal of a Request for Determination (RDA) or Abbreviate Notice of Resource Area Delineation (ANRAD).

All the best,
Bob Douglas
Director of Conservation

From: Robert Douglas
Sent: Tuesday, September 24, 2024 4:23 PM
To: Maureen Herald <maureen@norseenv.com>; Jacki Byerley <jacki.byerley@andoverma.us>; Lynn Viselli <lynn.viselli@andoverma.us>
Cc: gregalexandris@gmail.com; Benjamin Meade <benjamin.meade@andoverma.us>; Paul Materazzo <paul.materazzo@andoverma.us>
Subject: RE: Follow-up 9 Bancroft Road - Andover

Hi Maureen.
Thank you for your report.

Additional Findings



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

DEP File Number:

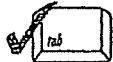
WPA Form 4B – Order of Resource Area Delineation

Q90-1071
Provided by DEP

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40; & the Andover Wetland Protection Bylaw

A. General Information

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



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

From: Andover
1. Conservation Commission

2. This Issuance is for (check one):

a. Order of Resource Area Delineation Only

b. Order of Resource Area Delineation Subject to Simplified Review

1. Not Subject to Stormwater Policy

2. Subject to Stormwater Policy

c. Amended Order of Resource Area Delineation

3. To: Applicant:

Joseph R. Plantedosi, Director Town of Andover Plan & Facilities Dept.
a. First Name b. Last Name c. Company

36 Bartlet Street
d. Mailing Address

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

4. Property Owner (if different from applicant):

----- ----- Town of Andover
a. First Name b. Last Name c. Company

36 Bartlet Street
d. Mailing Address

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

5. Project Location:

15 & 21 Bancroft Road Andover
a. Street Address b. City/Town

59 Lots 29 & 29A
c. Assessors Map/Plat Number d. Parcel/Lot Number

Latitude and Longitude (note: electronic filers will click for GIS locator): N 42 38' 11.4" W 71 7' 32.3"
e. Latitude f. Longitude

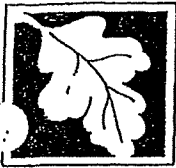
6. Dates: November 18, 2008
a. Date Notice of Intent filed b. Date Public Hearing Closed c. Date of Issuance

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

A.N.R.A.D. PLAN BANCROFT SCHOOL 15 & 21 BANCROFT ROAD 12-11-2008
a. Title b. Date

A.N.R.A.D 11/18/08; and Letter Dated 12/15/08 by Wetland Preservation Inc.
c. Title d. Date

This document consists of 7 pages.



WPA Form 4B – Order of Resource Area Delineation

090-1071

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40; & the Andover Wetland Protection Bylaw

Provided by DEP

B. Order of Delineation

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

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

1. Bordering Vegetated Wetlands

2. Other Resource Area(s), specifically:

Please note: Revised plan details a wetland X1-X6 which contained two parameters;

(hydrology and vegetation, but not soils) Refer to WPI Dec 15, 2008 Letter.

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

1. Bordering Vegetated Wetlands

2. Other Resource Area(s), specifically:

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

1. Bordering Vegetated Wetlands

2. Other Resource Area(s), specifically:

3. The boundaries were determined to be inaccurate because:



WPA Form 4B – Order of Resource Area Delineation

090-1071

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40; & the Andover Wetland Protection Bylaw

Provided by DEP

C. Simplified Buffer Zone Review

Work within the Buffer Zone pursuant to the Simplified Review (310 CMR 10.02) requires that you must comply with the following conditions. If your project does not meet these requirements, you are required to either file a Determination of Applicability or Notice of Intent or take other corrective measures as directed by the Conservation Commission.

Simplified Review Conditions:

Work conducted under Simplified Review requires the following:

1. No work of any kind shall occur within any wetland resource areas including Riverfront Area and Bordering Land Subject to Flooding.
2. The inner 0-to-50-foot wide area from the delineated wetland boundary that has a Buffer Zone shall not be disturbed by any work associated with this project, including placement of any stormwater management components.
3. No work shall occur in the Buffer Zone bordering an Outstanding Resource Water (e.g., certified vernal pool, public water supply reservoir or tributary), as defined in 314 CMR 4.00 or border coastal resource areas at 310 CMR 10.25-10.35.
4. No work shall occur in the Buffer Zone adjacent to wetland resources with estimated wildlife habitat (which is identified on the most recent Estimated Habitat Map of State-listed Rare Wetlands Wildlife).
5. Erosion and Sedimentation controls shall be installed and maintained at the 50-foot Buffer Zone line or limit of work (whichever is a greater distance from the resource area) to protect resource areas during construction.
6. If the project is subject to the Massachusetts Stormwater Policy, all work shall be conducted in conformance with an approved Stormwater Management Plan.
7. The Buffer Zone does not contain a slope greater than an average of 15% at its steepest gradient across the 100-foot Buffer Zone.
8. The amount of new impervious surface, in combination with existing impervious surfaces, shall not exceed 40% of the Buffer Zone between 50 and 100 feet.
9. No work is allowed, and no additional NOI or RDA shall be filed, for any work within the 0-to-50-foot Buffer Zone during the three-year term of an Order associated with this application.
10. Prior to any work being undertaken pursuant to this Order, the wetland resource boundary shall be flagged; all boundary delineation flagging should be maintained for the term of the Order.
11. If stormwater management structures are proposed in the Buffer Zone, the stormwater management structures shall be maintained as required in the Stormwater Plan. Such maintenance constitutes an ongoing condition and is not subject to further permitting requirements.
12. If this ORAD involves work as part of a Simplified Review, the ORAD shall be recorded at the Registry of Deeds prior to the commencement of work per the requirements of Section F.
13. Prior to proceeding with any work under Simplified Review, applicants are required to provide written notice to the Commission one week prior to commencing any work.
14. If work authorized under Simplified Review is commenced, no work is allowed, and no additional NOI or RDA may be filed, for any work within the 0-to-50-foot buffer zone during the term of an ORAD associated with this application. If work authorized under Simplified Review is not commenced, then future NOIs or RDAs may be filed for work within the 0-to-50-foot portion of the buffer zone.

--End of Conditions--



WPA Form 4B – Order of Resource Area Delineation

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40; & the Andover Wetland Protection Bylaw

C. Simplified Buffer Zone Review (cont.)

Stormwater Applicability

1. The project is not subject to the Stormwater Policy.
2. The project is subject to the Stormwater Policy and the Stormwater Plan included for the project complies with all stormwater standards.

Ineligibility Determinations

Site Conditions: The applicant is not eligible for Simplified Buffer Zone review and must file a Request for Determination of Applicability or Notice of Intent prior to any work because:

3. Work is within the Buffer Zone of a Coastal Resource Area as defined at 310 CMR 10.25-10.35.
4. The Buffer Zone contains existing slopes greater than an average of 15%.
5. Buffer Zone contains estimated rare wildlife habitat.¹
6. The site borders an Outstanding Resource Water.²

Stormwater

7. The project is subject to the Stormwater Policy and the applicant has not submitted sufficient information to demonstrate compliance with the Stormwater Management Policy. Prior to any work, the applicant must submit plans showing compliance with the standards in the Stormwater Policy, the location of the work, the amount of impervious surface, and the location of erosion controls, to the Commission for its concurrence. (See instructions to ANRAD Form 4A.) The following necessary stormwater information was not submitted by the applicant:

a. _____

8. The project is subject to the Stormwater Policy but the project does not comply with one or more of the stormwater standards (specify which standard(s) not met).

a. Standard # _____ :

b. Standard # _____ :

9. Impervious surface exceeds 40% of the area of the Buffer Zone between 50 and 100 feet from the resource area.
10. The applicant did not submit plans depicting adequate erosion and sedimentation controls located at the limit of work or at least 50 feet from any resource areas, whichever will be greater.
11. Work is proposed within 50 feet of a resource area.

Notice to Commission

Any applicant proposing to proceed under Simplified Buffer Zone Review, as specified in 310 CMR 10.02, must provide written notice to the Commission one week prior to any work.

¹ Identified on the most recent Estimated Habitat Map of State-listed Rare Wetlands Wildlife of the Natural Heritage and Endangered Species Program.

² Certified Vernal Pools, public water supplies, or inland ACECs as identified in 314 CMR 4.00.



WPA Form 4B – Order of Resource Area Delineation

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40; & the Andover Wetland Protection Bylaw

D. Findings

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

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.

If the Abbreviated Notice of Resource Area Delineation was filed as Simplified Review for a Buffer Zone project, the applicant has certified that any work associated with the proposed project meets all eligibility requirements for Simplified Review listed in Section C of this Order. Any work that does not comply with the Simplified Review requirements will require a Notice of Intent or Request for Determination of Applicability.

The applicant is responsible for promptly requesting a Certificate of Compliance following completion of any work allowed pursuant to a Simplified Review or no later than three years from the date of the Order of Resource Area Delineation unless the Order is extended.

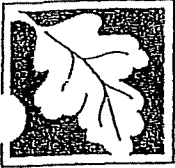
Failure to comply with the conditions of this Order is grounds for the Conservation Commission or the Department to take enforcement action.

This Order must be signed by a majority of the Conservation Commission. The Order must be sent by certified mail (return receipt requested) or hand delivered to the applicant. A copy also must be mailed or hand delivered at the same time to the appropriate DEP Regional Office' (see <http://www.mass.gov/dep/about/region/findyour.htm>).

E. Appeals

The applicant, the owner, any person aggrieved by this Order, any owner of land abutting the land subject to this Order, or any ten residents of the city or town in which such land is located, are hereby notified of their right to request the appropriate DEP Regional Office to issue a Superseding Order of Resource Area Delineation. When requested to issue a Superseding Order of Resource Area Delineation, the Department's review is limited to the objections to the resource area delineation(s) stated in the appeal request. The request must be made by certified mail or hand delivery to the Department, with the appropriate filing fee and a completed Request for Departmental Action Fee Transmittal Form, as provided in 310 CMR 10.03(7) within ten business days from the date of issuance of this Order. A copy of the request shall at the same time be sent by certified mail or hand delivery to the Conservation Commission and to the applicant, if he/she is not the appellant. Any appellants seeking to appeal the Department's Superseding Order 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 Determination, or providing written information to the Department prior to issuance of a Superseding Order or Determination.

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



WPA Form 4B – Order of Resource Area Delineation

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

F. Signatures and Notary Acknowledgement

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

6

[Signature]
Signature of Conservation Commission Member

[Signature]
Signature of Conservation Commission Member

[Signature]
Signature of Conservation Commission Member

[Signature]
Signature of Conservation Commission Member

4. Number of Signers

[Signature]
Signature of Conservation Commission Member

[Signature]
Signature of Conservation Commission Member

[Signature]
Signature of Conservation Commission Member

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

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

by hand delivery on

by certified mail, return receipt requested or

December 17, 2008
Date

Date

Notary Acknowledgement

Commonwealth of Massachusetts County of _____

On this 16th of _____

December 2008
Month Year

Before me, the undersigned Notary Public, personally appeared

Name of Document Signer

proved to me through satisfactory evidence of identification, which was/were

Notice of Appointment

Description of evidence of identification

to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he/she signed it voluntarily for its stated purpose.

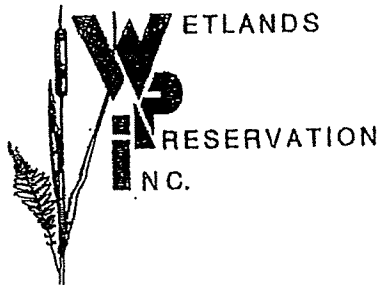
As member of Andover Conservation Commission
City/Town

[Signature]
Signature of Notary Public

Mar Ann T. Whittingham
Printed Name of Notary Public

July 4 2014
My Commission Expires (Date)

Place notary seal and/or any stamp above



**Wetland Delineation Report
Bancroft School
15 and 21 Bancroft Road
Andover, Massachusetts**

Prepared For:

Joseph Piantedosi, Director
Plant & Facilities Department
Town of Andover
36 Bartlet Street
Andover, Massachusetts 01810

Prepared By:

Wetlands Preservation, Inc.
47 Newton Road
Plaistow, New Hampshire 03865

Job #3515.2

November 18, 2008

**Wetland Delineation Report
Bancroft School
15 and 21 Bancroft Road
Andover, Massachusetts**

November 18, 2008

During the weeks of November 3 and 10, 2008, Wetlands Preservation, Inc. (WPI) completed the delineation of wetland resource areas at the Bancroft School parcel (See Locus Map, Figure 1). The Bancroft School Parcel is defined herein as including both Lot 29 and 29A, both owned by the Town of Andover. WPI also conducted reviews of wetland areas which were indicated to be jurisdictional on town wetland maps; however, they were found not to be wetland resource areas based on evaluations of current site conditions. Results of that determination are provided below.

The town wetland maps of the Bancroft School parcel indicate there are potentially six wetland resource areas associated with the property. WPI evaluated all areas and determined there were two areas that were non-jurisdictional and four areas that were either Bordering Vegetated Wetlands (B-VW) or Isolated Vegetated Wetland (I-VW) associated with the property. The location of those non-jurisdictional areas (Areas 1 and 2) and wetland areas (Areas A, D, R/S and H) are shown on Figure 2.

WPI evaluated Areas 1 and 2 and determined that, due to the absence of either hydric soils and/or the wetland vegetation, there was no wetland resource area on the school parcel in those locations. These areas may well drain towards wetland areas and these areas may have previously appeared to have characteristics of wetland resource areas at the time of the original mapping effort. At the current time, neither possesses the vegetation and/or soil characteristics that would characterize them as jurisdictional under the Massachusetts Wetlands Protection Regulations (MWPR) or the Andover Wetlands Protection Bylaw.

WPI did determine the presence of three IVW areas shown on Figure 1 as Areas A, T, and R/S. Area A was a shallow depressional area associated with a shrub- and tree-dominated area, and included portions of the adjacent athletic field. This area had sufficiently reduced soil profiles to demonstrate the presence of hydric soils, and had a predominant wetland vegetation community consisting of red maple (*Acer rubrum*), arrow-wood (*Viburnum dentatum*), hemlock (*Tsuga canadensis*), red-panicked dogwood (*Cornus foemina*), highbush blueberry (*Vaccinium corymbosum*) and sedges (*Carex* spp.), with occasional red oak (*Quercus rubra*), black cherry (*Prunus serotina*) and other upland species mixed in. The area had associated with it a remnant of a stone-lined swale; however, this swale did not appear to be functional and did not appear to have any flowing water in it in the recent past. Area A was flagged in the field using Wetland Flags A1 through A15. This area is jurisdictional as an IVW under the Andover Wetlands Protection Bylaw.

Area T is located to the south of the school building in a forested area. The predominant soil characteristics are similar to that in Area A, with a very dark surface horizon and a reduced subsoil condition indicating a high groundwater table. The vegetation community of Area T consisted of red maple, arrow-wood, highbush blueberry, cinnamon fern (*Osmunda cinnamomea*) and an occasional elderberry (*Sambucus canadensis*). Adjacent upland areas consisted of largely pine- and oak-dominated forest, with non-hydric soil. Area T was flagged in the field using Wetland Flags T1 through T15. This area is jurisdictional as an IVW under the Andover Wetlands Protection Bylaw.

Area R/S is an IVW. This area is not contiguous to Area T or Area H (which is downgradient); however, this may be a result of long-term alteration of the soil and hydrology conditions resulting from site grading and installation of drainage structures. Area R/S has a very dark A horizon with a reduced subsoil condition indicating hydric soil conditions. The vegetation community is dominated by red maple in the overstory, with red-panicked dogwood, highbush blueberry, winterberry (*Ilex verticillata*),

cinnamon fern and hay-scented fern (*Dennstaedtia punctilobula*) dominant in the vegetation community. Area R/S extends off the site to the north; however, it is isolated and is not contiguous to any other wetland resource areas. Area R/S does include a portion of a stone-lined swale, likely an extension of the drainage swale that was located in Area A; however, there is no evidence of flow in the swale and, for that reason, the area is considered isolated and jurisdictional only under the Andover Wetlands Protection Bylaw. Area R/S was flagged in the field by two wetland flag series. Wetland Flags R1 through R9 and S1 through S10.

Should Area R/S receive sufficient volume of precipitation or runoff, the area would drain to the south under a paved walking path which has a small diameter culvert beneath it. This drainage enters a mowed field area with a non-hydric soil and enters a shrub/tree swale which drains to the south and eventually offsite. Approximately 200 feet south of the culvert, the swale shows evidence of hydrology, hydric soils and a dominant wetland plant community which is contiguous to the property boundary of the school parcel. This area is noted as Area H on the accompanying sketch and includes a flowing stream and associated BVW. The area is flagged by Wetland Flags H1 through H24 at the edge of the BVW boundary. This area would be jurisdictional under the MWPR, as well as the Andover Wetlands Protection Bylaw.

The IVW areas and BVW areas delineated at the site constitute jurisdictional wetland areas under the Andover Wetlands Protection Bylaw. Area H, which is a BVW, is additionally jurisdictional under the MWPR. They all would have 100-foot buffer zones around their perimeter, and work within these areas or their buffer zones would require approval of the Andover Conservation Commission and/or the DEP.

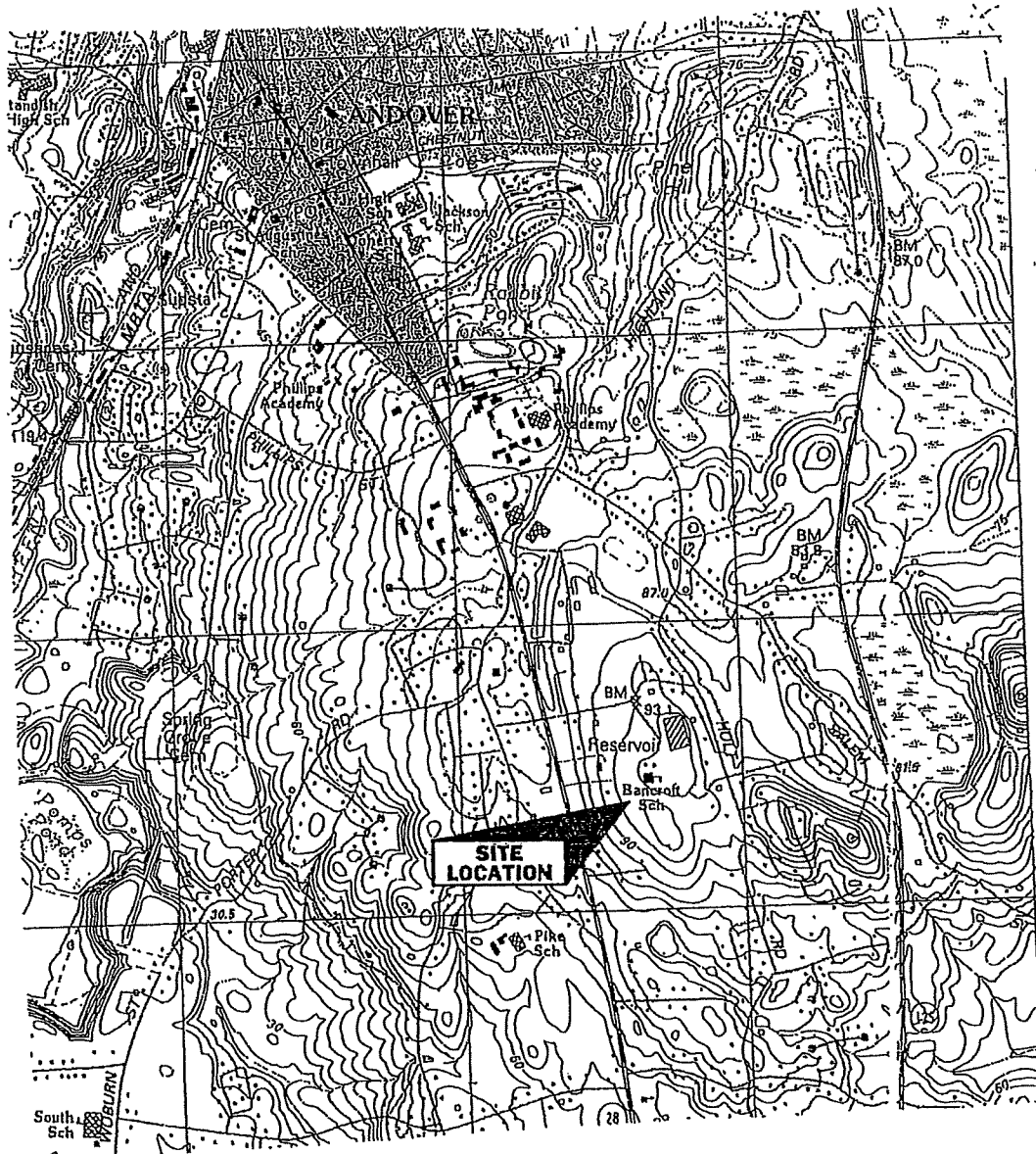


FIGURE 1



U.S.G.S. Topographic Map
Lawrence Quadrangle

Bancroft Road
Andover, MA

WETLANDS PRESERVATION, INC.

Sketch of Wetland and Non-Wetland Areas

Bancroft School

Andover, MA

November 2008

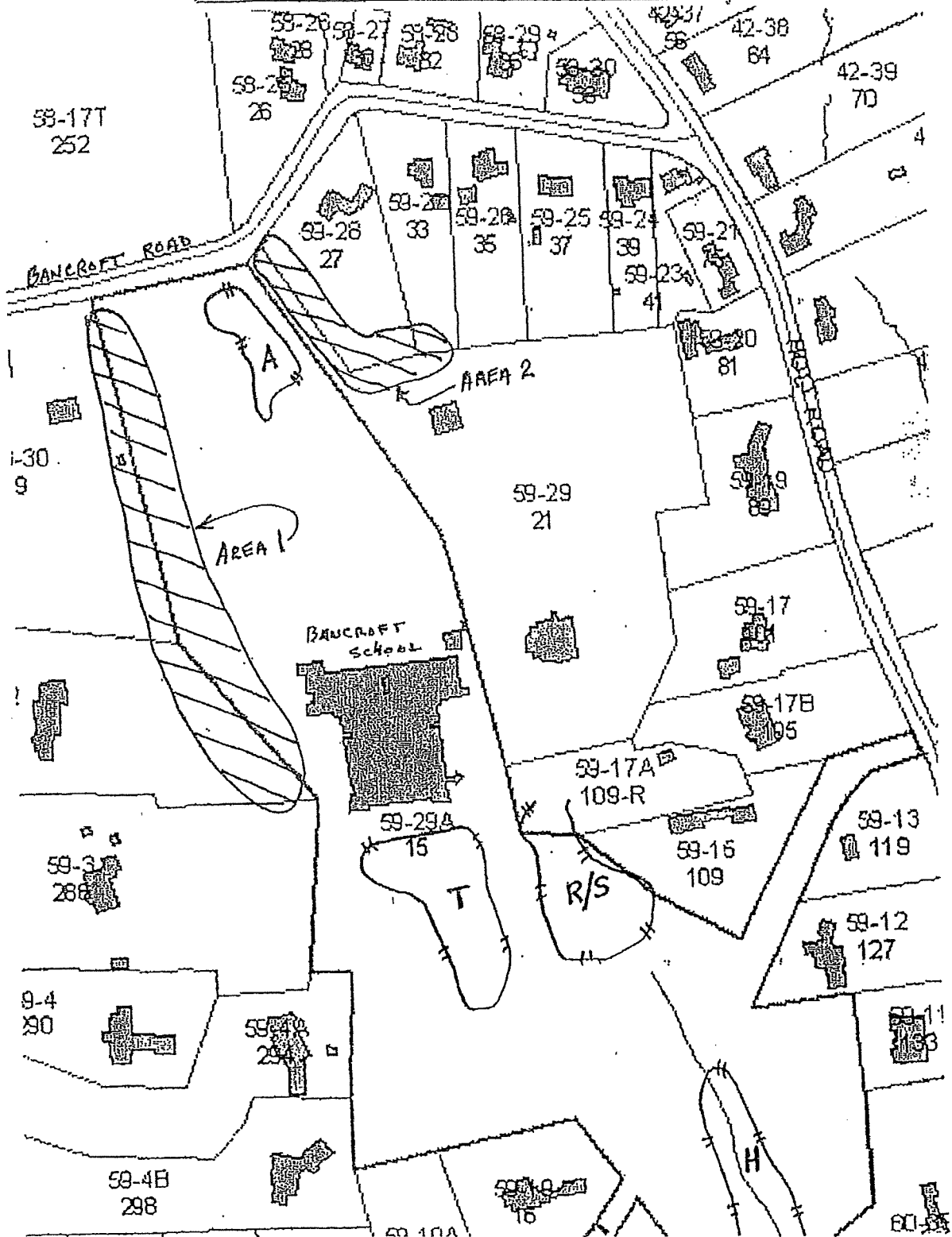
NTS



WETLANDS PRESERVATION, INC.

47 Newton Road Plaistow, NH 03865 (603)382-3435

FIGURE 2





December 15, 2008

Robert J. Douglas, Director of Conservation
Andover Conservation Commission
36 Bartlet Street
Andover, MA 01810

Wetlands

Re: Abbreviated Notice of Resource Area Delineation (ANRAD)
Bancroft School
15 and 21 Bancroft Road
Andover, MA

Dear Mr. Douglas:

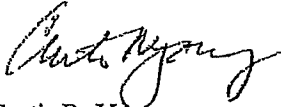
Enclosed please find a revised ANRAD plan for the above-referenced parcel dated 12/11/08. The plan incorporates an additional locally jurisdictional Isolated Vegetated Wetland (IVW) that was not depicted on the original plans and which was delineated during the site walk of December 8, 2008. The IVW was delineated using pink flags labeled X-1 through X-6 using two parameters (vegetation and indicators of hydrology) per the Andover Wetlands Protection Bylaw. Dominant vegetation within the IVW consists primarily of red maple (*Acer rubrum*), highbush blueberry (*Vaccinium corymbosum*), and arrowwood (*Viburnum dentatum*), and also includes royal fern (*Osmunda regalis*), crab apple (*Malus* sp.), glossy buckthorn (*Frangula alnus*), and black cherry (*Prunus serotina*). Evidence of hydrology included standing water, water stained leaves, buttressing of the red maple trunks, and multi-trunked red maple specimens. Soils within the IVW did not show typical hydric soil characteristics, and the area would therefore not be classified as wetland under the three-parameter approach. The X-series IVW was determined to be isolated based on the following observations:

- The area is separated from the R/S-series IVW to the north by a raised cart part, and there is no apparent culvert or other hydrologic connection between the two wetland areas.
- The area is separated from the H-series BVW to the south by a mowed field with strong upland soil conditions and no wetland indicator vegetation, and a hedgerow that lacks hydric soils and is dominated primarily by upland species including black walnut (*Juglans nigra*), multiflora rose (*Rosa multiflora*), Oriental bittersweet (*Celastrus orbiculatus*), black cherry, crab apple, and privet (*Ligustrum* sp.), with only a scattering of wetland indicators such as red maple, glossy buckthorn, and red paniced dogwood (*Cornus racemosa*). Hydric soils and a dominant hydrophytic vegetation community do not occur until you reach the down gradient H-series BVW.
- The field separating the X- and H-series wetlands has been mowed regularly for approximately 40 years according to an abutter to the property responsible for the mowing.

- There is no distinct stream channel within the X-series wetland or on the southern side of the culvert in the field. The field does show evidence of drainage from the up gradient culvert, but the first indication of a distinct stream channel occurs down gradient within the H-series BVW.

Based on these observations, WPI concludes that the area delineated by the X-series flag line is a locally jurisdictional Isolated Vegetated Wetland based on the two-parameter approach. If you have any questions or require any additional information please do not hesitate to contact me.

Sincerely,



Curtis R. Young
President

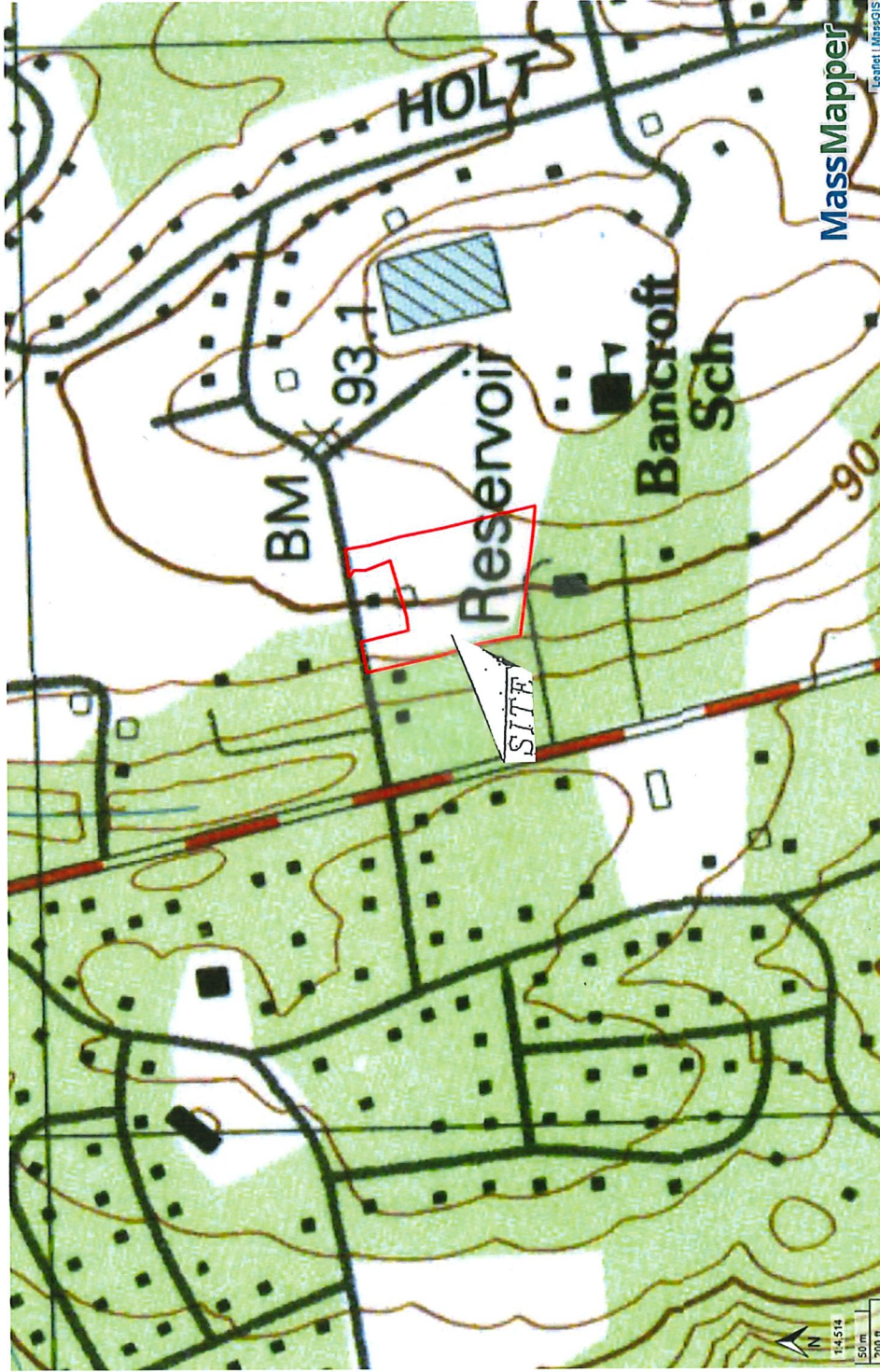
cc: Ms. Rachel Freed – Department of Environmental Protection
Joseph Piantedosi, Director – Town of Andover, Plant & Facilities Department
Bernard Paquin, P.E. – Dana F. Perkins, Inc.

#3515.2

Maps

9B Bancroft Road - Andover

USGS Topographic Maps
Property Tax Parcels



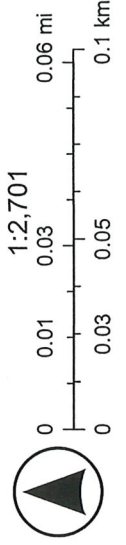
MassMapper
Learn it. MassGIS

Town of Andover



10/26/2024, 2:32:57 PM

1:2,701



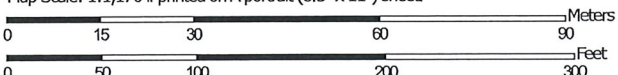
- Parcels
- Wetland
- Easement

Soil Map—Essex County, Massachusetts, Northern Part
(9B Bancroft Road - Andover)



Soil Map may not be valid at this scale.

Map Scale: 1:1,170 if printed on A portrait (8.5" x 11") sheet.



Map projection: Web Mercator Corner coordinates: WGS84 Edge tics: UTM Zone 19N WGS84












































Natural Resources
Conservation Service

Web Soil Survey
National Cooperative Soil Survey

10/7/2024
Page 1 of 3

MAP LEGEND

- | | |
|--|---|
|  Area of Interest (AOI) |  Spoil Area |
|  Soils |  Stony Spot |
|  Soil Map Unit Polygons |  Very Stony Spot |
|  Soil Map Unit Lines |  Wet Spot |
|  Soil Map Unit Points |  Other |
|  Special Point Features |  Special Line Features |
|  Blowout |  Water Features |
|  Borrow Pit |  Streams and Canals |
|  Clay Spot |  Transportation |
|  Closed Depression |  Rails |
|  Gravel Pit |  Interstate Highways |
|  Gravelly Spot |  US Routes |
|  Landfill |  Major Roads |
|  Lava Flow |  Local Roads |
|  Marsh or swamp |  Background |
|  Mine or Quarry |  Aerial Photography |
|  Miscellaneous Water | |
|  Perennial Water | |
|  Rock Outcrop | |
|  Saline Spot | |
|  Sandy Spot | |
|  Severely Eroded Spot | |
|  Sinkhole | |
|  Slide or Slip | |
|  Soddy Spot | |

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:15,800.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service
Web Soil Survey URL:
Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Essex County, Massachusetts, Northern Part
Survey Area Data: Version 20, Aug 27, 2024

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Mar 1, 2023—Sep 1, 2023

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Map Unit Legend

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
310A	Woodbridge fine sandy loam, 0 to 3 percent slopes	1.4	37.9%
310B	Woodbridge fine sandy loam, 3 to 8 percent slopes	2.3	61.2%
310C	Woodbridge fine sandy loam, 8 to 15 percent slopes	0.0	0.9%
Totals for Area of Interest		3.8	100.0%

National Flood Hazard Layer FIRMette



71°08'W 42°38'33"N

Legend

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

SPECIAL FLOOD HAZARD AREAS

- Without Base Flood Elevation (BFE) Zone A, V, A99
- With BFE or Depth Zone AE, AO, AH, VE, AR
- Regulatory Floodway

OTHER AREAS OF FLOOD HAZARD

- 0.2% Annual Chance Flood Hazard, Area of 1% annual chance flood with average depth less than one foot or with draining areas of less than one square mile Zone X
- Future Conditions 1% Annual Chance Flood Hazard Zone X
- Area with Reduced Flood Risk due to Levee. See Notes. Zone X
- Area with Flood Risk due to Levee Zone D

OTHER AREAS

- NO SCREEN
- Area of Minimal Flood Hazard Zone X
- Effective LOMRS
- Area of Undetermined Flood Hazard Zone X

GENERAL STRUCTURES

- Channel, Culvert, or Storm Sewer
- Levee, Dike, or Floodwall

OTHER FEATURES

- Cross Sections with 1% Annual Chance Water Surface Elevation
- Coastal Transect
- Base Flood Elevation Line (BFE)
- Limit of Study
- Jurisdiction Boundary
- Coastal Transect Baseline
- Profile Baseline
- Hydrographic Feature

MAP PANELS

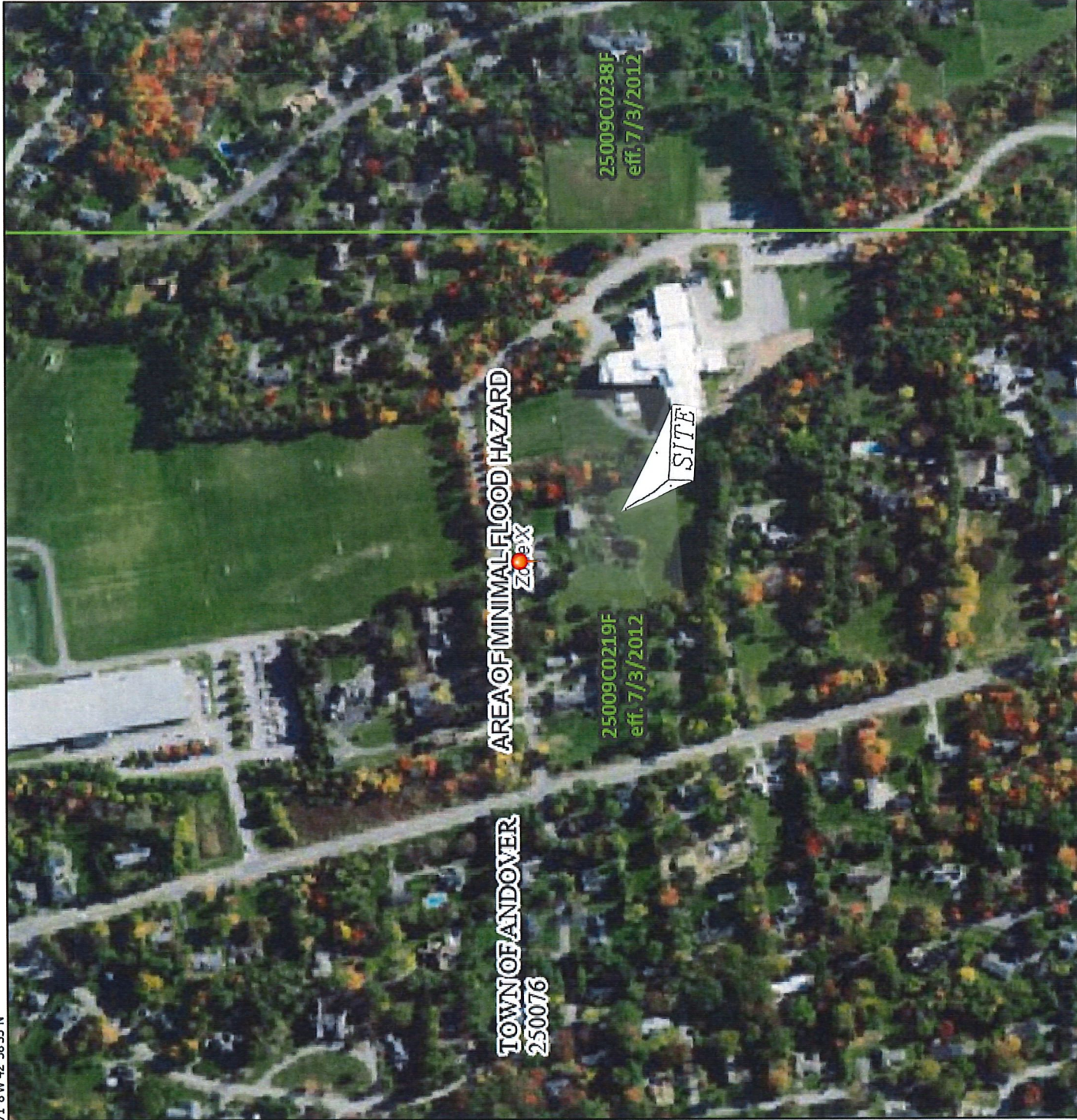
- Digital Data Available
- No Digital Data Available
- Unmapped

The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on 10/7/2024 at 5:49 PM and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

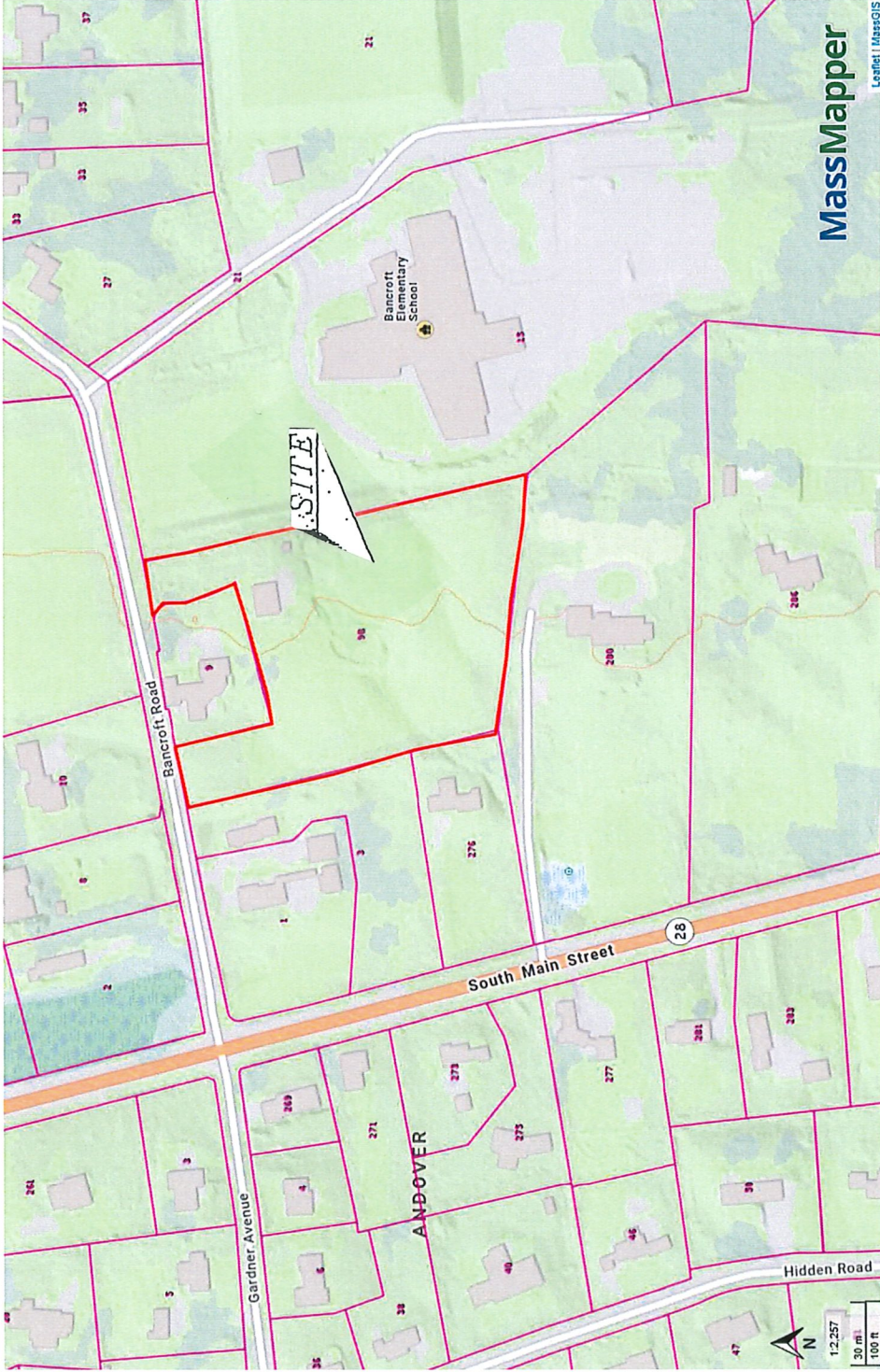
This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.



0 250 500 1,000 1,500 2,000 Feet 1:6,000

71°07'22"W 42°38'7"N

9B Bancroft Road - Andover



Potential Vernal Pools



NHESP Priority Habitats of Rare Species



NHESP Estimated Habitats of Rare Wildlife



NHESP Certified Vernal Pools



Property Tax Parcels