
**CONSERVATION COMMISSION
APPLICATION POLICIES
Revised through May 6, 2008**

The following rules to be administered on projects reviewed by the Commission under the Massachusetts Wetlands Protection Act pursuant to the powers of the Conservation Commission, including, but not limited to M.G.L. c. 131, Section 40 and M.G.L. c. 40, Section 8C:

1. **Plan Requirements.** For Requests for Determination of Applicability ("RDAs") for improvements to existing homes which are greater than 50 feet away from wetlands as shown on the town wetland map, if Conservation Commission Staff inspection indicates the town wetland map designation is reasonably accurate or if earth moving for the project is limited to sona tube construction, a professionally prepared wetland delineation and professionally prepared plans may not be required. Otherwise, for RDAs not complying with those requirements and for all Notices of Intent, the following requirements, in addition to the requirements of other Conservation Commission Policies and the Massachusetts Wetlands Protection Act, will apply:

Plan(s) of the property and the project shall be provided, stamped and signed by a Registered Sanitarian, Licensed Architect, Professional Engineer, Land Surveyor or Landscape Architect, drawn to an engineer's scale, preferably at 20 feet per inch, clearly and accurately indicating the following information:

- (i) property dimensions;
- (ii) existing and proposed topographical contours of the property within the wetland resource area or buffer zone, taken at a minimum of two (2) foot contour intervals;
- (iii) the type, location and size of all significant existing, natural and proposed land features, including, but not limited to, tree, shrub, or brush masses, all individual trees over ten (10) inches in caliper, grassed areas, large surface rock in excess of six (6) feet in diameter and soil features and existing and proposed tree lines on the property;
- (iv) delineated location of all wetlands and resource areas on the property and within one hundred (100) feet of the perimeter of the development activity;
- (v) the location and dimensions of all present and/or proposed streets, driveways, patios and any other paved surfaces;
- (vi) the location and exterior dimensions of all buildings or structures, both proposed and existing;
- (vii) existing and proposed landscaping showing the location, name, number and size of plant types, and the locations and elevation

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and/or height of planting beds, fences, walls, steps and paths within the 100 foot buffer zone and in any wetland replication areas;

(viii) direction of north;

(ix) all non-disturbance areas, including, 25 foot and the 50 foot non-disturbance areas within the Town of Andover Watershed, aka "Watershed Overlay Protection District" and 100 foot buffer zones shall be marked on all plans submitted with dimensions from the wetlands;

(x) Distances from buildings located in the buffer zone to wetlands; and

(xi) the location of sedimentation controls.

2. **Professional's Stamp.** The licensed professional's stamp and signature shall serve as a certification that the submission reasonably represents existing and proposed conditions and that the project has been designed in accordance with code of conduct and professional practice applicable to that profession.

3. **Non-Disturbance Buffer Zones.** Vegetative non-disturbance buffer zones as marked on the plan(s) referenced in an Order of Conditions or Determination of Applicability ("DOA") shall be marked in the field with permanent markers as approved by the Commission. The plans referenced in such an Order of Conditions or DOA shall be recorded with the Order of Conditions and cross referenced thereto in the Essex County Registry of Deeds and/or the Essex County Registry District.

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

4. **Buildings Within 50 Feet.** There shall be no structures for human habitation ("buildings") placed within 50 feet of any bank, bordering vegetated wetland, isolated vegetated wetland, marsh, wet meadow, bog, swamp, reservoir, pond, creek, river or stream, or any land under said waters, or within

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75 feet of resource areas located within the Watershed Overlay Protection District and vernal pools except as permitted with an Order of Conditions or Determination of Applicability for a water dependant structure or if no practical alternative is determined to be available after completion of an alternatives analysis.

5. **Consultant's Obligation To Inform.** *A consultant providing any services to an applicant, including, but not limited to, plans, wetland delineations and design services, which form any part of any submission to the Conservation Commission, is required to be familiar with the Conservation Commission's By-Law, regulations, policies and procedures and is required to fully inform the applicant of the same, provide the applicant a written copy of the same and inform the applicant of their anticipated effect on the applicant's submission.*

6. **Setbacks.** Section 4 (3) of the Town of Andover Conservation Commission Wetland Protection Regulations, entitled "Building/Structure Setbacks", as it may be amended from time to time, is incorporated herein as if restated here in its entirety, as the applicable setback under these Policies. The Conservation Commission will take into consideration review of setbacks in effect at the time of approval of projects and/or subdivisions.