
APPENDIX A

**PREPARATION AND FILING INSTRUCTIONS
FOR A NOTICE OF INTENT
April 13, 2002
Revised Through December 16, 2008**

Notify the Andover Conservation Agent when you intend to file for a permit to perform work under the State of Massachusetts Wetlands Protection Act and/or the Town of Andover Wetlands Protection Bylaw for a pre-filing consultation and schedule.

The purpose of the Notice of Intent is to provide the Andover Conservation Commission and the Department of Environmental Protection with a complete and accurate description of the site, including the type and boundaries of areas subject to protection ("resource areas"); and the proposed work, including all measures and designs proposed to meet the performance standards set forth in the Wetlands Protection Act Regulation 310 CMR 10.00, and the Town of Andover's Wetlands Bylaw and Regulations.

This information is necessary for the issuing authority to fulfill its responsibility to protect the Commonwealth of Massachusetts' and the Town's wetlands resource areas in accordance with the Wetlands Protection Act and the Wetlands Bylaw

1.0 FILING AND PUBLIC HEARING PROCEDURES

Hearings held under a Notice of Intent filing are generally conducted concurrently under both the WPA and the Bylaw. Both the WPA and the Bylaw have specific submittal requirements which must be met in order for any submitted Notice of Intent to be considered complete. Failure to adhere to these requirements could mean that a filing is considered incomplete and no hearing could go forward. It is possible that a permit may be denied because of failure to adhere to submittal requirements or failure to provide additional information as required by the Conservation Commission (A checklist is provided in this instruction packet).

A. FORMS

Review the WPA and its Regulations and the Bylaw and its Regulations to determine which form should be used to present the proposed project or determine which form should be used through pre-filing consultation with the Conservation Commission or the Conservation Agent. The WPA and the Bylaw are administered concurrently by the Conservation Commission therefore require the filing of only one application form under both laws. If there is a question as to which form should be used, please consult the Conservation Agent.

B. RESPONSIBILITY OF THE APPLICANT

The role of the issuing authority is that of a reviewing agency. It is the applicant's responsibility to provide all of the information required for this review. It is therefore in your interest to submit as complete and accurate a description of the project as soon as possible, to ensure that requests for additional material do not result in any unnecessary delay of your project.

After review by the Conservation Commission and Staff, and other Town boards, additional material may be requested and should be incorporated into the plans and/or supporting information. Additional information may also be requested by the Conservation Commissioners as a result of the presentation at the public hearing.

C. PUBLIC HEARING PROCESS

A public hearing will be held for each NOTICE OF INTENT filing. The public hearing enables the applicant or representative to present the material to the Conservation Commission and to the Public. The presentation should be clear and the plan should be visible. Important features on the plans such as resource areas, the limit of work, 25 or 50 foot vegetative buffer strip, setbacks for structures, the 100 foot buffer zone, the 100 foot and 200 foot Riverfront Areas and the 100-year floodplain (if applicable) should be shown in color for the hearing.

ABUTTER NOTIFICATION: Notification to Abutters (in addition to a newspaper advertisement) is required by the WPA prior to a hearing held under a NOTICE OF INTENT filing. This abutter notification involves notification of the public hearing by certified mail to all those abutters whose properties are within 100 feet of the subject parcel or parcels. A copy of this notification and a signed "Affidavit of Service" must be submitted as part of your Notice of Intent Package.

LEGAL NOTICE: Notice of the Time, Date and Place of the public hearing must be placed in a local newspaper by the Conservation Agent at the expense of the applicant.

D. SCHEDULE

The Conservation Commission meets every other Tuesday of the Month. The Notice of Intent must be filed at least 10 days in advance of the public hearing (check with Conservation Agent for specific dates).

SITE VISIT: A site visit with the Conservation Agent may be required prior to the hearing. The Agent generally schedules the site visit sometime during the week prior to the hearing.

E. FILING FEES

Fees are required under the WPA as well as the Bylaw. No application will be considered complete unless fees are paid in full.

F. NUMBER OF COPIES

Nine copies of the entire Notice of Intent Application (see attached checklist) and Site Plans should be submitted to the **Andover Conservation Commission** a minimum of 10 days prior to the hearing. **One** copy of the entire Notice of Intent Application (see attached checklist) and Site Plans should be mailed to the **Department of Environmental Protection's Northeast Regional Office**.

2. DECISION

The Conservation Commission shall make a decision on the Notice of Intent based upon information and material filed, the site visit and information presented at the meeting. If more information is needed, the meeting may be continued in compliance with applicable State and Town laws. The decision shall be issued within 21 days of the closing of the public hearing.

CHECKLIST FOR A NOTICE OF INTENT FORM

NOTICE OF INTENT APPLICATION FORM

- Cover Page** containing the Project Name and Address, Date of Submittal, Applicant's Name and Consultant's Name, if applicable.
- NOTICE OF INTENT FORM** (most recent DEP Form)
- 8-1/2 x 11" **Site Locus Map** - USGS Quad Map noting project area.
- 8-1/2 x 11" **Estimated Habitat Map** noting project area (if applicable).
Include a copy of an Estimated Habitats of Rare Wetlands Wildlife and Certified Vernal Pool Habitat Map, as listed in the Natural Heritage Atlas, if site is located within or adjacent to this area.
- 8-1/2 x 11" **Flood Insurance Rate Map** or 100-year Floodplain Map, noting the project area (if applicable). Include a copy of the Flood Insurance Rate Map showing the project site if the project is located within the 100-year Floodplain.
- 8-1/2 x 11" **National Wetlands Inventory Map** (if applicable), noting the project area.
- 8-1/2 x 11" **Natural Resources Conservation Service Soil Map** (soil survey map), noting the project area.
- Complete **Project Description** including a summary of the project, history of the project (if necessary), description of the site, description of the wetland resource areas on or within 100-feet of the site including dominant plants, description of intermittent/perennial stream (i.e. river) determination, description of proposed work, alternatives analysis (on-site and/or Riverfront Area Analysis), Stormwater Analysis and Discussion, Mitigation Measures and/or Erosion Control Plan.
- 8-1/2 x 11" **DEP Wetland Data Sheets**. Include, at a minimum, one upland and one wetland data plot along the same transect for each wetland cover type located on the site.
- Copy of the **Drainage Calculations** and Summary
- Copy of the **DEP Stormwater Management Form**
- Abutter Notification Information
 - Copy of the **Notification to Abutters** form
 - Copy of the **Affidavit of Service** (attached)
 - Copy of the **Abutter List** (abutter within 100 feet of the subject parcel)
- Filing Fee Information
 - Copy of the **DEP Filing Fee Transmittal Form**
 - Copy of the **DEP Filing Fee Calculation Sheet**
 - Copy of the **Local Filing Fee**
 - Copy of the **Three Checks**
- Site Plan/s** (see page 6 of Appendix A)
- Acertification** by the design professional that the proposed work does or does not comply with the 25 foot non-disturb zone and 50 foot no-build zone for buildings and if not, in what way(s) it does not.

**CHECKLIST AND DESCRIPTION OF REQUIRED MATERIALS
FOR SITE PLANS**

SITE PLAN/S

Unless exempted in writing by the Conservation Commission or its Agent, each filing shall be accompanied by plans containing the following information as applicable to the type of project.

A. SINGLE FAMILY DWELLING

- Two (2) full size and Seven (7) reduced copies of Topographic plan** showing existing conditions and proposed work prepared by an engineer, land surveyor, or landscape architect registered in Massachusetts.
- Scale:** 1 inch equals 20 feet, with property dimensions labeled.
- Existing and proposed **Contour lines** at intervals of no more than 2 feet.
- Include **man-made features** such as but not limited to - street and number; Assessors Plan and lot number; property lines and their distances from structures.

Show existing and proposed structures above and below the ground including but not limited to - wells; location and exterior dimensions of all buildings or structures, both proposed and existing storage tanks; stone walls; septic system; drainage ditches-arrow showing the direction of flow; rights-of-way and easements; 100-year floodplain; limit of work, buffers and setback, the location and dimensions of all present and /or proposed streets, driveways, patios and any other paved surfaces.

- Include existing and proposed **natural features** such as but not limited to - wetland resource areas, perennial or intermittent stream-arrow showing the direction of flow, ledge and stone outcroppings on lot or abutting lot as pertinent to project, the nature, location and size of all significant existing natural land features, including, but not limited to, tree, shrub, or brush masses, all individual trees over ten inches (10) in caliper, grassed areas, large surface rock in excess of six feet (6) in diameter and soil features.
- Show temporary or permanent location of excavated soils and **erosion controls**.
- Include **title block** with owner, street name and number, Assessor Plan and Number and date of submission.
- The applicant shall provide to the Conservation Commission a digital file containing the approved plan depicting any change to the wetlands boundary if said plan was produced using computer aided drafting and design (CADD) software. The file format shall be in AutoCAD DWG (or ASCII DXF) version 2004 or earlier and Adobe PDF, delivered on CD-ROM or DVD-R media. (As with all policy and regulation submittal requirements, the applicant has the right to**

request a waiver to this submittal requirement.)

- Applicant to provide 8 ½ x 11 **final approved plan by the Andover Conservation Commission** depicting non-disturb areas and/or bounds to remain in effect in perpetuity which will be attached to the **final Order of Conditions** and/or **Determination of Applicability**.
- The 25 foot **non-disturb areas**, the 50 foot non-disturbance set back within the "Watershed Zoning Overlay Protection Zone" and 100 foot buffer zones shall be marked on all plans submitted with dimensions from the wetlands.
- Distances from structures located in the buffer zone to wetlands shall be on all plans.
- Plans shall show the location of sedimentation controls.
- The licensed professional's stamp and signature shall serve as a certification that the submission reasonably represents existing and proposed conditions. Additional information may be required by the Conservation Commission or its designee, as reasonably necessary, to make the determinations required of the Conservation Commission.

B. SUBDIVISION ROADWAY AND DRAINAGE PLANS

It is preferred that Definitive Subdivision Plans meeting the Andover Planning Board's most recent requirements shall be submitted - to be supplemented as appropriate by items listed below. However, the Conservation Commission recognized the need to work jointly with both the Planning Board and the Conservation Commission to evaluate alternatives and to refine the project. The applicant should discuss an approach with the Conservation or its agent during a pre-filing consultation. A separate filing is required for the development of each individual lot.

Stormwater management on for the subdivision roadway shall be in accordance with the Department of Environmental Protection's Stormwater Management Policy (include Stormwater Management Form in Notice of Intent).

Note: If you are filing a Notice of Intent for the alteration of state (310 CMR 10.00) jurisdictional wetland resource areas then you should be filing a separate **401 Water Quality Certification** under the Clean Water Act with the Department of Environmental Protection's Division of Wetlands and Waterways. A copy should be submitted to the Conservation Commission.

- Two (2) full size and Seven (7) reduced copies of Topographic plan** showing existing conditions and proposed work prepared by an engineer, land surveyor, or landscape architect registered in Massachusetts.
- Scale:** 1 inch equals 40 feet or greater, with property dimensions labeled.
- Contour lines** at intervals no more than 2 feet, unless approved by the Conservation Commission or its Agent during a pre-filing consultation.

- Include 100-year floodplain, 25-foot vegetative buffer strip 50-foot building setback lines.
- Include existing and proposed **natural features** such as but not limited to - wetland resource areas, perennial or intermittent stream-arrow showing the direction of flow, ledge and stone outcroppings on lot or abutting lot as pertinent to project, the nature, location and size of all significant existing natural land features, including, but not limited to, tree, shrub, or brush masses, all individual trees over ten inches (10) in caliper, grassed areas, large surface rock in excess of six feet (6) in diameter and soil features.
- Include **man-made features** such as but not limited to - street and number; Assessors Plan and lot number; property lines and their distances from structures.

Show existing and proposed structures above and below the ground including but not limited to - wells; location and exterior dimensions of all buildings or structures, both proposed and existing storage tanks; stone walls; septic system; drainage ditches-arrow showing the direction of flow; rights-of-way and easements; 100-year floodplain; limit of work, buffers and setback, the location and dimensions of all present and /or proposed streets, driveways, patios and any other paved surfaces.
- Show all proposed **below-ground alterations** and structures including but not limited to utility lines, watermains, stormwater drainage system and structures, storage tanks and wells.
- Show proposed **above-ground alterations** and structures including but not limited to roadways, stormwater best management practices (e.g. detention basins, forebays, water quality swales, catch basin with 4-foot sumps and hoods). Show grassed versus stone lined portions of detention basins, swales and outlets.
- Show amount and location of **wetlands, floodplain and/or wildlife habitat to be altered** and that to be created.
- Show **dimensioned details** (plan and profile) of all drainage structures (e.g. pipes, rip-rap, concrete, or grassed swales, overflow spillways, earthen dikes).
- Show temporary or permanent location of excavated soils and **erosion controls**.
- Plan **notes** in addition to those typical of subdivision construction should include but are not limited to procedures and construction sequence for alteration and restoration or creation of wetland resource areas; adequate inspection and monitoring; amounts, depths, and types of soils; species, location, number of plants and/or seed mix; mulches; and erosion control measures both temporary and permanent. Specific instructions for installing plants, or applying seed mixture.
- Include **title block** with owner, street name and number, Assessor Plan and Number and date of submission.
- The applicant shall provide to the Conservation Commission a digital file**

containing the approved plan depicting any change to the wetlands boundary if said plan was produced using computer aided drafting and design (CADD) software. The file format shall be in AutoCAD DWG (or ASCII DXF) version 2004 or earlier and Adobe PDF, delivered on CD-ROM or DVD-R media. (As with all policy and regulation submittal requirements, the applicant has the right to request a waiver to this submittal requirement.)

- The 25 foot **non-disturb areas**, the 50 foot non-disturbance set back within the Fish Brook / Haggetts Pond Watershed, aka "Watershed Zoning Overlay Protection Zone" and 100 foot buffer zones shall be marked on all plans submitted with dimensions from the wetlands.
- Distances from structures located in the buffer zone to wetlands shall be on all plans.
- The licensed professional's stamp and signature shall serve as a certification that the submission reasonably represents existing and proposed conditions. Additional information may be required by the Conservation Commission or its designee, as reasonably necessary, to make the determinations required of the Conservation Commission.

**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. A **NOTICE OF INTENT** application has been filed with the Andover Conservation Commission by:

APPLICANT: _____

For work located at:

PROJECT ADDRESS: _____

ASSESSOR’S MAP & BLOCK:

MAP _____
MAP _____

PARCEL _____
PARCEL _____

The proposed project includes:

The Applicant’s Agent is: _____

The Public Hearing will be held at: Andover Town Hall

DATE: _____

TIME: _____

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) 623-8311.

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.

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, _____, hereby certify under the
(Name of person making the Affidavit)

pains and penalties of perjury that on _____,
(Date)

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

A Notice of Intent filed under the Massachusetts Wetlands Protection Act by
_____ with the Andover
Conservation
(Name of Applicant)
Commission on _____ for property located
(Date)

(Address of land where work is proposed)

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

**ANDOVER CONSERVATION COMMISSION
ACCESS TO PROPERTY FORM**

APPLICANT: _____

PROPERTY OWNER: _____

PROJECT ADDRESS: _____

ASSESSOR'S MAP & BLOCK: MAP _____ PARCEL _____

APPLICANT'S REPRESENTATIVE: _____
(name and address) _____

The owner of the above-cited property hereby grants permission (under M.G.L. Chapter 131, Section 40) to members of the Andover Conservation Commission, the Andover Conservation Agent or Assistant Conservation Agent and/or other designated agents of the Commission to enter upon the property, as necessary, to examine said property with respect to this application, and upon the granting of a Negative Determination and/or Order of Conditions, to monitor the progress of the work.

This permission for access to the property shall continue until:

- (1) A Final Determination and/or a Final Order of Conditions is issued by the appropriate issuing authority; and
- (2) In the case whereby the permit resulting from this application is an Order of Conditions, a Certificate of Compliance is issued by said issuing authority; or
- (3) In the case whereby the permit resulting from this application is a Negative Determination, the holder of the permit informs the issuing authority in writing that the work has been completed and the issuing authority inspects the property and informs the permit-holder, in writing, that the work has been completed in accordance with the terms of the permit issued.

I have read, understand, and accept the provisions listed above in the access to property permission form.

(Signature of Property Owner)

(Signature of Representative)

(Date)