



THE ANDOVER VILLAGE IMPROVEMENT SOCIETY

POST OFFICE BOX 5097 • ANDOVER • MASSACHUSETTS • 01810

www.avisandover.org

RECEIVED

May 8, 2022

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FOUNDED 1894

A CHARITABLE
NON-PROFIT
SOCIETY

Andover Planning Board
36 Bartlett St.
Andover, MA 01810

PLANNING DIVISION

RE: 1320 South Street

DEDICATED TO
CONSERVATION

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Libby Poland
Fred Snell
Nathaniel B. Smith

LAND MANAGER:

David Dargie

Dear Members of the Andover Planning Board:

On May 10, 2022, you will consider an application for a special permit for a major non-residential project at 1320 South St. This property abuts the AVIS Sanborn Reservation and I believe the property benefits from Chapter 61A agricultural status. There are many additional questions about this project:

- What will be the impact of taking the property out of Chap. 61A? How does the Town's right of first refusal affect approval of this non-agricultural use?
- AVIS understands there have been historical changes in the Town Line. The plan states "Town line per MASSDOT coordinates". Who owns the portion of Moonlight Drive that is between the old and the new town line? Does the cul de sac actually end at the current Andover/Tewksbury Town line? And, can a street in Tewksbury be used to access Andover land without first going onto an Andover Town street?
- One plan we saw shows the cul de sac being partially in Andover. Please see the plan recorded at the registry when 1320 South St. was subdivided, attached. Is this cul de sac an approved Andover Street? And, does 1320 South Street own to the old town line or the new town line?
- The plan lists endangered species and species of special concern, but does not list two types of turtles, which have been observed on the site and are on the NHESP list of species of special concern. NHESP has placed transmitters on three of those turtles and can track their movements.
- Although the land in Andover is zoned industrial, the land in Tewksbury is a dense residential neighborhood. (Please see figure 4-1) Have the Tewksbury neighbors been notified about this hearing?
- The Town of Tewksbury Fire and Police already have concerns about responding to activity on the Sanborn and Lightning Tree Reservations because the reservations are several miles by road from Andover and therefore far from Andover Police and Fire vehicles. Have Tewksbury Police and Fire been notified and invited to comment on this proposal?



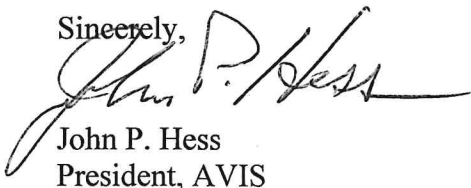
- If there were to be a fire, what is used to put out the fire? Can water be used or does it have to be some chemical or foam? Where is the source of that substance? And, where would the runoff from the process of extinguishing the fire go? It appears that any runoff will go into the Vernal Pool and the Shawsheen River.
- When AVIS was conducting its 21E Environmental Assessment before obtaining the abutting property at 1322 South Street there were a number of red flags raised about potential contamination in the western portion of 1320 South Street. Has a new 21E been conducted? What are the plans for cleaning up this site if contamination is found?
- There is no mention of the source of the energy to be stored in the proposed batteries. If from the solar farm at 1350 South St., how will the energy cross the AVIS Sanborn Reservation? Can the battery storage company use the National Grid ROW to access the proposed land at 1320 South Street? To-date, no one has approached AVIS for permission to cross the reservation with poles or lines or underground pipes, which could impact the endangered species and species of concern.
- The batteries are within the FEMA 500-year flood zone. We are concerned about the certified vernal pool as well as the turtles and butterflies.
- This would be a direct access to the property through a Tewksbury address. Can the end of the cul de sac be used in this manner? If so, does that mean that a separate house lot could be subdivided and accessed from the end of the cul de sac?

AVIS is quite concerned about this development and the impact it may have on the Shawsheen River and on the Sanborn Reservation (and the certified vernal pool) and the endangered species and species of concern in the area. It is also close to the Town Lightning Tree Reservation.

Due to another meeting the night of May 10, I am unable to attend your meeting but look forward to receiving some answers and discussing this proposal further.

Thank you for your consideration.

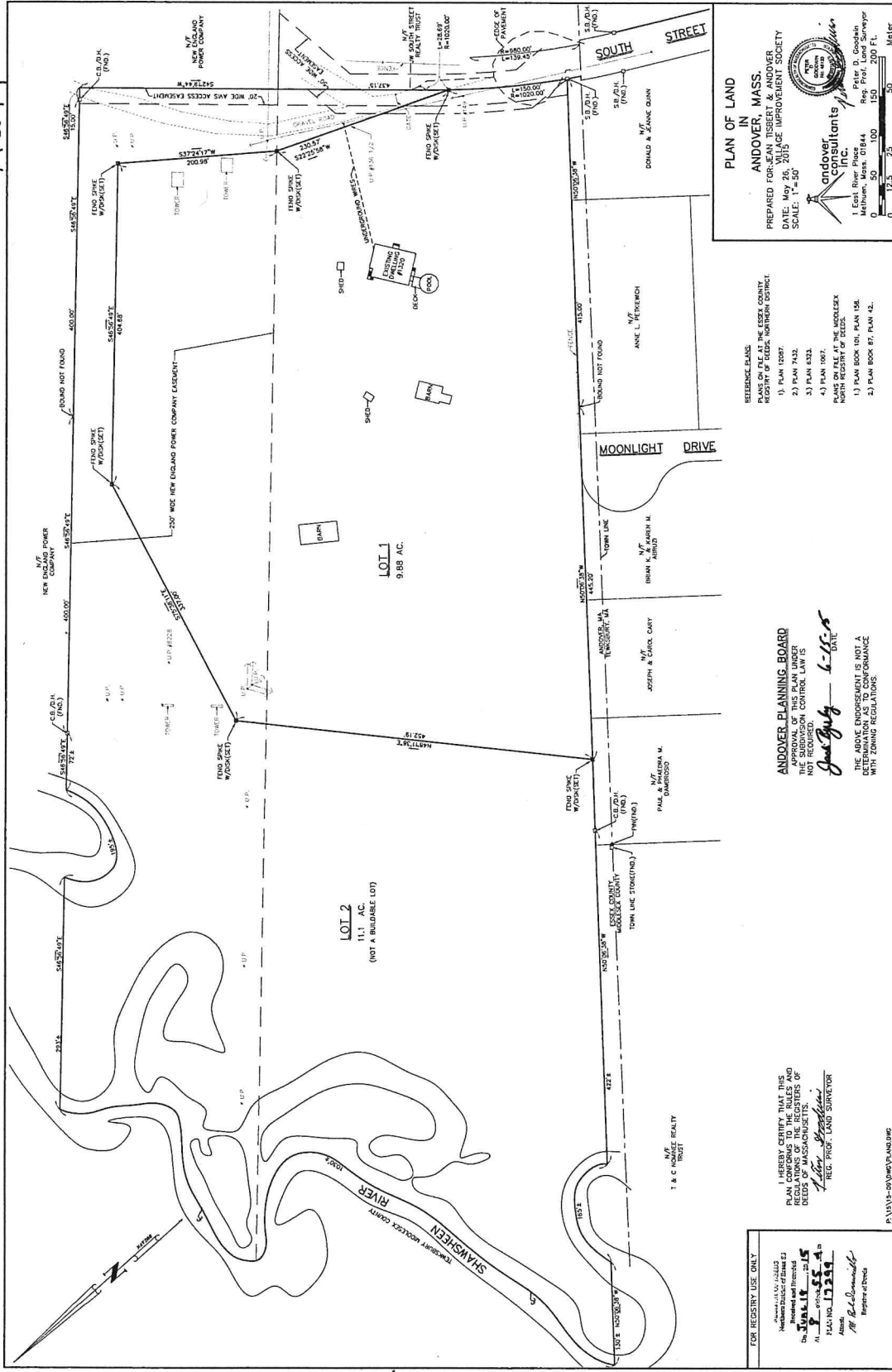
Sincerely,



John P. Hess
President, AVIS

JPH/jon

17299



17299

FOR REGISTRY USE ONLY

Notarized by: [Signature]

Notarized and Recorded on: **JUL 18 2015**

At: **155**

PLAN NO. **17299**

Attest: [Signature]

Register of Deeds

I HEREBY CERTIFY THAT THIS PLAN CONFORMS TO THE RULES AND REGULATIONS OF THE REGISTER OF DEEDS OF MASSACHUSETTS.

[Signature]
REG. PROP. LAND SURVEYOR

ANDOVER PLANNING BOARD

APPROVAL OF THIS PLAN UNDER THE SUBDIVISION CONTROL LAW IS HEREBY GRANTED.

[Signature] 6-15-15 DATE

THE ABOVE ENDORSEMENT IS NOT A GUARANTEE OF PERFORMANCE WITH ZONING REGULATIONS.

REFERENCE PLANS

NEW ENGLAND POWER COMPANY RECORDS OF EASEMENTS DISTRICT

1) PLAN 12807
2) PLAN 7432
3) PLAN 6323
4) PLAN 1987

PLANS ON FILE AT THE REGISTER OF DEEDS

1) PLAN BOOK 101, PLAN 156
2) PLAN BOOK 87, PLAN 12.

PLAN OF LAND

ANDOVER IN MASS.

PREPARED FOR: LEAN TESSERT & ANDOVER VILLAGE IMPROVEMENT SOCIETY

DATE: MAY 28, 2015

SCALE: 1" = 50'

[Signature]
andover consultants inc.

Peter D. Goggin
Registered Professional Surveyor
No. 1500
0 12.5 25 50
Meter

P. 11/15-00100/PLANDS