



October 18, 2022

Honorable Chair Zachary Bergeron
And Members of the Planning Board
36 Bartlet Street
Andover, MA 01810

Re: 1320 South Street Energy Storage Facility – Site Details and Safety Memo

Dear Zachary Bergeron and Members of the Planning Board,

By this letter we are providing written responses to all of AVIS – Andover Village Improvement Society's comments issued on 10/4/22 by Susan Stott, AVIS Trustee.

1. This is clearly not an agricultural use: Has the applicant or the landowner asked the conservation commission to waive its 61A rights on the lot area that will be leased for this project? If so, has the Town responded?

Response: *We have discussed the 61A status with our real estate attorney and have been advised that the property title report does not show a lien under 61A. Attached is the title report that was provided for this parcel, with no mention of 61A.*

2. AVIS is concerned about the impact of noise on the wildlife in the Sanborn Reservation, in particular the Eastern Box Turtle and the Wood Turtle, both species of special concern. The state herpetologist from NHESP has placed transmitters on more than two of these turtles and tracked them around the property. There are six turtle species present and some nested under the power lines on AVIS property, near the storage site and the electrical towers this spring. The two turtles of special concern were not on the list the state compiled in 2011 when they evaluated the site for the solar farm, but they have been documented by the NHESP herpetologist in the past five years. AVIS would like the sound barrier wall to encompass the entire project so noise does not disrupt the turtles' activity. The wall would also prevent the turtles from entering the site. (They did wander into the contractor's site at the end of South St. last year. Fortunately they were tracked and removed from the site before they were crushed.)

- **Response:** *NLE Response: NLE has filed the project with NHESP and no turtles were mentioned. We talked to our wildlife biologist about this matter and there is no further action required. The chain link fence surrounding this system will have no wildlife gap, therefore ensuring that no animals, turtles included, can get within the system. The sound wall recommendations came from our noise consultant with the focus of the recommendation to mitigate the noise for the residences nearby. We reached out to our noise consultant and explained the concerns. Their thoughts are below:*

- *Our sound level predictions are performed at a height of 5 feet above the ground to simulate the impact at ear level of a typical standing person. This applies to both the*

55 Technology Drive, Suite
Lowell, MA 01851

sound contours and any receptors. Obviously, a turtle would not be 5 feet above the ground – the sound levels experienced at ground level from the project would all be lower than what is shown in our report due to the geometry and also due to influence of ground absorption.

- *Another consideration has to do with how environmental sound impacts are predicted – all of our results are A-weighted decibels. This weighting system is designed to mimic the response of human hearing... Therefore, it's not really applicable to turtles.*

3. New Leaf will have to cross AVIS property to connect to the National Grid tower or any other power source. Can National Grid assign its easement rights over AVIS land to a third party?

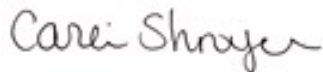
Response: *The pole location was incorrectly displayed on the plan. The poles have been correctly located and are within a National Grid easement located on the project's parcel. See attached drawing that correctly displays this.*

4. I note that New Leaf or any contractor associated with this project does not have permission to park on Moonlight Dr. I hope any special permit will prohibit parking on either AVIS land or the end of South St.

Response: *There will be no parking on private property including AVIS land.*

Thank you for your attention.

Sincerely,



Carli Shroyer

Civil Engineer

New Leaf Energy