

From: Riportella, Beth
Sent: Thursday, December 17, 2015 1:20 PM
To: Lowery, Ann (DEP); Simpson, Deneen (DEP)
Cc: lcleary@andoverma.gov; Card, Bethany (DEP); Cooper, Stephanie (DEP); Kerigan, Kathleen (DEP)
Subject: FW: EO562- on behalf of the Andover Conservation Commission.

Ann, Deneen,

Please see comments for EO562 from the Andover Conservation Commission. I have Linda cc'd on this email in case there are any follow up questions. Thanks!

Beth Riportella
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From: Cleary, Linda [<mailto:lcleary@andoverma.gov>]
Sent: Thursday, December 17, 2015 11:09 AM
To: Riportella, Beth
Subject: RE: EO562- on behalf of the Andover Conservation Commission.

Beth,

1. The Andover Conservation Commission opposes any legislation related to DEP in the future for reviewing local by-laws vs. Superior Court as is currently the practice. Andover has a strong local bylaw. The Andover Conservation Commission's concern is that due to low staffing levels at DEP and respective/questionable qualifications, DEP would not be qualified for this task.
2. The Andover Conservation Commission feels very strongly that Superior Court does a superb job reviewing bylaws in appeals, etc. Everything related to a local bylaw should go to Superior Court not Land Court.
3. The Andover Conservation Commission understands that realtors (with impending legislation) will now have the burden of telling the seller and/or prospective buyer that they are required to know if they have wetlands on their property and where those wetlands are. This would require additional expense to the seller/buyer and numerous applications to Commissions to determine where the boundaries exist via an ANRAD process. It would be far less cumbersome for all parties if the requirement were changed to "the realtor must inform the seller/buyer to determine if they have wetlands on their property. This can be verified at your local town/city hall prior to commencement of any work." (This makes for a more efficient application process depending on resources and proposed work.)
4. The Andover Conservation Commission feels strongly that DEP has worked very hard with other agencies in developing stream crossings in their current regulations. These are important for collapsed roadways, public safety, wildlife habitat and flooding. The issue is to educate DPW's who just want to replace the culvert as is and not make the situation any better. The DPW's need to be educated in this area (Andover has a good DPW in this respect but at the "listening session" I heard a lot of DPW's complaining on this issue).
5. Stormwater Management Regulations incorporated in the regulations 310 CMR 10.00 under the

Wetlands Protection Act should be enforced. The Andover Conservation Commission advocates using the new Cornell data vs. TR55 which would provide more accurate information. This is due to the fact that we are experiencing more frequent "100 year storm events."

6. The Andover Conservation Commission encourages adequate staffing at DEP and minimal changes in the regulations other than what is noted above.

You did a great job! Thanks for getting my thoughts down. It helped me to "redefine" them better. Is the above O.K. to send?

Thanks so much for your help – Linda

Linda Cleary
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