

Conservation Commission Public Hearing Minutes – May 11, 2022

Time: 7:01 PM – 7:56 PM **Location:** Remote via Zoom

Members Present: Tonia Bandrowicz, Acting Chair; Jonathan Grabowski; Monica Tamborini; Randall Hughes

Members Absent: Randall Hughes, Monica Tamborini

Staff: Marzie Galazka, Director of Community & Economic Development

The public hearing of the Conservation Commission was called to order at 7:04 pm.

The public hearing was video recorded.

PUBLIC HEARING ITEMS

1. Notice of Intent (NOI): DEP #071-0349, 10 Whitman Rd – filed by the Town of Swampscott. Request to construct a new school building with parking lots, walkways, an athletic field, landscaped area, utilities, and a new stormwater management system. Project will include some vehicular and pedestrian improvements in neighboring 101 Forest Ave parcel.

Toni Bandrowicz provided an introduction and overview of the project, explained where the item had left off and what materials had since been submitted.

J. Grabowski had question for Nitsch Engineering about part of site that is designated as wetland but determined by DEP to not be within jurisdiction of Conservation Commission as it was originally an upland.

The item was opened for public comment.

Residents, mainly abutters to the project, who were in attendance and expressed questions and concerns of the project before the Commission included Angel Fagundo (184 Forest Ave), Mary Gail Brock (12 Laurel Rd), Theodore Smith (19 Laurel Rd), Betsy Burns (3 Laurel Rd)

1. Angel Fagundo – Requirement that you can't build within certain number of feet from wetland? How is school violating this requirement? How will this project affect wildlife habitat?
 - a. T. Bandrowicz clarified that you can build within certain feet as long as you meet certain performance standards. Furthermore, this project in particular is not within resource area but is located within buffer zone. All special conditions (72) have been designed to make sure that no harm will be done to resource, and Commission believes that project has taken necessary steps to protect resource.
 - b. Project will not take away from wildlife habitat; there currently exists a school on site already

2. Betsy Burns – Wildlife will be disturbed and impacted as old building will be dug up and new foundation will be put in. Vernal pool is roughly 35' from where project will take place – how is that not within buffer zone? Don't you have to be at least 100' away from buffer zone for new construction?
 - a. T. Bandrowicz stated that vernal pool is not certified, and it is within buffer zone
 - b. 100' requirement only triggers the filing and the public hearing process, and it is only a buffer zone. The project itself will not be located within the resource area itself. Even if

school was to pave existing parking lot, it would still have to follow same process because it is within buffer zone.

- c. Local Commission is implating a state law, the Wetlands Protection Act (WPA), which lists the various resources that are protected. WPA lists performance standards.
3. Theodore Smith – 100’ buffer zone is to protect habitat for wildlife that lives in the wetlands. UMass Lowell performed study that shows wildlife habitat existing within the buffer zone.
 - a. T. Bandrowicz stated that there is no habitat that is being destroyed; the paved road is already there. There is no work being directly proposed in area that is being described
 - b. 100’ buffer was not created to protect wildlife habitat. Was created to give Commission jurisdiction to determine that any project will not have adverse effect on wildlife
4. Angel Fagundo – Inquired about change in pervious surface
 - a. David Conway of Nitsch Engineering explained that the stormwater management system was designed with performance standards that will protect the resource areas from water runoff
5. Gail Brock – Which trees will be cut down?
 - a. Trees that are on school property are most likely coming down (some of which are within the buffer zone). Any trees belonging to Ewing Woods will be staying (property line lies roughly at the fire hydrant)

There were other issued raised by residents that the Commission stated do not fall within their jurisdiction, including:

- Emergency vehicle access to the site
- Increased vehicle emissions due to the hundreds of cards that will be coming in and out of the site on a daily basis

The Commission further then stated that the 72 conditions which have been drafted and designed by the peer reviewer were not put in place because the project does not meet certain performance standards. Rather, they were implemented with the thought of every possible scenario to protect this resource. The Town, as the petitioner, will work to ensure that these conditions are maintained and will report to the Commission on an annual basis.

MOTION: T. Bandrowicz to continue the hearing to 4/7/22. Unanimously approved.