



Diane N. Tradd  
*Assistant City Manager/DPD Director*

R. Eric Slagle  
*Director of Development Services*

Shaun Shanahan  
*Building Commissioner*

**MEMORANDUM**

TO: Kevin Murphy, City Manager  
Diane Tradd, DPD Director

FROM: R. Eric Slagle, Director of Development Services

RE: **MOTION BY MAYOR KENNEDY - REQ. CITY MGR. REPORT TO CITY COUNCIL REGARDING ANY STANDING THAT THE TOWN OF TEWKSBURY WOULD HAVE REGARDING ARTICLE 97 AND ON ANY CONSERVATION OR ENVIRONMENTAL ISSUES.**

This memorandum addresses the request from Mayor Kennedy regarding any standing that the Town of Tewksbury might have with respect to Article 97, conservation or environmental issues at the Cawley site.

With respect to the Article 97 issue, the Law Department has opined that since Tewksbury never received any grants funds from the state for the property, and was not the owner of the property, then Tewksbury would not have standing under Article 97.

With respect to conservation/environmental issues, on the other hand, Tewksbury does have jurisdiction over at least a portion of the proposed project. The northeastern portion of the site contains a potential wetlands resource area, and is located within the Tewksbury town boundaries. Proposed plans for the site would have a parking area constructed just south of the wetlands area in Tewksbury, and that would grant the Tewksbury Conservation Commission jurisdiction over the project, and would trigger a Notice of Intent (NOI) filing for any work to be done within 100 feet of a resource area, as defined by the Wetlands Protection Act and the local Wetlands Ordinance. In Tewksbury, there appears to be additional jurisdiction extending to 200 ft. from a vernal pool, and there may be such resource areas at the Cawley site. The Tewksbury Con Comm would likely also require some documentation from the state regarding the endangered species issues on the site. The issues before the Con Comm would not only address the immediate impacts of construction on the adjacent resource areas, but could also touch on the overburdening of the Trull Brook watershed as a whole.

Please note, that a filing may also be required before the Tewksbury Planning Board depending on their interpretation of the use on the Tewksbury portion of the Cawley site.

ES

03/20/2017