

1996 Annual Report

Continued construction activity translated into another busy year for the Commission. While approved and proposed real estate developments continued to diminish the open space character of the Town and posed challenges for protecting environmental quality, progress was made towards acquiring and protecting some of the fast disappearing natural and open landscape.

Statistically, the work of the Commission is reflected as follows: 23 Requests for Determination, primarily determining existence and locations of wetlands, were administered, and public hearings were held for 46 Notice of Intent submissions for intentions to build near wetlands. The Commission conducted 10 formal site visits, and the Commission's agent, Planning/Conservation Coordinator William Turner conducted over 330 site inspections. Certificates of Compliance for 24 projects were granted after construction was completed and checked by the Conservation Commission, and 6 Emergency Certificates were issued, primarily for repair of failed septic systems and emergency road work. Ten Enforcement Orders were issued, primarily dealing with violations of approved construction plans, and 3 fines totaling \$3,150.00 were imposed on projects for failure to comply with order of Conditions issued under the Wetlands Act and local wetlands bylaw requirements.

The Rivers Bill was enacted into State law in August. This law defines a new area of protection for rivers and their tributaries, limited to those rivers and tributaries that flow throughout the year. This bill protects the riverfront area, within 200 feet of the edge of the river or tributary. This bill is administered by Conservation Commissions. Beginning with the enactment of this legislation in August, this has become a new area of responsibility for our Conservation Commission.

The Town's largest, and most challenging in terms of environmental review, residential development, the proposed "Greystone Estates" of E. Traywick Realty was filed with the Conservation Commission in 1996. The project, located on approximately 440 acres in the northeast corner of the Town, includes 225 clustered house lots on 205 acres, including 5 miles of new roadway. The remaining 235 acres are proposed to become Town land and allocated to various uses, including conservation and recreation. 8 acres have also been set aside for potential new school and fire station sites. The proposed design represents a cooperative effort between the developer and the Town Boards, who have worked successfully towards enactment of zoning bylaw amendments and landswaps to allow for such an open space residential development on land where formerly only conventional residential development was allowed that would not have protected any open space or made any land available for municipal use. At year's end the Commission's hearing continued. Among the issues of primary concern is protection of wildlife habitat of Species of Special Concern associated with some of the two dozen vernal pools identified on the site. A major issue arose towards the end of the year as to whether that portion of the site identified as the Gilson Brook/Pond area on the site was subject to the provisions of the State River's Bill passed in August. The other major issue involved assurance that the proposed stormwater drainage management system could function as designed, and in conformance with the best management practices available to assure protection of the quality of surface waters and wetlands associated with the project.

Similar concerns are being addressed in another proposed large subdivision, the 65 lot "Beaver Brook Estates" Open Space residential development of R.M. Hicks, located on 197 acres east of Beaver Brook Road and west of Beaver Brook. Cooperative efforts with the developer have resulted in a proposal that of the 197 acres, approximately 140 acres remain as open space, as a combination of common land to be held by the homeowners of the subdivision and municipally owned land. In addition to setting aside significant areas of open space, the plan has been evolving to address other environmental concerns, including protection of endangered species habitat. All activity (except a proposed water line crossing over Beaver Brook from Buckingham Drive) has been located outside the Riverfront Area associated with Beaver Brook as established under the Rivers Bill to provide protection for (among other resources) habitat of the endangered American Bittern and Least Bittern. Significant no disturb areas around the four vernal pools on the project

site will be established to protect the Blue Spotted Salamander, which is listed as a Species of Special Concern.

The Commission completed review and issued Orders of Conditions for six residential subdivisions on approximately 200 acres in the course of the year. The majority of other hearings concerned construction of single family homes or additions within 100 feet of wetlands, as well as confirmation of wetlands boundaries on land which is anticipated to be developed.

The Commission continued to monitor the many construction sites in Town for compliance with its requirements. A particularly heavy rainstorm in October was considered to be a "hundred year storm", meaning that such storms are 100 years apart on average. The Commission inspected many construction sites during and after this storm, and was generally pleased that most of the storm-water control measures that had been approved were capable of protecting the environment during this event. Studies continue at "Lakeside Meadows" toward correcting problems with the stormwater drainage control system. Groundwater levels in the field have not conformed with the elevations used to design stormwater retention basins and the concern is that the required level of mitigation of potential pollutant loading will not be provided. Several tests of water quality in Shipley Swamp and Lake Nabnasset have shown no increase from pre-development conditions to date in levels of nitrates and phosphorus, although slightly elevated levels of suspended solids were detected following the "hundred year storm" in October. Work in the most sensitive areas of the site remain on hold until studies are completed and necessary remediation accomplished.

The hundred year storm, which dropped close to nine inches of rain over 36 hours, provided a tough test for drainage control systems, but the Commission was heartened that in most cases both completed projects and projects under construction held up well and wetlands were by and large protected by both the permanent and temporary measures employed on the sites.

Construction activity was at a high level throughout the year and unfortunately, the Commission observed a disturbing trend of a number of contractors either ignoring requirements of the Commission's Orders of Conditions or changing project design without consulting with the Commission as legally required. The commission issued nine enforcement orders to different developers, resulting in significant delays in their projects. The most egregious violation occurred on the site of the Gutierrez Company's Westford Technology Park project, where a subcontractor ignored nearly every construction management requirement, clearing the entire site of Buildings 5 and 8, including areas meant to be preserved as wetlands buffers without properly following any of the best management requirements built into the Order of Conditions. Work was delayed for several weeks and a \$2,100.00 dollar fine was assessed, in addition to required restoration activities.

1996 was a very good year for the cause of open space protection. Planning/Conservation Coordinator William Turner won approval of seven Ch. 184 Conservation Restrictions, which will provide permanent protection for nearly 175 acres of land, all of which will be accessible over trail easements. The largest of these is associated with the "Lakeside Meadows" subdivision, which protects over 68 acres of diverse landscape, including open fields, forest and frontage along Shipley Swamp and Lake Nabnasset. The Town now holds an interest in over 40 conservation restrictions town wide. Many of these are jointly held with the [Westford Conservation Trust](#), a private, non-profit group. To assure a consistent approach to enforcement of the provisions of these restrictions, the Conservation Commission, which is the enforcing agency for the Town, finalized an agreement with the Trust regarding a mechanism for joint enforcement and resolution of disputes regarding proposed enforcement procedures.

Particularly gratifying during the course of the year was Town Meeting action that secured preservation of two of the few remaining active agricultural lands in the Town. First, the Town acted to exercise its right of first refusal for a parcel of 17.5 acres located to the southwest of the intersection of Graniteville and Cold Spring roads. In addition to mature upland and wetland forest, this highly visible site contains an 8 acre agricultural field, used in recent years to grow pumpkins and a popular site for "pick your own pumpkin" hay wagon rides. This area has been in continuous

agricultural use for nearly as long as the town has existed and was perhaps an important site as well for native Americans. The cooperative effort of Town Boards and citizen groups reflects the fact that this parcel is an important component in the remaining rural appearance of the town and a natural, historical and cultural resource of great importance. It is anticipated that the agricultural use will continue as in the past, and that walking trails linked to other adjacent Town land will be established. Through the efforts of a Commission subcommittee headed by member Christie Williams, the Town was successful in winning a \$160,000.00 grant from the State's Self Help Program to help offset the \$549,000.00 purchase price.

A very popular and highly visible part of the historical fabric of the Town was assured protection when Fall Town Meeting voted to purchase the development rights from Keith and Nanci Bohne for the apple orchard land at their Drew's Farm stand east of Boston Road, just off the exit from Route 495. This will assure the preservation of a critical part of the landscape important for maintaining the character of the Town, which has been identified by the citizens of the Town as a high priority during the Master Plan update process.

Another important parcel of 13 acres with over 275 feet of frontage on Old Lowell Road was acquired by donation from Catalog Realty Trust. In addition to enhancing protection of very important watershed and wildlife values in the southern part of Town, this donation assures preservation of the look and feel of the last undeveloped portion of this officially designated Scenic Roadway between Carlisle Road and Sequoia Road. Last but not least, the Commission worked cooperatively with the Boston and Maine Corporation to purchase 4.5 acres of land located south of the Boston and Maine Railroad Right of Way running southwesterly from Bridge Street along the Mill Pond Section of Stony Brook for 1,250 feet. In addition to providing protection for the nearby historic Arch Bridge and the outstanding wildlife habitat of the Commission's Russell Bird Sanctuary, this acquisition assures that the magnificent vista of mature white pine and white oak forest along the banks of Stony Brook visible from Bridge Street will be preserved for posterity.

The purchase price for the B&M land of \$25,000.00 was paid from the Town's Conservation Fund. This fund, which has been established pursuant to the Chapter 40, Section 8c of Massachusetts state law, has played and continues to play an important role in the Town's acquisition of open space lands. It is the only readily available source for funding of the various expenses that are required for land transactions, including such things as surveys, appraisals and title searches. Because the availability of land is unpredictable, it has been a critical factor in the ability of the Town to respond quickly when land does become available. This was very critical in the case of the 100+ acre Farmer's Parcel off Groton Road acquired several years ago, where a sizable deposit was necessary to hold the land until the Town was able to approve funding of the purchase. This land will now provide beneficial use to many different departments, including the Recreation Department, which has designed an outstanding multi-use facility for most of the site. Other portions of the parcel have been allocated to the housing authority, Cemetery Commission and Water Department, as well as the Conservation Commission.

The last appropriation from Town meeting to the Conservation Fund was in 1986 in the amount of \$121,000.00. Since then, that fund has been used to assist in the acquisition of over 160 acres of land for open space purposes (a summary of the use of this Town fund since 1986 is attached as an appendix to this report.) By now the fund balance is approximately \$20,000.00. Because of the importance of having sufficient resources in this fund available for open space acquisition to meet the goals established by the Master Plan update, the Commission is requesting an appropriation of \$50,000.00 to restore the resource and we would urge the everyone to attend Town meeting to support this important program. [ed: It passed, thank you!]

As always, the accomplishments which are so successfully guiding Westford into the 21st century with a meaningful repository of its natural and historical heritage intact are the result of the hard work and dedication of many unpaid citizen volunteers. A particularly important accomplishment was achieved by the Master Plan Implementation Committee's Environment Subcommittee in completing and gaining Fall Town Meeting approval of a new Comprehensive Water Resource

Protection Bylaw. The most critical areas for the Town's water supply have been identified and use and permitting regulations established to assure the integrity of this irreplaceable resource.

We salute these and the other individuals who have so selflessly devoted themselves to the cause of the preservation and protection of the Town's critical environmental needs.

Respectfully submitted,

Douglas C. Deschenes, Chairman
Eric Fahle, Vice Chairman
Paula Fischetti
Margaret Wheeler
William H. Harman III
Christie Williams
George Fletcher

APPENDIX WESTFORD CONSERVATION COMMISSION ANNUAL REPORT, 1996

Land acquisition expenditures since 1986 in support of Open Space Purposes from Conservation Fund:

Starting Balance in 1986 approximately \$268,000.00

1991	Slifer Land, Keyes Pond (28 Acres)	~\$103,000.00
1991	Cameron School Grounds - Survey Costs (2.7 Acres)	~\$1,000.00
1992	Farmer Parcel, Groton Road (105.5 Acres)	\$50,000.00
1993	Wayside Crossing Parcel, Woodbury Drive - with Massachusetts Audubon (19.8 Acres)	\$50,000.00
1995	Milot Parcel, Stony Brook (3.6 Acres)	\$20,000.00
1996	B&M Parcel, Stony Brook (4.6 Acres)	~\$25,000.00
1996	East Boston Camps. Stony Brook and Depot Road: (Appraisal of property in anticipation of possible future Town involvement in preservation of all or portions of the property)	\$6,500.00
1996	Day Property (Pumpkin Field). Graniteville Road, (17.6 Acres)	\$4,450.00