

## 1997 Annual Report

While the Commission's work of development review continued to dominate its activities in 1997, new technology and personnel were added to assist the Commission and to provide the public with a better understanding of both the Commission's job as well as the specifics of particular projects. During the year the Commission's review of development projects shifted from the major residential subdivisions of "Greystone Estates" and "Beaver Brook Estates" to large municipal projects, including an expansion of Westford Academy and construction of a new Police Facility. The Commission also continued the work of acquiring Conservation land for the Town, and achieved a major goal of the Open Space Plan with the official dedication at annual Town Meeting of over 260 acres of land in the southern part of Town as the Richard S. Emmet Conservation Land.

Statistically, the work of the Commission is reflected as follows: public hearings were opened for 38 Requests for Determination, primarily to determine existence and location of wetlands, as well as potential impacts from roadway utility installations, including gas and water lines; public hearings were opened for 73 Notice of Intent and amendment submissions for proposals to work within 100 feet of wetlands. The Commission conducted 15 formal site visits, and Conservation Administrator William Turner conducted over 350 site inspections.

Enforcement orders and fines for eight projects, totaling \$5,400.00 were issued, primarily for failure to comply with Orders of Conditions issued under the Wetlands Protection Act and local nonzoning wetlands bylaw.

The Commission completed its review of the Town's largest residential subdivision, "Greystone Estates" located in the northeast corner of the town. Designed as an Open Space type subdivision, the development will preserve over 200 acres of open space. All roadways, as in all recent developments, have been designed following the State Department of Environmental Protection's stormwater management guidelines to assure that all nonpoint source pollution is attenuated through a complex series of drainage control structures. Of particular concern was the presence of a State Listed Species of Special Concern, the Spotted Turtle. In dealing with this issue, the Conservation Commission sought information on this species and the reasons for its decline in Massachusetts. The lifespan of Spotted Turtles is about 40 years. Unless a particular turtle reaches the age of sexual maturity (about 9 years) it is not able to contribute to the continuation of the species. The plan for this subdivision included a large road, proposed to pass through the Spotted Turtle habitat on its way to 250 new houses. The possibility of relocating the new road away from the turtle habitat was explored, but found to be impractical for a number of reasons. After a lengthy analysis and negotiations, a solution was reached that includes several factors to protect the turtles. Over fifty acres of turtle habitat have been left undisturbed and over a quarter million dollars of special design features have been incorporated in the design of the roadway to provide migration paths for the turtle to prevent it from entering on the roadways, where it would face its greatest mortality factor, automobile traffic.

Similar concerns shaped the design of the 65 lot "Beaver Brook Estates" subdivision located in the western part of the Town between Beaver Brook and Beaver Brook Road. This subdivision represents one of the first applications of the Rivers Protection Act. Other than a permissible water line installed over Beaver Brook at an existing bridge, all development activity has been kept outside of the "Riverfront Area". This limitation was also important to protect the habitat of two Endangered Species of bird, the American Bittern and Least Bittern. The extensive marshes along Beaver Brook at this location have been designated as habitat for these two species. Another State listed Species of Special Concern, the blue spotted salamander, had been identified on the site, using one of the vernal pools located within the project. An undisturbed uplands buffer area of a minimum of 100 feet has been left around the vernal pool to protect its wetlands habitat.

The blue spotted salamander also played a role in shaping the Westford Academy expansion project. The public hearing brought to light the presence of blue spotted salamander habitat, which was confirmed by wildlife consultants and the state's Natural Heritage and Endangered Species program. Working cooperatively with the Permanent School Building Committee, the Commission shaped the

project so as to provide a 100 foot uplands buffer to protect the wetlands habitat. Otherwise the project is a model redevelopment project, in that the existing site has few of the new stormwater management features recognized as critical for protecting the environment, and the approved design now meets all the recommended standards. Similarly the design of the new Police facility to be located adjacent to Town Hall in the center incorporates stormwater runoff quantity and quality control measures that are presently lacking on the site. At present the rainwater on the parking area runs off directly into the wetland, without any means for removing petroleum or other contamination or limiting the rate of runoff.

Another project of great municipal interest was reviewed and approved in 1997, the replacement of the River Street bridge at Stony Brook. This project also involved the new Rivers Protection Act, passed by the legislature in 1996. During 1997 the State issued the detailed regulations for the new Act, which include many complexities for Conservation Commissions. The law expands the jurisdiction of the Commission to now include all land within 200 feet of the banks of all rivers in the Commonwealth. One of the immediate complexities in implementing the law has been determining what waterways are covered by the Rivers Act. The Regulations issued in October of 1997 indicate that it is presumed that any brook, stream or river shown as perennial on the latest United State Geological Survey Map is a river as defined under the Act. However, that presumption can be overcome, and a number of factors, including the influence of pumping of water supply wells may be taken into account. If construction is proposed within the Riverfront Area, to be approved it must meet certain specific performance standards, which include a prohibition of any work within the innermost 100 feet to the river, and not more than 10% or 5,000 square feet alteration of existing vegetation in the outer 100 foot zone. These standards may be overcome by showing that the proposed project will not adversely impact the interests protected by the Act. An applicant must first demonstrate that they have no economically practical alternative to the project. As an example the River Street Bridge replacement clearly had no practical alternative and was therefore permitted. The permitting process still allowed for conditioning the project to protect the interests of the Act and with the careful work of the Town's Highway Department and Mass Highway Department an excellent job was performed and Stony Brook was well protected during a very invasive project.

With the introduction of an economic analysis aspect of Wetlands Act permitting, Conservation Commission's now potentially must conduct the most complicated development review of any municipal board. The Rivers Protection Act is the latest in a series of amendments to the Wetlands Act and Regulations over the past ten years, including changes in wildlife regulations and wetlands delineation procedures that have made the Commission's tasks more complex.

Fortunately, the Commission has received additional personnel support with the hiring of Belinda Briggs as a part time conservation technician. Ms. Briggs has a Bachelor's Degree in environmental science and is working on a master's degree in biology at the University of Lowell, and has been assisting Conservation Administrator William Turner with the growing number of required site inspections, project reviews and citizen and developer inquiries. Most important she has been assisting in the development of the Commission's new computerized database, which is part of the overall computerization of records at Town Hall, that will eventually allow for quick and easy access to project information from computer consoles connected to the Town's database.

The Commission is now online! Thanks to Commission member Mike Killoran the Commission now has its own site on the Worldwide Web, consisting of many pages. The site contains a wealth of information about the Commission and the laws it administers and the importance of wetlands. Links to other public and private environmental organizations are also provided. It can be accessed via the [Town of Westford Home Page](http://westford.mec.edu) at <http://westford.mec.edu>, or directly at the address of <http://www.ultranet.com/~killoran/cc.html>.

Other "developers" increasing their activity in Westford in the past few year have been beavers. Once extinct in this area, they are repopulating the area rapidly, and the decline in trapping because of recent changes in trapping laws will only result in more beaver activity. Although many wetlands and the benefits they provide are the result of past beaver activity (an example is the flooded wetland near Kimball's that has attracted a Blue Heron rookery), where that activity conflicts with

human uses serious problems can develop. For that reason the State, through the Division of Fisheries and Wildlife, has developed a program to permit landowners to modify beaver dams to reduce their impacts. It is illegal for anyone to tamper with a beaver dam without proper permission. Unauthorized tampering can cause additional problems, as in the case where a property owner caused the failure of a beaver dam and sudden discharge of water with violently destructive consequences on Gould Road, where over 100 feet of roadway was swept away, with a cost of thousands of dollars to the Town to repair. Fortunately, no one was trapped in the flood waters. Anyone with concerns regarding beaver activity or wishing to modify a dam should contact the Division of Fisheries and Wildlife's Acton office at 978-263-4347.

In the area of open space protection, a long term goal of the Town's Open Space Plan was achieved with the official designation of over 260 acres in the south part of Town (see map below) as the Richard Emmet Conservation Land. This designation is meant to honor the Town's leading conservationist, whose donations of land to the Massachusetts Audubon Society, which adjoin this tract, will benefit the Town for generations to come. This beautiful and diverse landscape includes a pond, streams, extensive wetlands, an open sand plain left from old sand and gravel mining, and text book examples of undisturbed glacial geology features. This diversity provides outstanding habitat for many wildlife and plant species, and the Commission is very pleased that Massachusetts Audubon Society is including this area in the biological inventory they are conducting on their adjacent property. Access can be gained by foot or horseback from trail heads on Powers Road and Texas Road.

A major conservation land acquisition was finalized in 1997 with completion of a land swap, which brought the Town over 17 acres of land of the Scott family on Cold Spring Road bordering the Day Conservation Land (also known as the Pumpkin Field), which was acquired in 1996. Another great development in 1997 was the Town's approval of the cooperative purchase of most of the [Picking/Gould land](#) located along Groton Road and Gould Road. While over 47 acres will be dedicated directly to conservation, the remaining parcels will be managed by two private individuals, Robert Webb and Robert Waskiewicz to restore the Town's last working farm and maintain it as an educational facility open to the public and a testament to the agricultural heritage of the Town.

As always, the Commission would like to take this opportunity to salute the dedication, hard work and personal sacrifice of the many unpaid volunteers serving on Town Committees to protect and enhance Westford's special natural and historic heritage. In that light we salute Douglas C. Deschenes, who served on the Commission from 1994 to 1997, and who, as Chairman successfully guided the Commission through some of the largest and most challenging projects the town has ever faced. We also take this opportunity to welcome Mike Killoran, whose Web page contribution has already brought the Commission to the doorstep of the new Millennium. And last but certainly not least, we welcome back to the Commission, Chet Cook, the most experienced Conservation Commissioner with over twenty years of service, and one of the most outstanding public servants of the Town.

Respectfully submitted,

Eric Fahle, Chairman  
Christie Williams, Vice Chair  
Margaret Wheeler  
William H. Harman III  
George Fletcher  
Michael Killoran  
Chester Cook