

CONSERVATION COMMISSION

Annual Report - 2001

Westford entered the new millennium as a markedly different Town than only a decade earlier. Although land development patterns shifted and slowed somewhat during the year, the level and intensity of conservation issues and challenges continued to grow in response to a larger population and increased demands on the land and water resources of the Town.

The work by the Commission involves several types of review: (1) "Request for Determination", in which the Commission is asked to approve a specific designation of wetland boundaries. (2) "Notice of Intent", meaning that an applicant has notified the Town of an intention to build a structure or otherwise to affect a wetland or nearby land. (3) Emergency Certificate, in which rebuilding a septic system or some other emergency warrants alteration of a wetland or nearby land on a short time scale. Statistically the work during 2001 included the following: 21 public hearings were opened for Requests for Determination, 57 public hearings were opened for Notices of Intent, and 23 Emergency Certificates were issued. In doing this, the Commission conducted 8 formal site visits, while agents William Turner, Heather Redding and Robert Williams conducted hundreds of site visits in relation to many ongoing projects, as well as new proposals.

The Commission issued Enforcement Orders and fines totaling \$3,650.00 in relation to 9 violations of the State Wetlands Protection Act and local wetlands bylaw. For the most part these represent instances in which work was performed within jurisdictional areas without the required permit. The most damaging violation occurred at the site of the new Greystone Elementary School on Vineyard Road, where a subcontractor failed to properly install required drainage controls prior to disturbing the entire site, with resultant heavy discharge of sediment to an adjacent wetland area following a heavy rain storm.

Remarkably, the Commission reviewed and approved only one single family residential subdivision in the course of the year, and that was only a two-lot subdivision known as "Pageant Way" located off Hildreth St., marking a dramatic shift in development away from the kind of projects that dominated the nineties. With the approval and implementation of the growth control bylaw by Town Meeting, it is anticipated this trend will continue. Alternative forms of housing developments presented the Commission with its more challenging proposals in the course of the year. The largest project coming before the Commission was the "Villages at Stone Ridge", a 110 unit "age-restricted" condominium development located on 123 acres located west of Tyngsboro Road at the Tyngsboro Town line. The site included the location of old rock and sand and gravel quarries, as well as extensive wetlands, including 4 vernal pools. With the cooperation of the developer, the project was designed so as to provide adequate buffering to wetlands and adjacent housing, while also maintaining important green travel corridors for wildlife. The developer will also provide trail easements to adjacent Town Forest land.

A creative project reviewed and approved by the Commission involves the redevelopment of the old Brookside Mill. The project will convert the derelict and dangerous old mill building into a 32-unit condominium development that will include several units designated "affordable" under state standards. Because the building literally overhangs Stony Brook, very specialized protective measures will be employed to prevent discharge of any harmful construction materials to the Brook. A wastewater treatment plant, and stormwater management features will provide long term environmental protection for the Brook.

Conversion of past uses to meet modern needs is a common feature of recent development in Westford. During 2001, two major sand and gravel quarries were the focus of review of significant development plans. Along Groton Road, the old Farmer's pit as it was known, is now the site of Stony Brook Center, a mixed municipal use development, which will include a new middle school, recreational fields, and housing. The project design reflects significant environmental challenges, including protection of an adjacent Town well, the Town's only high yield aquifer, which is located under the site, and the habitat of the spotted turtle, a species of special concern under the State's Natural Heritage Program. The Commission is working with the Recreation and Water Departments to finalize a turf management program for the recreational fields to assure that fertilizer and pesticide use is strictly regulated so as to not endanger the nearby irreplaceable Town well. On Littleton Road the conversion of the Nardone sand and gravel operation to modern office park continued. Restoration of a pond and stream improperly disturbed during gravelling operations was completed as part of the first phase of the new development.

The Commission continued to work with Ed Kennedy throughout the year on his plans to build an 18-hole golf course on 150 acres located at the south end of Town on the Acton Town line. Pat Huckery, an environmental reviewer from the State's Natural Heritage Program, visited the site to investigate concerns regarding two state listed species known to exist in the area, the Blanding's Turtle and Blue Spotted Salamander. Her conclusion was that, as designed, the golf course project should not present a threat to the wetland habitat of these species. Final design work was under way at the end of the year and the Commission anticipated that required hearings would begin early in 2002. A special subcommittee was formed to work with Mr. Kennedy to address mitigation for earlier violations on the site.

In addition to concerns regarding wildlife, potential impacts to water supplies is a major concern. The project is located in the main zone of contribution for two public water supply wells in Acton. The model for the course will be the management strategies that have evolved on Cape Cod, which has some of the most sensitive aquifers in the State. Because of the projected amount of water use Mr. Kennedy may have to apply for a permit from the State for a withdrawal permit, and this may trigger review of the project under the state's Environmental Protection Act (MEPA).

In Massachusetts, very often, local boards do not have complete control of permitting of projects. In fact, decisions of the Conservation Commission, unlike any other development review board in Town, are subject to direct review and potential appeal by a State agency, the Department of Environmental Protection (DEP). This policy attempts to assure uniform application of the Wetlands Protection Act as it is administered by local volunteer Commissions in each city and town across the State. To assist Commissions, DEP has developed policies and guidelines for reviewing projects to assure that potential impacts to the interests protected by the Act are properly reviewed. Lake drawdowns, such as was applied for by the Nabnasset Lake Protective Association is a category of particular concern for DEP. The Association is concerned about increased aquatic plant growth in a number of areas of the Lake over the past decade and the potential for a dramatic decline of water quality in the near future.

The ecology of Lakes and their associated wetlands is complex. The concern of DEP regarding drawdowns arises from observation that there are often unintended side effects from such drawdowns. For instance, a drawdown can expose swamp sediments to more rapid oxidation, which ultimately can raise nutrient levels in the Lake resulting in more frequent algal blooms and serious water quality degradation. This is one of many issues that must be considered. The DEP regional office, in its initial review of the application for the drawdown of Lake Nabnasset indicated that additional information was needed to address a checklist of issues it has developed for such projects. The Commission was particularly concerned about impacts to Shipley Swamp, a forty-acre wetland that would be directly impacted by the drawdown. Ultimately the Commission also determined that additional studies were needed to confirm that a drawdown could be conducted without causing harm to other aspects of this sensitive environmental area. The Commission has requested proposals from consultants experienced in these kinds of projects to complete the necessary studies. These studies will be funded, with the approval of the Selectmen, by filing fee receipts collected from applications received under the State Wetlands Protection Act. It is intended that these studies be completed by midyear to allow for hearings to set a management policy for the Lake to assure that it remains a valuable and vital resource for the entire Town.

While 2001 did not see major conservation land acquisitions, significant developments occurred that will set the stage for future progress in this area. Important additions were made to the Emmet Conservation Land during the year, including the purchase of 6 areas directly south of Kennedy Pond from Helen Martin and Donald Mitchell, as well as the transfer of 7 acres along Vine Brook from Recreation Commission care and custody to the Conservation Commission. Special Town meeting in November approved the donation of 15 acres located south of Vineyard Road from Guthall , LLC, adding to the already extensive Greystone area conservation lands. Also, final approval of a permanent Ch. 184 Conservation Restriction was granted for 37.5 acres located on and near Beaver Brook in the "Beaver Brook Estates" subdivision.

Conservation land acquisition follows policies developed in the preparation of the Town's Open Space and Recreation Plan, a critical part of the town's master planning activities. This plan is updated every five years, and in 2001 a Committee of citizen volunteers headed by Chairperson Margaret Wheeler of the Commission completed preparation of the draft stage of the document. A critical element in formulating the policies incorporated in this document was the Open Space & Recreation Survey completed in 1999. The diversity of comments received in the survey reflects the diversity of the Town's population, but the consistent finding is that the residents overwhelmingly perceive that it is very important to aggressively seek open space land acquisitions in order to protect critical resources, particularly water, while also maintaining a quality of life that includes opportunities for both active and passive outdoor recreation.

This sentiment was reflected in the community's strong vote for adoption of the Community Preservation Act in May of the year, when 62.5% voted in favor of the measure. This action will allow a 3% surcharge on property taxes (with important exemptions to protect low income and disadvantaged property owners) to develop a fund that may be used to acquire land for conservation, affordable housing, historic preservation and recreation. The 3% level of surcharge will also entitle the town to apply for all available rounds of matching fund grants from the State. Recommendations for expenditures of these funds, which must be approved by Town Meeting vote, will come from a special Community Preservation Act Committee, comprised of members from the Conservation Commission, Historic Commission, Planning Board, Recreation Commission and Housing Authority. Marilyn Frank is the Conservation Commission's representative on the CPA Committee.

One of the more important recent conservation and heritage land acquisitions is the Hill Orchard and farm stand located on Chamberlin and Hunt Roads. The Town has been very fortunate to have contracted with the Levick family of Troy, New Hampshire to manage the orchard and stand, thereby preserving a kind of rapidly disappearing land use that once dominated not just Westford, but this entire region of the state. An extensive pruning project has been completed and an annual program of planting new trees instituted, both critical elements for long term maintenance of a thrifty and productive fruit orchard. Importance maintenance was performed on the farm stand, including reroofing and installation of a new garage door. A connection to Town water was completed which will greatly facilitate orchard maintenance activities. The Commission looks forward to additional improvements that will increase the value of this important resource.

One can get a measure of the strength of a community by the extent of the volunteer activity it demonstrates, and Westford is blessed with many outgoing individuals who give freely of their time and resources to assist others in every conceivable way. In addition to the Open Space and Recreation Plan committee and Community Preservation Act committee, Commission members have joined other citizens working on important land use issues on such committees as the Land Use Priorities Committee and Regional

Trail Committee. The Conservation Commission has also been actively involved in participation of meetings of the Stony Brook Watershed Advisory Committee. This watershed covers 45 square miles and includes all or part of eight communities including Boxborough, Harvard, Ayer, Groton, Littleton, Westford, Tyngsboro and Chelmsford. In July 2001 A Stony Brook Watershed Assessment was prepared with information and 10 recommendations to continue to monitor and protect lands that protect water quality and quantity. In 2001 Marilyn Frank served as the Commission's representative, and will continue to do so in 2002.

Eagle Scout candidates from the Boy Scouts have traditionally conducted important public service projects on conservation land, and 2001 was no exception. Anthony Capriccio organized a very challenging project to install a footbridge over Nonset Brook in the Town's Emmet Conservation Land, making it possible to once again walk with dry feet from Texas Road to Kennedy Pond following flooding out of existing trails and stream crossings by beaver dams. Matt Davies led a project that created a new trail into the recently acquired Town's Picking Conservation Land on the west side of Gould Road. This very attractive trail runs past the recently restored pasture area of Meadow Brook Farm into the woods along Snake Meadow Brook amidst old white pine trees and moss-covered boulders. Steve Sears completed an important project to construct and install wood duck nesting boxes along Stony Brook in the Acker Conservation land of the Westford Conservation Trust. The Commission congratulates and thanks these individuals for their dedication and hard work, which has resulted in very important contributions to the community.

The Commission would like to take this opportunity to especially thank Bobby Haigh of Bobby's Ranch on Durkee Lane for his valuable assistance to Anthony Capriccio in completing the Nonset Brook footbridge, and also for his installation of a replacement footbridge over Nashoba Brook and a wetlands board walk in the southern part of the Emmet Conservation Land.

As always, the Westford Conservation Trust provided important maintenance activities on Town Conservation Land through its cooperative Stewardship Program with the Commission and our thanks go out to all those who take the time to keep an eye on town land and keep it tidy and attractive. We look forward in 2002 to an ambitious project on the Slifer Conservation Land on Gould Road to be conducted by the Westford Garden Club under Ellen Harde's direction. The project will include restoration of the gardens and flowerbeds, as well as clearing of an access trail to Keyes Pond.

In the course of the year Conservation Planner Heather Redding who had assisted the Commission for the past three years left to pursue other career alternatives. We will miss her dedication and hard work and wish her well in her future endeavors. In August, Westford native Bob Williams, who has recently received a degree in Urban and Regional Planning from Westfield College took over the position.

If you are interested in more information about the Conservation Commission, Westford's conservation lands, trails or wetlands and other natural resources, please visit the Commission's website, which can be accessed from the Town of Westford home page at <http://westford.mec.edu>.

Respectfully submitted,

Westford Conservation Commission

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