



Town of Lancaster

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Office of the
Conservation Commission

May 28, 2019

Zoning Board of Appeals
Prescott Building
701 Main Street, Suite 4
Lancaster, MA 01523

RE: CEI Vernal Pool Assessment for GBE site

Dear Members of the Zoning Board of Appeals:

The May 7, 2019 Vernal Pool Assessment prepared by Comprehensive Environmental Inc. (CEI) shows conclusively that an approximately 524-foot section of the intermittent stream on the proposed Goodridge Brook Estates site provides breeding habitat for a large number of spotted salamanders, an obligate vernal pool species unable to breed in any other type of wetland. That section of the stream, and its 100-foot buffer zone, encompass an exceptionally extensive area regulated as vernal pool habitat under the Massachusetts Wetlands Protection Act (the "WPA") and Town of Lancaster Wetlands Protection Bylaw (the "Bylaw").

In addition, the stream's 200-foot riverfront area under the Bylaw provides critical forested upland habitat for the salamanders that is equally as important to protect as the wetlands where they breed. The Project Plans show intense development of the 200-foot riverfront area with buildings, lawn, and stormwater management structures severely impacting not only the upland habitat for vernal pool species but very likely the vernal pool's hydrology and water quality as well. Unfortunately, the WPA does not regulate the 200-foot riverfront area to intermittent streams (only their 100-foot buffer zones), and in general provides protection for upland buffers adjacent to vernal pools only if the pools are located within the 200-foot riverfront area to **perennial** rivers and streams. Under the Bylaw, however, the 200-foot riverfront area to intermittent streams is regulated in Section 215-6, paragraph F, which specifies the following Performance Standards:

In reviewing activities within the two-hundred-foot buffer zone to a riverfront, the Commission shall presume the riverfront area is important to all the resource area values unless demonstrated otherwise, and no permit issued hereunder shall permit any activities unless the applicant, in addition to meeting the otherwise applicable requirements of this bylaw, has proved by a preponderance of the evidence that 1) there is no practicable alternative to the proposed project with less adverse effects, and that 2) such activities, including proposed mitigation measures, will have no significant adverse impact on the areas or values protected by this Bylaw. The Commission shall regard as practicable an alternative which is reasonably available and capable of being done, after taking into consideration the proposed property use, the overall project purpose (e.g., residential, institutional, commercial, or industrial), logistics, existing technology, costs of the alternatives and overall project costs.

Therefore, the Conservation Commission respectfully requests the Board require the project to comply with the Bylaw by:

- (1) Strictly enforcing the 25-foot no-alteration setback from the edge of wetland resource areas;

- (2) Requiring the Applicant to prove “***by a preponderance of the evidence that ... there is no practicable alternative to the proposed project with less adverse effects***” in the 200-foot riverfront area to the intermittent stream, and that the proposed development of the 200-foot riverfront area “***including mitigation measures, will have no significant adverse impact on the areas or values protected by this Bylaw.***”

The Commission would also like to re-emphasize to the Board the need for additional surveys and inventories of the site's biodiversity, including plants, breeding birds, and turtles. Goddard Consulting's initial report cited the comparatively large number of tree snags, which are extremely important nesting and feeding habitat for birds, and over half of which will be lost to the proposed development. There is, of course, no way to be sure that the project site does not support State-listed rare birds without doing a survey, and the site in any case almost certainly supports the nesting of non-listed species whose populations are nevertheless declining significantly, and which need to be identified and counted before the project's true impact on wildlife can be assessed. Finally, given that the intermittent stream on the property seasonally holds sufficient water volume long enough to support breeding by a large number of spotted salamanders, it may very well also provide seasonal habitat for turtles, especially wood turtles. The Massachusetts Natural Heritage and Endangered Species Program is so concerned with the decline of wood turtles in the State that they have just entered into a three-year partnership with Zoo New England to search for and identify wood turtle populations, track their seasonal movements, and restore them to suitable areas where they are greatly diminished.

Thank you for your consideration in this matter.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Nathan Stevens', with a long horizontal flourish extending to the right.

Nathan Stevens
Chairman