

ORDER DESIGNATING AN AREA OF
CRITICAL ENVIRONMENTAL CONCERN

[Cedar Swamp ACEC]

I. Background

On January 23, 1975 the Executive Office of Environmental Affairs (EOEA) received a request to designate land in Westboro known as Cedar Swamp as a particularly sensitive environmental area or as an area of critical environmental concern. This request was made pursuant to Section 8.2 of the Regulations of EOEA adopted under Massachusetts General Laws, Chapter 30, Section 62.

II Purpose of the Designation

Pursuant to Massachusetts General Laws, Chapter 30, Section 62 each executive office and agency of the Commonwealth has promulgated rules and regulations governing the preparation of environmental impact reports. Most secretaries and agencies have listed certain relatively minor projects which, in their judgment, had an "insignificant" environmental affect, and therefore did not require the preparation of an Environmental Assessment Form. These relatively minor projects and activities are thereby exempted from the Environmental Impact Report process and are referred to as "categorical exemptions." The purpose of a designation of a particular land area under Section 8.2 of the EOEA regulations, is to render ineffective all categorical exceptions for the particular land area. The result is that any state agency which performs any work, project or activity within that land area must file an Environmental Assessment Form and, if necessary, an Environmental Impact Report before proceeding with such work, project or activity.

III. Public Notice of the Proposed Designation

Notice was published in consecutive issues of the Environmental Monitor beginning with the March 21, 1975 issue and ending with the April 7, 1975 issue of the Monitor. In addition, a public hearing was held in Westboro, Massachusetts on May 14, 1975.

In response to the notice published in the Monitor, over 100 written comments have been received by EOEA on the proposed designation. The Metropolitan District Commission favors the proposed designation. The Department of Public Works and the Division of Fisheries and Game oppose it. In general, business interests in the Westboro-Worcester area oppose the designation while residents of the Town of Westboro and representative from towns down river support the designation.

IV. Values of Cedar Swamp

A. Flood Storage Capacity

In 1971 Arthur W. Brownell, Commissioner of the Department of Natural Resources,

recognized the flood storage importance of this area and declared a moratorium on all current and future Hatch Act applications which involved Cedar Swamp until a comprehensive study was completed by the Division of Water Resources. The report, entitled "Flood Hazard Analyses, Upper Sudbury River, Massachusetts" dated June, 1973 states:

"No additional impoundment sites are available on the Sudbury River which could feasibly provide the flood storage equal to the present flood water storage capacity and increased urbanization in the study area would directly increase flood damage and danger downstream."

The area proposed for designation is, with minor exceptions, the same area designated as a rare flood-plain by the Soil Conservation Service in June, 1973, in a report entitled "Flood Hazard Analyses, Upper Sudbury River, Massachusetts."

B. Public Water Supply

The Town of Westboro has two wells on the margin of Cedar Swamp. These wells provide approximately 30% of Westboro's water supply capacity or between 600,000 and 800,000 gallons per day.

In addition, the Metropolitan District Commission maintains public drinking water reservoirs in Framingham which are supplied by Cedar Swamp and the Sudbury River. In its letter to this office dated May 6, 1975, William J. Byrne, Jr., Commissioner, Metropolitan District Commission stated:

"We are also particularly concerned with the possible effect of development in the Swamp on water quality. Increased industrial and water discharge directly into the swamp appears nearly inevitable. Any reduction in water quality would impact on M.D.C.'s plans for utilizing the Sudbury as a major increment to our present water yield capabilities."

C. Public Recreation

Located in the area between the Framingham and Worcester urban centers and easily reached by road, Cedar Swamp is accessible to many urban people in the middle eastern part of Massachusetts. It naturally lends itself to passive and active recreation such as hiking, bird watching, canoeing, hunting, and fishing. In a letter dated January 18, 1972, Paul Mugford, Acting Assistant Director of the Massachusetts Division of Fisheries and Game, wrote:

"Located as it is between Framingham and Worcester, the Westboro area's contribution to the public's recreation needs and to local resource values is of inestimable value."

House No. 5364 of 1975, the Special Report of the Executive Office of Environmental Affairs Relative to the Identification, Designation and Protection of Critical Environmental Concern Areas, identifies the criticality of wetlands:

"The inland wetlands constitute an extremely varied category of land and water areas; they

are similarly varied when viewed in terms of their local, regional and statewide significance. Those related directly or indirectly, to the water supply of communities and regions undoubtedly fall into a critical category, and would include reservoirs and their watersheds, aquifers and recharge areas. Floodplains should similarly be included in a critical category. The critically of the others, however, cannot be judged fairly on the basis of a single environmental value even though some values should, in particular instances, be given greater weight than others. Not every wetland need fall within restrictive controls, but each should be evaluated in terms of local or regional significance, its intrinsic interest or character, and particularly its linkage to other areas of environmental concern or value.

V. Potential for Development in Cedar Swamp

- At the present time Cedar Swamp is crossed by the Massachusetts Turnpike, Interstate 495, and the main track of the Penn. Central Railroad. In addition, major portions of the swamp are zoned for industrial use. The combination of access to major transportation lines, and zoning favorable to commercial and industrial development, indicates the likelihood that future such development will be proposed in the Cedar Swamp.

In addition, the Town of Westboro turned down a floodplain zoning bylaw at its 1975 town meeting. At the public hearing, many town officials requested that EOEA not make a designation of Cedar Swamp because the town would amend its zoning bylaws for Cedar Swamp. Since that action has not been taken by the town, the potential for development and environmental damage in the Cedar Swamp area remains high.

VI. Designation

I have reviewed the documents, reports and written comments submitted to this office. In addition, I have taken into account the oral statements made at the public hearing on May 14. Based on this review I hereby determine that Cedar Swamp is a particularly sensitive environmental area where an otherwise insignificant impact could become significant and is an Area of Critical Environmental Concern. The land area so designated is delineated by the outer boundary of the Rare Flood on plate 5-1, Flood Hazard Areas, Upper Sudbury River, Flood Hazardous Analyses, Upper Sudbury River, Massachusetts, Soil Conservation Service, U.S.D.A., June 1973. This order will take effect immediately. However, additional comments and requests for specific amendments by state agencies or other interested parties may be submitted within the next 14 days for my consideration.

(signed) Evelyn Murphy
Secretary of Environmental Affairs

July 3, 1975