

From: Lorraine Iovanni

Sent: Saturday, November 25, 2023 8:12 PM

To: Ann Harrison <harrisona@manchester.ma.us>; John Round <roundj@manchester.ma.us>; Brian Sollosy <Sollosyb@manchester.ma.us>; Billotac@manchester.ma.us; Becky Jaques <jaquesb@manchester.ma.us>; Ronald Mastrogiacomo <mastrogiacomor@manchester.ma.us>; Sarah Creighton <CreightonS@manchester.ma.us>; Laura Tenny <tennyl@manchester.ma.us>; Susan Philbrick <philbricks@manchester.ma.us>; Mary Foley <foleym@manchester.ma.us>; Christine Delisio <delisioc@manchester.ma.us>; Christopher Olney <olneyc@manchester.ma.us>

Cc: steve.gang@resonanceinsights.com; Greg Federspiel <federspielg@manchester.ma.us>; Debbie Powers <powersd@manchester.ma.us>; Gail Hunter <HunterG@manchester.ma.us>; Charles Dam <damc@manchester.ma.us>; Manchester Essex Conservation Trust <conserve@mect.org>

Subject: [EXTERNAL] - Aquifer Protection Zoning/Nov 20, 2023 Select Board Meeting/Environmentally Sensitive

Attn: SB, PB

(Ms Hunter, please forward to all PB and MBTA TF Members, thank you.)

Cc: TA, all Con Com Members, DPW, MECT, BOH

(Ms Powers, please forward to all ConCom members and BOH, thank you.)

Good Evening,

I hope all enjoyed a wonderful Thanksgiving with family and friends.

A few takeaways from the November 20, 2023 SB meeting related to watershed protection:

Mr. Gang outlined a reasonable approach to conserve and protect the watershed area in Manchester on land owned by Gordon College. I heard (and correct me if I am not accurate) that 30 percent is wetlands, that 4 vernal pools exist on the locus, and that in the past some companies have reviewed the locus for COMMERCIAL development and decided it was problematic.

I would like to point the SB to the fact that Wenham has protected its own watershed via an Aquifer Zoning

Ordinance: https://cms4files1.revize.com/wenhamma/town_by-laws/docs/Aquifer11x17_2015.pdf

I want to raise some concerns based on the fact that 2 SB Members are targeting the locus for housing:

Ms. Mellish (our ZBA Chair), who serves on the MBTA TF cited the locus as a potential area for MBTA Zoning BYRIGHT outside the .5 miles radius of the MBTA Station. Based on Mr Gang's presentation relating wetlands and vernal pools, I am confused. This locus appears to be EXCLUDED in accordance with EOHLC Compliance Guidelines for MBTA Zoning, updated August 17, 2023 which reads:

"Excluded land" means land areas on which it is not possible or practical to construct multi-family housing. For purposes of these guidelines, excluded land is defined by reference to the ownership, use codes, use restrictions, and hydrological characteristics in MassGIS and consists of the following:

- 1. All publicly-owned land, except for lots or portions of lots determined to be developable public land.***
- 2. All rivers, streams, lakes, ponds and other surface waterbodies.***
- 3. All wetland resource areas, together with a buffer zone around wetlands and waterbodies equivalent to the minimum setback required by title 5 of the state environmental code.***
- 4. Protected open space and recreational land that is legally protected in perpetuity (for example, land owned by a local land trust or subject to a conservation restriction), or that is likely to remain undeveloped due to functional or traditional use (for example, cemeteries).***
- 5. All public rights-of-way and private rights-of-way.***
- 6. Privately-owned land on which development is prohibited to protect private or public water supplies, including, but not limited to, Zone I wellhead protection areas and Zone A surface water supply protection areas.***
- 7. Privately-owned land used for educational or institutional uses such as a hospital, prison, electric, water, wastewater or other utility, museum, or private school, college or university. "***

I would welcome an explanation from Ms Mellish as to how she deduced that it is a "win win" to zone this locus as MBTA Zoning BYRIGHT.

Protection of our water is a safety and health issue and is a mandated priority for the Town. I do not agree with Mr. Sollosy's broad statement that we don't know how much housing we will need in the next 30 years and should not tie up this locus.

If our water is not potable, we have no Town.

Our focus here whether it is the SB, PB, and the MBTA TF is not to facilitate HOUSING at any cost, but to maintain the health and safety of the

Community. Even the EOHLIC recognizes this fact as reflected in its own guidelines.

The State is promoting conservation of water, as you all know:

<https://www.mass.gov/conservemawater>

With unknowns as climate change and drought, and with the presence of PFAS in our water supply, our goal should be to protect as much as possible the quality and safety of our water supply. Housing as we have learned with the SLV 40 B studies, clearly threatens the locus, our wildlife and habitats in environmentally sensitive areas. The movement toward housing in this locus of the LCD in an environmentally sensitive area is perplexing, at best.

The PB should begin its work to develop a MBTS Aquifer Protection Bylaw to be presented for Spring Town Meeting.

An Aquifer Bylaw is significant regardless of who owns the land. I wholeheartedly disagree with Mr. Sollosy's assertion in words to this effect that a landowner has an unbridled right to do whatever he or she wants. The whole premise of zoning is to protect the health, safety, well-being, and character of a community while permitting (emphasis on permitting) the landowner his or her rights to the use of the land. In the matter at hand, wetlands, vernal pools and the watershed are *paramount*.

While Ms Harrison is rightfully concerned about financial demands to purchase the locus from Gordon College, as suggested, it was clear from Mr Gang that the State would be instrumental in this regard. I recommend that Mr. Gang cost out the purchase as best he can and reconvene with the SB to discuss this matter once again. In the meanwhile, the Town should act immediately to develop an Aquifer Protection Zoning Ordinance to protect our drinking water. MECT should also engage to review vernal pools and other wildlife habitats on this locus. Gordon College is very familiar with its environmental responsibilities, as demonstrated in 2003 by reference to a proposed development on Boulder Lane off Grapevine Road, on the Beverly line.

Our Town should refocus its lens on protecting **ALL** environmentally sensitive areas and especially our drinking water. **The STATE EOHLIC**

recognizes that the STATE DEP has a mission as well, as reflected in its own Guidelines cited above.

I am giving this wide distribution per our Town Governance Project.

Regards,

Lorraine

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