

4. Open Space and Recreation

Introduction

Open space is essential to the quality of life in every city and town. It can be thought of as part of a community's infrastructure – green infrastructure – that supports and links built and natural environments. Green infrastructure is an interconnected network of waterways, wetlands, woodlands and wildlife habitats; greenways, parks and conservation lands; working farms and forests; and wilderness that supports native species, maintains natural ecological processes, sustains air and water resources and contributes to the health and quality of life for communities and people.¹ A town's green infrastructure includes recreation sites and parks, trails, greenways, and natural areas.

The majority of Tewksbury residents support open space.² During the Community Vision Forums in the fall of 2002, residents identified youth sports, the recreation and open space complex on Livingston Street and the open space at Tewksbury State Hospital as some of the town's strengths. However, recreation is but one of the public benefits open space provides. Open space also provides scenic views, protects wetlands, riparian corridors and wildlife habitat, preserves farms and gardens, and supports civic gathering places for people such as town squares and commons. It provides ecological, social, economic and health benefits, including:

- Ecological benefits. Open space provides natural water filtration, drinking water protection, flood and erosion control, wildlife habitat and migration stopovers and biodiversity conservation. Biodiversity encompasses all life and includes genetics, species, ecosystems and ecological processes.



This "Dear Area" sign is posted near an elderly housing development across from the Livingston Street Recreation Complex. It reminds drivers to be careful in this important part of Tewksbury where children and seniors live and play. Photo by Mary Coolidge (2002).

¹ American Planning Association, [online] "Seven Principles of Green Infrastructure," [cited 18 December 2002]. Available from the World Wide Web, <<http://www.asu.edu/caed/proceedings00/EUGSTER/eugster.htm>>

² Tewksbury Open Space and Recreation Committee, Open Space and Recreation Plan 1998-2003, (1998).

- Social benefits. Open space contributes to community and individual quality of life by providing opportunities for recreational, civic, social and educational interactions. It can contribute to community identity and sense of place by connecting residents to their natural and cultural heritage and by linking neighborhoods to the larger community.
- Economic benefits. Open space is important for keeping and attracting businesses and employees to a community and a region. Proximity to open space often increases land values, and recreation and leisure activities can make significant economic contributions. Forests, rangeland, agricultural lands, commercial fisheries, mineral deposits and areas for the production of food or fiber all are important and they require resource management. Natural processes such as water filtration are much less expensive for communities than engineered alternatives like water treatment plants.
- Health Benefits. Access to parks, greenways and trails creates recreational opportunities and encourages a physically active lifestyle. Open space helps to ensure clean and safe community water supplies and food production resources. It also mitigates air, water and noise pollution and dissipates urban heat.

The open space and recreation element of a town plan focuses on the adequacy and types of land used and enjoyed by the public. Environmental, demographic and cultural differences across communities mean that open space and recreation needs cannot be measured empirically. Although national parkland standards exist and they have been consulted, Tewksbury's unique green infrastructure has been evaluated and integrated into this master plan in order to meet community recreation goals and natural resource protection needs. For Tewksbury, green infrastructure should be designed to enhance natural systems, protect groundwater, minimize flooding, improve economic vitality, connect people and the natural world and increase the well-being of individuals and their community.³

Existing Conditions

Open Space

It is difficult to determine the amount and types of open space that exist in Tewksbury, first because the town does not have a current open space inventory and second, available records do not agree. According to data supplied by the Tewksbury assessor's office, there are 3,165 acres of vacant land in the town.⁴ Vacant land may be open space today, but unless it is permanently protected from development it may not be open space in the future. Much of Tewksbury's remaining vacant land could be developed because there are no legal restrictions against a change in use from open space to residential, commercial or industrial development.⁵

³ Community Open Space Partnership, [online] "Green Infrastructure: A New Idea for a Changing World," [cited 6 November 2002]. Available from the World Wide Web, <<http://www.ouopenspaces.org/greeninfrastructure.html>>

⁴ Tewksbury Assessor, "FY02 Parcel Data" in EXCEL format [rptListbyMLU.xls], 17 October 2002.

⁵ The Executive Office of Environmental Affairs (EOEA) Buildout Study for Tewksbury prepared by the Northern Middlesex Council of Governments (NMCOG) projects that there

Tewksbury's 1998 Open Space and Recreation Plan catalogs a total of 1,581 acres of open space, including 524 permanently protected acres in the town.⁶ However, the plan does not identify the parcels that are permanently protected and it does not explain the criteria that were used to categorize privately owned land as open space. Typically, open space is classified according to a level-of-protection framework that recognizes "permanent," "temporary," "limited" or "no" use restrictions. "Permanently" protected open space includes only land owned for conservation and wildlife habitat by federal and state agencies, non-profit organizations and local conservation commissions, and privately owned land bound by conservation easements or an Agricultural Preservation Restriction (APR). "Temporary" and "limited" open space includes land covered by revocable restrictions against development or change in use. A farm that is differentially assessed for tax purposes, e.g., under a Chapter 61A agreement with the town as long as the land is used for agriculture, is an example of temporarily protected open space. Limited-protection open space includes land uses such as cemeteries or ball fields that could but are unlikely to be redeveloped. "Unprotected" open space is land with no legal restrictions against future development.

According to the assessor's records, Tewksbury owns 326 parcels with a combined total of about 1,350 acres. Three hundred of these parcels, or 845 acres, are vacant.⁷ (See Map 9.) The assessor's records do not indicate how the town's vacant land is used or its protection status. A municipal property inventory compiled by Town Manager last year (2002) identifies 1,365 acres of town-owned land, including 491 acres of open space, 107 acres of parkland and about 400 acres classified as "surplus."⁸ Table 1 summarizes the Town Manager's inventory. Though helpful for identifying what the town actually owns, neither the assessor's records nor the Town Manager's provide a clear picture of the status, jurisdiction or management oversight of open space and vacant parcels in Tewksbury.

The town or the Commonwealth owns nearly all of the open space in Tewksbury. This means that while most open space in Tewksbury is fairly secure from development, it is not permanently set aside for conservation or recreation purposes. In general, the town's open space holdings are fragmented and most are unimproved. A majority of the town's parcels are located south of Route 38 and along the Shawsheen River. Town-owned property used for schools, playgrounds or well fields usually falls under the category of "limited protection" because the parcels are at a low risk of land use change. In many communities, limited-protection open space serves more than one purpose: walking trails in water supply recharge areas, playgrounds adjacent to public schools, or small, landscaped parks between public parking areas and the facilities they serve, such as a town hall or library. Despite recommendations contained in the 1998 Open Space and Recreation Plan, Tewksbury has

are 1,712 vacant, developable acres in Tewksbury. NMCOG [CD-ROM], in EXCEL format, [tewksbury_buildout-final.xls], 2001.

⁶ Open Space and Recreation Plan, (1998), 74.

⁷ Tewksbury Assessor, "FY02 Parcel Data" in EXCEL format [rptListbyMLU.xls], 17 October 2002.

⁸ "Town-Owned Land," list supplied to Community Opportunities Group, Inc., by Steven Sadwick, Director of Community Development, December 2002, in EXCEL, [TownLand.xls], 5 July 2002.

not developed compatible recreation uses on any of its water supply land. Moreover, the town sold the 68-acre Court Street well field in 2002.⁹

Table 1: Town Land in Tewksbury

Existing or Planned Use	Acres	Percent	Existing or Planned Use	Acres	Percent
Dedicated-Use Land			Surplus Land		
Town & School Facilities	306.3	22.4%	Vacant	37.7	2.8%
Parks	107.5	7.9%	Abutter	3.5	0.3%
Public Open Space	490.8	35.9%	Open Space	365.2	26.7%
Unknown	54	4.0%	Abutter Open Space	0.3	0.0%
Total Municipal Inventory			1,365.30 100.0%		

Source: Town of Tewksbury, in EXCEL format, [TownLand.xls,] 5 July 2002.

Tewksbury acquired some of the land it owns by receiving open space from developers of cluster subdivisions and conventional subdivisions and by accepting tax-title parcels in lieu of taxes near the Shawsheen River. The Tewksbury Zoning Bylaw requires that open space in cluster subdivisions be dedicated as park, recreation or open space land. However, the actual status of these parcels remains unclear because available documentation is not consistent. Some of the parcels have been classified as town-owned conservation land and others are included on the miscellaneous town-owned land list in the Open Space and Recreation Plan and the Town Manager’s town-owned land inventory. None of the open space in cluster subdivisions has been developed with pocket parks or trails.¹⁰

The Commonwealth owns the largest contiguous property (Tewksbury State Hospital) between Strong Water Brook and Route 38, which is not permanently protected.¹¹ It consists of several parcels with a combined total of about 750 acres, including the hospital buildings and grounds, open fields and forested land.¹² In 1994, the Board of Selectmen established a committee to develop a re-use strategy for Tewksbury State Hospital because they feared the state may close the Hospital or dispose of some of the Hospital's land for new development. The committee developed a report that identified several parcels with open space significance: (1) 18 acres along Long Pond that provide informal public access to the pond; (2) 318 acres of active farmland; (3) 162 acres of uncultivated land with important agricultural soils; and (4) a 176-acre contiguous corridor along Strong Water Brook. There is

⁹ Town of Tewksbury to Massachusetts Department of Revenue (DOR), “FY02 Schedule A Report and Certification,” in EXCEL format [SCHEDA02.xls], 4 February 2003.

¹⁰ Open Space and Recreation Plan, (1998), 58, 64-65, 75.

¹¹ The town is currently working with the Massachusetts Division of Capital Asset Management (DCAM) to obtain a conservation restriction over portions of the open space at Tewksbury State Hospital.

¹² Tewksbury State Land Planning Committee, Reuse Consensus Plan for Tewksbury Hospital Surplus Property (1995), 8. Note: the 750-acre estimate for Tewksbury State Hospital is based on data maintained by the local assessor’s office.

also a small, state-owned parcel adjacent to the town's Old Gravel Pit off Bonnie Lane, but there is no obvious public access from the parcel's frontage on Bligh Street.¹³

Privately held open space in Tewksbury is used for recreation and the parcels are not permanently protected. The 127-acre Trull Brook Golf Course is open to the public and the 52-acre Longmeadow Golf Club is a private country club. The Tewksbury Road and Gun Club, the Elks Club, the Knights of Columbus and several other private groups hold small parcels. According to the assessor's records, none of the private open space in Tewksbury is under a Chapter 61, 61A or 61B agreement with the town. There are apparently no local land trusts with property or conservation restrictions in Tewksbury.

Recreation

The Tewksbury Recreation Department coordinates the use of the recreational facilities at the town's schools and parks, provides after-school care for 400 children at the Teen Center, and runs three summer programs for 650 children.¹⁴ Like many communities, Tewksbury does not sponsor or manage any sports leagues because they are organized and funded by private organizations. The Recreation Department supervises the Livingston Street Recreation Complex, which is maintained by the Public Works Department. The private leagues and the individual schools are responsible for maintaining the other facilities.¹⁵

Private sports leagues use the town's recreation sites and they are responsible for facility upgrades, cleaning and general upkeep. Each sports league is governed by its own Board of Directors, which manages league play and takes responsibility for fundraising. Tewksbury's Recreation Director estimates that each year, private leagues attract the following number of participants: baseball (1,300), football (900), boys' basketball (400) girls' basketball (300), softball (400), lacrosse (200), soccer (800) and hockey (500).¹⁶ There is only one adult league, a soccer league, with about 100 participants.

There are seven public parks encompassing almost 140 acres in Tewksbury: Common Street (Town Common), East Street, Foster, Livingston Street, Melvin Rogers, Melrose Avenue and North Street. Most of the parkland is improved with sports fields. The Livingston Street park is Tewksbury's most important recreation area and it accommodates community-wide use. This 31-acre park was recently renovated and it is the site of the Park Department building, the Teen Center, 11 sports fields, tennis and basketball courts and a playground. Other town parks include a bandstand and picnic areas. The girls' softball league is currently building two more softball fields. Table 2 summarizes the recreation facilities at town parks and schools.

¹³ Here, local and state records do not agree. MassGIS reports that this 5.53-acre parcel is owned by the state, but the assessor's records identify it as town-owned land.

¹⁴ Roy Patterson, Recreation Director, to Andrea M. Underwood, Community Opportunities Group, 17 December 2002.

¹⁵ Ibid. See also, Open Space and Recreation Plan (1998), 75.

¹⁶ Roy Patterson, 17 December 2002.

Table 2: Active Recreation Facilities in Tewksbury

Jurisdiction	Description of Facilities
<u>Parks</u>	
Common Street	Bandstand
East Street	2 baseball fields
Foster Park	
Livingston Street	6 baseball fields, 2 football fields, 3 soccer fields, 3 tennis courts, 3 basketball courts, tot lot, Youth Center, Parks Department, skateboard park
Melrose Avenue	
Melvin Rogers Park	2 fire pits, swings
North Street Soccer	Soccer fields, baseball field
<u>Schools</u>	
Ryan School	2 multi-purpose fields, tennis courts, 1 football field, 1 playground
Dewing School	1 multi-purpose field, playground
Heath Brook School	2 baseball fields, 1 basketball court, playground
North Street School	Playground
Trahan School	1 baseball field, playground
Tewksbury High School	1 baseball field, 1 softball field, 1 soccer field, track, Field House
Tewksbury Middle School	2 baseball fields, 1 soccer field, 1 multi-purpose field

Source: Tewksbury Open Space and Recreation Plan 1998-2003, (1998).

Tewksbury’s eight public schools provide 12 more sports fields, tennis and basketball courts and playgrounds. The school department’s facilities are used for interscholastic and intramural athletic programs as well as private league sports. In addition, there are informal trails on the town’s water supply land and a small, town-owned parcel that abuts Melvin Rogers Park. The Tewksbury Recreation Director reports that within the next decade, the town will need two additional softball fields, three little league fields and two senior league baseball fields. The Recreation Department has also wanted to develop a swimming pool and a hockey rink in Tewksbury for many years.¹⁷

A striking characteristic of Tewksbury’s open space and recreation inventory is the limited number of places that provide public access to the town’s rivers, brooks and ponds for water-based recreation. There are no riverfront parks, but the town owns several small, unimproved parcels at Bridge Street, Geiger Drive, Mill Street and Riverdale Road that provide access to the Shawsheen River.¹⁸

¹⁷ Ibid.

¹⁸ Open Space and Recreation Committee, Open Space and Recreation Plan, (1998), 64.

Local Initiatives

Status of Previous Plans

An earlier Open Space and Recreation Plan was written in 1986. It made a number of recommendations, only a few of which have been implemented. The most important of these was the adoption of the town's Wetlands Protection Bylaw in 1986.¹⁹ The town also upgraded recreation areas at all the elementary schools and the high school track. The former tot lot at Livingston Street was renovated into a large recreation complex. The 1986 plan also recommended that Tewksbury acquire open space parcels for conservation, but the town has not appropriated funds, issued bonds or sought grants for acquisition.

The more recent Open Space and Recreation Plan (1998) includes nine goals and a five-year action plan to be implemented between 1998-2003.

- Protect the town's water supply
- Preserve and protect the rivers, brooks, ponds, wetlands, and floodplain in Tewksbury
- Preserve and protect the town's natural heritage and outstanding natural features for conservation purposes, for this and future generations
- Provide accessible, well-balanced sports and recreation opportunities for all town residents
- Ensure needed maintenance of existing and proposed open space and recreation facilities, keeping costs within the town's means
- Encourage open space enjoyment and use
- Preserve important historical and archaeological sites, and enhance the scenic quality and pleasant character of the town
- Work with the Bay Circuit Program and other appropriate federal and state agencies to develop a green belt plan for the town which links open space in Tewksbury with that of surrounding towns in the region
- Promote efforts to preserve and protect state and privately owned open space in the town for conservation, agriculture and compatible recreation needs

Since the 1998 Open Space and Recreation Plan was written, Tewksbury's Land Use Committee has been working to protect Tewksbury State Hospital, the most important tract of open space in the town. In 2002, town meeting approved a home rule petition to protect the open space and hospital grounds. The legislation has been filed with the Commonwealth and it is still in committee at the legislature.²⁰ A series of public hearings were held in early 2003 to determine the town's position on the possible restricted and allowed uses that would be presented to the Department of Capital Asset Management (DCAM).²¹ Discussions among the town, DCAM, the Department of Public Health and state

¹⁹ Ibid., 77.

²⁰ Steven Sadwick, Director of Community Development, to Andrea M. Underwood, Community Opportunities Group, 14 May 2003.

²¹ Ibid., 20 December 2002.

legislators are ongoing. In addition, the Tewksbury Conservation Commission and the Massachusetts Department of Environmental Protection (DEP) are mutually interested in joint sponsorship of a wetland reclamation and restoration project on Route 38 near the Shawsheen River.²²

Many of the goals in the 1998 Open Space and Recreation Plan depend upon a coherent strategy for open space acquisition, land management and stewardship, along with dedicated funding. The Town's Land Use Committee is developing a policy to "encourage significant tracts of private, quasi-public, and state-owned land to be maintained as open space," but it has not been completed. Absent both the requisite policy framework and adequate staff capacity, the town has implemented some of the last Open Space and Recreation Plan's action items in an ad hoc fashion and in some cases, recommendations have not been worked on since the plan was initially developed. For example, the Conservation Commission has tried to develop and implement a protocol to acquire conservation easements along rivers, streams and ponds. The Conservation Commission has considered these objectives when reviewing individual projects, but there is no mechanism to purchase, accept, monitor or steward the land.²³

Community Surveys

In 1995, the Tewksbury Conservation Commission developed an Open Space Survey and distributed it to residents in order to solicit public input about recreation and open space for what would become the 1998 Open Space and Recreation Plan. Approximately 2% of Tewksbury's households returned their surveys and the majority of respondents were adults with children. In most cases, respondents were not satisfied with the town's recreational opportunities for adults, but only 1/3 were not satisfied with recreation facilities for children. Livingston Street Park, the North Street soccer fields and baseball/softball fields were identified as the most utilized recreational facilities. Generally, respondents thought that these areas were well maintained, but that lesser-known areas suffered from poor maintenance and illegal dumping. The survey respondents ranked playgrounds, a skating rink, water access, trails and bicycle paths as Tewksbury's most-needed recreation facilities.

The Town Common, Tewksbury State Hospital and Livingston Street Park received high marks as attractive landscapes or natural features, and many respondents thought that open space should be preserved for recreation, water and conservation, and farmland. Though they expressed an interest in preserving more open space, respondents disagreed about specific actions the town should take. For example, 78% supported land acquisition by the town, but only 30% supported raising taxes to acquire parcels and less than 30% of the respondents supported seasonal or yearly user fees. There was very little support for

²² The status of this initiative is unclear. According to DEP, the wetlands reclamation project began some time ago and is slated for completion in 2003. The Town Manager recently reported that a number of issues were unresolved no commitments had been made as of January 2003.

²³ Walter S. Polchlopek, Tewksbury Conservation Administrator, to Andrea M. Underwood, Community Opportunities Group, 20 December 2002; and Polchlopek, unpublished report c. December 2002.

donating or selling land, or for granting conservation restrictions to the town. However, only two respondents thought the town should “do nothing” to preserve open space.

While Tewksbury residents seem interested in saving land, it is not clear what strategies they would support in order to accomplish their goals. Just over half of the survey respondents supported open space zoning to conserve farmland and less than 30% thought that Tewksbury should accept conservation restrictions, require dedications or purchase land to preserve farmland. A plurality of the respondents said Tewksbury should act to: (a) maintain current recreation areas and facilities (27.2%); (b) maintain and construct new recreational facilities, and acquire additional conservation land (23.3%); (c) acquire additional conservation land (18.8%); and (d) construct new recreational facilities (18.2%).

Open Space & Recreation Goals

Residents participating in the Master Plan Committee’s Community Vision Forums (October-November 2002) supported a vision of Tewksbury with “rural” characteristics including tree lined roads, farms, open space and community gathering places. They described the land around Tewksbury State Hospital, Ames, Round and Mud Ponds, the public common at Town Hall, Krochmal Farm and Trull Brook as important, character-defining open spaces. Participants also said they value stands of mature trees and vegetation along the town’s roads. The visioning process culminated in 15 goals, several of which require open space preservation and design strategies. Goals with obvious open space implications include:

- Reduce conflicts between industrial zones and adjacent neighborhoods.
- Subordinate the rate and total amount of development to the capacity of Tewksbury’s environmental resources.
- Recognize and protect Tewksbury’s character-defining roads, natural and built assets and unique local landmarks.
- Preserve large tracts of open space and recreation land.
- Manage development so that it respects the topography and character of the land, existing vegetation and scenic road features.
- Encourage pedestrian and bicycle access throughout Tewksbury by providing a safe, scenic interconnected system of roads, sidewalks and trails.
- Eliminate existing and potential environmental hazards.

Analysis of Needs and Planning Considerations

On one hand, Tewksbury’s open space needs are fairly straightforward: the town needs to retain and care for the land it already owns, gradually acquire additional holdings to connect open space where possible, and use its regulatory powers to assure high-quality open space in new developments. On the other hand, Tewksbury’s open space needs are complicated: the town does not have many resources, town departments already juggle many responsibilities, and there is no history of sustained political leadership for open space protection. The relationship between open space, land use and transportation needs is very obvious in Tewksbury – obvious in visual, statistical and environmental terms. A

comprehensive open space system requires criteria for evaluating open space parcels, zoning and non-zoning bylaws that can help meet open space goals, and dedicated funding to acquire, improve and manage property. Tewksbury needs to address three important issues over a period of several years, though actions can be taken in the short term to begin working toward a longer-range plan.

1. Tewksbury needs to protect its existing land holdings and enhance them with additional open space, whether acquired by the town or provided in new residential, industrial and commercial development.

Clear, realistic ways to enhance Tewksbury’s “green infrastructure” will provide many public benefits and may bring additional resources to the town to meet its open space and recreation goals. For example, Tewksbury’s cluster zoning bylaw, its wetlands bylaw and its policy to take tax title land are all tools to acquire open space that simultaneously protect natural resources, public health and investments. However, the town’s policies and their application have led to ambiguities about the level of protection, access to and management of this land. In addition, the status of town-owned land needs to be clarified in order to determine how properties could be used to meet present and future open space and recreation goals, and which town departments have jurisdiction or management control over each parcel. At the very least, the town should always consult with neighborhood residents before town-owned property near their homes is classified as surplus and sold for development.

The National Recreation and Park Association (NPRA), a well-known advocacy organization, has developed park, recreation and open space guidelines for cities and towns. If NPRA guidelines are used as a baseline to determine the amount of open space and recreation land needed in a community, then Tewksbury has insufficient neighborhood recreation spaces to meet some of its goals. (See Table 3 and Map 10). The Livingston Street Recreation Complex and the town’s schools provide neighborhood playgrounds and a major community playfield, but NPRA standards suggest that a town of Tewksbury’s size should also have a small tot lot (less than 1 acre) for every 1,000 residents; 5-10 neighborhood parks (5-8 acres each); a major community park (35-50 acres); and an acre of open space for every 1,000 residents that is used as passive recreational land. Presently, the town’s open space and vacant land is not configured or improved to meet any of these guidelines.

Table 3: National Recreation and Park Association Standards

Park Classification	Acres/1,000 Residents	Park Size
Play lot (Tot lot)	0.1 - 0.3	1,000 sq. ft - 1 acre
Neighborhood Playground	1.5 – 2	4 - 8 acres
Neighborhood Park	1.5 –2	5 - 8 acres
Community Playfield	1 – 2	15 - 25 acres
Major Community Park	3 – 5	50 - 100 acres
Urban Open Space	1	Pocket parks - boulevard

Source: NPRA Standards, cited by School of Park and Recreation Management, Northern Arizona University, at <http://www.prm.nau.edu/recreation_standards.htm>.

National standards should never be applied uncritically, that is, without analyzing their relevance to local conditions. In Tewksbury, however, there does not appear to be an ongoing planning and policy development process in place to identify the community's open space and recreation needs or preferences. Without an effective public consultation process or a recent needs assessment, it is not clear how the town can identify resident needs in an orderly way, i.e., one that enables local officials to plan, set priorities and implement them. Industry guidelines, developed with input from park and recreation directors in different regions of the country, provide a useful starting point for measuring gaps in a recreation system. Since they are the only source of information available for the Master Plan, they have been used to estimate potential outdoor recreation needs in Tewksbury.

Like many other needs in town, open space does not receive sustained public attention. The town has so many pressing, often politically charged issues to contend with that by default, community development policies are sometimes fragmented or inconsistent. In addition, it is not clear that a culture favorable to open space protection actually exists throughout the community. Residents at the Master Plan forums commented extensively on the physical characteristics they value in Tewksbury, yet the town does not have an active track record in open space and resource protection. At times, there seems to be some reluctance to require developers to do their part in making Tewksbury an even better place for those who live and work in the community. Despite comments made at the public forums, the town has lacked open space-conscious development policies for a long time. Tewksbury does not have the basic open space tools that many communities put in place years ago and continue to implement as a matter of public policy, e.g., mandatory open space and landscape preservation bylaws, an active Conservation Fund, a bond authorization for land acquisition and the development of recreational facilities, or at minimum, retention of existing town holdings.

2. Committing resources to open space maintenance and improving public access are critical issues for Tewksbury.

The town's holdings are not marked and in many cases, public access is limited or virtually non-existent. As a result, residents do not use much of the land and it is susceptible to illegal dumping. There are no signs, the trails are not maintained, and there is limited parking. Tewksbury has also acquired open space through cluster zoning that has not been improved with trails or children's play equipment. In addition, the Shawsheen River and other streams and ponds are underutilized. These issues were also raised in the 1998 Open Space and Recreation Plan and strategies were developed that have not been implemented.

Tewksbury's open space and recreational facilities are, or should be seen as, important public assets. They require maintenance and a culture of stewardship. An Open Space and Recreation Plan exists and it speaks to all of these issues, but the town seems to have committed few staff hours and resources to its implementation.

3. A regional approach could help Tewksbury meet some of its open space needs if residents take an active role in regional open space initiatives that affect their community.

Environmental advocacy and planning organizations have developed a number of regional open space, recreation and natural resource protection/mitigation plans, including:

- Executive Office of Environmental Affairs, Merrimack River Watershed Action Plan.
- Massachusetts Wetlands Restoration Program, Shawsheen River Watershed Wetlands Restoration Plan, 2001.
- Merrimack River Watershed Council, Shawsheen River Watershed Management Plan, 1998, 2003.
- National Wildlife Federation, Total Maximum Daily Load Plan.
- Northern Merrimack Council of Governments, Greater Lowell Regional Open Space Strategy, September 2002.
- Shawsheen River Watershed Association, Shawsheen River Interactive Recreation Map
- Town of Andover, Shawsheen River Greenway Plan, 1992.

Acquiring and developing a network of “green infrastructure” with open space and recreation facilities requires time, technical skills, funding, and management capacity. Though Tewksbury has competent professional managers and support staff as well as devoted volunteers, the town may not have enough internal capacity to address its open space and recreation needs. The town could leverage additional capacity, resources and funding by working in partnership or developing complementary goals and strategies with one or more regional groups. For example, the Merrimack River Watershed Council’s [Shawsheen River Watershed Management Plan](#) contains strategies that would help Tewksbury improve water quality and access to the Shawsheen River. The Town Manager has participated in developing an update of this regional plan and commented on several drafts.²⁴ The Planning Board, Conservation Commission and interested citizen groups should participate in these types of activities as well.

OPEN SPACE & RECREATION ELEMENT

The Master Plan promotes open space and recreation enhancements that acknowledge the town’s limited resources and respect its desire to encourage investment and reinvestment in quality development. However, the town needs to evaluate its ability to complete conservation projects and its system of inventorying and managing open space. To measure

²⁴ William Dunn, MDC Division of Watershed Management, Merrimack and Shawsheen Watershed Team Leader, to Andrea M. Underwood, Community Opportunities Group, 17 December 2002.

the results of any open space and recreation initiatives, the town must have an accurate baseline of its existing open space, both publicly and privately owned. Tewksbury's Open Space and Recreation Plan outlines a number of important objectives, but it is doubtful that most of them can be implemented given the competing demands placed upon town staff and volunteer committee members. To realize the goals of the Master Plan, residents, developers, wildlife and natural resources will all benefit from clear expectations, implementation and enforcement. Open space acquisition and complementary land use regulations, public access and maintenance, and an integrated approach to implementation are complex issues that will continue to affect open space in Tewksbury.

The Open Space and Recreation element promotes the preservation of open space and recreation land, a reduction in conflicts between industrial zones and adjacent neighborhoods, enhanced pedestrian and bicycle access, and the elimination of existing and potential environmental hazards. Toward these ends, it works in concert with the Land Use element. The Land Use Policy Plan is reasonably simple, straightforward, and responsive to the Master Plan goals expressed at the visioning forums. It does not reduce Tewksbury's overall build-out potential to a significant degree. Rather, its purpose is to promote an appropriate mix of residential, commercial and industrial development, emphasize traffic safety and secure, healthy environment for the town's present and future residents.

Open Space & Recreation Policies

Open space inventory. Effective open space planning begins with a shared understanding of what constitutes "open space" and an accurate inventory thereof. Accordingly, the town should review and reconcile differences between local lists of public open space and the inventory that is on file with MassGIS. Thereafter, the town needs to review and confirm the status of the following classes of land:

- Designated open space in filed cluster subdivision plans.
- Recorded conservation restrictions, if any.
- Private land eligible for Chapter 61, 61A or 61B agreements.
- Private land with value for protecting natural or cultural resources, connecting pockets of open space, or providing small neighborhood or waterfront parks.

These actions will culminate in a single list of Lands of Conservation and Recreation Interest. The list becomes a working inventory when it is expanded to include descriptions of the location, size, protection status, fee owner, and restriction/easement holder (if any) of every open space parcel.²⁵ On a longer-term basis, Tewksbury needs a systematic process to update its open space inventory and submit the information to MassGIS so the Commonwealth has accurate data as well.

Developing and maintaining an open space and recreation inventory requires management direction and staff support. An accurate inventory is essential if Tewksbury intends to update its expiring Open Space and Recreation Plan, a document that is key to eligibility for Self-Help and other land acquisition grants from the state. Given Tewksbury's

²⁵ See Division of Conservation Services, Open Space Planners Workbook (2001): 33-35, for guidance on developing an open space and recreation inventory.

organizational structure, the inventory tasks seem appropriate for an interdepartmental team that includes the Chief Assessor, the Recreation Director, the Town Clerk, and the Conservation Administrator, acting as the Community Development Director's designee. The corrected inventory should be mapped, using the town's new digitized assessor's parcel maps as a base, and the inventory table and map should be distributed for review to the Board of Selectmen, Planning Board, Conservation Commission and other town departments or committees with an interest in municipal land. Ultimately, the mapped inventory needs to be reviewed at a public meeting so that citizens have an opportunity to comment on the inventory's accuracy and its land classification system.

It is particularly important to confirm parcels that are owned or otherwise controlled by the Conservation Commission because they are protected by state laws, the state constitution and a well-known legal opinion by the Attorney General (1973). Article 97 of the Articles of Amendment, Massachusetts Constitution, protects land acquired for conservation, parkland, agricultural, water supply or water resource protection purposes. The Attorney General's ruling effectively prohibits a sale or change in use of Article 97-protected land without a fairly extensive process that includes obtaining permission from the state legislature. Sometimes the only way to determine whether Article 97 applies is to research the original town meeting vote that authorized an acquisition or receipt of a gift of real property.

Town-owned property. Every town has parcels that do not provide current or future open space or recreation value. The process that must be followed to sell them depends in part on how the parcels were acquired in the first place. In most cases, the land must be declared surplus property under G.L. c.30B, Section 16, and then it may be conveyed to a buyer following a competitive bid or proposal process.

In Tewksbury, there is ample environmental justification for the town to retain control of municipally owned land regardless of parcel size and in most cases, without regard for parcel location. Much of the town lies within or is directly influenced by flood plains and wetlands. Aside from the scenic value of open space, even in small pockets, the reality is that undeveloped land is much like a sponge because it provides relief for stormwater runoff. Neighborhoods without any officially recognized open space might place enormous value on small, seemingly inconsequential parcels that offer the only visual relief from developed land uses. Some sections of Tewksbury are less developed than others, and the most intensively

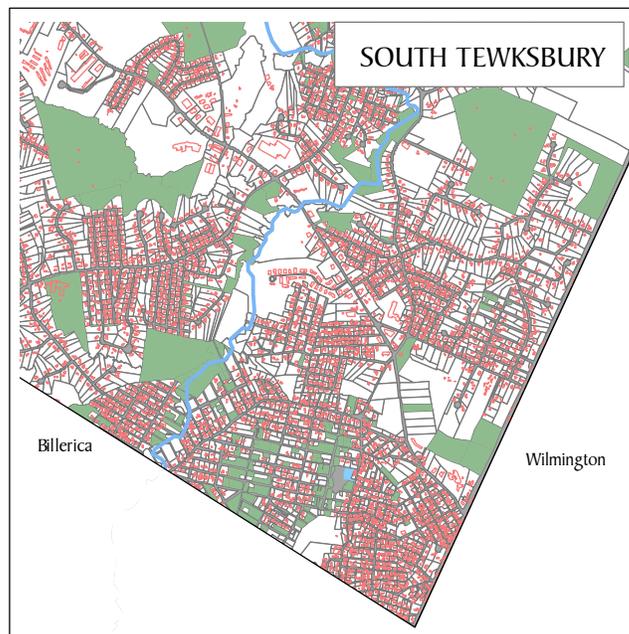


Fig. 1: South Tewksbury. Green-shaded parcels represent town-owned land. Areas delineated in red are approximate building footprints, primarily of single- and two-family homes. (Data source: Camp Dresser McKee, 2003.)

developed areas are those that also have the greatest open space needs. Measured on the basis of housing unit density per mi² and percent of impervious cover, no neighborhood has more compelling open space needs than South Tewksbury, as suggested by Fig. 1.

Whether it is tempting to sell small lots with no obvious open space significance, the town should take great care to protect densely developed areas like South Tewksbury from losing the limited amount of open space they have today. If the town does not want to maintain the land, it could consider a limited disposition process to convey parcels preferentially to abutters, subject to deed restrictions to prevent parcel assembly and future development. The issue has less to do with whether Tewksbury or private individuals own the land than with the need for protective mechanisms against a change in use.

In addition, the town should adopt a standard practice of holding a public hearing with advance notice to abutters prior to declaring any land surplus property. Even though the Town Manager tries to engage town boards in a review of land that may be slated for sale, in some cases neither he nor elected local officials will know the importance of a vacant site to residents of a particular neighborhood. Citizen consultation is usually enlightening, and in Tewksbury a consultation process may inspire more resident activism to protect open space.

Tax title parcels. Tewksbury should continue its policy of taking tax title properties, particularly along pond shores to protect sensitive resources. Where appropriate, parcels taken by tax title foreclosure may enable Tewksbury to create public access points and develop trails, picnic areas and non-motorized boat access that is safe, easy to use and accessible. In particular, the town should investigate creating small waterfront parks for passive recreation and non-motorized boating on Long Pond and the western shore of the Shawsheen River. Long Pond is an underutilized, recoverable water resource that the Town Manager has expressed interest in improving.²⁶ From time to time, planning grants are available to support plans and studies of this type, and Tewksbury should position itself to compete. Again, the process of developing an accurate Lands of Conservation and Recreation inventory will help the town identify hidden assets to improve its open space system.

Management plans. Tewksbury needs to develop management plans for town-owned open space that include:

- A range of allowed public uses, including seasonal restrictions and fees.
- Maintenance of trees and vegetation.
- Maintenance of trails, equipment, trash removal and sign posting.
- Restricted vehicular access to prevent dumping, e.g., by blocking trail heads or roads with chains or fences to prevent cars from entering a site, and allow pedestrian or bicycle access only, if biking is appropriate at a particular location.
- Dedicated sources of funds for maintenance and capital improvements.

Tewksbury's lack of open space management plans is hardly unique. Many communities lack them, usually for one of more of the following reasons: inadequate resources,

²⁶ David Cressman, Town Manager, to Judith A. Barrett, Community Opportunities Group, Inc., 9 April 2003.

insufficient staff capacity, and unresolved conflicts over basic policy questions such as the appropriateness of charging user fees, citing local residents for bylaw violations, or controlling vehicular access to land purchased at taxpayer expense. In addition, sometimes communities believe that acquiring open space is an “end objective” in its own right, one that requires no further action or investment. However, the absence of management plans leaves open space vulnerable to abuse, vegetation overgrowth and eventually, a loss of usable public access. The best way to protect open space is to assure that residents use it appropriately, and to encourage public use, the land must be maintained.

When Tewksbury begins to prepare its open space inventory, the Town Manager should assign responsibility to a department or one individual to survey existing conditions on all parcels owned by the community. One person does not have to conduct all of the surveys, but someone should be charged with responsibility to see that they surveys are done. In some communities, a town employee develops a simple inspection protocol to assure uniformity, and over time, interested volunteers complete the survey process: conservation commissioners, park commissioners, members of local Boy Scout and Girl Scout troops, high school environmental science students, high school seniors in need of a community service project, or local residents active in regional or national environmental organizations.²⁷ The disadvantage to deploying volunteers is that they need direction and their efforts have to be coordinated. The advantages are two-fold: first, the task ultimately will be accomplished and second, residents become more familiar with town property and therefore, more invested in stewardship.

Just as open space planning requires an accurate baseline, land management plans require a good survey of existing conditions. Although the town does not own large amounts of open space, it may take 18-24 months for Tewksbury to assemble enough data to confirm the condition and needs of each town parcel. The tasks involved in developing land management plans should be incorporated in Tewksbury’s next open space plan update. Given Tewksbury’s organizational structure, a staff team that includes personnel working on the open space inventory together with designees of the Public Works and Police Departments would be ideally suited to develop open space management plans for the town. Their charge should include setting priorities for clean-up, the installation of gates and signage and a routine maintenance schedule for each parcel, drafting use, access and fee policies for consideration by the Town Manager and town boards, and identifying short- and long-range capital needs at improved open space and recreation areas.

Smart use of volunteers. Tewksbury should consider forming a volunteer park corps with local sponsors and management oversight by the Recreation Department or Public Works Department, as appropriate, to help with trail clearing, park and river clean-ups and other maintenance needs at public recreation facilities. At various times throughout the Master Plan process, town officials have discussed the challenges of recruiting and retaining citizens interested in local government service. Lack of volunteers is a problem for most communities today. Often, residents with little free time will devote some of it to their community if the task has a clear beginning and end point, does not require an extensive commitment, can be accomplished on a flexible schedule and allows them to bring their

²⁷ See Open Space Planners Workbook for guidance on preparing an existing conditions analysis.

children. In addition, most people do not want to become involved in local politics, but they care deeply about their community and they will participate in town-sponsored activities that are non-controversial. A volunteer clean-up corps accommodates all of these needs. Town departments would probably appreciate help from residents to take care of Tewksbury's land. By involving citizens in basic clean-up tasks, the town may cultivate more awareness that open space, whether used for active recreation facilities or conservancy purposes, is a public asset.

Open space in cluster subdivisions. Modifications to Tewksbury's open space-cluster bylaw will help the town strengthen open space design in new residential development. Although Tewksbury has been successful at attracting developers to use the special permit process for cluster subdivisions, in many cases the open space is not usable or it is not well situated with respect to the street, new homes or surrounding properties. In addition, the bylaw seems overly prescriptive with respect to dimensional and other requirements for unsubdivided land (open space) yet it is nearly silent on qualitative considerations and neighborhood-level open space needs. The town should entertain several amendments to the cluster bylaw:

- Require all developments over a certain size threshold, stated in terms of house lots or housing units, to comply with open space-cluster design standards. In this manner, very small subdivisions may continue to occur as of right while larger developments, such as those proposing five or more new lots or housing units or involving parcels over eight acres, would be subject to the cluster bylaw.
- Provide developers with reasonable incentives to create small parks, playing fields, playgrounds, or tot lots to serve the new neighborhood. "Reasonable incentives" include a modest density bonus. Applications that seek to use this option should be referred to the Recreation Department for consultation to the Planning Board.
- Offer developers the option of proposing single-family, common-wall or multi-family units, and provide a modest density bonus for developments that (a) create small or age-restricted housing units and offer more than the minimum required open space or (b) create common-wall or multi-family units and offer more than the minimum required open space. The town should also consider offering a modest density bonus for developments that save an unusually significant or historically noteworthy parcel of open space, or preserve historic structures.
- Revisit the minimum lot area requirement at Section 4.8.3. Although Tewksbury is accustomed to one-acre house lots in standard subdivisions and Approval Not Required (ANR) lots, the cluster provision's minimum lot size of 20,000 ft² is a suburban development standard that may frustrate the open space design purposes of the bylaw.
- Condition the issuance of occupancy permits on evidence acceptable to the town that the conservation restriction has been recorded at the Registry of Deeds.
- Establish an open space-cluster development review process that emphasizes overall design quality and conformance to specific design standards. The issue in cluster developments is not limited to how much land remains undivided but rather, how land and structures relate to one another, the relationship between a proposed development site and surrounding land uses, how the open space relates to a site's significant features, and the ways in which dedicated open space meets multiple public objectives,

such as connected trails, protected wildlife habitat, preserved views from the road, access to water, and so forth. Like many other aspects of Tewksbury's zoning bylaw, Cluster Development by Special Permit (Section 4.8) is conspicuously devoid of design principles.

Open space and recreation projects. The Land Use Committee and Conservation Commission should work with regional open space organizations to identify projects and develop proposals for Self-Help and "Environmental Justice" grants.²⁸ On occasion, the state also makes technical assistance grants available to help communities identify and develop competitive open space projects. Tewksbury's proximity to the City of Lowell may create a competitive advantage under the guidelines of some state or federal grant programs if the town is working closely with the city and environmental groups to address needs of regional significance.

Open space at Tewksbury Hospital. The town is working with state officials to place a permanent conservation restriction over a portion of Tewksbury's most important open space: land at Tewksbury State Hospital. Last year, voters agreed to file a home rule petition with the General Court to protect some of the hospital's land. The status of the town's petition is unclear, and there is no record of actions taken by the Senate Committee on State Administration since a hearing was held at the end of March 2003.²⁹

The change in administration that occurred in January 2003 will probably influence the disposition of Tewksbury's request (Senate Bill 1708). Though state government reinvigorated its commitment to affordable housing in the late 1990s, housing advocates have gained the new administration's ear and their impact is evident in a number of recent state initiatives and proclamations. In addition, the Commonwealth is in fiscal crisis. One of the solutions available to state lawmakers is the disposition of capital assets in order to increase revenue. Communities that have historically hosted state facilities like Tewksbury Hospital or have large amounts of vacant state-owned land will probably be asked to accommodate new housing growth or other types of development if the state decides to sell some its property. It will be very important for Tewksbury to speak in a unified, coherent way about the town's interests in land at the hospital. Active alliances with regional open space and environmental organizations can only help the town's cause, but Tewksbury will have to become more engaged in regional environmental activity if it expects to increase its political capital.

²⁸ See also, Natural and Cultural Resources element.

²⁹ Massachusetts General Court, Senate Committee on State Administration, Record of Bill Histories, SB 1708, on the INTERNET at <<http://www.state.ma.us/legis/>> connect to "Search Bill Histories" to <<http://www.state.ma.us/legis/history/s01708.htm>>.