



TOWN OF WATERTOWN
Conservation Commission
Administration Building
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Charles C. Bering, Member
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MINUTES

Meeting Date: Wednesday, July 17, 2019, 7:00 PM in the Town Council Chambers

Conservation Commission Members Present: Leo Martin, Patrick Fairbairn, Maria P. Rose, Jamie O'Connell, Marylouise Pallotta McDermott

Absent: Charles Bering

Also Present: *Christin Mcdonogh, Certified Wildlife Biologist from SWCA, Mike Howard, Wetland Scientist from Epsilon, Rick Corsi, Senior Planner from DCR, Dan Driscoll, Director of Recreational Facilities for the DCR, Nick Watkins from CDM Smith*

Staff Present: Steve Magoon, Acting Agent, Susan C. Jenness, Assistant

Martin Chaired.

- 1. Public Hearing Continued – Parcel 1236-2-0 and 1510-1-0** for an Abbreviated Notice of Resource Area Delineation (ANRAD) request submitted for the approval of resource area boundary delineation associated with the resource areas located at Parcel 1236-2-0 and 1510-1-0 at 71 Arlington Street. Owner applicant: Maximos Hatziliades. Representative: Michael (Mickey) Marcus, Joseph Rogers, SWCA Environmental, LLC

Christine Mcdonough, Certified Wildlife Biologist for SWCA who represented Mr. Hatziliades brought a slide show presentation and video footage of the tests that were agreed upon by members of the commission who asked for a determination of whether this body of water was primarily riverine or pond. The tests in this presentation were endorsed by Mike Howard of Epsilon, who was contracted to represent the Town in these proceedings. Howard and members of the commission all agreed upon the methodology to be used by Ms. Mcdonough in studying this site at the Conservation Commission meeting of June 5, 2019.

Mcdonough reviewed the history of the request for an ANRAD filed by SWCA in December, and amended in January to include Sawins Pond. She explained the Town brought in Mike Howard from Epsilon to represent the Conservation Commission, (CC) and that Howard was initially in agreement with her opinion that the site met the wetland regulatory definition of a Pond.

Over the course of the process members of the CC brought up a letter that had been submitted by Patrick Garner, the wetland scientist contracted by the CC in 2009 for his peer review opinion as a specialist in riverine hydrology. Garner had characterized the pond as Riverine. Epsilon advised an investigation take place and that SWCA make a report of the methodology that would be used to investigate Garner's opinion of the riverine characteristics of the pond.

Mcdonough and Howard agreed that the May 29th letter to the Commission from SWCA is consistent with the research conducted by Howard. Howard explained to the commission that they are trying to balance the data from a review of the site. He said that both consultant parties agree the site is not a river west of Arlington St. and that Garner's letter is a piece of the puzzle with no supporting data. Howard said he approved of the appropriate use of a dye test conducted in good faith, and that such a test would achieve a conclusion whether or not the site was primarily riverine or primarily pond.

At the June meeting Martin requested Mcdonough to go forward with the dye testing and to alert members of the CC prior to the testing so that they could accompany her and observe the test. Mcdonough apologized for extremely short notice given to members before the study which was forced to be conducted last minute due to persisting weather conditions throughout the month.

For the July meeting, Mcdonough provided a full report to the CC that Howard referred to as well written. She reviewed photographs and videos of the site as tests were being conducted to illustrate the flow characteristics for the board.

After the presentation Howard reported to the board that they had done everything they could to minimize subjectivity. He clarified he compared the results of the testing done by Mcdonough with the DEP case study he had been using as a point of reference. He summarized that the puzzle was now about where they would stop calling the body riverine.

Noting that Garner's finding differed from that of SWCA and Epsilon, Fairbairn sought to explain why. He pointed out that hydrologic activity varies markedly over time, and it was therefore essential to include evidence of prevailing hydrologic conditions from year

to year, as typically observable in the soil and vegetation of a specific site. He stated that such evidence could be seen by inspection of aerial photographs taken of Sawin's Pond during the past decade: substantial sediment loading and sedimentation all the way to the dam following rain, and a persistent channel to the dam between banks of subsurface sediment lined with persistent emergent vegetation, an indication of periodically strong unidirectional flow downstream.

Rose pointed that more research would be needed to find out where Garner's opinion came from. Fairbairn said Garner appeared to have great confidence in his statement and that they could ask him directly.

Mcdonough pointed out that the operative word was "primarily." Rose pointed out the board had agreed upon the parameters of the methodology. Fairbairn said that the methodology had been applied just once.

Rose asked Mcdonough about her results of testing for vertical stratification through measurement of temperatures. Mcdonough responded that temperatures never deviated from roughly 60 to 60.5 degrees. She summarized that in this case the flow tests were given greater weight.

O'Connell suggested that most of the body is a pond given vegetation, biology and now the data they had on flow.

Howard pointed out that the question for the commission was whether this is primarily riverine, or primarily pond.

Magoon asked how they felt with the area up to the culvert. At the left bank and right bank is where it becomes more pond like.

Rose said Howard seemed conflicted. Howard said that they could close the hearing tonight and they would have 21 days to get a revised drawing that shows the area between testing sites 7-10.

Motion: A motion was made by Rose to close the hearing. O'Connell seconded the motion.

Rose said that the neck from the culvert up to the right bank 7 is riverine. East of that is considered pond.

Motion: Rose made a motion that this is a pond at right bank 7-10 and that to the west is riverine. O'Connell seconded the motion.

Vote: A 5 to one vote was reached adopting the motion made by Rose.

Martin requested the revised drawing from SWCA. Howard said that they would attach the new drawing to the Order on the Area of Delineation.

2. **Public Hearing-** for a Notice of Intent submitted for the project providing improved park facilities at the existing Arsenal Park located at 551 Rear Arsenal St., a 13.7 acre park situated on the former Arsenal Grounds, for all phases of construction taking place within the 200 ft. Riverfront Area. Applicant: Steve Magoon, Representative Nick Watkins, CDM Smith.

Nick Smith of CDM Smith came to review the Notice of Intent (NOI) filed by the Town of Watertown to begin work on the renovation of the Arsenal Park. Magoon explained that for the intent of moving forward on Phase A in partnership with Boylston Properties, the NOI was being addressed now. Magoon said that the rest of the plan is at 25% and there would be additional changes inside the park moving forward. Magoon explained that Town Council agreed to the funding at their meeting just the other night, and the Town is all ready to move forward with Phase A now and that they are addressing all phases of construction with this Notice of Intent.

Smith said that Phase A was the entire development East to the Eastern edge of the Community Garden space. This included the main walkway, the 2nd walkway, flat lawn sloped lawn, pavilion, basic area and rain garden, including storm water improvements. He said that impervious space for phase A was reduced by 40% by sending water to the rain garden. Rose inquired about storm water and Smith pointed to page 5 and said that it is in compliance with all new standards, as well as its contribution to reducing imperviousness.

O'Connell inquired about the removal of trees, and asked if the removed trees would be replaced with trees of the same standard. Smith was not aware of the exact number of trees and Magoon said they were definitely adding an additional 25 trees. O'Connell said she wanted to see a comparison of the trees going in.

Magoon said that Matt Shuman the Town's engineer would be reviewing all storm water at the appropriate phase, and said that the plans can come back to the commission for an additional look at the rest of the park.

Smith pointed out that they hoped to get a similar reduction in imperviousness for Phase B that they were able to accomplish in Phase A.

Fairbairn inquired about the width of the pathway to Talcott Ave. and Smith said it was about 10 feet. Fairbairn asked the board to consider other options that would be possible if Community Gardens was to move out of their allotted space to another location. Martin and Magoon both agreed that their space could be easily reconfigured to serve another group or population interest.

Dan Driscoll Director of Recreational Facilities of the DCR informed the CC that the DCR is currently planning a shared use path leading to the entrance of the park from Talcott Ave. He said he was counting on the Town to make that entrance noticeable. Magoon agreed that they would.

Martin conferred with Magoon about the best course of action for this proceeding and Magoon said the board can approve this plan tonight, and CDM Smith would bring the plans back in September.

Motion: Rose made a motion to close the hearing. O'Connell seconded the motion.

Vote: A unanimous vote was reached to close the public hearing.

A discussion was held on what the Conservation Commission would require to make a decision at this meeting. O'Connell outlined the following requirements that were to be met by CDM Smith:

- A report on the number of trees being planted.
- A report on the caliper of tree being planted.
- Rating system of trees being planted.

The Conservation Commission agreed to issue an order of conditions for Phase A only at the close of the meeting on July 17, 2019.

3. Discussion- A Watertown Conservancy

Martin said he wanted to ask members of the board if they were interested in expanding their capacity to make impact by joining forces with other groups that had similar interests as the CC. The conversation focused around other similar activities that already take place in areas that are related to business of conservation.

Dan Driscoll explained that from the perspective of the DCR, there is usually a lot of help that comes in the spring from volunteers who want to clean up along the river for the spring and summer season. He said he struggles mostly with vegetation and weed control which can become a tripping hazard along river paths.

Rose suggested to Martin that for the present, maybe they should concentrate on looking into groups that have already been established and see how they could help them out.

4. CPA Update

Rose reported that the CPC meets most monthly on the 3rd Thursday of the month. The meetings are open to the public.

Rose reported they prepared an RFQ to develop a CPA Plan which is posted up on the Town website once a consultant is selected there will be community outreach initiatives to educate and engage residents and civic groups and agencies about funding available through CPA.

Rose said members are preparing a job description for a part time person 20 hour employee who will provide administrative support the committee.

They have a letter currently being sent out to the community, along with biographies of the members of the CPAC, which will be made available to all of the public.

5. Minutes- May 7, 2019

Motion: Rose made a motion to accept the minutes of the May meeting as modified. Fairbairn seconded the motion.

Vote: A unanimous vote was reached accepting the minutes of the May meeting.

6. Minutes- June 5, 2019

Motion: Rose made a motion to accept the minutes of the June meeting as modified. Fairbairn seconded the motion.

Vote: A unanimous vote was reached accepting the minutes as modified.

7. Agent report

- a. Commission Member Application Update- Magoon said a new member should be in attendance at monthly meetings by the fall.

- b. Agent Application Update- Magoon said he has no additional news from the last meeting.
- c. Faire on the Square- Martin asked Jenness to reserve a table at the Faire on the Square. Most members said they could be available on September 28, except for O'Connell who may have plans that are contingent upon weather. Martin asked the Commission if they should have a meeting to plan for the Faire. Rose indicated she preferred board members work on logistics for the event by email or at the next meeting.
- d. GSA/DCR update- Rick Corsi of the DCR explained the background that the GSA site was used to burn uranium for many years and was then turned over to the DCR by GSA. He said that the site was 50% on wetland surrounded by rip rap, and was being ordered by the Nuclear Regulatory Commission cleaned up.

Corsi explained that in 2014 a \$750,000 bond was appropriated by a bond bill for use by the DCR, and that renovation of the GSA site could cost anywhere from \$150- \$200, 000, and with construction costs around \$600,000. Corsi explained DCR plans to hire a designer for planning public workshops on shared user space to plan the site for a passive park into the Charles River, with access on Arsenal St., and some intersecting pathways with a loop trail into a natural area that goes out to Greenough Boulevard.

Corsi explained that DCR ended up requiring an additional \$100,000.00 for the Watertown /Cambridge project which took funding from the GSA site. Corsi and Driscoll explained that they needed to move the project on the GSA site out to around 2020.

Magoon explained that when he walked the site with Martin and the Army Corps, he noticed some issues that Driscoll and Corsi could help him get addressed.

Magoon explained that the catch basins that had been backed up were looking much better. He asked Driscoll and Corsi about a plan to deal with the Phragmites, to look into the rip rap holding water for no reason at the catch basin, to look into the animal burrows and the telephone pole inside the fence with a transformer on it.

Driscoll said that catch basins are not part of the annual clean-up program and received regular maintenance as part of a routine plan. He said he would follow up on the telephone inside the fence and get an animal control employee to come out to review the site for activity and to prepare a management plan. Driscoll also explained that Weston and Sampson is presently working on a new vegetation management plan and that to permanently deal with the Phragmites they would need to dig them out or use chemicals. He said he would make sure those issues were addressed for now.

Motion: Rose made a motion to adjourn the meeting at 10:00 PM. O'Connell seconded the motion.

Vote: A unanimous vote was reached to adjourn the meeting at 10:00 PM.