



CITY OF WATERTOWN

Conservation Commission
Administration Building
149 Main Street
WATERTOWN, MASSACHUSETTS 02472

Leo Martin, Chairperson
Maria P. Rose, Vice Chair
(617) 972-6426
Charles C. Bering, Member
Facsimile (617) 926-7778
Patrick W. Fairbairn, Member
www.watertown-ma.gov
Jamie O'Connell, Member
Jenness, Assistant
Darya Mattes, Member

Telephone

Susan C.

MINUTES

Meeting Date: Wednesday, April 6, 2022, 7:00 PM, Remote Meeting on Zoom

Conservation Commission Members Present: Leo G. Martin, Maria Rose, Jamie O'Connell, Patrick Fairbairn, Charles C. Bering, Maria Rose

Absent: N/A

Also Present: Christopher Zevitas, Rich Kirby, Deb Pierce, Elodia Thomas, Caroline Bays, Robert Kearns, Susan LaDue, Jeanne Trubek, Angelina Kounellis, Patrick Garner, Eileen Ryan, Mickey Marcus, Meghan, Stephen Tise, Richard Nylen, Alexia Hatziliades

Staff Present: Laurel Schwab, Conservation Agent, Susan C. Jenness, Assistant

Martin chaired the meeting. The meeting began with an introduction of members of the Conservation Commission and staff, to welcome Darya Mattes, the new member of the Conservation Commission. Ms. Mattes spoke a few moments to introduce herself to everyone.

- 1. Informational Presentation and Discussion-** Charles River Watershed Association presented information regarding their advocacy of removing the Watertown Dam.

Robert Kearns, a member of the Charles River Watershed Association (CRWA), attended the meeting to present, discuss and receive feedback on their advocacy to remove the Watertown Dam. He informed members that the CRWA has been joined by the Massachusetts Fish Coalition (MFC) in support of the removal proposal.

One of the missions of the MFC is to find potentials for welcoming migratory fish populations back into an additional forty miles of the Charles River ecosystem to restore life to the river. Both parties agree that removal of the Watertown Dam would offer the opportunity to improve habitat, transform water quality, restore native plants, and remediate sediment that is contaminated, while increasing climate resilience for future extreme weather events, and protect downstream areas from future flooding.

Kearns discussed the background of the Watertown Dam. He emphasized the significant change in weather patterns in recent years, and explained this dam was not designed with this type of weather in mind.

Kearns also explained that when fish spawn they must migrate, and this dam currently limits their ability to do so. He listed habitat species as wild native brook trout or salmonids; as well as the freshwater and diadromous native species, such as short-nosed sturgeon, American eel, river herring, American shad, lamprey, redbfin pickerel, and darters.

Kearns explained there have been ten dams removed along the Charles, and there are still 18 left. He shared slides to show a precedent that was set when the Bellingham Dam was removed. The slides showed both before removal and after.

Kearns explained that along with limiting fish passage in the habitat, dams also lower the flow of water, and they trap sediment. The sediment found in this dam contains arsenic, copper, chromium, and zinc, which were all above safe thresholds. He stated that removal of the dam could have a positive effect on the limited recreational activities occurring in this area of the Charles River.

A feasibility study was launched in 2018 that began to explore the effects of the removal of the dam. The study was completed in 2021, and removal was found to be a feasible option.

Martin said that removal of the dam would be positive on a good day but said he envisioned mud flats along the bank during low flow periods, particularly around August and September. Kearns explained the banks would be revegetated as part of the proposal. Martin said he was concerned with creating more space for invasives and needing to ensure maintenance by the DCR. Martin said he would like to consider breaching the dam to help support the initiative to help fish to pass.

Public comments- A resident named Meaghan spoke from her expertise as a certified horticulturist and inquired about the accuracy of the project models in terms of invasives and flowing. Kearns explained they would need to conduct invasive species management study to know exactly the conditions of the invasive species. As for the methodology for the flooding, SLR Engineering had conducted a feasibility study using appropriate data tools.

Rose asked if the DCR had a specific concern about removing the dam. Kearns said it just seemed to him they are not interested in having input into this discussion or venturing into any discussion about the removal of the dam.

CC members thanked Kearns for attending and said he can send more information about the data that was presented if that would help them to understand the methodology and consider other options better.

2. **Public Hearing- Notice of Intent- 93 California Street-** For the construction of an addition to an existing single-family dwelling and associated site appurtenances at the above-referenced property. Christopher and Rose Zevitas, applicants, and owners.

Chris Zevitas was present to review the materials filed in response to the requests and comments made by members of the CC at the last meeting. He reminded the commission members the focus of this appearance before them was to deliver the necessary additional information about the porous pavers being proposed.

Zevitas reminded them that the property is an unusual shape, and they were proposing to add a 2 ½ story addition over a 1 story garage with a crawl space underneath. He gave an expeditious update regarding the changes to the material that had been made over the last month.

The members of the Conservation Commission said they were pleased with the updates, and that all their questions had been answered.

Motion: Rose made a motion to close the public hearing and allow the proposed project to go forward with the conditions that would be set at the end of the meeting. O’Connell seconded the motion.

Poll: All members were polled, and they all agreed with the motion made by Rose.

3. **Public Hearing (continued from March meeting)- Notice of Intent- 0 Arlington St (Williams Pond Parcel)** - to construct a 2-story commercial building and parking lot on property known as the Williams Pond parcel; Max Hatziliades, Applicant and Owner.

Martin thanked Marcus for the detailed package of materials and oriented the discussion to whether the site meets the 200-foot riverfront redevelopment definition and whether it qualifies for a waiver from the local statute 50-foot no build zone.

Marcus explained the proposal package was still missing stormwater documentation because there were questions that had not been answered yet. The issues for this hearing would be primarily about redevelopment. Martin introduced the applicant’s consultant, Richard Nylen, who was a former

MDC Commissioner. As a side note to the discussion on the Watertown Dam, Nylen commented that when it rained back in his days with the MDC, they altered the Watertown Dam so it would not back up during heavy rains.

Regarding the project proposal, he explained that the degraded site regulations had been around for 25 years, and the basis for them was to distinguish areas that were pristine versus ones that had been degraded. Another item he discussed was Hood Rubber Plant's proximity to the site. He noted that PCBs, metals and hazardous materials had infiltrated the site, which were subject to pollution tracking numbers over the years.

Nylen defined degraded as performing at a less functional level and explained how their client was proposing to mitigate the degraded conditions by adding new vegetation to restore it to a higher functioning wetland. Nylen stated that removal of the contamination and increasing the functioning of the wetlands would substantiate his claim.

Nylen also argued that the site an abandoned dumping ground where contamination was never removed, and therefore it qualifies as degraded site. Marcus added that this will be a functional wetland in the future.

Nylen said he saw the waiver as a three-prong test based on the three provisions of the Watertown Wetland Ordinance. There are no reasonable alternatives, avoidance, minimization of impact, and mitigation have been employed through minimizing the building footprint and proposing wetland restoration, and the proposed project is in the public interest to improve the site and the function of the wetland. He explained that this proposal would offer protection to the river, improve an eyesore, and get rid of contaminated sediment. He completed by saying that solving the stormwater issues would reduce the contaminated water conditions from flowing into the river and watershed.

Rose showed aerial maps and photos of the site showing little debris on site as well as a separation between this site and the industrial businesses that had formerly been operating nearby. Nylen replied that this area has been heavily dumped on and he felt everyone in the city was aware of that.

Garner, the third party expert consultant, was present and cited his response letter to members of the CC, and to Marcus and Nylen as well. He said he agrees with Nylen this is contaminated, but pointed out is charged with interpreting regulations, and the current documentation does not meet the regulatory standards in the WPA. He pointed out water quality testing would be helpful to see what is going into the site. While this may be a dumping ground, we have not seen anything from the applicant directly speaking to the Wetlands Protection Act as we had asked for.

O'Connell said she appreciated the updated materials, but she did not believe the applicant responded to the Riverfront Regulations questions. They have not documented correctly what we asked for about degraded sites as defined in the riverfront area regulations. She asked for data and

site maps that spoke to quantifying impervious surfaces, absent topsoil, dumping grounds, square footage of degradation, etc.

Members of the CC suggested they make a punch list and come back to show what is being requested. Martin agreed the revisions are very nice, but not what is needed to decide this case.

- 4. Public Hearing- Request for Determination of Applicability-** For the proposed parking lot improvements and utility upgrades located at 10-30 Manley Way, Watertown, Massachusetts. PPF Industrial 20 Seyon LLC, Owner/Christopher M. Lucas Representative/Applicant

Schwab confirmed that the applicants had decided to move forward with this application although the tenant who was moving into the space had backed out. The applicants requested the public hearing on this matter be continued to the agenda for the Conservation Commission meeting taking place in May.

5. Agent Report

1. CPA
2. Climate and Energy Plan
3. Pollinators
4. Ongoing Orders of Conditions
5. Arsenal Park

Members of the CC agreed that they would continue the update to the meeting taking place on May 4, 2022, as there were no pressing updates.

- 6. Acceptance of Minutes-** Minutes-review and approve minutes from March 2, 2022, meeting

Members of the CC agreed to review the minutes for the March meeting at the meeting taking place on May 4, 2022.

Laurel announced that there was a potential new member for the Conservation Commission who was going through the review process and that she would keep members of the CC updated on any added information that she receives.

Motion: Rose made a motion to adjourn the meeting at 9:45 PM. O'Connell seconded the motion.

Poll: A poll was taken, and members unanimously agreed to adjourn the meeting at 9:45 PM.