

CONSERVATION COMMISSION MINUTES

Date: Thursday, February 9, 2023

Time: 7:00pm—9:54 pm

Place: This meeting was held as a virtual meeting via Zoom.

With a quorum present, the meeting opened at 7:00 pm with Susan Lunin presiding as Chair.

Members Present: Dan Green (Chair) joined at 7:02, Susan Lunin (Vice-Chair), Kathy Cade, Judy Hepburn, Jeff Zabel, Leigh Gilligan, Ellen Katz

Members Absent: Sonya McKnight (Associate Member)

Staff present: Jennifer Steel, Ellen Menounos

Members of the Public: not recorded due to remote nature of the meeting

DECISIONS

A. WETLANDS DECISIONS

1. 70 Suffolk Rd – NOI continued – construct pool, garage, site features – DEP #239-946

- Owner/Applicant. Frank & Kyra van den Bosch
- Representatives. Andrea Kendall, LEC Environmental; Peter Stephens, Dan K Gordon Assoc; Brian Nelson, MetroWest Engineering
- Project Summary.
 - Remove existing hardscape (driveway, retaining walls, steps; a portion of the house).
 - Build a pool, pool house, 1-car garage, terraces and paths. This will add 2,860 sf of impervious area within Commission jurisdiction.
 - Install 2 underground stormwater infiltration systems.
 - Remove 22 live trees over 8" dbh (489" total).
 - Mitigate/re-naturalize rear of lot beyond the hedge that demarcates the back lawn
 - Plant 42 (37 large native canopy trees, 7 smaller-stature native trees) (207" total)
 - Plant 125 native shrubs
 - Convert lawn to a "sun meadow" with 2500 plugs
 - Convert lawn to a "shade meadow" with 500 plugs
 - Remove footbridges by hand and plant the Bank with forbs and/or ferns.
 - Manage invasive species along the slope east of the house and within BVW along the perimeter of the new "meadows".
 - Demarcate the edge of lawn to be retained with distinct grading, hedges, and a fescue-covered slope to be mowed only once annually.
- Request. Issue an OOC.
- Documents in packets. Locus map, highlighted plans.
- Additional documents presented at meeting. Site photos.
- Jurisdiction. Bank, BVW to intermittent stream, Buffer Zone
- Presentation (staff, Peter Stephens, Brian Nelson) and Discussion.
 - Staff showed highlighted site plans and site photos and summarized the proposed work
 - Staff noted that revised landscape and civil plans were received.
 - The new plans show a revised wetland line and flood zone elevation.
 - The new plans clarify proposed and existing conditions.
 - Proposed trees are now all native.
 - Staff noted important site history. A memo summarizing the wetland permitting history of the site has been received. It indicated that:
 - In 1974 an OOC (239-11) was issued for fill to create some of the current lawn.
 - A COC was issued for that work in 1978.
 - Staff noted that one of the trees in the back yard area fell recently.
 - The applicants noted that roughly 2 of the 3.5 acre site is now defined as wetland and that they will retain only 700 sf of lawn in wetland and restore to native vegetation roughly 9,000 sf. The Commission applauded that effort.
 - The applicants requested that their proposed "alteration" of ~2000 sf of BVW (the "nose" of the lawn and slope) be allowed since it is now lawn and only a ~700 sf portion will



Mayor
Ruthanne Fuller

**Director
Planning &
Development**
Barney Heath

**Chief
Environmental
Planner**
Jennifer Steel

**Assistant
Environmental
Planner**
Ellen Menounos

**Conservation
Commission
Members**
Kathy Cade
Dan Green
Judy Hepburn
Ellen Katz
Susan Lunin
Jeff Zabel
Leigh Gilligan

**Associate
Member**
Sonya McKnight

**Contact
Information**
1000 Comm. Ave.
Newton, MA 02459

T 617/796-1120
F 617/796-1142

www.newtonma.gov

jsteel@newtonma.gov

remain lawn with the balance as a hedgerow and a fescue-covered slope. The applicants suggest that their proposed restoration of ~7,136 sf of BVW from lawn to native trees, shrubs, and vegetative plants represent an overall ecological improvement.

- The Commission discussed one of two options:
 - (1) Finding that since the BVW that is proposed to be altered is and has been filled lawn for decades, the presumption of significance could be overcome.
 - (2) Finding that since ~2000 sf BVW is due to be altered, ~2000 sf BVW must be replicated.
- The Commission felt that “option 1” was most appropriate since on balance the project is a beneficial one: a large area of land now identified as BVW will get significantly enhanced with native plantings and be better protected with a clear demarcation of shrubs and a slope. The site is already developed with extensive, maintained lawn, devoid of native plant assemblages. Much of what is now defined as BVW is and has been lawn for decades. This parcel was granted an Order of Conditions in 1974 to place fill and grade lawn to “improve drainage” in what was then defined as Buffer Zone to the stream and ponding area, but now, using soils for delineation, qualifies as BVW. New development is being kept close to the existing house and driveway. Because this project is proposing re-naturalization of a large swath of existing lawn (in BVW), the Commission is approving the maintenance and improvement of a small portion of the existing lawn (in BVW). Mitigation will restore natural functions and values to the recently re-delineated BVW at the rear of the lot.
- Staff noted that the stormwater infiltration systems are being reviewed by Engineering under the City’s new Stormwater Ordinance and that the project is exempt from Stormwater Standards under the Wetlands Protection Act.
- Staff notes indicated the following.
 - The erosion control line is shown running through an area to have tree cutting and planting.
 - Runoff from the steep slopes beside the pool may adversely affect slope stability and the adjacent parcel.
 - Flow over the level spreader on the eastern side of the property could lead to erosion.
 - Trees are shown being planted over the northern infiltration system.
 - Proposed trees and shrubs c/should be planted more in the “tongue” of lawn, not just at the very edges.
- Vote to close the hearing and issue an OOC with the following site-specific special conditions. [Motion: Zabel, Second: Lunin, Roll-call vote: Green (aye), Lunin (aye), Katz (aye), Gilligan (aye), Zabel (aye), Hepburn (aye), Cade (aye). Vote: 7:0:0]
 - Once all questions have been answered and appropriate plans received, vote to close the hearing and issue an OOC with the following special conditions.
 - Adequate protection must be installed for the tree(s) that are due to remain but are close to grade changes. This may include moving the erosion control line, adding orange snow fencing near the drip lines, tying boards to the trunks, and/or placing mulch and plywood to protect roots.
 - A concrete washout plan designed to limit and control any adverse impact on the wetlands resource area(s) must be presented to the Conservation Commission for review and approval.
 - Final plans and a stand-alone Operations and Maintenance Plan for the infiltration systems must be approved by the Engineering Department and submitted to the Conservation Office.
 - Individual specimens of non-native invasive shrubs may be removed by hand using best practices. To mitigate for any such removal, a suitable replacement native species specimen shall be installed.
 - The BVW and Buffer Zone enhancement planting areas must:
 - Be installed in compliance with the approved plans (desired changes must be approved by the Conservation office in advance)
 - i. Including 37 native canopy trees with a survival rate of 90 % (after 2 growing seasons)
 - ii. Including 7 native understory trees with a survival rate of 100% (after 2 growing seasons)
 - iii. Including 125 native shrubs with a survival rate of 85% (after 2 growing seasons)
 - iv. Including the full aerial extent and full coverage of the sun and shade meadows (after 2 growing seasons)
 - Be installed under the direction of a qualified wetland consultant to ensure proper installation, proper placement, and appropriate and even filling of the entire mitigation area.
 - Be installed and maintained in such a manner as to replicate to the maximum extent practical a diverse ecological system, provide habitat for native species, and keep invasive species in check. Mulch applications, if any, shall diminish over time and eventually cease as ground cover species and shrubs spread.
 - Stabilize all disturbed areas.
 - Be managed to control/minimize invasives species. If herbicides are used, manufacturer’s recommended directions must be followed.
 - To ensure long-term protection of the wetland, a line of bounds shall be placed along the wetland line and thence across the top of the fescue covered slope that will demarcate the lawn, and thence along the wetland line. Bounds must be (1) 4”x4”x36” stone or concrete posts, (2) have instructive language regarding the required protection, (3) have at least 6” maintained above grade, and (4) be placed 20 feet or less apart.

- The fescue slope, “sun meadow”, and “shade meadow” areas shall not be mowed more than once annually (to discourage the growth of woody vegetation) and shall not be mowed before October 30 of any year to allow the full life cycle of native insects and pollinators.
- Active monitoring and management of the required plantings must continue for 2 years, and annual reports with photos must be submitted to the Conservation Office.
- If any trees intended to be protected within the project area die within 2 years of the start of construction as a result of the construction or have been demonstrably harmed by construction activities, they shall be replaced at a ratio of 2:1 with native canopy saplings (of roughly 2 caliper inches).
- The stormwater infiltration system must be installed (and maintained) as per the approved plans.
- To protect the water quality of area wetlands, neither fertilizers nor pesticides shall be used beyond the limit of lawn.
- To protect wetland wildlife, exterior lighting shall:
 - a. be “dark sky” compliant -- i.e., shielded to prevent any “up lighting” and “backlighting”, focused, and directed so as to not illuminate any part of the wetland.
 - b. have limited blue content to decrease skyglow and disruption of diurnal animals
 - c. be switched off when not in active use
- The approved Stormwater Operations and Maintenance Plan must be adhered to.

2. 0 Commonwealth Avenue – NOI – Marty Sender Phase II Path Improvements – DEP #239-947

- Owner/Applicant. Luis Perez Demorizi of Newton Parks, Recreation, Culture
- Representatives. Farah Dakkak of Weston & Sampson, Inc.
- Project Summary. Regrade/resurface the Marty Sender Path from Islington Road to the pump station.
 - Improve the grading of and drainage from a short segment of the existing gravel roadway into a stone dust shared-use path,
 - Install a 500-foot-long by 10-foot wide boardwalk above the flood elevation (260 cf of fill from the piers of the boardwalk),
 - Remove portions of the existing roadway “berm” from under the new boardwalk that blocks the flow of stormwater and disconnects wetlands from the floodplain to provide 307 cf of compensatory flood storage, and
 - Convert existing turf grass into an area of native herbaceous plants, shrubs, and trees (4 trees, 89 shrubs, 181 sedges).
- Request. Issue OOC.
- Documents in packets. Locus map, highlighted plans.
- Additional documents presented at meeting. Site photos.
- Jurisdiction. Buffer Zone, BVW, and Flood Zone (BLSF).
- Staff Presentation.
 - Staff showed highlighted site plans and site photos and summarized the proposed work.
 - Staff noted that all the staff questions and concerns were addressed in a response memo and plan changes.
 - Staff noted the many benefits of the project:
 - Focusing foot traffic within a 10-foot wide pathway (stone dust and boardwalk),
 - Allowing the restoration of long stretches of disturbed ground and reconnecting flood-prone wetlands,
 - Significant restoration of turfgrass to native plantings,
 - Honoring the draft/pending FEMA flood maps/elevations,
 - Utilizing suitable piers/foundations based on the currently unknown soil conditions, and
 - Completing construction by June 30, 2023 (because of grant deadline).
- Discussion (Luis Perez Demorizi).
 - The applicant noted that the old exercise equipment would be removed from the area.
 - The applicants were happy to include replacement of some of the old gravel of the roadway/path that is outside the new path and boardwalk alignment with loam and native seed mix
- Vote to close the hearing and issue an OOC with the following site-specific special conditions. [Motion: Cade, Second: Gilligan, Roll-call vote: Green (aye), Lunin (aye), Katz (aye), Gilligan (aye), Zabel (aye), Hepburn (aye), Cade (aye). Vote: 7:0:0]
 - A dewatering plan designed to limit and control any adverse impact on the wetlands resource area(s) must be presented to the Conservation Commission for review and approval.
 - A concrete washout plan designed to limit and control any adverse on the wetlands resource area(s) must be presented to the Conservation Commission for review and approval.
 - Adequate protection must be installed for the tree(s). This may include the addition of orange snow fencing near the drip line, boards tied to the trunk, and/or mulch and plywood placed over the roots.

- Dewatering basins and discharge, if any, must occur on the established grassy fields. It may not occur within wooded wetland areas.
- Compensatory flood storage must be provided in its entirety as per the plans. Finished grades must comport with the approved plans (i.e., there must be net removal of ~250 cubic feet of roadway material around the 38' NAVD88 contour from under the boardwalk and removal of ~50 cubic feet of turf grass and soil where the wetland plants are due to be established).
- Existing trees shall be protected at all times, as per Condition #26 and the details and notes on sheets L-110 and L-500.
- The edges of the existing gravel roadway that extend beyond the edges of the boardwalk and parts of the pathway shall have some gravel material removed, possibly some loam installed, then be seeded with a shade-tolerant native seed mix.
- Riverfront Area / Buffer Zone enhancement plantings must:
 - Be installed in compliance with the approved plans (desired changes must be approved by the Conservation office in advance) BUT:
 - i. The “aquatic seed mix planting” shown on the plans shall be “New England Wetmix” or “New England Erosion Control/Restoration Mix for Detention Basins and Moist Sites” or an equivalent.
 - ii. Because of the risk of heavy browsing by herbivores, and the wet conditions, the lowbush blueberry shall be substituted with another shrub species from the approved plant schedule.
 - Be installed under the direction of a qualified wetland consultant to ensure proper installation, proper placement, and appropriate and even filling of the entire mitigation area.
 - Be installed and maintained in such a manner as to replicate to the maximum extent practical a diverse ecological system, provide habitat for native species, and keep invasive species in check. Mulch applications, if any, shall diminish over time and eventually cease as ground cover species and shrubs spread.
 - Stabilize all disturbed areas
 - Include 4 native canopy trees and have a survival rate of 100 % of total number of trees (after 2 growing seasons)
 - Include 71 native shrubs and have a survival rate of 80 % of total number of shrubs (after 2 growing seasons)
 - Include the native herbaceous plants shown on the approved plan and have a survival rate of 75 % aerial coverage of such plants (after 2 growing seasons)
 - Be managed to control/minimize invasives species. If herbicides are use, manufacturer’s recommended directions must be followed.
- Restoration planting areas shall be surrounded with sand dune fencing or equivalent until establishment has been achieved to minimize animal browse and foot traffic.
- If any trees intended to be protected within the project area die within 2 years of the start of construction as a result of the construction or have been demonstrably harmed by construction activities, they shall be replaced at a ratio of 2:1 with native canopy saplings (of roughly 2 caliper inches).

Newton’s Standard Conditions After Work has been Completed

3. 65 Harwich Rd – Notice of Violation resolution – restoration of Buffer Zone planting

- Owner/Applicant. Chitra and Ravindra Uppaluri
- Representatives. Rich Kirby, LEC Environmental
- Project Summary.
 - Restore the natural buffer previously approved by the Con Com as part of the single-family home construction under DEP file #239-743.
 - Remove lawn grass.
 - Plant trees and shrubs
 - Install 3 native sapling trees measuring 4-6’ tall and 10 native shrubs 2-3’ tall at time of planting;
 - Select at least two different tree species and three different shrub species;
 - Apply Ernst Conservation Seed mix for Mesic to Dry/Native Pollinator Mix after trees and shrubs have been installed.
 - Install 5 bounds.
- Request. Accept the proposed restoration planting plan.
- Documents in packets. Locus map, Resolution Planting Sketch Plan.
- Additional documents presented at meeting. Site photos.
- Jurisdiction. Buffer Zone.
- Staff Presentation.
 - Staff showed highlighted site plans and site photos and summarized the proposed work.
 - Staff recounted the site history of initial compliance that was “undone” with the removal of a fence and conversion of natural area to lawn.

- Staff noted that the BVW line may be different than that shown on the originally approved (and closed) plans.
- The owners received a Notice of Violation that required a plan be submitted (done), approved by the Commission, and implemented on or before May 30, 2022.
- The owners have been very responsive and the plan submitted seems mostly appropriate.
- Staff indicated that the proposed plant species list was appropriate, but that numbers needed to be worked out.
- Discussion (Rich Kirby).
 - Kirby explained the reasons the fence and vegetation had been removed (poison ivy and safety concerns), and noted the owner's interest in complying with the restoration plan.
 - Kirby apologized for the discrepancy on the plans, noted that revised plans had been submitted and that 4 trees and 15 shrubs would be installed.
 - In response to staff concerns about using Ernst Conservation Seed mix for Mesic to Dry areas in such a wet area, Kirby responded that they had had good success with some of the species thriving. The Commission agreed to allow the applicant to try, since they were obligated to ensure successful coverage..
- Vote to issue a "friendly" Enforcement Order citing the restoration plan that has been submitted, requiring that the plan be implemented on or before May 30, 2023, and requiring monitoring and photo-documentation for 2 years. [Motion: Gilligan, Second: Lunin, Roll-call vote: Green (aye), Lunin (aye), Katz (aye), Gilligan (aye), Zabel (aye), Hepburn (aye), Cade (aye). Vote: 7:0:0]

4. 158 Otis St. – Notice of Violation resolution -- Unpermitted tree cutting

- Owner/Applicant. Gregg Nagel
- Representatives. John Rockwood of EcoTec
- Requested Project Summary. Restore mitigation areas established under DEP file #239-801 at rear of property on or before June 1, 2023.
 - Retain wood-framed play area
 - Plant 3 white pines, 4 red or pin oak, 4 red or sugar maple, and 4 American beech
 - Plant 6 clusters of 6 native shrubs
 - Spread leaf litter about
 - Monitor the site for 2 years
- Documents in packets. Locus map, highlighted plans.
- Additional documents presented at meeting. Site photos.
- Jurisdiction. Buffer Zone.
- Staff Presentation.
 - Staff showed highlighted site plans and site photos and summarized the proposed work.
 - Staff recounted the site history
 - The property was subdivided and built under an OOC.
 - Mitigation plantings were required to offset the impact of new house and driveway.
 - A COC was issued and the required Enhancement Planting Areas were re-naturalizing successfully.
 - In the fall of 2022, Staff received calls from neighbors regarding tree cutting at the rear of 158 Otis Street and initiated discussions with the owner.
 - The owner retained John Rockwood (the original representative) to develop a plan to bring the site into compliance.
 - Activities that have occurred since the COC was issued:
 - Wood-framed play area installed
 - 1 white ash was cut
 - 5 girdled Norway maples were cut, 1 snapped off at 20 feet
 - 1-2 snags were cut
 - Several saplings and shrubs have damage to their bark
 - Leaf litter was removed
 - NOTE: 8 native saplings were planted in the fall of 2022.
- Discussion (John Rockwood).
 - Rockwood noted that:
 - the drought of 2022 adversely affected the Enhancement Planting Areas,
 - the owner had already planted 8 saplings in the rear of the property,
 - the City's permitted work to fix the pipe and drop inlet have removed the "intermittent stream" from the property,

- the owner’s original COC cited incorrect perpetual conditions (a cut and paste error) and should be corrected and reissued.
 - It was clear to all that girdling trees in suburban settings was not prudent (because of the safety hazard they pose in later years) and will not be approved by the Commission in the future.
 - The Commission gave permission for the remaining girdled trees to be topped, leaving roughly 20-25-foot tall “snags”. Cut logs will be left as habitat.
- Vote to issue a “friendly” Enforcement Order citing the restoration plan that has been submitted, requiring that the plan be implemented on or before June 1, 2023, and requiring monitoring and photo-documentation for 2 years. [Motion: Katz, Second: Cade, Roll-call vote: Green (aye), Lunin (aye), Katz (aye), Gilligan (aye), Zabel (aye), Hepburn (aye), Cade (aye). Vote: 7:0:0]
- Vote to issue a corrected COC (as “scrivener’s error”) for recording purposes. [Motion: Lunin, Second: Zabel, Roll-call vote: Green (aye), Lunin (aye), Katz (aye), Gilligan (aye), Zabel (aye), Hepburn (nay), Cade (aye). Vote: 6:1:0]

5. 180-210 Needham St – Notice of Violation resolution -- parking lot expansion, mitigation planting, rain garden – DEP #239-730

- Owner/Applicant. Kerry McCormack, CrossPoint Associates
- Representatives. John Rockwood of EcoTec
- Project Summary. Site needs to be brought into compliance with an expired OOC with invasive control, plantings, and a fully functional rain garden.
- Documents in packets. Locus map
- Additional documents presented at meeting. Highlighted site plans and site photos.
- Jurisdiction. Riverfront Area, Flood Zone, Buffer Zone.
- Staff Presentation.
 - Staff showed highlighted site plans and site photos and summarized the situation.
 - The OOC had expired, but a site visit found that the site is not in substantial compliance with the approved plans.
 - A Notice of Violation was sent stating that the owner must bring the site into full compliance promptly to avoid an official Enforcement Order and that, due to the season, the full planting plan referenced in 239-730 must be installed on or before June 15, 2023.
 - John Rockwood has been retained to develop a plan. He expects to submit a plan addressing vegetation in the rain garden, invasive species removal, and planting/supplemental planting of the enhancement area.
- Discussion (John Rockwood).
 - Commissioners noted the Crosspoint needed to “step up their game” as stewards of natural spaces and undertake invasive control, planting area management, and litter control much more seriously.
 - Rockwood noted that initial invasive efforts had been fairly successful, so the density of invasives is diminished (especially Japanese knotweed and bittersweet).
 - Rockwood noted that the rain garden would require substantial reconstruction to be made fully functional. He suggested that cobble edges, a new/excavated beehive, new soil, and a thoughtful planting scheme would be required.
 - It was suggested that bollards be installed to protect the raingarden from traffic.
 - It was noted that snow must not be piled on the rain garden.
- Vote to issue a “friendly” Enforcement Order requiring that a plan be submitted to the Conservation Office for review and approval, and that the plan be implemented on or before June 15, 2023. [Motion: Gilligan, Second: Cade, Roll-call vote: Green (aye), Lunin (aye), Katz (aye), Gilligan (aye), Zabel (aye), Hepburn (aye), Cade (aye). Vote: 7:0:0]

6. 42 Parsons St – COC – demo SFH/construct duplex – DEP #239-859

- Owner/Applicant. Arto Dermovsesian
- Representatives. John Rockwood of EcoTec
- Request. Issue COC.
- Documents in packets. Approved planting plan
- Additional documents presented at meeting. Site photos
- Staff Presentation.
 - All necessary paperwork was received for this COC request.
 - A site visit on 2/1/2023 found that the site was is substantial compliance with the approved plans but for that fact that it appears that although 4 canopy saplings were to have been planted outside the bounded mitigation area, only 2 were planted outside the bounds and they are understory tree species (dogwoods).
- Discussion (John Rockwood).
 - Two of the 4 required trees are very small magnolias and are inside the bounded area.

- The Commission felt that the intent of the restoration requirements had been met.
- Vote to issue a complete COC. [Motion: Katz, Second: Hepburn, Roll-call vote: Green (aye), Lunin (aye), Katz (aye), Gilligan (aye), Zabel (aye), Hepburn (aye), Cade (aye). Vote: 7:0:0]

7. 400 Beacon St – COC – Mary Baker Eddy House landscape improvements – DEP #239-843

- Owner/Applicant. Sandra Houston, Longyear Foundation
- Representatives. Bert Corey, DGT Associates
- Request. COC request was withdrawn before the hearing.
- Documents in packets. None.
- Additional documents presented at meeting. Site photos.
- Staff Presentation.
 - Most necessary paperwork was received for this COC request – tree cutting and pruning information has not been received and a site visit on 2/1/2023 found that site work is incomplete.
 - The garden area is “raw” and unstabilized,
 - The rain garden has not been completed or stabilized, and
 - The inflow channel is not at the low point of the loop road.
 - The applicant has requested that the request for a COC be withdrawn.

8. Commission’s Tree Replacement Policy -- Discussion

- Staff Presentation.
 - At a recent hearing, the Commission noted interest in revisiting their Tree Replacement Policy as it relates to the protection of large/mature trees.
 - The Commission has a Tree Replacement Policy and a Mitigation/Restoration Planting Area Guidelines. Staff provided in the packet these policies individually and a consolidated version that appears on the Conservation website.
 - The Commission was asked to review the policies and determine whether they:
 - provide sufficient guidance for situations wherein large trees are proposed to be removed, and
 - address the Commission’s interest in preserving mature trees.
- Discussion.
 - Staff were asked to read the proposals for a revised City Tree Ordinance (one from Marc Welch and one from City Councilors) and to assess how the Commission’s policies relate. There is value in trying to create consistency in how the City, writ broad, addresses tree preservation, tree cutting, and mitigation.

A. CONSERVATION AREA DECISIONS - none

B. ADMINISTRATIVE DECISIONS

9. Minutes to be approved

- Documents in packets. Draft 1/19/2023 minutes as edited by Ellen Katz.
- Vote to approve the 1/19/2023 minutes as edited by Ellen Katz. [Motion: Zabel, Second: Lunin, Roll-call vote: Green (aye), Lunin (aye), Katz (aye), Gilligan (aye), Zabel (aye), Hepburn (aye), Cade (aye). Vote: 7:0:0]
- Volunteer. Dan Green volunteered to review the 2/9/23 minutes.

C. ISSUES AROUND TOWN DECISIONS

10. Watertown Dam project letter

- Owner/Applicant. Potentially, DCR
- Project Summary. The Charles River Watershed Association (CRWA) is garnering support for the removal of the Watertown Dam
- Request. CRWA has asked the Commission to consider writing a letter advocating for removal of the Watertown dam. CRWA, the Watertown Conservation Commission, and others have long expressed interest in removing dam and are building grassroots support to convince DCR to remove the dam
- Documents in packets. Locus map.
- Additional documents presented at meeting. Site photos.
- Jurisdiction. The dam is entirely within Watertown, so removal would occur in Watertown, but the effects of removal would impact Newton.
- Notes (according to CRWA).
 - History of the dam
 - Pre-1600s indigenous people constructed fish weirs in this area.

- In 1634 a stone dam was constructed to power grist and paper mills.
 - In the 1700-1800s it was used as active mill power.
 - Into the 1900s it was used for power generation.
 - In 1966 it was rebuilt as a 180-foot long, 8-foot high concrete weir. It is owned by DCR.
 - In 1972 a fish ladder was constructed.
 - In 2015 DMF found that fish were unable to pass.
 - In 2016 inspections report the dam to be in "poor" condition.
 - In 2017 CRWA got the dam listed as a priority project with the State Division of Ecological Restoration (DER)
 - In 2021 DER completed a feasibility study of dam removal that found:
 - The dam does not provide flood control.
 - The dam is in poor condition and is susceptible to failure without costly repairs
 - The dam impedes migratory fish passage, warms the water behind the dam, impedes sediment transport.
 - Removal:
 - is feasible
 - would have little impact on recreation
 - would restore ecological integrity and connectivity
 - would lower flood elevations approximately 6 feet (at the dam)
 - would reduce the floodplain approximately 1/2 mile upriver of the dam
 - would not change flooding or flow downriver of the dam
- Staff Presentation.
 - Staff shared notes from materials provided by CRWA.
 - History of the dam
 - Pre-1600s indigenous people constructed fish weirs in this area.
 - In 1634 a stone dam was constructed to power grist and paper mills.
 - In the 1700-1800s it was used as active mill power.
 - Into the 1900s it was used for power generation.
 - In 1966 it was rebuilt as a 180-foot long, 8-foot high concrete weir. It is owned by DCR.
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 - In 2021 DER completed a feasibility study of dam removal that found:
 - Dam characteristics
 - The dam does not provide flood control.
 - The dam is in poor condition and is susceptible to failure without costly repairs
 - The dam impedes migratory fish passage, warms the water behind the dam, impedes sediment transport.
 - Removal:
 - is feasible
 - would have little impact on recreation
 - would restore ecological integrity and connectivity
 - would lower flood elevations approximately 6 feet (at the dam)
 - would reduce the floodplain approximately 1/2 mile upriver of the dam
 - would not change flooding or flow downriver of the dam
 - Mass Audubon has written in support of dam removal in Natick.
 - Staff feel that restoring natural riverine flow and ecosystems would be ecologically beneficial and would support the 8 interests of the Act:
 - Protection of public and private water supply
 - Protection of ground water supply
 - Flood control
 - Storm damage prevention
 - Prevention of pollution
 - Protection of land containing shellfish
 - Protection of fisheries

- Protection of wildlife habitat
- Discussion.
 - Commissioners acknowledged the likely positive effects of dam removal, but some questioned possible negative effects, e.g.,:
 - Adverse effects on bird populations (such as black crowned night heron) that capitalize on the fish being stopped by the dam,
 - Possible spreading of contaminated sediments during the anticipated removal of 1,400 tons of sediment, and
 - Sediment deposition in the already-shallow lower basin.
 - Commissioners posed a number of questions:
 - Is this stretch of river too urban for dam removal to have a significant positive effect? (Ask the Division of Ecological Restoration if this is a priority project.)
 - Have there been dam removal projects on a river as large as the Charles? If so, what were the outcomes/consequences of those projects?
 - What are the magnitudes of anticipated ecological benefit and anticipated costs of repair to mitigate risk?
 - What is value of providing a natural channel when there is a dam just 2 miles upstream at Moody Street?
 - Commissioners came to the consensus to not issue a letter of support at this point in time, but wait until they receive more information on the anticipated effects on wetland resource areas (and other environmental impacts).

UPDATES

- D. **WETLANDS UPDATES** – none at this time
- E. **CONSERVATION AREA UPDATES** – none at this time
- F. **ADMINISTRATIVE UPDATES** – none at this time
- G. **ISSUES AROUND TOWN UPDATES** – none at this time

OTHER TOPICS NOT REASONABLY ANTICIPATED BY THE CHAIR 48 HOURS BEFORE THE MEETING

- Commissioners and staff were encouraged to take advantage of the MACC spring conference (Feb 28-Mar 9). They should submit class requests to staff so staff can register them.

ADJOURN at 9:54 [Motion: Lunin, Second: Zabel, Roll-call vote: Green (aye), Lunin (aye), Katz (aye), Gilligan (aye), Zabel (aye), Hepburn (aye), Cade (aye). Vote: 7:0:0]