



## City of Cambridge Conservation Commission

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### Public Meeting – Monday, November 14, 2022 at 7:00 PM Zoom MEETING MINUTES

The following meeting minutes were taken by Tracy Dwyer and are respectfully submitted.

Present Commission Members: Jennifer Letourneau (Director), Purvi Patel (Chair), David Lyons (Vice Chair), Elysse Magnotto-Cleary, Kathryn Hess, Michelle Lane, Erum Sattar

Absent Commission Members: Kaki Martin

Attendees: Tracy Dwyer, DPW; Jesse Aguliar, Highpoint Engineering; Duke Bitsko, Hatch; David Kaplan, Watershed Manager-Cambridge Water Dept; Robert Corning, Stantec; Ginna Johnson, Department of Conservation and Recreation; Catherine Zusy; Timothy Hutton

Purvi Patel opened the meeting.

#### **7:00 – Certificate of Compliance**

##### **DEP File # 123-242**

Fresh Pond Reservation-Glacken Slope Improvement Project

David Kaplan, Watershed Manager for the City of Cambridge Water Department, stated he was joined at the meeting with Duke Bitsko from Hatch who will get into the specifics of the projects and what was accomplished. David stated that all three (3) of the projects on this evening's agenda were conducted within the Fresh Pond Reservation, which is the City's largest open space that dedicated to the protection and preservation of the City's water supply.

Duke Bitsko went through the Glacken Slope Project which is actually "phases 4 & 5" out of 6 phases. Duke stated that in 2012 they completed phase 4 and in 2016 they completed phase 5.

The main components were the perimeter road which is about two miles they made ADA improvements and created a porous asphalt path for the perimeter road due to serious drainage issues at the base of Glacken slope. Duke stated they created a cobble swale, looked at historical fencing and used a local artist to create a custom bench. He said that the majority of phase 4 was slope and gully stabilization, were most of the topsoil had been washed away over fifty (50) years. Also, part of the project was removal of invasive species, black locust, and Norway maples. The other component of the project included planting over one hundred (100) native trees which he said did not include shrubs and ground coverage that were planted as well. Duke stated that in "phase 5" there were road improvements to the perimeter road by replacing the

concrete road with a porous asphalt road and slope stabilization. Duke stated that “phases 1-3” were completed and already have their Certificate of Compliance and “phase 6” will be coming which will be more work on the remainder of the perimeter road. Duke stated that the commission received the report on the plantings that were done, a botanist report talking about the tree replacements as well as the operation and maintenance plan, which tells about cleaning the porous asphalt as well as the granite cobble swale.

Purvi Patel asked that Duke mentioned “phase 6” but on the plan that Duke showed there is a “phase 5A” and was asking if the last phase was broken up into multiple subphases.

David Kaplan stated that as work progresses, they name them a specific “phase” but mentioned that part of “phase 6” was worked on as part of the Glacken Slope project. Duke stated that “phase 5 and 5A” were lumped together because there were enough funds available to construct them both at the same time.

Purvi asked if “phase 6” is permitted if it has an order of conditions. Jennifer stated no not at this time.

Jennifer clarified that “phase 6” was completed with a negative determination which was the slope directly abutting Glacken field and was completed as Duke said while the fields were being reconstructed because there wasn’t a way to get the work done afterwards.

Purvi stated that the photos in the as-builts are from 2015 and 2016 and thought something was missing in the certificate of compliance. Duke stated that he wanted to tell a story, so the pictures of now depicts how natural the slope looks after year three (3). David Kaplan added that the pictures that were submitted were from recent along with the botanist report. Purvi said she didn’t see any recent pictures in the report and was confused. Duke stated that in the submittal they include the as-builts and the photos during the warranty period.

Jennifer stated that Purvi was correct the oldest photo was from 2017. David Kaplan stated those photos were labeled “as-built photos” and apologizes for not including more recent photos in the submittal. Duke said they are out there all the time and taking pictures and can submit more current photos.

David Lyons was on the site walk that was conducted on November 1, 2022. David stated that he was very please with all the phases of work that were completed and that everything was coming along well. David stated that the question of whether this could have been seen a while ago or if this was the earliest it could have been heard and that was maybe there was some delay in the photos.

Elyse Magnotto-Cleary was also in attendance for the site walk on November 1, 2022. She said she was also pleased with the progress of all three (3) projects. She said as for the Glacken Slope project, she said they talked about the ADA improvements and the cobble swale, and it was nice to learn about the intricacies of that. She said they also talked a lot about the different types of porous asphalt that was used and could feel as they were walking along the path of how the path changed. She said they also talked a lot about habitat restoration and thanked David and Duke for all their time spent on the site walk.

David Lyons also said thank you for the site walk. David said the porous asphalt was very interesting to talk about and was wondering if there was some opportunity for some signage around for public education on that topic. David also stated maybe there was some education in this to use on other projects around the city. David said that overall, he thinks it will be a healthier habitat and even though there were some tree removals during the process and invasive species removals and feels as though sometimes the nuance gets lost in the public discussion but its important that multiple interests were looking out for not just the tree coverage but the whole ecosystem.

Kathryn Hess asked if someone could speak to the maintenance of the permeable pavement. David Kaplan explained that the city has a street sweeping contract and when they are in the neighborhood, they ask for them to come by. David Kaplan stated that they target sweeping two times a year on the porous surfaces. David Kaplan said they use an air sweeper, no brooms or water because that will encourage particles to plug it up. He stated that when the operators arrive, they work with them to make sure they will be doing the cleaning correctly and log the cleaning in a database.

Duke stated that he loves the idea of environmental education and knows that sometimes the Fresh Pond Advisory Board doesn't like signage to clutter the reservation but thinks there is a good lesson to be learned. He stated that the next project that they are going to be looking at is Kingsley Park and that project will connect with "phase 5" and he said in the end half of the two miles will be porous and half won't, and he thinks that is a good story to tell and there are specific reasons why and worth telling the story.

Erum Sattar stated that Duke had mentioned impacts on the drought from last year and this year and wanted to know if there were any impacts on what's being planted.

Duke stated that as part of the Fresh Pond master plan list which was completed in 2001 and then there was an update about two years ago and part of the plan was not to look at only to look at plants as individual plants but to look at them as plant communities in Massachusetts. So they look at specific plant communities that are out there now and were out there historically and also look at the ones that can take in the soil and microclimates around the pond. Duke stated that there are specifications written in that the contractor is responsible for putting up a temporary irrigation system to water during certain drought periods. David Kaplan said they are equipped to respond to droughts, as like the Glacken athletic fields now have quick connects on their irrigation system to hook up to in drought conditions. Duke also stated that in restoration projects the materials can be smaller and easier to care for over time. So in order to give the plantings a "leg up" they are planting smaller species in greater quantity.

**7:28** – Public Comment closed – No Comments

6 – In Favor, 1 – Absent, 0 – Opposed, 0 – Abstained

**7:29** – The commission as unanimously approved the Certificate of Compliance.

6 – In Favor, 1 – Absent, 0 – Opposed, 0 – Abstained

**7:29** – **Certificate of Compliance**

**DEP File# 123-251**

Fresh Pond Reservation – Kingsley Park Improvements

Duke Bitsko from Hatch described where Kingsley Park was located within the reservation. Duke stated that Kingsley Park was associated with the parking lot and located near the water departments water treatment facility. Phase one of this project Duke stated includes everything in the high point of the park and completed in 2014. Duke stated that this project included the reconstruction of the perimeter road with porous asphalt and the Crest Loop path with flexible porous paving and this paving includes recycled tires and small aggregate mixed together. The other components Duke said were included were new seating areas, trash receptacles, drinking fountain and a naturalistic play area. Duke stated, now all paths in the park are now ADA compliant, prior to the reconstruction the paths did not meet the standard cross slopes or longitude slopes. Duke stated that in the null of Kingsley Park there were over two hundred (200) Norway Maple trees which were on the state's invasive species list and out of the two

hundred (200) fifty-five (55) where over eighteen-inch caliber that were all removed and replaced with an Oak/ Pine community. Duke stated with this project over three hundred and forty (340) native trees were planted along with ground covers and grasses. Duke showed some photos of the park area. He showed a picture of before and after photos of the crest loop and how previous the ground was so compacted, and no grass would grow in the area where the Norway Maples were removed. Now there are shrubs, ground cover and grass growing. Duke stated that the path from the highpoint in the park that runs down towards the ranger station needed to be under the 5% for it to be ADA complaint. Duke said that this porous asphalt in taking run off from the Kingsley Park null area so there is anywhere from twenty-four (24) inches to forty-two (42) inches of gravel material just under the paving to store that water before it gets infiltrated. Duke said they did not do any work in steep slopes and that work would get completed in a future phase.

Elysse Magnotto-Cleary said that the work that was done is hard to imagine you are in the same place looking at the before pictures. Elysse also stated that the team did a great job with habitat restoration.

David Lyons stated he echoed Elysse's comments and spends a lot of time up there with his family. David said that there is a Fresh Pond Master Plan and a Fresh Pond Advisory Board, that is strictly volunteers who work on the board. David said these boards work closely with David Kaplan, the water department, water board and Duke Bitsko. He said that this is a 20–30-year vision and it's great to see it slowly coming together.

**7:39** – Public Comment Closed – no comment

6 – In Favor, 1 – Absent, 0 – Opposed, 0 – Abstained

**7:40** – The commission unanimously approves the Certificate of Compliance.

6 – In Favor, 1 – Absent, 0 – Opposed, 0 – Abstained

**7:41** – **Certificate of Compliance**

**DEP File #123-271**

Fresh Pond – Drainage & Community Garden Project

Duke described that the location of this project is along Fresh Pond Parkway close to the rotary there's a Honda dealership across the street. Duke pointed out where the new community garden is located which is next door from where the old community garden was. Duke said this project was completed in 2020 and is still in the warranty and maintenance period. Duke showed photos from preconstruction with drainage issues on the perimeter road. Duke stated that historically the perimeter road typically drained away from the pond. Duke also showed pictures of the old railroad tracks that lead west toward Watertown and now the Greenway ties into that piece. Duke also showed pictures of the new community gardens and the plantings and their growth in the last two (2) years. David Kaplan corrected Duke to say that the dates were wrong that the project plantings were mostly done in 2017 and completed in the fall of 2018. David Kaplan explained that they are out of the three (3) year warranty period. Lastly, Duke showed a picture of the retention bio basin that was construction and was designed for a one hundred (100) year flood event and when it fills up it drains into the reservoir.

Elysse stated that if the basin was not pointed out she would not have noticed it, just another example of the excellent habitat growth and restoration in that area as well.

David Lyons said that like Elysse if you're not looking for it you would not notice it. David Lyons asked if Jennifer or Duke had investigated the issue of the possibility of the top

embankment settling or not. Duke said the way to find that out is to get a surveyor out and that it would be happening in 2-3 weeks they would have a professional surveyor out from Kingsley Park clockwise to where phase four stopped.

**7:51** – Public Comment Closed – no comments  
6 – In Favor, 1 – Absent, 0 – Opposed, 0 – Abstained

**7:52** - The commission unanimously approves the Certificate of Compliance.  
6 – In Favor, 1 – Absent, 0 – Opposed, 0 – Abstained

Jennifer stated that the remainder of the agenda items are all extensions and wanted to review the regulations with the commission. Jennifer said by the Wetlands Protection Act the reference to extensions of Order of Conditions is 310 CMR 10.05, subsection 8. She said the issuing authority may extend an order of one or more periods of up to three (3) years each except otherwise any extension granted by the authority will be on form 7. The request of an extension shall be made to the issuing authority at least thirty (30) days prior to expiration of the Order. Jennifer stated that all of the applicants met that they were filed more than or at least thirty (30) days in advance. Jennifer said that subsection B explains the reasons why you can deny, no work has begun on the project, except where a failure is due to delay that is not applicable for any of the three, where new information was not available at the time an order was issued; not applicable to any of them, where incomplete work has caused damage to the interest of the act; not applicable where work has been done in violation; not applicable, where a resource area delineation of certification in order of resource area is no longer accurate; not applicable. Jennifer stated that all three extensions meet the regulations for the extensions.

**7:52 – Extend Order of Conditions**  
**DEP File #123-298**  
101 Cambridgepark Drive

Jesse Aguilar from Highpoint Engineering the Civil Engineering representing King Street Properties, the property owner of 87 and 101 Cambridgepark Drive was present at the meeting. Jesse stated that they are requesting the extension because the site work including the work on site within the jurisdiction of the commission remains ongoing and is not scheduled to be complete until Spring of 2023. The Order of Conditions was set to expire on March 26, 2023, one of the special conditions under that requires three (3) years of vegetative establishment and growth prior to submitting a Certificate of Compliance. Jesse stated the building is nearing completion, but landscape and hardscape are ongoing as is grading to enable compensatory storage to offset the offset the portions of the onsite one hundred (100) year flood plain that has been displaced by construction of the building. Also, the work on the bike path will be completed spring of next year.

Purvi Patel asked what the impacts were to the resource areas was it primarily BLSEF, Jesse stated that was correct there was also some repaving within the one hundred (100) foot buffer zone from BVW. Purvi also asked for the record if there were not foreseen substantive changes Jesse sees for the remainder of the project. Jesse agreed there were not changes.

**8:00** – Public Comment closed – no comment  
6 – In Favor, 1 – Absent, 0 – Opposed, 0 – Abstained

**8:01** – The commission has unanimously agreed to extend the Order of Conditions for three years.

6 – In Favor, 1 – Absent, 0 – Opposed, 0 – Abstained

**8:02 – Extend Order of Conditions**

**DEP File #123-301**

5 Cambridgepark Drive

Jesse Augilar from Highpoint Engineers stated that the multiuse path along Cambridgepark Drive like 101 Cambridgepark Drive. The owner of 100 and 101 Cambridgepark Drive, King Street Properties entered a lease in 2019 with the MBTA for the rights to use and maintain a portion of their property to enable construction and long-term maintenance including invasive species treatment and removal and habitat restoration of the portion of land that resides north of 101 Cambridgepark Drive site between that site and the Alewife T Station parking garage. Jesse stated that this project consists of raised boardwalks of the path which have been constructed as well as impervious and porous asphalt improvements are due to be constructed in early December but the landscape, habitat restoration and invasive species treatment is not due to be complete till spring 2023 and there is also a three (3) year establishment and growth requirement under a special condition number 35. Jesse said they are requesting a three (3) year extension to enable that and complete work on the path itself.

Purvi Patel asked Jesse to confirm for the record that there is not substantive changes that he knows of for the remainder of the project. Jesse agreed there were no changes.

**8:05** – Public Comment Closed – no comment

6 – In Favor, 1 – Absent, 0 – Opposed, 0 – Abstained

**8:07** – The commission has unanimously agreed to extend the Order of Conditions for three years.

**8:07 – Extend Order of Conditions**

**DEP File #123-269**

Department of Conservation & Recreation – Magazine Beach

Ginna Johnson Deputy Chief of Design and Project Management from DCR was in attendance as well as Bob Corning from Stantec, who bring this project to bid and to construction phase. Bob stated that they are here to talk about the last phase of the Magazine Beach improvements, phase 2.2. This phase consists of the grassy area between the pool and the river, subsequent phases were completed previously. The order of conditions that was originally issued back in 2016 was for the whole park. The area is for the grassy area between the pool and the river which starts just east of the Riverside Boat Club and extends over to the Powderhouse building. The project consists of removal of pavement, connecting the east and west circulation spine, two new structures on the river an observation deck and restoration of a dock, restoration of the riverbank, vegetation, and restoration of the lawn area as well as additional plantings. Bob stated the history of the project was in November 2016 the original order was issued and in 2019 it was extended for three (3) years which brings them to November 23 of this year, and they are looking for another extension to bring them to November 2025. The 100% drawings for this project were originally completed last year in June of 2021 and because of funding and other issues the project was on hold. The original firm CSS are ceasing operations and Stantec was brought on to

help DCR finish the permitting, get the project out to bid and perform construction administrative services. Bob stated the current schedule of the project is that they are going to get the project out to bid at the end of this year or early next year, get a contractor on board, the contractor would work March through September with the substantial completion by September and then close out the project in October.

Purvi stated the original order of conditions was from 2016 and was wondering if there were any partial certificates of compliance. Jennifer stated that they have not, they have kept it open and have gone through each phase of this and when they go to close it out it will be for 100% of the project. Purvi asked if this 2.2 area as depicted on plans is the last phase. Bob agreed it will be the last phase. Purvi also asked if there were any major changes or significant changes that they would like to tell the commission about. Ginna stated that the program elements remain the same, she stated that the observation deck has shifted a bit downstream. Ginna stated that they wanted to keep the center of the grassy beach open for viewing and wanted to make a more accessible connection from an accessible parking space. Ginna stated that is the only change from its original design.

David Lyons stated that they mentioned a delay due to the lack of funding was the lack of funding from DCR or the city. Ginna stated that they were trying to identify funding and the City of Cambridge and their park partners; Cathy Zusy who represents the Friends of Magazine Beach have stepped up and provided CPA funding and ARPA funding to fund the project.

#### **8:15 – Public Comment**

Cathy Zusy, President of the Magazine Beach partners which is the friend's group for the park. She stated that when CSS completed the design of the park in 2019, they have been pushing for its completion because it will create a half-acre of parkland where there is now an unusable parking lot and will enhance the swimmers experience at the park.

#### **8:16 – Public Comment closed.**

6 – In Favor, 1 – Absent, 0 – Opposed, 0 – Abstained

**8:17** - The commission has unanimously agreed to extend the Order of Conditions for three years.

6 – In Favor, 1 – Absent, 0 – Opposed, 0 – Abstained

#### **8:17 – Administrative Topics**

**8:18** – Meeting Minutes from October 17, 2022 – approved

5 – In Favor, 1 – Absent, 0 – Opposed, 1 – Abstained

Jennifer and Tracy will send out an email with a new date for the December meeting.

**8:19** – Meeting Adjourned

6 – In Favor, 1 – Absent, 0 – Opposed, 0 – Abstained

