



City of Cambridge Conservation Commission

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Jennifer Letourneau, Director

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Public Meeting – Monday, April 25, 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), David Lyons (Vice Chair), Elyse Magnotto-Cleary, Kathryn Hess, Kaki Martin

Absent Commission Members: Michelle Lane, Purvi Patel (Chair), Erum Sattar

Attendees: Tracy Dwyer, DPW; Jim Wilcox, DPW; Ale Echandi, Department of Recreation & Conservation; Danielle Mellett, Department of Recreation & Conservation; Galen Peracca, Kleinfelder; Naomi Valentine, SWCA Environmental Consultants; Eileen Piskura, Kleinfelder; Fred Hewett; Erica Holm, Mass Audubon

David Lyons opened the meeting.

7:02 – Notice of Intent

DEP File #123-316

Department of Conservation & Recreation

Charles River Lower Basin Vegetation Management Plan

Continued from April 11, 2022

Naomi Valentine from SWCA went through the updated presentation. Naomi stated that DCR's overall scope of the project is the continued general maintenance and previous Charles River vegetation management plan practices with the overall goal to restore sections of the Charles River Reservation within the Cambridge boundaries. Part of the maintenance includes special event trimming which is associated with the Head of the Charles Regatta, the Fourth of July Celebration, the Dragon Boat Race and well as four focused areas for invasive plant management. Naomi stated that they will submit yearly documentation to the Conservation Commission on invasive plant management and any other specifics for the year for the commission to review. Naomi went over the project goals of the DCR as previously done so at the last meeting. Naomi went over the comments and edits from Kleinfelder's peer review comments. Naomi stated that they updated the cover letter to include text stating the project is

being filed as an Ecological Restoration Limited Project and added in text as why DCR believes the project meets those criteria.

Kleinfelder suggested that some edits be done on the WPA Form 3 and Naomi went through those edits. Regarding why the project is exempt from the MassDEP Stormwater Standards. Naomi stated that there were not alternations being performed to the existing stormwater management and where vegetation is being trimmed or removed stormwater BMP's will be in place to ensure proper management, but no ground disturbances. Regarding alteration of BVW, Naomi stated that there will be no impacts to BVW. However, there are large areas of general maintenance that overlap with the 100-foot buffer zone to the resource area. As for the comment about the size of restoration Naomi stated that has not yet been calculated.

Galen Peracca from Kleinfelder wanted to state how wonderful this project is and how it was aspirational to work on this project on a resource that everyone is attached to and fond of and it's a signature part of the landscape. She stated she didn't want that to get lost in the recommendation in the comments that Kleinfelder had provided.

Naomi stated that she checked the box in form 3 and also sections 1 and 3 were updated to say there is no impact to BVW but management does overlap with the 100 foot buffer to BVW. In the NOI narrative in section 2 the text was corrected to include details on the locations of all management to occur alone. Also, Naomi explained that in section 2.1 all activities associated with regular maintenance are included in table 4 and given more detail in appendix E. In section 3.5 the changes to the text regarding BVW and Bank buffer zones all language regarding this has been moved to section 3.1. In section 5.2 Kleinfelder recommended expending on the changes to routine maintenance. Naomi stated the changes that were made were the restoration of the riparian areas following results of the test plots and conversion of underutilized lawn to native meadow. Naomi stated that specific plans will be submitted to the commission prior to implementation annually. In section 5.2 Kleinfelder suggested clarification of special events and that it mentioned "one-time trimming". Naomi stated that the language in the table was changed to "once-annual trimming". In table 7 Naomi stated that the calculations are correct as well as no corrections needed to be made on table 9. Naomi stated that in the overall NOI narrative the comments regarding whether the project qualifies for Ecological Restoration. Naomi stated that they feel with the proposed restoration of the River's Edge will increase storm damage prevention, pollution protection as well as protection of wildlife habitat all qualify for the Ecological Restoration.

Galen stated that all the documentation was clear, and it was just the matter of connecting the activities proposed and the restoration values proposed identified on form 3. Galen stated with the intent of these activities both the maintenance work, restoration efforts; including planting native seed and potentially planting native shrubs are with the intention of increasing storm damage resilience and habitat wildlife.

Naomi stated that the other comment from Kleinfelder was the consistency of language between wetland resource area, regulated resource area, jurisdictional resource area. Naomi stated that she changed the language so any reference to the wetlands is now stated as regulated wetland resource area.

Naomi stated in Kleinfelder's comments about section 6.3 why trimming vegetation within BLSF and other wetland areas will not degrade wildlife habitat. Naomi stated that DCR's overall goal is to eliminate or reduce all special event trimming. So, their goals is to replace the non-native and invasive bank and riverfront vegetation with low growing native vegetation to achieve

this goal. They are proposing to only be trimming up to twenty-four (24) inches and they will also look for any signs of bird nesting or activity and will avoid those areas.

In section 6.4 states that a small portion of the project is within BLSF but the table reports over 1.5 million square feet of impact. Naomi clarified this and stated that the meaning behind that statement is that the section of BLSF is small comparative to the total project.

In section 7 Naomi stated that they changed to word “mitigate” with “restore” in all locations and stated that the only trimming planned occurs just prior to the special events three weeks prior. Regarding appendix A in the NOI narrative Kleinfelder suggests including alternatives for all activities proposed not just the Head of the Charles. Naomi stated that all vegetation trimming for special events includes the same scope of work as the Head of the Charles and there are no alternatives to general maintenance as well as all invasive control includes a full range of options.

Galen stated that what Naomi stated that there was no feasible and no action alternative could be used for the reason for no alternatives analysis. Galen stated that all this is missing is that there are no management alternatives meet the purpose of need. Galen wanted to know if this was sufficient for the commission and stated that it might be brought up again when a decision is made qualifying this as a limited project and thinks that the alternative analysis would have to be expanded.

Noami went through Kleinfelder’s comments on the figures, she stated that in figure C-4 they updated the figures for the Dragon Boat Festival. In figure 6 they updated the polygons mapped for invasive plant population locations. She stated that where the invasive management will occur could change leading up to the time when the management occurs. Naomi stated that she did not update BVW and bank because she wanted to keep consistency between the figures. She said the bank is outlined as a line on the figures and all of the BVW is wide enough not be mistaken. Naomi said in Cambridge there is one BVW in the west.

Jennifer Letourneau showed slides after the site walk in the morning of April 26, 2022. Jennifer stated that in attendance was a SWCA representative, Ale from DCR, Eileen Piskura from Kleinfelder, David Lyons as well as herself. Jennifer showed pictures of where the temporary floats for the Dragon Boat race will be installed. Jennifer stated that there are seasonal bulb plants along the bank planted by unknown as well as False Indigo which is holding the bank together. Jennifer also pointed out that in several locations there is some erosion and showed a picture of what the erosion looks like. Jennifer stated that the proponents stated during the site walk they are proposing to stabilize these areas with a core log and plant plugs. Jennifer showed a picture of head wall with railing with no outfall here at this location. She stated this would be the start of the race and one hundred and fifty feet (150) to the left of this location she stated there will five (5) ten (10) foot openings that will be stabilized with erosion control blanket immediately after the event and replanted with native plants in the fall. She said that she’s not sure about the configuration of the temporary floats but installed on a Friday and dismantled on a Sunday or Monday. She said during the site visit the proponents stated that there would be no clearing or grubbing they would be cutting flush in those sections.

David Lyons stated it was helpful to go on the site visit to get a sense of what was happening. Ale from DCR was unable to talk due to audio issues, Danielle from DCR stepped in to say DCR would not be trimming in areas where they have native trees and shrubs like the Box Elder.

Danielle stated that yes DCR would not touch native species.

Jennifer stated because these are filled tide lands throughout is it restoration and is restoration the correction terminology, what are they restoring it back to? Is there intent to restore it back to something or is the better terminology a landscape improvement.

Noami stated that she believes its accurate to say that there would be a riparian zone restoration while it may not be the original but accurate to say that we are restoring bank for what is the reasonably recent self.

Kaki Martin said she was going to say stabilizing bank. Noami said that a lot of the area is moderately stable as is but it is an enhancement or restoration. Danielle Mellett agreed with Noami and stated that Ale was typing to Danielle that this land is regulated as a freshwater wetland resource. Noami stated she believes there is an argument but believes that this is a restoration to bring it back to a more fully functioning resource area.

Galen stated that Noami and her team did a great job answering and editing all her comments. She said the overall concern was the connection between the proposed activities and the restoration goal. She stated that there are other opportunities to include along with the activities for vegetation, maintenance, particularly with vegetation maintenance during regular maintenance and special events to put more of the restoration components into those descriptions so that those two activity types are clearly tied as restoration or habitat improvement activities. Galen as also stated in the Wetland Protection Act an Ecological Restoration Project means “whose primary purpose is to restore or otherwise improve the natural capacity of a resource area”. Galen said they could use the language to draw the conclusion and the NOI needs to state explicitly how this is a restoration project for it to qualify. Noami stated she didn’t know if the commission had time to review the edited document, but she used the comments from Kleinfelder and to add more of that emphasis.

David asked if anyone on the commission had any questions, comments, or thoughts they would like to bring up.

Kaki stated whether the maintenance for weekly programming is being addressed in the plan. Noami stated that all alterations to vegetation is being addressed in the plan. Jennifer stated that at the site walk earlier today they discussed whether the cost for mitigation after special events were covered by the event. Jennifer stated they said minimally, just enough to cover reseeded. Jennifer was wondering if there would be something in this plan to hold third parties accountable for restoring areas disturbed by events or construction. She wanted to know if the plan will hold the third parties accountable to restore areas based on the CRVMP. Noami stated that with DCR’s special use permit, with that permit anyone hired by DCR or a third party will need to restore disturbed areas using best management practices. Danielle said with a construction access permit they will be responsible for restoration based on the CRVMP and may require three (3) years of monitoring.

Kaki stated regarding the bulb plantings, she has always understood those were planted by volunteers from the Charles River Conservancy, she is not sure if that is accurate. She wanted to know what the communication with volunteer groups like the Charles River Conservancy will be.

Danielle stated they have been working with and in communication with the Charles River Conservancy, Charles River Watershed Association, and the Esplanade Association during the CRVMP process. Danielle stated they have been working with these groups and have monthly meetings with them.

Jennifer stated that during the site walk Ale said it’s known that where there are flowering plants, people will not walk and tend to stay away from that area. Jennifer said that the bulbs are short term and maybe if there was something more long term it would help.

Kaki agreed but stated that these bulbs aren't a native plant.

Jennifer stated she received a letter earlier today from Laura Jasinski from the Charles River Conservancy on their support of the CRVMP.

Galen asked if they think they have rogue botanists in the area that would pose a problem with repeat plantings. She wanted to know about public outreach to help with the problem.

Danielle stated that they are working on public outreach, it is a public document. She stated that with the help of CRC, CRWA they will help get the word out about the project. She said that also while they are working in areas along the river, they will put up signage telling people about the restoration project and the intent of the project.

Kaki stated that Friends of Magazine Beach might also be a help to get the word out. Danielle stated they have also been working with them as well.

Kathryn Hess asked if part of this project would the bulbs be pulled out.

Danielle thinks that these are part of a rogue planting and before their time. She said these aren't native and part of the goal of the CRVMP. She said she could not respond at this time about removing them, but also would look at some native plantings that flowering in the spring to replace the daffodils.

Kaki stated if they could be moved up slope closer to the parkway and not along the river's bank.

Danielle stated it's not part of the plan to keep them, but they would look into relocating them.

Kathryn stated it was her understanding that the mass planting of bulbs in the Boston area happened after the Boston Marathon Bombing.

David stated he would like to bring up whether this qualifies limited restoration project or not. He said they have not discussed wildlife habitat yet tonight.

Galen wanted to clarify that ERLP is exempt from a full wildlife analysis, she clarified that it would be how it would be permitted for just a limited project.

David stated that if they don't conclude it in an ERLP we don't have to make a finding it has wildlife habitat we don't have to put it in the ERLP box.

Galen said this was brought up because Jennifer asked what if this doesn't not meet the criteria for an Ecological Restoration Limited Project, could it meet the criteria for just a Limited Restoration Project. Galen did not see a problem with that, but she said a wildlife habitat evaluation would need to be performed.

Jennifer said that was the question that both her and David wanted to ask the proponents, is that we don't have a wildlife habitat evaluation in front of us, why was one omitted for this and why has one not been done and would one be done.

Noami stated that a wildlife habitat evaluation was not done because they felt strongly that it is an Ecological Limited Project and felt strongly that all efforts were being made that no wildlife habitat would be impacted and they would be improving wildlife habitat.

David asked if this is how they were proceeding with the other commissions.

Noami stated yes, all the filings are similar except for the resource areas.

David asked where they were in their decisions.

Noami stated they have heard back from the Boston Conservation Commission, and everything is pointing to them accepting it as an Ecological Restoration Limited Project filing. She said she really can't speak to Newton and Watertown because she was not part of the filing, but she said that the scope is very limited in those two communities, but she thinks they are also amendable to the filing but have not submitted officially to them yet.

Kaki stated she is not understanding Galen's comments about an ecological restoration limited project or a limited project. Galen stated this was prompted from a question by Jennifer. Jennifer stated she meant does it meet the qualification for a limited ecological restoration project.

Jennifer asked if Galen or the proponents could speak about why this meets the qualification for an ecological restoration limited project. Naomi stated she believes it meets the criteria because it is a limited project and an ecological restoration project and at some point, the language was added to the Wetlands Protection Act. She said that it states that there needs to be an overall goal or effort for restoration or enhancement of the wetland resource areas. Naomi stated in the act it states enhancement of wildlife habitat, reduction of erosion, pollution reduction and stormwater management and they meet those requirements and commented on them in the narrative and are also outlined in appendix A.

David asked Galen if she agrees with it and if she needs more time to review it.

Galen stated she believes with everything that Naomi has shown that they have demonstrated that this meets the criteria for an Ecological Restoration Limited Project. She stated that all the responses to the questions and the understanding of the linkages hadn't quite been made but have been made now. Galen stated that she now understands why the special projects constitute restoration and that over time there is going to be an effort not to have to manage the vegetation on an annual basis.

David asked the proponents what their timing was going to be.

Noami stated the trimming in Cambridge would occur a month before the Fourth of July.

Danielle added that also trimming would occur before the Dragon Boat races as well, so by May 17, which is a month ahead of the event.

Noami stated for the record in response to David and Galen that everything that was in the table that she presented was incorporated into the text.

Kaki stated she wants to understand how the commission feels about this because this is a large project, but would the commission want to know what is going on, they don't need to know exact dates of trimmings but they might want to know about more significant projects within the plan that are going to happen.

Danielle stated that if there is a larger component of the project that is going to happen, they can reach out to Jennifer and let her know what they are doing and if they are doing a restoration project or implementation project, they would submit an annual plan to the commission for approval.

Kaki stated since it is a large project a quick check in with the commission or a site visit would be helpful.

Jennifer agrees with Kaki, she said she can bring whatever is proposed to her to the commission administratively. They can determine whether this is part of the plan or it's something larger that would need to be permitted.

Jennifer also wanted to remind the commission that this plan stops at the Museum of Science, and it doesn't not include North Point Park. Jennifer said it would be fantastic if DCR would include all park land that abuts the river including North Point Park and she thinks it's a missed opportunity that it is not included.

David asked if there is work going on there under another permit.

Jennifer stated they had a VMP that expired that included everything along the Charles River. Danielle stated that this project was encompassing the lower basin of the Charles River. She doesn't know why it did not include the Charles River Dam, but this was the limit of work that was agreed upon.

David asked if Danielle could check and report back to Jennifer.

Jennifer and Kaki stated that was missed labeled that the Charles River Dam is further down. Jennifer said there is a huge portion of landscaped area down near North Point Park and the Charles River Dam that include Cambridge and Boston that will not be managed under the CRVMP.

Noami stated she can confirm that the limit of work in Boston is also at the Museum of Science.

Kathryn asked how much of that land is owned by DCR.

Jennifer and Kaki both stated that 100% of North Point Park is owned by the DCR.

David asked if the CRVMP was only for vegetation and not for another infrastructure within the park like walkways, bike paths or hard infrastructure.

Noami stated there is green infrastructure included in the plan as one of the landscape types nothing with hard hardscapes.

David said he would like to see those in the plan in the future. He asked if the commission needs conditional reporting.

Jennifer stated that the commission can include special conditions to have an annual report. She stated typical vegetation management plans have included a total summary of all the work that has occurred in the year and before and after photos and uses of herbicides and maps. Also, can include a summary of the special events and the restoration that occurred after them.

Jennifer stated that she feels there is a huge, missed opportunity to not have North Point Park included in the plan but what's to know if there is a chance to have it included or a commitment to get it included within the five (5) years that you're asking for the order of conditions.

Danielle stated she can investigate why it was not included.

Jennifer stated she doesn't think the why matters she would just like to see it included. So how we can get it included.

Danielle stated she thinks it's regulated differently as a costal resource versus how the lower basin is regulated.

Kaki stated the difference is that it's all wall and no natural bank.

Jennifer stated there is a cut out that you can kayak through, there's trees, mowed areas and has a similar cross section to the Charles River with slope and marsh areas.

Noami said she is not familiar with the area but wanted to know if it was not included in this project because of all the activities that DCR proposes there within maintenance exemptions in buffer zone.

Jennifer stated no.

Danielle stated they can look at including it and try to include it as part of the five-year plan.

Jennifer will leave it to the commission to see what they feel.

Kathryn wanted to know if it was part of another management plan.

Jennifer stated it was under construction from 2001 to 2005 as part of mitigation for the big dig. It was the laydown area for the big dig and then turned into open space as mitigation for it.

Jennifer stated it included open space, a playground and a connection over to Paul Revere Park and then fundraising happened to do the skate park years later. She stated it's 100% a DCR park and parkland with walking trails, trees and vistas, it's a beautiful park.

David asked the commission if they should postpone for another two weeks to get the answer for North Point Park and also take a closer look at the ERLP criteria and anything else that might be missing. He stated we can also come back to the North Point Park later.

From public comment, Erica Holm from Mass Audubon stated they are in support of the CRVMP and continue to work with DCR on the plan.

David asked if the commission had enough information to vote tonight.

Jennifer stated it has a DEP file number and asked the commission if they feel that the NOI is 100% complete or needs changes. Jennifer stated she thinks this is a missed opportunity not get North Point Park included in the plan, but the commission can move forward with voting.

Ale asked (via Danielle) if the commission would be amendable to an amendment in the future to include North Point Park.

Noami stated she feels there was an urgency behind the proposed project as is but feels strongly that its full in its submission and meets the qualifications. She thinks if DCR is willing to do an amendment that would help them meet the deadlines for the current proposed project.

David asked Jennifer how she feels about them coming back to the commission with an amendment after the Head of the Charles this year.

Jennifer stated when the commission approves an order of conditions the commission can put in a special condition that states a complete land holding by the DCR will be amended to be included in the VMP within 18 months. She does not know the timeframe that will work for the DCR with budgeting issues. She feels the commission needs to put a time frame in the special conditions to hold the DCR accountable.

Danielle said they could turn it around quickly but need approval by senior staff at DCR.

Galen asked if they had existing order of conditions covering current maintenance work at the park. How will they do that maintenance at that park that will likely need to occur this year.

Danielle said she can't speak to that.

David stated that would be a good question to get an answer to in the next two weeks about how work will take place this year and when you can get it included in the VMP.

David also stated he would like a little more detail in the NOI of how the public will be involved.

Noami stated she thinks DCR would be amendable to a special condition with a timeframe if its possible to vote on the limits proposed.

Kathryn stated if the commission is really interested in getting an answer about DCR's plan for North Point Park, she stated that they lose their ability to push the system if they have approved permits.

Noami stated she still feels it could be actionable if you have a special condition with a timeframe.

Kaki also feels that there needs to be a timeframe. She understands what Jennifer is getting at with the marsh areas, but feels the park is different where it is a design-built landscape which is different from the rest of the corridor. Kaki feels like it's a different landscape type and falls less in the category of the types of restoration that they have been talking about. She did not want to hold DCR up and wanted to know if there could be a negotiation of a time on a condition.

Jennifer stated that the next advertised Conservation Commission meeting would be May 16 which would be the day before the trimming for the Dragon Boat race.

Galen asked if the work at that park would not qualify for ecological restoration given it's a new park.

Kaki agrees.

David asked if the commission would agree to approving the NOI tonight but with a special condition that DCR would need to report back within a month with the status of North Point Park and if that inquiry suggests that they do need an NOI for the VMP there they need to submit by the end of the year.

Noami stated she thought a month would be too quick for senior staff to approve that.

Jennifer had another special condition the annual report back to the commission should include 100% of DCR owned land with the City of Cambridge, so the annual report needs to include North Point and if anything in that area from a visual inspection would warrant it be included in the VMP. The commission can decide whether it should be included in the VMP.

David would also like a special condition on public involvement and how rogue bulb planters are engaged.

8:30 – Public Comment Closed

In Favor – 4, Absent – 3, Opposed – 0, Abstained – 0

Kathryn stated that the special conditions are public involvement and also an annual report on all DCR owned land in Cambridge.

Jennifer stated that she will have a few other special conditions that will come from the aquatic VMP and will cut and paste the language from the NOI to be included in the attachment page. She will send around to the commission for review.

8:41 – The commission unanimously agrees to approve the Order of Conditions with the special conditions.

In Favor – 4, Absent – 3, Opposed – 0, Abstained – 0

8:42 – Administrative Topics

Meeting Minutes from April 11, 2022 – approved

In Favor – 4, Absent – 3, Opposed – 0, Abstained – 0

8:48 – Meeting Adjourned

In Favor – 4, Absent – 3, Opposed – 0, Abstained – 0



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Jennifer Letourneau, Director
Cambridge Conservation Commission
147 Hampshire Street
Cambridge, MA 02139

April 25, 2022

Dear Jen,

The Charles River Conservancy (CRC), an organization with a 20+ year track record of stewarding and activating the Charles River Reservation, is pleased to write in support of the Department of Conservation and Recreation’s Charles River Vegetation Management Plan (CRVMP).

The CRC has been involved in the planning process for the CRVMP and believes it provides a critical roadmap for invasive management, native planting and riverbank restoration. The Plan will enable deeper and more effective public-private partnerships, which is essential and necessary for the care of this important resource. We look forward to continuing to provide volunteer support for manual invasive removal, observation and maintenance of test plots, and capacity for larger restoration projects as we have at Hell’s Half Acre.

We urge and thank the Cambridge Conservation Commission for advancing the CRVMP.

Sincerely,

Laura Jasinski
Executive Director



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Jennifer Letourneau, Director *jletourneau@cambridgema.gov*

CERTIFICATION PURSUANT TO G.L.c.39, SECTION 23D, THE "MULLIN RULE," OF
 PARTICIPATION IN A SESSION OF AN ADJUDICATORY HEARING
 WHERE THE UNDERSIGNED MEMBER MISSED A SINGLE HEARING SESSION

I, Erum Sattar (name), hereby certify under the pains and penalties of perjury as follows:

1. I am a member of the following adjudicatory body, board or commission

Cambridge Conservation Commission

2. I missed a hearing session on the matter of
Public Meeting

which was held on Apr. 25, 2022

3. I reviewed all the evidence introduced at the hearing session that I missed which included a review of (initial which one(s) applicable):

- a. _____ audio recording of the missed hearing session; or
- b. _____ video recording of the missed hearing session; or
- c. official transcript of the missed hearing session.

4. I reviewed the evidence on May 16, 2022

This certification has been executed prior to my participation in the vote on the above matter. This certification shall become a part of the record of the proceedings in the above matter.

Signed under the pains and penalties of perjury this 16 day of May, 2022.

**Signature date must be prior to the date the Board votes on the matter.*

Erum K. Sattar

 Signature of Member

Received as part of the record of the above matter:

Date: _____

By: _____

Position: _____