

Fresh Pond Meeting November 16, 2017

# Engineering Division: Conservation Commission

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Administrator Since April 2003

Joined Public Works April 2016

# Agenda

- ▶ Wetlands
- ▶ History
- ▶ Jurisdiction
- ▶ Permit Process
- ▶ Enforcement Actions
- ▶ Certificate of Compliance
- ▶ Project Examples
- ▶ Lessons Learned
- ▶ Work in Addition to Conservation Commission

# Wetlands: Definition

- ▶ A wetland is an area of land whose soil is saturated with moisture either permanently or seasonally.
- ▶ These areas may also be covered partially or completely by water.
- ▶ Wetlands include rivers, swamps, marshes and bogs, among others.
- ▶ The water found in wetlands can be saltwater, freshwater or brackish.

# Wetlands: Function

- ▶ Filters sediments, pollutants and nutrients
- ▶ Sponge-like quality allows water to be returned to the ground during dry periods
- ▶ Helps slow water flow and prevent floods
- ▶ Supports diverse wildlife
- ▶ Provides open space



Black's Nook within Fresh Pond  
Reservation

# History: Conservation Commissions

- ▶ At least 95 percent of actual wetland losses were due to human activities.
- ▶ In 1957 Representative John Dolan of Ipswich filed a bill in the state legislature which became the Conservation Commission Act (M.G.L. Chapter 40 Section 8C). This state law enabled municipalities to establish Conservation Commissions.
- ▶ The Commissions protected open land and natural areas. Their assigned duties included promotion and development of natural resources and protection of watershed resources.
- ▶ The Cambridge City Council voted unanimously on June 12, 1961 to accept the provisions of Chapter 233 of the Acts of 1957 to establish a Conservation Commission. Only 12 municipalities voted to form Conservation Commissions.
- ▶ On December 13, 1965 the first Cambridge Conservation Commission was appointed by the City Council. There were 4 appointed members.

# History: 1963 Black's Nook Restoration within Fresh Pond Reservation



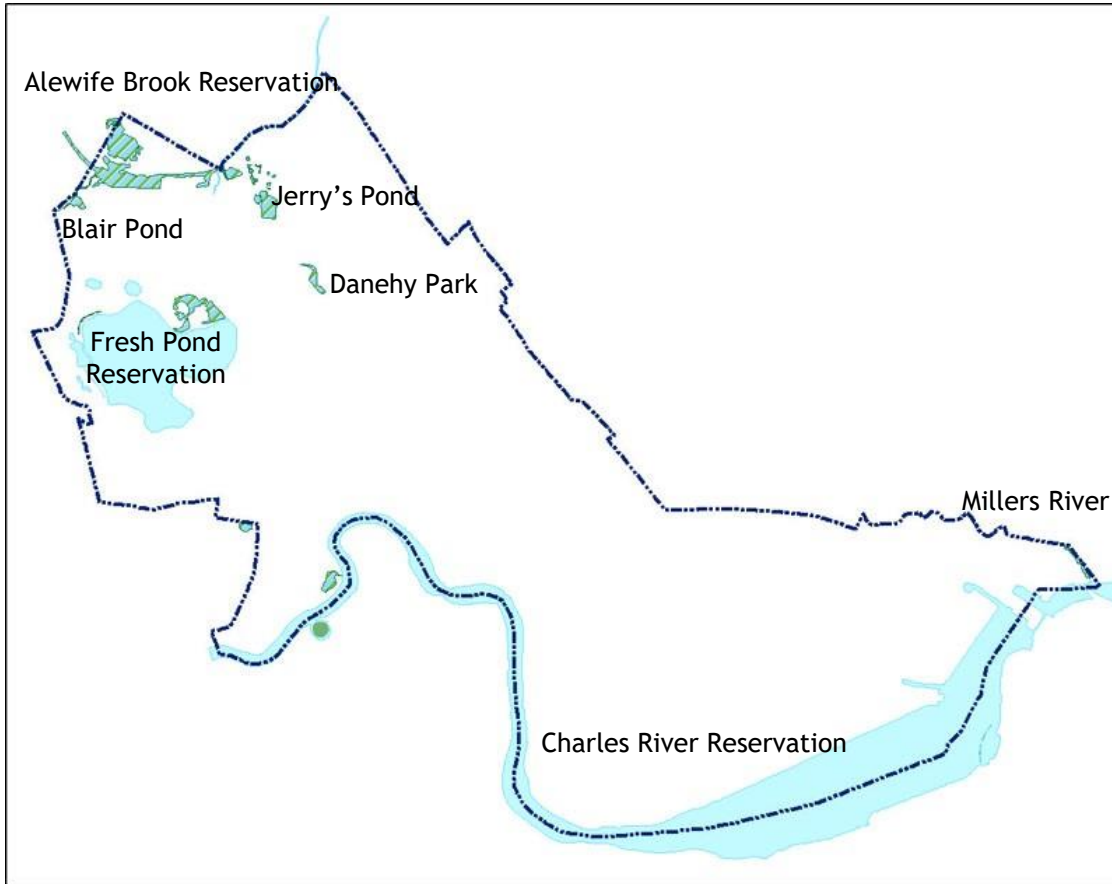
Founding Conservation Commission Member Ruth Birkhoff with  
her fellow Cambridge Plant and Garden Club Members  
Mary Kennedy and Patricia Pratt



# History: Wetlands Protection Act

- ▶ The Wetlands Protection Act (WPA) was passed in 1972 (Massachusetts General Law Chapter 131 Section 40). The Act gave Conservation Commissions the legal right to review and permit projects seeking to alter a wetland resource area.
- ▶ The WPA protects wetlands and the public interests they serve, including flood control, prevention of pollution and storm damage, and protection of public and private water supplies, groundwater supply, fisheries, land containing shellfish, and wildlife habitat.
- ▶ However, it was not until 1983 that the specifics of the review process was promulgated as its own Code of Massachusetts Regulations (310 CMR 10.00).
- ▶ The Cambridge City Council voted unanimously in 1985 to appoint a 7 member Conservation Commission.
- ▶ Fun Fact: Janet Burns was a Cambridge Conservation Commission Administrator. Janet is a member of the Fresh Pond Advisory Board as well as a member of the Cambridge Plant and Garden Club.

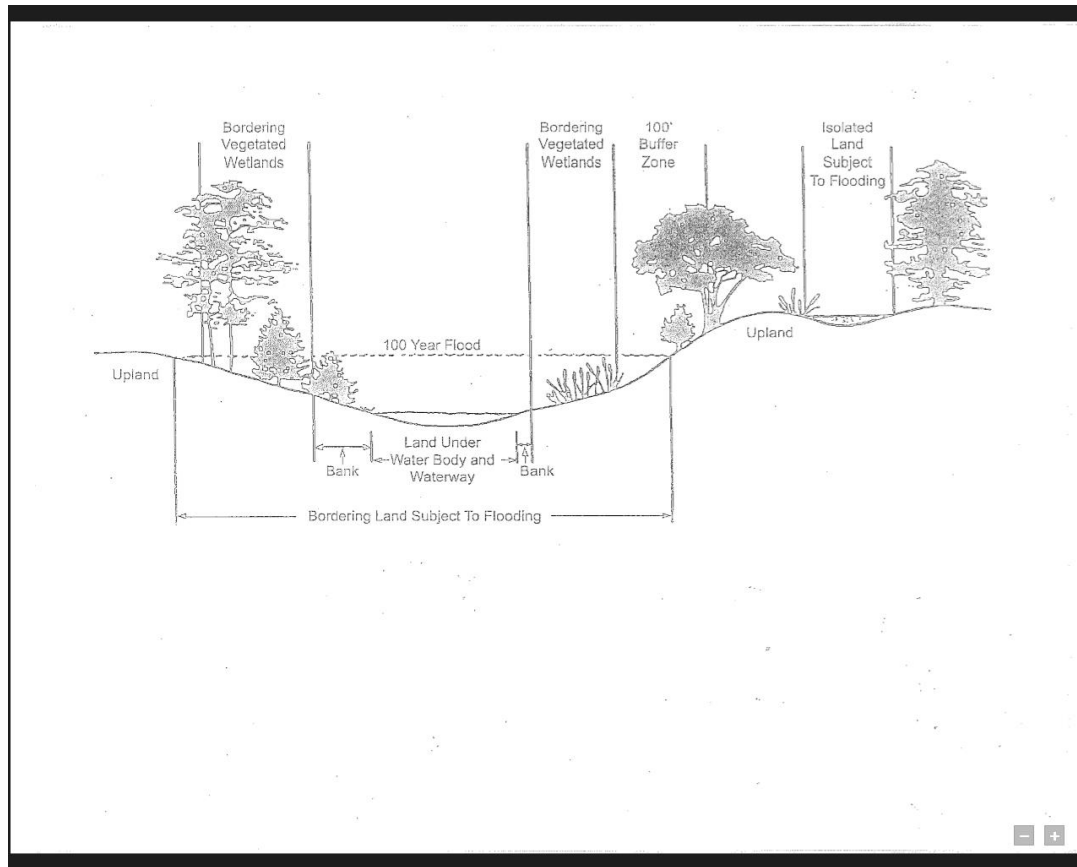
# Jurisdiction: Locations in Cambridge



- ▶ Alewife Brook Reservation
- ▶ Blair Pond
- ▶ Jerry's Pond
- ▶ Danehy Park
- ▶ Fresh Pond Reservation
- ▶ Charles River Reservation
- ▶ Millers River



# Jurisdiction: Wetland Resource Areas



- ▶ Land Under Water
- ▶ Bank (Water Interface to the Break in the Slope)
- ▶ Riverfront (25 feet from Top of Bank in Cambridge)
- ▶ Bordering Vegetated Wetland and Buffer Zone (100 feet from the BVW)
- ▶ Land Subject to Flooding and Isolated Land Subject to Flooding

# Jurisdiction: Revisions and Exemptions

- ▶ The 1996 Stormwater Policy and associated Stormwater Management Standards aimed at encouraging recharge and preventing stormwater discharges from causing or contributing to the pollution of the surface waters and ground waters.
- ▶ The 2008 amendments to the WPA incorporated the Stormwater Management Standards
- ▶ The amendments included a provision for stormwater management systems created after January 2, 2008. Specifically, operation of a stormwater management system does NOT create additional buffer zone or wetland resource area. Future review of the system will be limited to the functions of the system.

# Permit Process: Typical Permit Requests

- ▶ Resource Area Delineation (RAD): Approve or Deny the Resource Areas as Mapped
- ▶ Request for Determination of Applicability (RDA): Determines Whether the Project Requires the Filing of a Notice of Intent
- ▶ Notice of Intent (NOI): Either Approved or Denied with Conditions or Special Conditions; Order of Conditions (OOC to be Recorded at the Registry of Deeds)
- ▶ Request for Extensions: An NOI may be Granted Extensions in 1-3 Year Increments until the Project is Complete

# Permit Process: Submittals

- ▶ Submittal Review Meeting: Prior to Final Submittal
- ▶ Received 10 Business Days in Advance of a Hearing
- ▶ Legal Advertisement
- ▶ Meeting Notice
- ▶ Hearing Must be Held within 21 Days of a Submittal

# Enforcement Actions

- ▶ Working in a Wetland Resource Area without a Permit (DEP File # Sign)
- ▶ Working with an Expired Permit (Permits are Typically Valid for 3 Years)
- ▶ Failed Erosion/Sedimentation Controls
- ▶ Non-Compliance with the Conditions of a Permit

# Certificate of Compliance: OOC Only

- ▶ A Request for a Certificate of Compliance (COC) may be Filed when the Project is Substantially Complete
- ▶ The Site must be Inspected
- ▶ All Vegetation must be Installed, 95% Weed Free and all Trees must be well established (Planted for 3 Years)
- ▶ Either Granted Not Complete, Partially Complete or Complete
- ▶ Favorable COC are recorded at the Registry of Deeds



# Project Examples: North Point Park 2002



# Project Examples: North Point Park 2012



# Project Examples:

## Discovery Park (Former ADL Site)

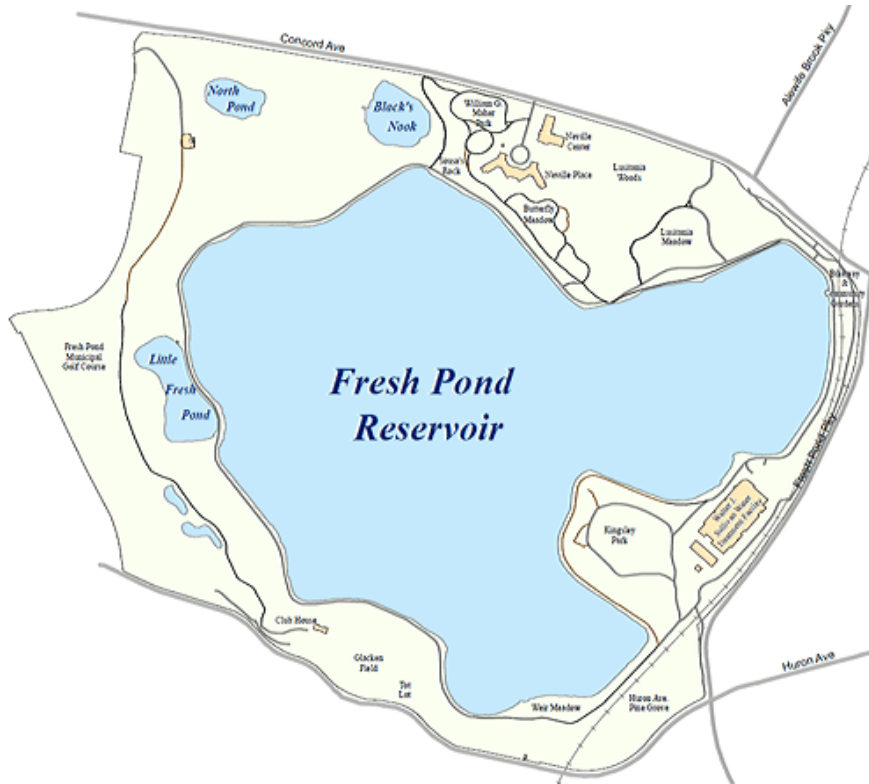




# Project Examples: Discovery Park



# Project Examples: Fresh Pond Reservation \$20 Million Since 2003



- ▶ Northeast Sector (Lusitania Meadow to Concord Avenue)
- ▶ Little Fresh Pond Shoreline Restoration
- ▶ Golf Course Drainage and Landscape Improvements
- ▶ Glacken Slope and Perimeter Path
- ▶ Kingsley Park Drainage and Landscape Improvements

# Project Examples:

## Fresh Pond Drainage and Community Garden

### Spring 2017 to Spring 2018





# Lessons Learned

- ▶ Communicate Inter-Departmentally
- ▶ Complete Regular Site Visits
- ▶ Check and Re-Check Erosion/Sedimentation Controls
- ▶ Site Restoration is Critical
- ▶ Tree and Plant Establishment is Expensive, Time Consuming and Often Not Done

# Work in Addition to Conservation Commission

- ▶ Boards and Commissions: ABC Stormwater Flooding Board, Fresh Pond Advisory Board, Food and Fitness Policy Council, Urban Agriculture Working Group, Open Space Committee and Community Preservation Act Committee
- ▶ The Community Garden Program: 14 Community Gardens City Wide
- ▶ Free Monthly Urban Gardening Seminars with New England Wildflower Society

# Thank You!

## Any questions?

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