

Charles River Dam Advisory Committee | Meeting #8

December 14, 2021 (Virtual)

Meeting Summary

This meeting summary was prepared by the Consensus Building Institute (CBI), a nonprofit entity contracted by the Town of Natick to facilitate the Charles River Dam Advisory Committee process. This summary is not intended to be a meeting transcript. Rather, it focuses on the main points covered during the meeting.

MEETING IN BRIEF

The Charles River Dam Advisory Committee (AC) convened virtually for its eighth meeting on Tuesday, December 14, 2021, to review and discuss input from the abutters meetings, legal and other considerations captured in an FAQ created by the Town, and review public input period for the forthcoming community use and recreation topic. Forty-nine people attended this meeting: 18 AC members, 2 invited Town staff members, 3 CBI project staff, and 31 interested members of the public.

The agenda, presentation slides and the recording of this meeting are available on the project's webpage: <http://natickma.gov/crdam>.

NEXT STEPS

- The next AC meeting will be held in January 2022 and focused on community use and recreation.
- The Planning Team will design and implement a public survey to gather input about community use and recreation.
- AC members will share the Community Use & Recreation survey with their neighbors, friends, and community members.
- The Planning Team will revise the draft workplan for the AC to incorporate ongoing technical analysis and planning work.
- The Planning Team will post the AC Meeting #8 recording and slides on the project webpage.

WELCOME & COMMITTEE BUSINESS

Ona Ferguson, CBI Facilitation Team, welcomed participants. AC members approved the meeting summaries from their sixth meeting on November 9 as well as site visits on November 15 to dam repair and maintenance sites. Ms. Ferguson noted that future meetings may not occur on the roughly monthly schedule that the AC had been following to date, as there are ongoing technical analyses being done that may need to be completed to inform AC deliberations. William McDowell, Town Engineer and AC Member, shared updates from the Town, noting that GZA is currently conducting a regulatory review of proposed options, the Town won a state grant through DER for further exploration of the design of a spillway removal option, and that the Town is working to collaborate with a landscape architect to help produce some additional renderings based on community use and recreation input.

Advisory Committee members reflected on the November 15 site visits to dam repair locations at Eames Mill and Patch Reservoir Dams. One key takeaway by some members in attendance was that investing more money in armoring solutions can change the aesthetic of riprap in dam repair designs. *A summary of the visits and a collection of photos shared by those in attendance can be found [here](#).*

ABUTTERS INPUT

Maggie Osthues, CBI Facilitation Team, presented a brief overview of the comments and questions shared in the session for upstream abutters on November 15) and for downstream abutters on November 16. Key themes from the sessions included: a focus on safety and risk considerations around

flooding and dam failure in the downstream session; potential impacts to properties and differing opinions on what people would like to see on or near their properties in the upstream session; and a desire to learn more about the potential ecological impacts, expected river profile, and anticipated costs associated with either option.

AC members in attendance at the abutters sessions highlighted that upstream abutters largely bought their properties with the views of the current area in mind and there is a strong desire for no change, that there are still outstanding questions about navigability and river profile in a spillway removal scenario.

Regarding river profile concerns, William McDowell, Town Engineer, shared that GZA conducted a river bottom profile analysis to determine how much of the spillway would need to be removed in order to not be classified as a dam, and acknowledged that there is a desire to learn more about the river bottom and expected river profile. He also spoke to a question that had been raised in previous public comment and the downstream abutters session, sharing that spillway removal would not create rapids at the site. There will always be safety risks associated with dams and bodies of water, but the site would be designed, in either scenario, with community safety as a priority.

Claire Rundelli, Town Conservation Agent, also responded to a question from abutters sessions, noting that the habitat for existing wildlife in the area would not be harmed by a spillway removal scenario, though there may be some different wildlife attracted to the bordering vegetated wetland habitat that would be created. She noted that similar wildlife is observed in the area up and downstream of the existing dam. AC members noted that the ecological presentations had highlighted that biodiversity is likely to increase with spillway removal, and that the habitat for fish would improve and blue heron would continue to thrive.

A summary of the upstream and downstream abutters sessions is available to view [here](#).

RESPONSES TO FAQ

To better capture and centralize responses to frequently asked questions (FAQ) that arose in abutters sessions and previous AC meetings and events, Town staff created a publicly-posted FAQ document ([here](#)) to address the following questions:

- What is the status of the Charles River Dam in South Natick and what changes are being considered?
- How will the Charles River and the surrounding area change if the dam is repaired or if the spillway is removed?
- What would the construction of each option entail? How long would it take? What will construction impacts be to nearby property owners?
- Who will make the decision about the future of the dam and what is the timeline for the decision-making process?
- How would the removal of the spillway or the repair of the dam impact flooding of properties along the river?
- What will happen to the parks and conservation land surrounding the dam? Would river restoration and parkland construction happen in conjunction with the repair of the dam/removal of the spillway?
- How would the recreational value of the river change for property owners under either option, especially related to navigability for kayaks and canoes?
- If the spillway is removed, who will own the newly exposed land upstream of the dam?

- Will my property's tax assessment change if the dam is repaired or if the spillway is removed?
- I live upstream of the dam. If the spillway is removed, how would my ability to access the Charles River change? What, if any, restrictions would exist on newly exposed land?

Jillian Wilson Martin, Town Sustainability Director, briefly reviewed the contents of the FAQ document, noting that responses were given based on the best information known at this moment in time, and that the document may be added to as the process progresses. AC members were encouraged to review the FAQ document and pose any follow up questions to Town staff or the facilitation team. *The FAQ document, with responses from Town staff, is available to view [here](#).*

PUBLIC COMMENT PERIOD

Below are verbal public comments shared live in the meeting. Additional public comments submitted in writing are captured in Appendix B.

- Tom Palmer: I have not been able to attend all of these, but I have attended some, and I haven't heard any mention at all of the abutter downstream that owns water rights to the dam. There has been a presentation on costs, but that element of costs has not been included, the estimated costs to pay them for the removal of their water rights, which are not in use now but they do have rights to.
- Anne Geissler: I live at 100 Elliot street, and I've lived on the river for many years. I was in the last meeting, and I read the document that was just put online with the questions and answers that you just referred to a little while ago. I think either I was misunderstood, or you misheard me but what I was saying is that there was a noxious smell in my backyard when I step into the water, into the mud, not because of the soggy soil. It's a matter of stepping into the water and how badly the mud smells. There is a really big difference between stepping into the soil in the backyard and then the mud in the river. The thing is, is that rivers without dams, you know the sediment flows downstream, and it contributes to the health of the river. But the thing is, is when a dam comes down, it's common morphological science that sediment is trapped behind the dam. And for years manufacturers have put things into this river, including Medfield State Hospital (who, by the way, would discard their pharmacological medications into the river). And I looked at GZA's soil report, and they basically did the surface, but they didn't do the bottom, and they also say in the report that you know "we'd probably, we may, it's possible" that we would have to come in and give us more permission to do anything more than we would do. You can't just release the sentiment, because, as I started to say, rivers without dams flow, really, healthfully in terms of compared when there was a dam. Sediment gets trapped. And people talk about a healthy the river will be, but the fact of matter is that it won't be healthy right away for a while, especially if the sediment is toxic. It will cause a very unhealthy environment to exist for people, as well as for wildlife. The thing is, this is what started, we have a dam, and we have to think about what will happen, and we have to have more information from someone probably other than GZA because the report they gave was very inconclusive. And they really didn't say anything - they said, you know they think it's fine on both sides, but it was very nebulous, so I don't think that we should skirt pass that issue, because there is liability for the town when it comes to human health consequences if this process isn't really, really thorough.

CONCLUSION

Following public comments, Town staff shared some comments, noting that Town Counsel is aware of claims made by 22 Pleasant Street (the downstream abutter referenced in public comment) and is currently looking into the situation and that GZA did complete a sediment analysis up- and downstream of the dam. The sediment analysis involved multiple testing locations and compared the constituents and concentrations thereof in the sediment from both sides of the dam, and GZA found no impediment to breaching the dam. *The sediment analysis report is available to view [here](#).* Town staff also noted that the mud under the river is covered in water, creating anaerobic conditions that through the process of the decomposition of the organic matter that is a part of that soil does create, occasionally, some bad smells. Based on evidence from other soil exposure and dam removal situations, once that soil is exposed to air and dries out, smell should not be an issue.

Ona Ferguson, CBI Facilitation Team, reviewed a list of next steps and invited Advisory Committee members to share closing thoughts and reflections. Members shared gratitude for the participation and commitment of their fellow committee members, appreciation for Town staff in revisiting and responding to questions that have been raised by AC members and members of the public, anticipation of an engaging discussion on Community Use & Recreation, and wishes of happy and healthy holidays to all.

APPENDIX A: ATTENDANCE

Advisory Committee Members

Mike Balcom, Community Member
David Blease, Community Member
Dirk Coburn, Finance Committee Representative
Terri Evans, Planning Board Representative
Jeannine Furrer, Historic District Commission Representative
Martin Kessel, Community Member
Seth Levine, Recreation and Parks Commission Representative
David Lodding, Open Space Advisory Committee Representative
Jeremy Marsette, Director, Public Works
Jon Marshall, Deputy Town Administrator
William McDowell, Town Engineer
Karen Partanen, Director, Recreation and Parks
Claire Rundelli, Conservation Agent
MK Schneeweis, Conservation Commission Representative
Aaron Spelker, Commission on Disability Representative
Rebekah Stendahl, Community Member
Jillian Wilson Martin, Sustainability Coordinator
Kristen Wyman, Indigenous Representative: Natick Nipmuc Indian Council

Project Staff

Ona Ferguson, CBI Facilitator
Maggie Osthues, CBI Facilitator
Simenesh Semine, CBI Facilitator

Invited Town Staff

Eric Henderson, Director of Assessing
Karis North, Town Counsel

31 interested members of the public also attended the meeting.

APPENDIX B: WRITTEN PUBLIC COMMENTS

Town of Natick: Charles River Dam Advisory Committee
December 14, 2021, 4:00 - 5:30 PM ET Meeting
Written Public Comments

Brad Peterson
December 10, 2021

Dear Members of the Committee,

Thank you for your continued work.

In past sessions, some comments have been made about the Charles River Dam project and climate change and climate preparedness.

Obviously our project will have no affect on climate change.

In addition, it is clear from the presentation given by GZA Associates that neither solution being considered is superior than the other for climate preparedness (the possibility of higher rain fall and increased flooding events).

With the earthen dam repaired, the run of the river spillway (water in equals water out), would provide the same climate preparedness as spillway removal.

It seems the only affect climate should have on the process, is a recognition that a changing climate may slightly increases the chance of higher rainfall or flooding and therefor contribute to the need to take a decision on repairing the earthen dam, or removing the spillway.

Thank you again for you time on the committee.

Brad Peterson

7 Dover Road,
Natick

Ray Watts
December 10, 2021

Roger Scott

December 13, 2021

Legal Questions:

If spillway is removed and studies were faulty, and people lose their homes down-river, what is the town's liability to make amends for improper studies and conclusions resulting in loss of property and life endangerment?

If personal injury due to increased river velocity to canoeists and children should result from spillway removal, what would be the town liability? Should there be required licensure exams, annual fees, and special training for users of a rapid flowing river?

Property taxes on increased land area should not increase. How can that be guaranteed? How does that play in the rest of the town when riverfront property gets a pass when gaining land and everyone else maintains their lot size?

Since the property owner owns the land to the midpoint of the river, why wouldn't the property owner be responsible for maintenance of the newly grown invasive weeds since they would be growing on their property and the cost should not be the financial responsibility of other members of the town?

If the town was responsible for dam maintenance, what took so long to figure this all out?

All the homes down river went through proper permitting procedures to be built on the land on which they were constructed. They were built with knowledge of the dam and the spillway. The town of Natick authorized their existence. Is it not an injustice to change the rules of the game after the fact? Should those who purchased homes in good faith be abandoned and left uncertain of their future?

Roger Scott, 40 Water St.

Stephanie Smith

December 14, 2021

One of the comments at the downstream abutters meeting sticks in my mind. Roger Scott said he had heard that removing the spillway would produce a whitewater hazard which would result in dangerous conditions for boaters.

I want to point out that the dam itself creates far more hazardous conditions. In addition to the fact that there are no signs indicating a dam if one is paddling downstream, the Charles River Watershed Assn., in their river guide, points out the danger when launching watercraft below the dam. "Use caution when launching below the dam as there is a hydraulic...." They go on to recommend Elm Bank as a safer launch alternative. So to Roger's concern, there already is a danger there - and it's the spillway!. (and one far more life-threatening than whitewater).

It would be helpful if someone would either confirm or refute his statement. One would think that during removal of the spillway, any large rocks, boulders, and remaining concrete structures would be removed, eliminating any possible cause of dangerous water turbulence.

The other issue I wanted to mention was related to the brown "foamberg" that we frequently have just downstream of the dam. I'm assuming that without the spillway to stir up the water that would occur less often. Even though we have been assured that the foam is a natural occurrence, it nonetheless is unsightly and looks like soapy discharge.

Thank you

Stephanie Smith
Water Street neighbor

David Parish
December 16, 2021

The arguments why the Charles River should run without hindrance are persuasive. But, the current dam and spillway have a grace and simplicity that many find compelling—and there are far too few structures that have those qualities. The underlying issues evoke strong emotions—with no easy resolution.

Whatever the final decision, two issues must be addressed:

- The final design for the area must be of the highest quality. It must balance safety and access and thoughtfully integrate the surrounding properties;
- The project must include a full and honest acknowledgment of a central history of the area: the loss by the Indigenous People of the land they cherished.

David Parish
