

## **Town of Concord Warner's Pond Task Force Charge**

### **Background**

Warner's Pond is an approximately 59-acre impoundment (including its three islands), with approximately 20 acres of connected wetlands. The pond's main tributaries, Fort Pond Brook and Nashoba Brook, merge and enter Warner's Pond from the northwest, and continue flowing over the dam, eventually merging with the Assabet River to the east.

Warner's Pond has been a community resource for generations but is now in a state of eutrophication. This has resulted in a number of undesirable conditions including decreased water depths, widespread growths of aquatic invasive plants, and impaired recreational opportunities.

Warner's Pond has three public access points: Gerow Park on the northern boundary, acquired in 2018 for recreational purposes, a boat launch on Commonwealth Avenue; and a primitive boat landing at the end of Pond Street. There is also a pocket park near the dam on Commonwealth Avenue. The pond's recreational uses include boating, fishing, bird watching, ice fishing, and skating.

Warner's Pond and some of its appurtenant features are owned by the Town of Concord, under different boards and committees.

- Warner's Pond itself is under the care and custody of the Natural Resources Commission (along with the boat launch off Commonwealth Avenue and the primitive access at the end of Pond Street)
- The dam is under the care and custody of Concord Public Works
- Gerow Park is under the care and custody of the Select Board, and maintained for recreational purposes.

Scout Island, the largest island in the pond, is owned by the Concord Scout House, and used by local Scouting groups for camping and annual cross-over ceremonies.

Warner's Pond lies at the base of a 47-square mile watershed, 98% of which occurs outside of Concord. Nutrients, including nitrogen and phosphorus, and sediments enter the pond from this very large watershed, including from developed areas with inadequate stormwater management.

The Natural Resources Commission, spurred by community concerns, has explored alternatives to improve the ecological health and recreational capacity of Warner's Pond since the 1990s. Efforts to remove aquatic invasives and address sediment build-up have been ongoing since that time. The Town has received state and local grant funding to study the problem and implement solutions, all of which have had limited effectiveness, and the eutrophication of the pond has steadily continued.

Efforts have ranged from managing aquatic invasive plants (hand harvesting, hydroraking, herbicide treatment) to addressing the nutrient and sediment build-up (dredging). The 2012 Warner's Pond Watershed Management Plan identified limited dredging (6 acres of the 59-acre pond, or 35,000 cubic yards) as an effective, long-term solution to improve the ecological health

and recreational capacity of the Warner's Pond system. The 2012 Plan estimated that limited hydraulic dredging would cost on the order of \$1 million, and the required studies, sampling, design, and permitting were undertaken. As part of the Dredging Feasibility Study completed in 2018, the estimated cost was upped to \$2 million. After federal, state, and local permits were obtained in 2022, the revised cost dredging estimate was \$3 million. The project was bid in 2022, and came in at over \$9 million, more than three times the allocated funding secured for the project.

In response to the cost-prohibitive dredging bid, the Division explored an additional three options: (i) a modified dredging approach that moved sediment within the pond rather than trucking it offsite, (ii) dam removal, and (iii) no action. Based on the consultant's evaluation of ecological restoration, public safety/liability, recreational opportunities, flood risk, and cost, dam removal was identified in May 2023 as the best alternative to achieve multiple goals for the Town.

### **Purpose**

The dam removal recommendation is a change in strategy to what the Commission has worked towards for several years and has been identified by some in the community as a cause for concern. The Natural Resources Commission seeks to engage in a structured decision-making process, working with a facilitator, that includes robust community input. The purpose of the task force is to become familiar with all alternatives that have been considered to date and explore new ideas as appropriate. The Task Force will recommend a course of action for the Pond that reflects community criteria identified in [\*Envision Concord – Bridge to 2030\*](#): (i) History + Character, (ii) Livability + Values, (iii) Mobility + Accessibility, (iv) Environmental Sustainability, and (v) Fiscal Sustainability.

### **Duties and Responsibilities**

1. To become familiar with Warner's Pond, its three public access points, the dam, and the general environs;
2. To review prior reports, plans, and other documentation evaluating and implementing alternatives over the last few decades;
3. To explore and evaluate ecological health of the pond system under each feasible alternative;
4. To explore and evaluate future recreational opportunities under each feasible alternative with the Town's consultant;
5. To obtain preliminary cost estimates for each feasible alternative;
6. To explore and evaluate potential funding sources for each feasible alternative;
7. To review the issues and concerns related to dam removal raised by the community;
8. To solicit input from the community through a variety of methods, including at least one public hearing early in the process;
9. To consider whether there are measures which might be taken to improve ecological health and recreational opportunities that would require additional planning and/or more time to implement;

10. To submit a final report to the Natural Resources Commission recommending a course of action to improve the ecological health and recreational capacity of the Warner's Pond system by December 2, 2024;
11. To perform such other duties as the Natural Resources Commission may request.

### **Deliverables**

Prepare a draft report that recommends a prioritized list of actions for Warner's Pond while being sensitive to the historical and cultural values of the system to the Town. Present the draft report at a public hearing to solicit feedback from the community. Following the public hearing, a final report outlining a course of action will be submitted to the Natural Resources Commission by December 2, 2024.

### **Membership**

The Task Force shall be comprised of eleven members appointed by the Natural Resources Commission, in consultation with the Town Manager, with representation as follows:

1. Friends of Warner's Pond representative
2. Upstream abutter
3. Downstream abutter
4. Select Board member
5. Natural Resources Commission member
6. Recreation Commission member
7. Public Works Commission member
8. At-large members (2)
9. Concord Scout House representative
10. OARS representative
  - o Ex officio (non-voting) members
    - Hassanamisco Band of Nipmuc representative
    - Public Works Director or his designee
    - Natural Resources Director or her designee
    - Senior Planner (representing historical interests)
    - Department of Corrections representative

Each member will serve until the task force completes its work and submits a written report to the NRC. Candidates should submit a Volunteer Card (available [here](#)) along with a letter of interest.

When staffing the task force, preference will be given to Concord residents with the specific interests noted above and experience, knowledge, and/or professional training in ecological restoration; recreation; civil engineering; cultural and historical expertise; climate resiliency; local, state, and federal wetland permitting laws and regulations; and a strong connection with the community. The task force will determine the frequency of meetings and will be led by a chair elected by the members.

### **Other Considerations**

The task force chair will consult with the Natural Resources Commission to discuss the need for financial support for task force activities. The task force will conduct its business in full conformance with the Open Meeting Law, Public Records Law, Conflict of Interest Law and other state and local rules encouraging openness and transparency in governance.