



May 6, 2019

Alicia Hunt
Director of Energy & Environment
City of Medford
City Hall Room 205
Medford, MA 02155

Re: Remediation of Contaminated Soils on Riverbend Park CR

Dear Ms. Hunt:

Thank you for notifying the Department of Conservation and Recreation (DCR) of the City of Medford's proposal to excavate and dispose of contaminated soils at Riverbend Park in Medford over which DCR holds a Conservation Restriction (CR) and Conservation Easement (CE). In the proposal its stated that recent environmental testing indicated that elevated levels of arsenic, lead and zinc were present in soils within the CR area and that, as a result, sections of the park were closed off to the public. The City's proposal identifies two specific parcels of land where soil excavation will be required to reduce the risks of exposure to recreational users of the Park.

DCR recognizes that when the CR was put in place it was not known that the soils were contaminated and that, in order to safely allow for public access and enjoyment of the riverfront, excavation and soil disposal would be required. While excavation is prohibited by CR Section I.B. 2a(ii), Section I.B.2b(iv) does state that the "grantee may authorize, through the granting of a special permit, excavating, dredging or removing from the Restricted Area of soil, loam, peat, gravel, sand, rock or other mineral resource or natural deposit as needed to maintain the Restricted Area".

DCR has reviewed your request and finds that the proposed excavation and soil removal activity would be consistent with the purposes of the restriction, in that it will allow for the closed section of the park to be re-opened to the public for passive recreation and enjoyment, and will encourage protection of the Restricted Area from environmental degradation. As such, DCR considers the proposed activities as maintenance of the Restricted Area. Therefore, the proposed work will be allowed provided that the City of Medford obtains a DCR Construction and Access Permit (CAP), which will satisfy the CR's special permit requirement, prior to initiating the remediation.

COMMONWEALTH OF MASSACHUSETTS · EXECUTIVE OFFICE OF ENERGY & ENVIRONMENTAL AFFAIRS

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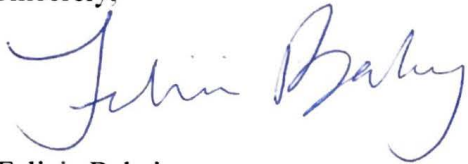
Kathleen A. Theohandes, Secretary, Executive
Office of Energy & Environmental Affairs

Leo Roy, Commissioner
Department of Conservation & Recreation

Please apply for a CAP through this link: <https://www.mass.gov/how-to/applying-for-an-online-construction-access-permit-and-notifying-for-a-construction>, which contains instructions on how to apply and about setting up a profile to use in the new online portal. If you have any questions about the permit process please contact Sean Casey, Director of Construction/Access Permits & Accident Recovery, at 617-626-1444 or Sean.Casey@mass.gov.

We are encouraged by the Town of Medford's dedication to the cleanup of the Riverbend Park CR and the re-opening the area along the Mystic River to the public. Please keep me updated on your progress. If you should have any questions about the CR or proposed project please do not hesitate to call or email me at 617-626-1369 or felicia.bakaj@mass.gov.

Sincerely,



Felicia Bakaj
Conservation Restriction Stewardship Coordinator
617-626-1369
felicia.bakaj@mass.gov

cc: Jennifer Howard
Sean Casey
Patrice Kish
Rob Lowell
Priscilla Geigis

