



CONSERVATION COMMISSION

78 Main Street, Hudson, MA 01749
(978) 562-2948

<i>Paul Byrne, Chair</i>	<i>Joseph Rodrigues</i>	<i>Marianne Iarossi</i>
<i>David Mercer, Vice Chair</i>	<i>Emilie Wilder</i>	<i>Brandon Parker</i>
		<i>Jason Weksner</i>

Meeting Minutes June 6, 2019

Meeting was called to order at 7:00 PM by chair Paul Byrne

Roll Call: Paul Byrne, David Mercer, Joe Rodrigues, Marianne Iarossi, Emilie Wilder, Brandon Parker, Jason Weksner

Staff: Pam Helinek (Conservation Agent)

Public Hearings

Centennial Beach, continued NOI, 190-0630

Paul Byrne moved to continue the hearing to July 18th at 7:00PM. Second by Emilie Wilder, vote 7-0-0.

91 Hunter Ave, RDA

Present: Kathy Adams

The applicant proposes to construct a deck, repair support posts and replace the roof and some siding in Buffer Zone to Lake Boon. Work will be about 50 feet from the lake and will be inside of an existing block wall. The applicant would also like to replace the existing patio with pavers but does not have details at this time. Paul Byrne moved to issue a Negative Determination with the condition that the patio work be reviewed by Pam Helinek to determine if an additional RDA is required. Second by Joe Rodrigues, vote 7-0-0.

17 Pierce Street, RDA

Present: Julie DelGizzo

The applicant proposes to construct a deck using helical piles between the house and an existing above-ground pool, in Buffer Zone to Bordering Vegetated Wetland and an intermittent stream. Emilie Wilder moved to issue a Negative Determination, second by Jason Weksner, vote 7-0-0

37 Coolidge Street, Extension Request, 190-0564

Present: Michael Drayer, Native Sun Wellness

The applicant requests a one-year extension to the OOC, which was issued in 2012 and extended four years by the Permit Extension Act. He expects construction to be completed by September. Paul Byrne moved to issue a one-year extension, second by Joe Rodrigues, vote 7-0-0.

35 Zina Road, Ecological Restoration Limited Project NOI, 190-0633

Present: Ed Avizinis, Natural Resource Services; Carolyn Decker, Natural Resource Services; Serdar Soytek, Captona Partners

Documents:

- Project Narrative in Support of an Ecological Restoration Limited Project, 35 Zina Road, Hudson, MA; prepared by Scott P. Rabideau, PWS, Natural Resource Services, Inc.; dated March 14, 2019
- Ecological Restoration Plan, Hudson Stow Landfill Solar Facility; prepared by BETA, Inc; dated May 7, 2019; signed and stamped by Danny P. Rebelo, PE#52043

The applicant proposes to convert 133,400 square feet of forest to shrubland, cutting 215 trees in Outer Riverfront Area to the Assabet River. Nearly 10% of Outer Riverfront Area was already disturbed in a previously permitted project to construct a solar facility on the property. The economic driver is to provide more sun for the existing solar facility on the property. The ecological benefit would be to create diverse habitat. Pam Helinek explained that an Ecological Restoration Limited Project, as defined by DEP, is a project whose primary purpose is to restore or otherwise improve the natural capacity of a Resource Area to protect and sustain the interests identified in the Wetlands Protect Act when such interests have been degraded or destroyed by anthropogenic influences. If the Commission determines that the project does not qualify as an Ecological Restoration Limited Project then they must deny it. DEP comments were received before the meeting, stating “Based on the configuration and location of this project it appears that the primary purpose of the project may be to remove trees that could be shading the adjacent solar array. No evidence was provided to demonstrate that the wetland protection interests provided by the existing forest have been degraded or destroyed by anthropogenic influences.” The DEP comments also identify existing values of the forest, including cooling of runoff, forested migration corridor, and the significance of forested Riverfront Area along the Assabet in Hudson.

Marianne Iarossi said that the primary purpose is not environmental but economic, and asked for demonstration that the area is destroyed by anthropogenic influences. Ed Avizinis said that the disturbance is not obvious, but there has been cutting and farming in the past. Paul Byrne said that the original solar facility project cleared the maximum Riverfront Area allowed by the Wetlands Protection Act, and that the project doesn’t qualify as Ecological Restoration. He asked how far back it is reasonable to go when determining what to use as the basis for “restoration” and said that the management plan seemed determined by the lifetime of the solar panels. Caroline Decker said that you cannot go back to a time when this was shrubland, because shrubland is ephemeral, but that it is valuable ecologically. Paul Byrne suggested it be created outside of the Riverfront Area. Caroline Decker said it had more value along the Riverfront because of the succession of habitat types.

Emilie Wilder said that she thinks there is benefit to creating shrubland in the Riverfront Area and asked about the applicant’s success with previous projects, and how they controlled invasives without herbicides. Ed Avizinis said he has had good success with wetland and buffer zone restoration, and that they would paint herbicide on invasives, which currently are mostly autumn olive.

Brandon Parker asked if a shading study had been done to confirm that cutting these trees would bring the solar facility up to capacity. Serdar Soytok said that it would produce more electricity, but that the solar facility would never be profitable. Brandon Parker noted that the cut through the forest, which the applicant considers a disturbed area, functions as a wildlife corridor.

Paul Byrne asked about moving the solar panels as an alternative to cutting more trees. Serdar Soytok said there is not much room to move them.

Emilie Wilder requested a site visit. Paul Byrne and Brandon Parker have already been to the site. The other Commissioners said they did not need a site visit to make a decision.

Paul Byrne moved to close the hearing and issue a denial based on the project not meeting the eligibility criteria to qualify as an Ecological Restoration Limited Project. Second by Joe Rodrigues, vote 6-1-0.

Administrative Business

Minutes: Paul Byrne moved to approve the minutes from May 2, 2019. Second by Marianne Iarossi, vote 7-0-0

29 Cherry St violation – The property owner has large piles of soil in the flood plain. Pam Helinek sent a Notice of Violation requiring him to move the soil by June 15. He said he needs more time and will move them by the end of the year. The Commission agreed that was not acceptable. Pam Helinek will notify him that the work must be completed by July 31 and will follow up with an Enforcement Order.

77 Cherry St violation – Hudson Light and Power has been doing unpermitted work in the floodplain, in Buffer Zone to the Assabet River. They are now moving dirt piles out of the floodplain and filing an after-the-fact NOI.

OARS water quality monitoring – The Commission will pay for OARS water quality monitoring out of their revolving fund.

Adjournment

Paul Byrne moved to adjourn the meeting, second by Brandon Parker, vote 7-0-0. The meeting was adjourned at 8:35 PM.