



CONSERVATION COMMISSION

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

David Mercer, Chair

Emilie Wilder, Vice Chair

Brandon Parker

Heidi Graf

James Martin

Debbi Edelstein

Paul Osborne

Meeting Minutes July 16, 2020

Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor's March 15, 2020 Order imposing strict limitation on the number of people that may gather in one place, this meeting of the Hudson Conservation Commission was conducted via remote participation.

Meeting was called to order at 7:00 PM by chair David Mercer

Roll Call: David Mercer, Emilie Wilder, Brandon Parker, Heidi Graf, James Martin, Debbi Edelstein, Paul Osborne, Joseph Mullin (Assoc)

Staff: Pam Helinek (Conservation Agent)

Public Hearings

2 Chestnut Street, continued NOI, 190-0649

Present: David Therrien, Steve Damiano

Documents:

- Proposed Site Plan Located at 2 Chestnut Street; prepared by Blackstone Valley Mapping and Consulting; dated 5/9/2020; revised 6/9/2020 signed and stamped by Christopher C. Charlton, PLS 348649, scale 1"=30'
- Work Description for 2 Chestnut Street, Hudson, MA; revised July 8, 2020
- Plan Showing Location of Proposed Work at 2 Chestnut Street, Hudson, MA; July 8, 2020

The applicant hired a wetland scientist (Steve Damiano) and submitted a planting plan. David Therrien said an outstanding issue is the large tree snag in the wetland. The property owner would like to cut it, leaving a 5 foot stump. The rest of the tree would be left where fallen to serve as habitat. Emilie Wilder said that 5 feet isn't tall enough, and that the entire trunk should be left standing, with just the branches cut off so that they don't cause a hazard. Debbi Edelstein said that recommendations for standing snags was to leave 6-8 feet. Emilie Wilder suggested cutting just above the fork in the trunk, which she estimated to be about 20 feet.

Emilie Wilder asked about the seed mix being used in the 25-foot No Disturb Zone. Steve Damiano said it was a mix of herbaceous and shrubby plants with facultative wetland species that he thought would do well if the area were inundated by flood waters. The plants are tolerant

of intermittent wet conditions and will spread after established. Emilie Wilder requested at least 2 shrubs be planted along the border of the 25-foot No Disturb Zone for demarcation purposes.

Debbi Edelstein asked who will do the regrading work and will it be supervised. She is concerned about further damage being done to trees in the area. Dave Therrien said the property owners want to do the work themselves. He suggested running construction tape along the limit of work and supervising when they are in sensitive areas. Heidi Graf said she was comfortable with David Therrien and Steve Damiano supervising. David Therrien said that a surveyor would measure and make an as-built topological plan after the fill is removed.

Heidi Graf moved to close the hearing and issue an Order of Conditions. Second by James Martin, vote 7-0-0. Special Conditions: Supervision required when working in 25-foot No Disturb Zone, large snag cut just above fork and branches removed; inspection by conservation agent before seeding is done; at least 2 shrubs planted to demarcate edge of No Disturb Zone.

South Street Riverwalk, NOI, 190-0650

David Mercer moved to continue the hearing to August 6, 2020 at 7:00 PM. Second by James Martin, vote 6-0-1

Yes – David Mercer, Emilie Wilder, Brandon Parker, James Martin, Debbi Edelstein, Paul Osborne

Abstention: Heidi Graf

17 Woodrow Street, continued NOI, 190-0644

David Mercer moved to continue the hearing to August 6, 2020 at 7:00 PM. Second by James Martin, vote 6-0-1

Yes – David Mercer, Emilie Wilder, Brandon Parker, James Martin, Heidi Graf, Debbi Edelstein

Abstention: Paul Osborne

MBTA ROW/Central Mass Line Railroad, continued NOI, 190-0647

Present: Denise Barstow, Michael Hager, Dean Bebis (Eversource); Paul Jahnige(DCR); Katie Kinsella, Gene Crouch (VHB); Marc Bergeron (Epsilon Associates); Bary Fogel (Keegan Werlin); Paul McKinlay(WSE); Brian Waterman, Patrick Burke (Waterman Design Associates)

Documents:

- Letter from WDA Design Group dated July 14, 2020

Emilie Wilder continued discussion based on the Commission's submitted questions.

Erosion Control and Construction Staging

The Commission's questions were about crane mats impacting Land Under Water, whether a silt curtain would be used, and erosion control near vernal pools. Work will not be in Land Under Water, and a silt curtain will be used if conditions warrant. Syncopated silt fence near vernal pools was discussed at the last meeting. Debbi Edelstein cited a letter from an abutter which said the fence could injure snakes and amphibians. Mark Bergeron said that the fence would not injure animals and confirmed that the TOY restriction had been extended to June 1. Emilie Wilder asked if wattles with plastic covering would be used. Marc Bergeron said the covering was a burlap-like cloth. Paul Osborne asked who would be the environmental monitor. Mark

Bergeron said that the job had not been awarded yet but that a qualified biologist would be hired and that the applicant could submit the resumes for the Commission's review. The monitor will have a wildlife biology degree or equivalent and will have site-specific training. Brian Waterman said that the Commission could have a condition that a qualified biologist is hired.

Permits etc

Chapter 91 license from MassDEP has been submitted. The OOC will serve as the 401 WQC. The public shade tree permit has been filed with the Planning Board for their August 4 meeting.

Construction/Engineering

DEP recommended upgrades to culverts for Streams 1 and 3. Brandon Parker noted that the culvert diameters may not be sufficient, that the exterior ends may be compromised, and that part of the pipe in Stream 3 is broken. Marc Bergeron said the culverts had been inspected 3 years ago and were functioning adequately. Emilie Wilder asked how the inspection was done. Marc Bergeron said visually. David Mercer asked about ongoing maintenance. Paul Jahnige said there would be annual inspections. James Martin asked what would be involved if the culverts needed replacement later. Brandon Parker asked what the culvert diameters should be if they were replaced. Paul Osborne asked if a culvert failed later would it pose a threat to the transmission line. Michael Hager said it would not pose a threat. Paul Jahnige said the culvert standards were for replacements but did not apply to existing culverts. Brian Waterman asked about a backup plan if the culverts were damaged during construction. He said that a tree has already caused some damage and said there should be an updated inspection. Barry Fogel said there were no backup plans for speculative contingencies. Emilie Wilder said she would like another inspection to be conducted. Brian Waterman pointed out that most projects don't cross 150 year old culverts. James Martin said that the water flow might change due to the bridge removal, and that another inspection was warranted. Barry Fogel said that they would not do an inspection now but that they would accept a condition that an inspection is done before work begins.

The Commission asked about the final plan for the bridge removal. Would it be removed all at once or in stages? There is concern about a sudden drop in water levels and whether there should be TOY restrictions to protect wildlife. Marc Bergeron said there are no TOY restrictions but that the work needs to be done during low flow conditions. The bridge will need to be removed in pieces, probably taking several days for each piece. Emilie Wilder asked how they would keep the water from gushing over the work area. Marc Bergeron said the beaver dam is decaying on its own and the area has essentially equalized. Emilie Wilder said she measured a 36 inch differential in June. Marc Bergeron said they could provide a more detailed sequencing plan based on conditions at the time of construction. Brian Waterman said that in February the elevations had been more equal, and that debris could be removed slowly to let the water equalize. Emilie Wilder requested a debris removal plan based on conditions at the time of the work. Brian Waterman suggested a condition that the conservation agent be notified of the day the debris would be removed and be on site.

The Commission asked about construction sequencing. The applicant agree to a special condition that requires providing the Commission with a specific construction schedule.

Emilie Wilder asked about concrete blocks abutting the tracks near stations 153 and 157. Paul Jahnige said there was encroachment from Kane-Perkins and that the material will be moved outside the limits of work and the rail trail corridor.

Miscellaneous

The Commission asked about removing trash along the ROW, even outside the limits of work. The applicant agreed to a condition to walk with the conservation agent and/or commissioners and identify what can be removed.

The Commission asked what impact Covid-19 might have on the project. Paul Jahnige said that the state's capital plan would not be effected by the pandemic. Michael Hager said that no delays were anticipated and that Covid-19 protocols would be followed. Brandon Parker asked what year of the 5-year state capital plan included the rail trail budget. Paul Jahnige said FY23, timed to the expected Eversource construction completion.

Emilie Wilder expressed concern about an area on the ROW between stations 135 and 142, adjacent to the wellhead zone, where there are many ATV trails and jumps. She asked if they will be removed and how will motorized vehicles be kept out. Paul Jahnige said the jumps would be removed and that once the trail is completed no motorized vehicles will be permitted. He said they can install some boulders or fencing if necessary. Michael Hager said during construction they can post signs and add barriers if necessary.

Follow up from last meeting

At the June 17 meeting Brandon Parker asked for work hours during construction. Michael Hager said work was allowed Mon-Fri 7AM-7PM and Sat 9AM-5PM, however most days they would probably stop at 3PM to avoid overtime.

Emilie Wilder asked about the seed mix specifications and asked how to monitor successful establishment of both the woody and herbaceous plants. She also asked about plantings for the desert area. Katie Kinsella said the desert area was not in Hudson. Debbi Edelstein asked about finding a source for pesticide-free seed mix and plantings. Barry Fogel said the applicant had agreed to look for a source but could not guarantee that they would find an appropriate one.

Brandon Parker asked about fuel containment under equipment. Marc Bergeron said it would be used as required. Brandon Parker also asked about cut-and-fill relocation details and an estimate of the quantity of railroad ties to be removed. Katie Kinsella said that 5000 cubic yards of soil would be removed in Hudson and 8000 cubic yards in Sudbury. There is not yet a detailed map of fill location areas. Barry Fogel said they did know the quantity of railroad ties to be removed.

WDA Response Letter

WDA Design Group, the Commission's peer reviewer submitted a letter addressing the Commission's questions and the VHB responses.

Marc Bergeron said the applicant would agree to the request for more aquatic plugs and will provide a planting plan for the crane mat area. The applicant has also re-analyzed areas where

plantings in addition to the seed mix may be possible and will be submitting details of a new planting plan in a follow-up letter.

WDA had expressed concern that the O&M plan said debris would be blown off the trail. Mark Bergeron explained that only natural debris (sticks, leaves, etc) would be blown off the trail and that trash would be picked up.

Barry Fogel said the applicant would agree to the request for leaching catch basins at stations 119 and 126 but they will not add the suggested stone infiltration trenches.

Public Comment

Christine Nelson of 31 Parmenter Street referenced the letter received from the state delegates protesting the use of pesticides in the ROW and asked for the Commission's thoughts on the DCR plan for vegetation control. Emilie Wilder said she was satisfied with the DCR plan for limited herbicide use because there are instances where the only way to control invasive vegetation is with herbicides, and that if they are used correctly they are an important tool. Debbi Edelstein said she is also satisfied with the plan, that herbicides should be a last resort but that they have to be in the toolkit, that their usage will be very targeted with a cut and paint technique rather than a spray, and that the long term impacts will be relatively small.

Brian O'Neill of 31 Parmenter Street expressed concern about the culvert at stream 3, 500 feet west of Parmenter Street, which has experienced blockage in the past resulting in flooding of the neighborhood. He asked if the transmission line could handle being flooded. Michael Hager said that the cable can operation submerged in water. Brian O'Neill asked to see the reports of the culvert inspections. Marc Bergeron said they are in Table 4 of the NOI. Brian O'Neill asked about vernal pool migration, and whether Mark Bergeron was qualified to speak on this matter. Marc Bergeron said that John Viera, a qualified herpetologist, was involved in the planning. Brian O'Neill asked about material being removed from the site. Barry Fogel said it will be brought to appropriate facilities.

Rebecca Cutting of 381 Maynard Road in Sudbury referenced the DEP comments and said that having a vernal pool specialist and species specialists on site was a good idea. She suggested that the Commission be able to make recommendations for Environmental Monitors after reviewing their resumes. She also said that if dewatering was necessary it was important to coordinate with ground water sampling that was done.

James Martin moved to continue the hearing to Wednesday August 5, 2020 at 7:00 PM. Second by Debbie Edelstein, vote 5-0-2 by roll call.

Yes: David Mercer, Emilie Wilder, Brandon Parker, James Martin, Debbi Edelstein
Abstentions: Heidi Graf, Paul Osborne

Administrative Business

Minutes – David Mercer moved to approve the minutes from July 2, 2020. Second by Emilie Wilder, vote 7-0-0 by roll call.

Adjournment

Emilie Wilder moved to adjourn the meeting, second by Debbi Edelstein, vote 7-0-0 by roll call.
The meeting was adjourned at 9:58 PM.