



## CONSERVATION COMMISSION

78 Main Street, Hudson, MA 01749  
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*David Mercer, Chair*

*Emilie Wilder, Vice Chair*

*Brandon Parker*

*Heidi Graf*

*James Martin*

*Debbi Edelstein*

*Paul Osborne*

### Meeting Minutes August 5, 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, Brandon Parker, Emilie Wilder, Heidi Graf, James Martin, Debbi Edelstein, Paul Osborne, Joseph Mullin (Asst Commissioner), Frank Caserta (Asst Commissioner), Brooke Warrington (Assistant Commissioner)**

**Staff: Pam Helinek (Conservation Agent)**

### **Public Hearings**

#### **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:**

- WDA Design Group Peer Review – Applicants' Response to Additional Comments Sudbury-Hudson Transmission Reliability and Mass Central Rail Trail Project; prepared by VHB; dated July 27, 2020
- Peer Review – Notice of Intent (DEP File #190-0647) Sudbury-Hudson Transmission Reliability and MA Central Rail Trail Project Eversource and DCR -Hudson, Massachusetts; prepared by WDA; dated 8/3/2020
- Corridor Management Plan for Massachusetts Central Rail Trail-Wayside Section and Sudbury-Hudson Transmission Reliability Project
- Eversource Sudbury-Hudson Transmission Reliability Project Notice of Intent Plans; prepared by VHB Associates; revised July 24, 2020; scale 1"=20'

Marc Bergeron gave a summary of changes since the last meeting. The applicant has added a significant amount of woody plantings in five areas, with over 600 additional shrubs added. They have provided a planting plan for the Fort Meadow Brook area and supplemented the

number of aquatic plugs as requested by the Commission. They have provided the Corridor Management Plan and draft SWPPP. In addition they have upgraded several catch basins to be leaching catch basins as suggested by the Commission's peer reviewer.

Pam Helinek described a site visit she and the peer reviewers had taken to see the culverts in the ROW. The culvert at Stream 1 looked better than expected and has been described inconsistently and incorrectly in the plans. This culvert appears to be structurally sound and able to withhold construction disturbance. The culvert at Stream 3 is a small, perched culvert and is damaged at both ends. It is only about 1.5 feet below the proposed construction area and as it is over 100 years old seems at risk of being damaged. DEP has recommended that the culverts be replaced during construction which would be easier than if they failed in the future. The applicants believe that the culverts are structurally sound and will withstand construction.

The Commission requested a condition that a structural engineer inspect the culverts before work begins, and that if the engineer does not feel they are currently sound and/or they are not able to withstand the construction activities, that they will be replaced during construction with culverts that meet the current MA stream crossing standards. Otherwise, there will be a condition in perpetuity that the culverts are replaced according to the most current MA stream crossing standards. Michael Hager and Paul Jahnige both agreed to these conditions.

The Commission's peer reviewers proposed stone infiltration trenches in the swales along the rail trail in Zone II Wellhead areas in response to the DEP comment recommending an attempt to improve ground water recharge. David Mercer expressed concern about additional impacts caused by construction of the trenches. Emilie Wilder expressed concern about maintenance requirements to keep debris and vegetation from accumulating in the trenches. Barry Fogel stated that the applicant had considered ground water recharge and that much of the swales where the trenches are proposed are situated so that they will not be receiving runoff from the bike path. He also said that the corridor is in middle of the Zone II area in Hudson, so that the well water from the bike path will stay within its bounds. James Martin pointed out that if vegetation grows in the trenches, herbicide might be required to control it. The Commission decided not to request the infiltration trenches.

Debbie Edelstein expressed appreciation for the applicant's responsiveness in their submission of the expanded planting plan. Emilie Wilder also expressed appreciation.

The hearing was opened to public comment. Christine Nelson of 31 Parmenter Road asked for clarification of the conditions about the culverts. Brian O'Neill of 31 Parmenter Road asked if the expanded TOY restrictions would cause the project to be very lengthy, disturbing abutters for many years. Michael Hager said the project would take about two years but that it would be done in segments so that only one section would experience disturbance at a time. They would plan around the TOY restrictions and work in non-restricted segments during those times. Christine Nelson repeated her concerns about herbicide usage. Susan Kaplan of 104 Parmenter said she was very concerned about herbicide use, disturbance of the rail trail soils, and the safety of the drinking water supplies. Tom Kelleher, of Acton said he is in support of the project and that all residents of the state should have the right to enjoy use of the rail trail. Brian O'Neill expressed his disagreement with this opinion.

Emilie Wilder and Debbi Edelstein thanked the public for their extensive comments during the long hearing.

Pam Helinek asked about selection of the Environmental Monitor and whether after reviewing the submitted resumes, the Commission would have veto power. Barry Fogel said that would not be appropriate and that any Environmental Monitor being considered would be fully qualified. Denise Bartone said that weekly monitoring reports would be submitted to the Commission and that the Conservation Agent would be invited to tailgate meetings and inspections.

James Martin requested a condition in perpetuity that DCR would notify the Commission in advance if they were planning to use herbicide.

Emilie Wilder moved to close the hearing and continue to August 20, 2020 at 7:00 in order to issue the Order of Conditions. Second by Brandon Parker, vote 5-0-2 by roll call vote.

In favor: David Mercer, Emilie Wilder, Brandon Parker, Debbi Edelstein, James Martin

Abstentions: Heidi Graf, Paul Osborne

Special Conditions to minimally include:

- Extension of the TOY restriction
- Requirement for the Environmental Monitor to be a qualified Vernal Pool Biologist or to hire a separate Vernal Pool specialist.
- Weekly reports by Environmental Monitor
- Inclusion of the new planting plan
- Opportunity to review and comment on resumes of prospective Environmental Monitors
- Detailed construction sequencing and scheduling updates
- Final MOU with DCR
- Requirement to remove certain erosion controls and particularly those by vernal pools and other important habitat areas if there is a gap between the project phases
- Use of pesticide-free seed mixes if they can be obtained
- Detailed sequencing of the bridge removal work based on water levels and other conditions at time of removal
- Notification when bridge work is to begin
- Trash removal along the ROW even outside the limits of work, to be determined by a site walk with the Conservation Agent
- No debris blown into areas near vernal pools, including natural debris such as leaves and twigs
- Updating of description of culvert at Stream 1 for accuracy and consistence
- Pre-construction inspection of culverts by a structural engineer and replacement during construction if necessary, according to current MA Stream Crossing Standards.
- Condition in perpetuity that when culverts fail in the future they will be replaced according to the most current MA Stream Crossing Standards
- Condition in perpetuity requiring notification by DCR if pesticides are to be used in jurisdictional areas.

### **Administrative Business**

**Minutes** – Emilie Wilder moved to approve the minutes from July 16, 2020. Second by Brandon Parker, vote 7-0-0 by roll call.

### **Adjournment**

David Mercer moved to adjourn the meeting, second by Heidi Graf, vote 7-0-0 by roll call. The meeting was adjourned at 9:00 PM.