



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 October 1, 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 7:02 PM by chair David Mercer

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

Staff: Pam Helinek (Conservation Agent)

Public Hearings

81 White Pond Road, RDA

Present: Andrea Kennedy, Justin Lamoureux (Engineer)

Documents:

- Sanitary System Repair at 81 White Pond Road, Hudson, MA; prepared by Coastal Excavation Corp; dated 9/18/20; signed and stamped by Justin J. Lamoureux, PE#47377; scale 1"=20'

The applicant proposes to install a new leaching field for a septic system. The old field will be abandoned and backfilled with clean sand. The 1000 gallon septic tank is still functioning and will be retained. The new leaching area is further from the wetlands than the old one, 80 or 90 feet from the wetland line.

David Mercer asked about private wells on neighboring properties. Justin Lamoureux confirmed the new system will be over 100 feet from any existing wells. Paul Osborne noted the plans cite the "Hanson Board of Health" instead of "Hudson Board of Health". Heidi Graf requested erosion controls be installed prior to construction.

David Mercer moved to issue a Negative Determination, second by Paul Osborne, vote 7-0-0 by roll call. Conditions: Plans be corrected to say "Hudson" instead of "Hanson", erosion controls to be added to the plans; agent to inspect erosion control after installation and before work begins

Lake Boon Drawdown, NOI, 190-06xx

Present: Dan Barstow, Kris Krablin, David Gray

Documents:

- Lake Boon Seasonal Water Level Management Procedure

The existing OOCs with Hudson and Stow for Lake Boon Drawdown are about to expire. The original OOC with Stow was a superseding order issued by DEP, and rather than extend this order the Lake Boon Commission (LBC) has submitted new NOIs to both towns. The LBC has requested that the towns issue identical OOCs and has submitted suggested draft conditions including comments from the Stow Conservation Commission.

There was discussion on some of the suggested conditions:

Condition 1: Stow had suggested issuing a 5-year permit. Brandon Parker said he would prefer a 3-year permit. Emilie Wilder, David Mercer, and James Martin agreed that they would prefer a 3-year permit.

Condition 6: This condition states that if private wells run dry during the drawdown procedure, the drawdown will immediately be reversed, and only resumed with permission from both Stow and Hudson Boards of Health and Conservation Commissions.

Emilie Wilder expressed concern with the wording of this condition. She asked what would happen if a well runs dry in the winter, after the drawdown is complete. She also said that the condition would force the drawdown to be reversed even if the reason for a well drying out was unrelated.

Dan Barstow said that when the drawdown had first been permitted, it was thought that the lake might be lowered up to 30 inches and there was concern about private wells. However, even when removing all the boards the lake can only be lowered 14 inches. In 10 years of drawdowns, private wells have never been impacted. Once or twice when wells dried up, it was determined this was due to mechanical problems.

Debbi Edelstein asked if there was danger to wildlife in bringing water levels down, then up, then down again. Emilie Wilder said bringing them up was ok, but bringing them down after wildlife had already burrowed could be a problem. Brandon Parker said he was comfortable with the requirement that drawdown only be resumed with permission from the Commission.

Emilie Wilder suggested removing the condition. Dan Barstow said he would tweak the language to say drawdown would be halted only if it were determined that it was the cause of a well drying out.

Condition 11: This condition states that refill of the lake be completed by April 1 or as soon as possible after ice out. Brandon Parker asked how the LBC could guarantee that the lake would refill by April 1. Dan Barstow said they could not and that was why they included the “as soon as possible” clause.

Condition 12: This condition requires LBC to provide an annual report on the health of Lake Boon including a summary of drawdown activities. Brandon Parker said the report seemed more about physical things done to the lake but not the actual health of the lake.

Condition 13: This condition was in the existing OOC but was removed from the suggested conditions. It provided for an escrow fund for emergency water supply and/or emergency well repair. Paul Osborne asked why it had been removed. David Gray said that the escrow had never been needed as there had never been any water supply issues associated with the drawdown, and that LBC had enough funds to cover an emergency if necessary. The escrow account was discontinued three years ago.

Condition 14: This condition was in the existing OOC but was removed from the suggested conditions. It allowed for LBC to remove boards in the event of a forecasted hurricane or large storm event. Brandon Parker said it was not appropriate for LBC to have that responsibility. Dan Barstow agreed and said that's why it had been removed.

James Martin moved to continue the hearing to October 15, 2020 at 7:00 PM, second by Debbi Edelstein, vote 7-0-0 by roll call. Dan Barstow will discuss the Commission's comments with Stow and submit new draft conditions.

53 Hunter Ave, NOI, 190-0653

Present: Patrick and Barbara O'Kane; Matt Jumod (landscaper)

Documents:

- Proposed Sewage Disposal System, Revision Shoreline Improvements; prepared by Connorstone Consulting Civil Engineers and Land Surveyors; revised by Patrick O'Kane; dated 8/21/05; revised 9/15/20

The applicant proposes to replace aging retaining walls along the shoreline of Lake Boon and midway up the steeply slope backyard, replace existing stairs and add a second stairway from the house to the upper wall, remove and replace some shoreline vegetation. Work along the shoreline will be done in low water conditions during the drawdown.

DEP comments suggested that a wildlife habitat evaluation may be necessary. The Commission discussed and decided it was not required. DEP suggested that a larger fee might be required for the project. Pam Helinek cited four very similar projects on Lake Boon for which DEP had accepted the same fee paid by the applicant. DEP comments also said that a Chapter 91 license might be required. The Commission did not think it was required, but said it was the applicant's responsibility to ensure compliance with Chapter 91. DEP also required that erosion controls be added to the plan.

Emilie Wilder asked about placement of erosion control. The applicant had submitted a sketch in response to the DEP comments showing erosion control along the exposed shoreline in the drawdown zone. Emilie Wilder suggested adding another erosion control line below the upper retaining wall.

Emilie Wilder asked about vegetation removal. The applicant proposes removal of a large black alder shrub, a broken gray birch, and invasive barberry. Matt Jumod said they would be dug out during excavation of the lower wall. Emilie Wilder expressed concern about bank destabilization. Matt Jumod said that the area would be stabilized with the base of the new wall on the same day that the old wall and vegetation was removed.

Emilie Wilder asked about the replacement plantings. Pat O’Kane said they would like to plant hydrangeas, azaleas and maybe blueberries. Emilie Wilder said that hydrangeas were not native and that she could suggest alternatives. She will send a suggested list to the O’Kanes and would like a final planting plan to be submitted and approved by the Commission as a Special Condition.

James Martin asked about the plan for the steep grassy area between the two walls. Matt Jumod said it would stay the same and that any disturbed area would be replanted as lawn.

Brandon Parker asked how the wall would be anchored. Matt Jumod said there would be returns on each side two feet deep.

Emilie Wilder moved to close the hearing and issue an Order of Conditions. Second by James Martin, vote 7-0-0 by roll call. Special Conditions: New plan submitted with a new revision number and date, with two lines of erosion control clearly shown; Mitigation planting plan to be submitted and approved by the commission; Shoreline work to be done during drawdown conditions

Administrative Business

Minutes – David Mercer moved to approve the minutes from 9/3/2020, second by Emilie Wilder, vote 7-0-0 by roll call

Discussion – Fort Meadow Reservoir Drawdown and Phragmites Treatment

Debbi Edelstein moved to approve a drawdown date of October 19th 2020 and phragmites treatment next week or when weather permits. Second by Heidi Graf, vote 7-0-0 by roll call.

Request for COC – 13 Temple Street, Lake Boon Cove Hydroraking 190-0647

Pam Helinek reported that the project had been satisfactorily completed and the OOC had since expired. David Mercer moved to issue the COC, second by James Martin, vote 7-0-0

Minor Plan Change Request, MBTA ROW, 190-0647

The applicant requested a change to proposed plantings in area H5 because it is within Estimated/Priority Habitat. Natural Heritage has proposed different plantings for Priority Habitat than in other Buffer Zone areas.

Emilie Wilder said she was surprised at the much greater number of plants than originally proposed and wondered about the size of the plants. She also thought the original plants were more diverse and was interested in Natural Heritage’s rationale in suggesting the alternate vegetation. Pam Helinek will get a more detailed explanation from the applicant.

Discussion – Hudson Light & Power tank and pipe removal

HLP would like to remove a large fuel tank near the Assabet River, associated pipes which cross the river and their support poles. The Commission agreed that a site visit would be helpful to determine what kind of permitting is required. Pam Helinek will arrange with Adam Hopkins from HLP.

Adjournment

Brandon Parker moved to adjourn the meeting, second by Emilie Wilder, vote 7-0-0.
The meeting was adjourned at 9:01 PM.