



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 15, 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), Frank Caserta (Assoc, arrived 8:00)

Staff: Pam Helinek (Conservation Agent)

Public Hearings

Lake Boon Drawdown, NOI, 190-0654

Present: Dan Barstow, Kris Krablin, David Gray

Documents:

- Recommended Order of Conditions for Lake Boon Drawdown, Version: Oct 13, 2020

DEP comments have been received. Pam Helinek said she had discussed the comments with Stow Conservation and they are in agreement. DEP said that drawdowns are usually Ecological Restoration NOIs and require an appendix and posting in the Environmental Monitor. However this NOI has been filed to essentially extend the existing OOC (SOC in Stow) at DEPs request so that DEP no longer holds the SOC. The original OOC was issued before Ecological Restoration NOIs existed and it is long after-the-fact to post in the Environmental Manager now. DEP said that the drawdown should conform to the FGEIR which specifies that drawdowns should not occur before Nov 1. However the original OOC/SOC, issued after the FGEIR was published, allowed drawdowns as early as Oct 1. LBC is requesting a drawdown to start between Oct 15 and Oct 31 which seems reasonable. DEP also required a quantification of Land Under Water impacted by the drawdown and suggested Hudson and Stow work together on Special Conditions.

Debbi Edelstein expressed concern that DEP seemed to require conformance with the FGEIR. Dan Barstow said that his understanding was that the start date was not as impactful to wildlife

as the rate of drawdown. Pam Helinek said that the requested start date was later than that approved in the original SOC and mentioned that Fort Meadow Reservoir also starts their drawdown as early as October 15.

David Gray has calculated the approximate Land Under Water impacted by the drawdown for both Hudson and Stow.

Dan Barstow has submitted a revised draft Special Conditions. There was discussion on some of the suggested conditions:

Stow strongly prefers a 5-year permit. Brandon Parker said he would prefer a 3-year permit. Pam Helinek said that Stow suggested a compromise of four years. Brandon Parker still prefers 3 years. David Mercer and Emilie Wilder also prefer 3 years. James Martin said he preferred 3 years but would compromise to 4 years. He mentioned that it might be good to revisit the drawdown after data is collected from the MVP-funded study. Debbi Edelstein said she preferred 3 years but didn't feel strongly about it. Paul Osborne and Heidi Graf said they were comfortable with a 5 year permit. As there was a majority preference for 3 years the Commission decided to require a 3 year permit.

Other changes to the suggested conditions include a 3 week notification to lake abutters, a determination by the Stow or Hudson Board of Health that a well ran dry due to drawdown, water quality samples to be collected at the lake outlet structure, drawdown to start between Oct 15 and 31, removal of reference to providing potable water if a well runs dry. Debbi Edelstein asked if the Board of Health would provide potable water if a well ran dry. Pam Helinek said it was possible, but that it was not the Conservation Commission's jurisdiction. David Gray said that 80-90% of Hudson's residents on the lake had town water.

James Martin moved to continue the hearing to November 5, 2020 at 7:00 PM in order to agree on a draft decision with Stow. Second by Emilie Wilder, vote 7-0-0 by roll call.

10 Herman Circle, NOI, 190-06xx

Present: Russell Waldron, Applied Ecological Services

Documents:

- Conservation Plan for land in Hudson, Massachusetts; prepared by Dunn-McKenzie, Inc; dated 5/1/2020; signed and stamped by James W. Nieva PLS#39399; scale 1"=20'
- Notice of Intent, 10 Herman Circle, Hudson, Massachusetts; prepared by Applied Ecological Sciences; dated 9/26/20

The new homeowner was unaware of wetland restrictions on his property. He has filled flood plain and cut 29 large trees in Riverfront Area to the Assabet River, flood plain and in some cases Buffer Zone to Bordering Vegetated Wetland. A small amount of fill washed into the BVW. Pam Helinek was notified by the Building Inspector and issued a Notice of Violation and Cease Work Order in March. Russ Waldron flagged the property in April but has been waiting for the surveyors to complete work. It is estimated that approximately 272 cubic yards of fill was brought in.

The applicant proposes to remove the fill, plant 27 trees in the disturbed Riverfront Area, and plant native shrubs in the disturbed BVW. In addition, the applicant proposes to relocate a portion of an existing chain link pool fence to comply with state regulations and/or town zoning code. This will result in an expansion of the pool area and will require 15 cubic feet of flood storage displacement. Compensatory flood storage will be provided.

Emilie Wilder asked if plans from an earlier OOC showed details of original conditions. Pam Helinek will check the file. Brandon Parker asked if the cut trees would be replaced with similar sized trees. Russ Waldron said the trees were too large and he proposed 4-6 inch new trees. Emilie Wilder requested that either more trees or larger trees were planted. Russ Waldron said that more trees would grow to overcrowd the area and that larger trees were hard to find and very expensive. James Martin asked about planting shrubs in the brush cut area behind the shed to avoid knotweed and other invasives from taking hold. Russ Waldron said that the brush cut area would grow back naturally and that planting some shrubs would not make much difference against invasive growth. Emilie Wilder suggested a rain garden as compensatory flood storage for the new pool fence line. Russ Waldron said he would add it to the plan.

Brandon Parker moved to schedule a site visit and continue the hearing to November 5, 2020 at 7:00. Second by Emilie Wilder, vote 7-0-0 by roll call. A site visit was scheduled for Tuesday October 20, 2020 at 4:30PM.

200 Cox Street (Manzo Way) Lot 4, RDA

The applicant has not submitted his materials. David Mercer moved to continue the hearing to November 5, 2020 at 7:00, second by Emilie Wilder, vote 7-0-0 by roll call.

Administrative Business

Minutes – David Mercer moved to approve the minutes from October 1, 2020, second by Emilie Wilder, vote 7-0-0 by roll call

Minor Plan Change Request, MBTA ROW, 190-0647

The applicant submitted a more detailed explanation of the request. Debbi Edelstein moved to accept the Plan Change, second by James Martin, vote 6-0-1 by roll call:

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

Abstention: Heidi Graf

Adjournment

Debbi Edelstein moved to adjourn the meeting, second by James Martin, vote 7-0-0.

The meeting was adjourned at 8:30 PM.