



CONSERVATION COMMISSION

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

David Mercer, Acting Chair

Emilie Wilder

Brandon Parker

Jason Weksner

Heidi Graf

James Martin

Debbi Edelstein

Meeting Minutes January 16, 2020

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

Roll Call: David Mercer, Brandon Parker, Emilie Wilder, Jason Weksner, Heidi Graf, James Martin, Debbi Edelstein, Paul Osborne (Asst Commissioner), Frank Caserta (Asst Commissioner)

Staff: Pam Helinek (Conservation Agent)

Public Hearings

MBTA ROW/Central Mass Line Railroad, NOI, 190-06xx

Present: Denise Bartone, Sean Lauziere, Megan Aconfora, Mike Hager, Dean Bebis, Todd Lanhan (Eversource); Paul Jahnige (DCR); Marc Bergeron (Epsilon); Gene Crouch, Katie Kinsela, Margot Schoenfelder, Mark Shannon (VHB); Barry Fogel (Keegan Werlin);

Documents:

- Notice of Intent: Sudbury-Hudson Transmission Reliability and Mass Central Rail Trail Project, Hudson, MA; prepared by VHB; dated January 2020
- Stormwater Report: Sudbury-Hudson Transmission Reliability and Mass Central Rail Trail Project, Hudson, MA; prepared by VHB; dated January 2020
- Wildlife Habitat Evaluation: Sudbury-Hudson Transmission Reliability and Mass Central Rail Trail Project, Hudson, MA; prepared by VHB; dated January 2020
- Eversource Sudbury-Hudson Transmission Reliability Project: Hudson Notice of Intent Plans; prepared by VHB; dated January 2020; signed and stamped by Mark Edward Shamon, PE# 35329; scale 1"=2000'
- Commonwealth of Massachusetts Department of Conservation and Recreation, Division of Planning and Engineering; Mass Central Rail Trail in the towns of Hudson, Stow, Marlborough & Sudbury; prepared by VHB; dated Jan 2020; signed and stamped by Trace A. Lenhardt, PE# 47612; scale 1"=2000'

Heidi Graf recused herself because she works for BSC Group which does work for Eversource.

The applicants propose to install an underground electric transmission line and complete a portion of the Mass Central Rail Trail (MCRT), parts of which impact Bordering Vegetated Wetlands, Buffer Zone, Land Subject to Flooding, and Riverfront Area. The project in Hudson is

approximately 4.7 miles in length, of which 3.3 miles is along the existing inactive MBTA ROW from the Hudson/Sudbury border to Wilkins Street. The MCRT continues across Wilkins Street and within town-owned property for approximately 230 feet, to connect to the existing ARRT. The underground transmission line continues southwest within Wilkins Street and Forest Avenue for approximately 1.4 miles to the Hudson Light and Power Substation.

Both parts of the project (transmission line and bike trail) are presented as Limited Projects under the Wetlands Protection Act. All Wetland Protection Act standards are met except more than 10% of River Front Area will be disturbed due to the long, linear nature of the project, and there will be some disturbance in Inner Riverfront Area. There will be no permanent impact to BVW and there will be an increase in flood storage area.

The limits of work will mostly be 22 feet in width. The final paved bike path will be 10 feet wide. The graded platform will also contain a 5-foot corridor that contains the duct bank. Two-foot shoulders on either side of the path will be loamed and seeded. The remainder of the 22 foot work area will be restored to a naturally vegetated state. In some sensitive environmental areas it will be reduced to 18 feet in width, with the duct bank beneath the paved bike path. Approximately every 1500 feet will be a manhole, which will require a work area 40 feet wide for 50 feet in length. There will be ten manholes in Hudson, three of which are in jurisdictional areas: one in River Front Area and two in Buffer Zone.

The only BVW disturbance will be at Fort Meadow Brook. The existing bridge is burned and badly damaged and must be replaced. Crane mats will be used to allow cranes to remove the old bridge and install a new single span bridge in its place. Areas disturbed by the crane mats will be restored.

There are some time of year restrictions set by National Heritage. Wildlife habitat in critical areas will be restored by replacing dead snags and brush piles that are removed for construction and revegetating the areas.

Storm water management on the bike path will mostly rely on sheet flow through a vegetated filter strip. There will be some drainage swales with check dams, and an infiltration basin at the ARRT trail head.

Maintenance of the bike path will include mowing or weed wacking the 2-foot shoulders twice a month and mowing the 5-foot corridor over the duct bank once a year. Invasive species removal will be by mechanical means when possible and spot treatments of herbicide by a licensed applicator when other approaches are not effective.

David Mercer asked about herbicide usage in vegetation management. Eversource will use mechanical means only during construction. David Mercer also asked about the size of the manholes. They will be 23 feet long and 9 feet wide underground. At ground level only a manhole cover will be visible. Emilie Wilder asked if the 40-foot wide disturbed area around the manhole will be permanent. In some cases there may be rest areas at those locations but mostly they will be backfilled so only the 3 foot manhole cover remains. Brandon Parker asked if

pervious pavement had been considered for the bike path. It has not since it is very expensive and will have no benefits for a 10-foot width.

Brandon Parker asked why only 29 of the 43 soil samples were tested. The others were taken for geotechnical reasons. Brandon Parker asked who will be on site to report if reportable contamination is found during construction. There will be a qualified environmental professional who will identify contamination by visual or olfactory conditions, generally on site once a week. Pam Helinek said that the Commission could mandate their own environmental monitor to be on site whenever work is done in jurisdictional areas. Brandon Parker asked about spill prevention and control. There will be spill kits on every vehicle.

Brandon Parker suggested that the final width be reduced to 18 feet in all areas, with the ductwork beneath the paved bike trail. This would be a much slower construction process and would make it difficult to access the transmission lines within the ducts if it were necessary in the future.

Jason Weksner asked if new plantings would be evenly spaces or in groupings. The number of plants have been identified but not the layout of the plantings. They will be done in a natural way. Debbi Edelstein requested that pesticide-free plants be used.

Jason Weksner asked about the long term maintenance of trees that grown back. The 2-foot shoulders will be kept free of woody vegetation. Outside of that natural vegetation growth will be left alone unless it creates a hazard to people or to the integrity of the paved path.

Debbi Edelstein asked what chemical would be used to clean the exposed steel pipe at the cattle crossing. The pipe will be scrubbed clean of rust without chemicals and then coated with cement.

Debbi Edelstein expressed concern about the change in water level at Fort Meadow Brook when the bridge is removed and the beaver dam and other debris blocking water flow are removed with it. She requested an analysis of the effect on the emergent marsh behind the bridge and potential for erosion due to long-term flow alterations. Mark Bergeron said that conditions change there over time and that water levels are higher than they used to be. He said that the old bridge and debris will have to be removed and that VHB will develop a detailed construction sequence including timing and speed of removal. Jute netting and additional vegetation can be used to protect against erosion. Hudson resident Gregory Opp pointed out that the area is an aquifer and water levels need to be maintained. Emilie Wilder said that the wetland size will be impacted and she would like to see more analysis.

Jason Weksner asked if the applicant planned to clean up all debris in the rail corridor. Mark Bergeron said no but that cleanup in jurisdictional areas can be included as a condition in an OOC.

Emilie Wilder asked for more information on the turtle studies. Denise Bartone said that would need to be requested from National Heritage. Pam Helinek said she will make the request.

James Martin noted that sheet A126 refers to fertilizer use and that contradicts other statements that no fertilizer will be used. He also asked if any non-native species would be planted. Mark Bergeron said they will adjust the specs to say no fertilizer use. Only native species will be planted and the planting list will be provided for approval.

James Martin asked about the procedure for removing the rails and rail ties. The rails will be cut to about 40 feet long and removed in pieces. The ties are potentially contaminated and will require proper handling. The removal procedure will be determined by the subcontractor. The extracted rail ties will be loaded directly to a truck and will not be stockpiled on site. There will be an environmental monitor from VHB on site.

Paul Osborne asked how much extra construction time would be required for the duct bank to be installed under the bike path. It will take up to a year to complete the path as planned and could require up to twice as much time if the ducts were under the trail. Having the ducts next to the trail also allows them to be accessed in the future without disturbing the trail if repair work is necessary.

Emilie Wilder noted a sloped area near Ferjulian Farm that was very eroded and overgrown with invasive vegetation. She asked if there was a potential for expanding the planting plan to address this area. Paul Jahnige and Mark Bergeron will look into it.

Abutter Christine Nelson, 31 Parmenter Road, expressed concern that although the EFSSB approved the project with the condition of no herbicide use, DCR says it will use herbicide under certain circumstances. She also asked about protections for Hudson's water supplies during the demolition phase when contaminated creosote and soils are being removed. Mark Shannon, project engineer, said that the ties will be lifted and removed whole and that erosion controls will be in place. Dean Bebis, Eversource soil and water specialist, said that testing found no contaminated soils in the ROW. Eversource attorney Barry Fogel explained that the siting board ruled that Eversource could not use herbicides and that it should request that DCR not use herbicides in an MOU, but that DCR could notify them if herbicide use were required. Paul Jahnige said that some invasive species are very destructive and are impossible to control without herbicides. Asiatic bittersweet will damage the tree canopies and cause hazardous conditions. Japanese knotweed will grow through pavement and destroy the bike trail. Also herbicide may be necessary to protect workers and the public from poison ivy.

Abutter Brian O'Neill, 31 Parmenter Road, asked if the applicants were asking for dispensation from the town from any wetland regulations. Debbie Edelstein noted that they are asking for relief from the 10% Riverfront disturbance requirement and also from the storm water requirement to remove suspended solids. Barry Fogel said that the project meets the storm water requirements for bike paths, and that as a Limited Project it is not required to meet the 10% limit on Riverfront disturbance. Brian O'Neill noted that the NOI does not discuss the project in neighboring towns. Barry Fogel said that an NOI is only for permitting in a single municipality.

Renata Ailward. Dutton Road in Sudbury, asked the Commission to consider downstream and upstream effects of the project.

Ray Phillips, Sudbury, questioned whether the filing qualified as a Limited Project. He noted that as a Limited Project, a utility is required to revegetate and a bike path is required to only pass through Riverfront Area. He said that two projects cannot file a joint NOI and that the NOI must address impacts in all communities. Paul Jahnige said that filing a joint NOI made the most sense so that all information could be considered together, and that Eversource could revegetate the rail bed but then DCR would just tear it all out for the bike path. In addition, the rail bed is largely not vegetated. Ray Phillips disagreed and said that it is vegetated.

Elisa Pearmain, 127 White Pond Road, said that it is not possible to avoid all fuel spills and asked what limits would be set so that the project could be stopped if necessary. Pam Helinek said that the Commission could require their own environmental monitor to be on site and have the authority to stop work if there was a serious problem.

Emilie Wilder moved to hire a peer reviewer to determine the accuracy, completeness, and compliance of the application and to analyze the impacts of removing the Fort Meadow Brook Bridge, at the applicants' expense. Second by James Martin. The applicant agreed to pay for the peer review. Vote 6-0-0. Emilie Wilder moved to continue the hearing to February 20 at 7:30 PM, second by James Martin, vote 6-0-0.

Administrative Business

Minutes: Dave Mercer moved to approve the minutes from January 2, 2020. Second by Jason Weksner, vote 5-0-2

Discussion – Ferjulians Farm possible violation

During the Eversource site visit the Commission observed excavation on Ferjulian's property abutting the ROW, apparently in Buffer Zone. Pam Helinek met with the property owners, who pointed out a stone wall that was the edge of their property and also the edge of the Buffer Zone, so it appeared that the work was on the edge of the BZ but not in it. The excavation is meant to be a detention basin, since water has been sheet flowing through the fields causing erosion. The wetland is uphill from the detention basin.

Emilie Wilder pointed out a corner of Buffer Zone that was on the Ferjulian's side of the wall, so that it's possible the excavation has altered some Buffer Zone. The Commission requested that the property owner attend the next meeting to talk to the Commission.

Discussion – trees at Centennial Beach

Recreation Director Steven Santos has permission from the Conservation Commission to cut a large tree overhanging the water at Centennial Beach which children climb up and jump from, causing a safety hazard. The tree is difficult to access and he would like to remove a number of other trees and vegetation along the beach in order to bring in the necessary equipment. The Commission did not want to cause this much disturbance on the beach and asked him to find an alternative.

Adjournment

Emilie Wilder moved to adjourn the meeting, second by James Martin, vote 7-0-0. The meeting was adjourned at 10:08 PM.

