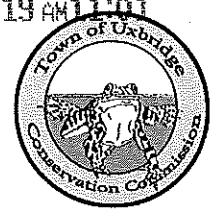


FEB 5 '19 AM 11:01

Town of Uxbridge  
Conservation Commission  
21 South Main Street  
Uxbridge, MA 01569  
508-278-8600 x 2020

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**Conservation Commission Meeting Minutes  
January 22, 2019  
Board of Selectmen Meeting Room, Uxbridge Town Hall**

**Present:** Chair Andrew Gorman, Vice Chair Jim Hogan, Treasurer Russell Holden, Clerk, Jeff Shaw, Members Lauren Steele, Dale Bangma and Brad Allspach & Conservation Agent Holly Jones

**CALL TO ORDER:**

It being 6:30 pm, the meeting being properly posted, duly called and a quorum being present, the Chair called the meeting to order and led the Pledge of Allegiance.

**PUBLIC HEARINGS**

**1. Notice of Intent (NOI), DEP #312-10XX, 0 Old Elmdale Road (Map 25, Parcel 2979)**

Applicant: Aris Group LLC

Representative: Andrews Survey & Engineering, Inc.

Project Description: 23 lot subdivision with associated roadway, drainage, and utilities

**NOTE: During the 1/7/19 meeting the hearing was continued to the February 4, 2019 meeting of the Conservation Commission.**

**2. Notice of Intent (NOI), DEP #312-10XX, 0 & 1045 Quaker Highway (00:01:45 – 00:32:35)**

Applicant: 1025-1045 Quaker Highway Realty Trust

Representative: Andrews Survey & Engineering, Inc.

Project Description: Develop the property located behind 1025-1045 Quaker Highway. Included, is the construction of a roadway with grading, drainage and utilities. The roadway will provide access to five (5) lots as part of the industrial subdivision. The lots within the project will have private sewage disposal systems and private wells. Electric and gas services will be provided from Quaker Highway.

*\*Mr. Bangma recused himself because of professional involvement. Mr. Allspach arrived approximately 3 minutes into the discussion.*

**Discussion:** Steve O'Connell, AS&E, attended on behalf of the applicant. He provided an overview of the project and the location for the Bevilacqua Industrial Park 1. There is a concurrent application before the Planning Board to subdivide the land to create five industrial lots behind the existing buildings - 1025 and 1045 Quaker Highway. The subdivision roadway will be an extension of the existing driveway. The road will be approx. 950 ft. long, terminate with a cul-de-sac (outside the 50' buffer zone) and provide immediate access to lots 1, 2, and 3. They decided not to provide access to lots 4&5 at this time there will need to be a wetland crossing and possible work in the buffer zone. All of the storm water from the road and from an assumed percentage of development area on lots 1, 2 and 3 (60%) will be collected into the storm water basin and discharged to the wetland. Mr. O'Connell emphasized this application does not include the individual development of the lots it is exclusive to the road and work associated. Each site will be serviced individually by onsite septic and well. The planning board did have a 3<sup>rd</sup> party review and any modifications to plans that arise will be forwarded to the Commission. A DEP File has not yet been assigned.

During the Commission's comments, the following points were mentioned: (i) the lot to the north of Parcel A has active OoC and Mr. O'Connell confirmed that lot is completely separate from this filing (ii) modified cape cod berms will be used (iii) the road slopes down and the steepest section is approximately 8% and all of the roadway will be constructed of fill (iv) ground water is relatively shallow. In response to questions, Mr. O'Connell said if the developments of lots 1, 2, and 3 exceed the amount of impervious area estimated, they would modify the OoC to either expand the storm water basin or more likely than not, handle the storm water separately on each lot. Given the amount of wetland on the site, Mr. Gorman recommended the commission might benefit from site visit and members agreed. The also agreed to have a third party review of the wetland edge given its size. Mr. O'Connell said they are looking to clear the lot up to the ECB. Possible conditions discussed (i) to keep area to the immediate East of the basin as grass or vegetated (between the 290 contour and the impervious area) (ii) conservation markers along the wetland edge.

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Tracy Tibedo, 250 Henry Street, attended asked how the 60% of impervious surface calculation is derived and why not plan for worst-case scenario (100% impervious). Mr. O'Connell responded that the 60% originated because many towns have "max lot coverage" many towns and with the building setbacks, landscape requirements, and general approach to site design you typically end up about 60%. He also offered that designing for worst-case scenario would require more work in the buffer zone. If they do in fact exceed the 60%, they would expect to recharge the clean roof rainwater into the drain.

Mr. Holden voiced concerns with creating a lot of impact without knowing what for. Mr. O'Connell explained the land is more marketable if it the permitting process is explored and the potential user can act in a timely manner. He said there are all different potential types of users and offered Commerce Drive as an example. He also said they could potentially combine lots 1 and 3 or 4 and 5 depending on the need but there would not be more than 5 lots. Individual lot development would require a separate filing so the Commission would be aware of what is being proposed. A site visit was scheduled for 2/3/19 9:30am.

**Motion:** Mr. Hogan moved to request a 3<sup>rd</sup> Party Peer review of the wetland edge. Mr. Shaw seconded, and the motion passed unanimously by vote of 6-0-0.

**Motion:** Mr. Hogan moved to continue the NOI request for 0 & 1045 Quaker Highway to the next meeting of the Conservation Commission. Mr. Shaw seconded, and the motion passed unanimously by vote of 6-0-0.

\* Mr. Bangma Returned to the meeting.

### 3. **Notice of Intent (NOI), DEP #312-1077, 426 Douglas Street** (00:32:50 – 00:42:01)

Applicant: Northeast Venture Group & Realty LLC      Representative: Andrews Survey & Engineering, Inc.  
Project Description: Construction of a single-family home with public water and public sewer and associated earthwork, landscaping and utilities within the wetland buffer zone.

**Discussion:** Steve O'Connell, AS&E, attended on behalf of the applicant. This is a non-conforming lot that received a Special Permit from the ZBA to re-build a residence. There is an existing shack on the property. The driveway will coming in from Douglas St. up to attached garage. The water and sewer will be connected to existing lines on Douglas St. They expect minimal grading necessary in the 100' buffer and none in the 50'. They proposed a conservation marker at the spot closest point to the resource area – wetland flag #4. There is a little clearing up to the 25ft buffer zone; a little work in the 50ft buffer; all the grading and construction is outside the 50 ft. Minor tree clearing is required to construct the house and do the associated site work. Soil conditions are very sandy. DEP assigned a file number today with no comments. Commissioners discussed the placement of the markers. Abutter cards were turned in and no abutters attended to comment.

**Motion:** Mr. Hogan moved to close the public hearing. Mr. Shaw seconded, and the motion passed unanimously by vote of 7-0-0.

**Motion:** Mr. Hogan moved to issue an Order of Conditions with the Uxbridge Standard Special Conditions for DEP 312-1077 for 426 Douglas Street. Ms. Steele seconded, and the motion passed unanimously by vote of 7-0-0.

## REPORTED/ONGOING VIOLATIONS

\* Section taken out of published agenda order to discuss Cobbler's Knoll first to accommodate audience members.

1. Cobbler's Knoll Development (DEP No. 312-1013) - Findings from 1/13/19 inspection (00:42:25 – 01:25:07)
  - Ms. Jones described her observations and reviewed photographs from an inspection of the storm water basins she and Mr. Shaw performed on 1/13/19. Basin A looked full but they did not observe any substantial problems with it. Basin B (the most concerning basin) is a little further up the road and contains a channel leading from the road to a basin the woods. The following issues were identified: erosion coming from the road into the channel; water travelling towards the basin but not going in to the basin; water that has gone past the berm travelling along the erosion control barrier; erosion control barrier knocked over in some places; the berms/edge of the retention basin is not stabilized and is eroding into the woods. This is all on the downhill slope of the basin and sediment is travelling into the woods and towards the wetland.

## Conservation Commission Meeting Minutes continued – Tuesday, January 22, 2019

- Mr. Gorman explained the prior agent was advised via Graves Engineering Report that there were general erosion and sediment control issues. After not being able to obtain an appropriate response from the site operators, she reached out to the EPA who administers their construction general permit. The EPA representative visited the site conducted a report, imposed a fine and gave them a period in which to correct the problems. Ms. Jones also unable to reach the site operators reached out to Mr. O'Connell to aid in scheduling a site visit (AS&E prepared the SWPPP and filed the NPDES NOI but has not been retained for this phase of the project). Mr. O'Connell provided some additional information and was able to help set up the site visit for 1/23/19. Joe and Frank Marinella are the SWPPP administrators and 24-hour contact for storm water. There is no earthwork happening currently, just three houses under construction. Mr. Gorman indicated he would be comfortable with some enforcement action and even gesturing towards a Cease and Desist and members agreed. Another issue noted was the difficulty locating the wetland flags and that it looked like the wetland around the basin C is a lot bigger/maybe closer.
  - Michael Healy, an abutter, attended and described his observations and concerns (storm water, not following agreed upon construction schedule, non-compliance with the Town's Conservation Construction Bylaw, issues with the entrance, loam leaving the site, etc.). He is one of the directors the of Friends of Scenic Chocolog Rd. whose mission is to co-create a recreational area on the open space land and to protect and preserve the scenic nature of Chocolog Rd. Another consideration is "Friends..." has secured a grant for trails on the open space portion which relays on the developer to put in a parking area and wetland crossing bridge. It has been almost a year since the Planning Board issued the transfer of the land, but the developer is delaying the work. They are concerned with the potential to lose the grant funding they have secured if the delays continue. Mr. Gorman concurred that these are important issues and explained the Commission's objective is to make sure the wetlands are clearly visible with flags on site and the sediment basins are holding up and not adversely affecting the regulated resource areas. There was another concern mentioned related to the water building up on the roadway related to septic systems on Chestnut and the commission agreed to have the agent forward the issue to DPW.
  - Members also recommended the agent follow up with the EPA and help the Planning Board seek a solution so that the grant is not lost.
  - **Motion:** Mr. Holden moved to issue a Cease and Desist and an Enforcement Order for the entire Cobblers Knoll Development (DEP#312-1013). All work shall cease on the property, except related to the repair of the erosion controls, sediment controls and storm water basins per the approved plan and reestablishing the wetland flags which shall be completed and verified by the Commission or its agent prior the February 4 meeting. Additionally the respondent shall attend next meeting of the Commission to describe how they are going to correct this erosional issues on site w/in jurisdictional areas. Mr. Hogan seconded, and the motion passed unanimously by vote of 7-0-0.
2. Forest Glen (DEP No. 312-1022) - Findings from 1/12/19 inspection (01:25:22 – 01:48:03)
- Members reviewed photos of the 1/12/2019 site visit. The key issues noted were as follows: The hydro seed did not appear to take as a grass growing measure. There was material stockpiled in the buffer zone. It appears some of the woodchips may have gone into what may be a wetland area – they are past the limit of disturbance. There was sediment in the stream at the time of the inspection. Ms. Jones went over the key points of her visit with Mr. O'Hearn the site owner. They are planning to continue work over the winter and he agreed to be the SWPPP administrator in the absence of anyone else. He also agreed to rake up all of the woodchips and move out everything stored in the buffer zone w/in 14 days. Within the next 6 weeks, he plans to move the large stockpiles away from the resource zones and install the culvert. At that time, he will bring in the vacuum truck to pull up the sediment from the brook but was willing to do this sooner if the Commission would like him to. Members agreed that the EO allows him to do the corrective actions and he should be notified that he should rectify the breach make sure the cascading basins are cleaned out and the site is stabilized.
  - **Motion:** Mr. Hogan made a motion that the Commission request through our Conservation Agent to have the operator and owner of the site stabilize the disturbed areas around the bridge, to use a vacuum truck remove the sediment from the stream as weather permits within the next 14 days, and to remove the silt build up from the temporary basins cascading in the vicinity of the timber bridge. Mr. Holden seconded, and the motion passed unanimously by vote of 7-0-0.
3. 32 Church Street - Enforcement Order sent 1/10/19 (01:48:20 – 01:55:08)
- *Ms. Steel excused herself for a moment.* Ms. Jones sent both certified and uncertified letters and visited the site but did not make contact with anyone. She visited the site on 1/15/19 and reviewed photos from the visit.

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She did not observe any stockpiles so they may have been removed. Everyone agreed to leave the EO open and see if there is a response so it can be confirmed that they've cleaned it up.

4. Lanzetta Landscaping Yard - Berm/riverfront area encroachment (01:55:09 – 02:04:48)
  - Ms. Jones reported that Mr. Lanzetta proposed restoring the berm with a stockpile of processed gravel he has on site (est. 500-600 cu yd) and wood chips. He did not want to commit to vegetate at the time because he is not sure he will be there in the spring when vegetation would be appropriate (he may be vacating and renting the property). He also said he has been planning to file a NOI to pave the back area with associated storm water controls for the future tenant and he would like to have any restoration done before so it is memorialized in those plans.
  - Members agreed that material and woodchips are acceptable as a stabilization measure but not as an end state. They decided to communicate their expectation that either via an NOI or an enforcement action that some type of vegetation is added to the in the spring based on an approved planting scheme. The EO will stay open and Ms. Jones will follow up.
5. Balm of Life Spring Road - Stormwater channelization into Bacon Brook (02:04:52 – 02:13:40)
  - The channel was created by DPW trying to alleviate the flooding in the area. After discussion, everyone seemed to agree if enforcement is issued it would go to DPW not the landowner (it is on the Lanzetta property). It was mentioned that the standard Right of Way is 12' from centerline of road. An order would allow for the removal or modification to properly control the flow of water. Some other options to reduce velocity were discussed. Mr. Sherman was in contact with Ms. Jones and planning to attend the meeting to discuss.
  - **Motion:** Mr. Holden made a motion to issue an Enforcement Order to the DPW for the restoration of the drainage area to its original condition. Mr. Shaw seconded, and the motion passed by vote of 6-1-0 (*Mr. Bangma voted nay*)

*Item Not on Agenda:* Ms. Steele passed along a reported violation of tree branch dumping (4 or more truckloads) around the intersection of Easy Street and West River Road. Ms. Jones went by and reported seeing pine boughs. Members agreed to take up as an agenda item at the next meeting. (02:13:42 – 02:15:57)

### WETLAND UPDATES/ISSUES

1. Request for Certificate of Compliance, 30 Brown Bear Crossing – DEP #312-954 (02:15:58 – 02:21:56)
  - Ms. Jones performed a site inspection and provided an update to the commission. The applicant submitted the request forms but did not include the associated fee and it appears the CoC was not fulfilled. The request for a conservation marker was never satisfied. Ms. Jones observed dumping of brush and some flashing/siding material in the wetland area. Until today, the only monitoring report provided was wetland replication report from 2015 where they it was found not to be successful. EcoTec recently oversaw another evaluation and a report submitted to the Commission found it successful – this report was delivered today. The replication area was saturated during Ms. Jones visit
  - **Motion:** Mr. Holden moved to deny the CoC request due to nonpayment of fee, non-submittal of replication monitoring reports, and noncompliance w/ plan. Mr. Shaw seconded, and the motion passed unanimously by vote of 7-0-0.  
During final discussions, members agreed to inform remind the applicant to remove debris and possibly arrange for a site visit prior to submitting CoC.
2. Tree removal at Pout Pond (02:22:00 – 02:31:28)
  - Members reviewed quotes from 3 local companies to remove the hazardous oak tree at Pout Pond. The quotes were within \$500 and online reviews were positive. A few members recommended the middle-priced company. Everyone agreed the stump should remain. Mr. Holden requested trying to have it done by end of Feb.
  - **Motion:** Mr. Hogan moved the Commission authorize the expenditure up to and not to exceed \$1350 for the removal of the dying tree at Pout Pond to be paid from the from the Conservation Commission Pout Pond budget line item and that the agent work with the town manager to set up the final contract. Mr. Shaw seconded, and the motion passed unanimously by vote of 7-0-0.

During final discussions, there was some debate about going with the least expensive company if they had equal reviews. Having the work completed before the end of February if it is accessible because it is an endangered species area.

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3. Whitin Pond Discussion - Community letter sent
  - Item passed over No new updates.
4. Open Space Discussion (02:31:40 – 02:34:17)
  - It was noted that the location may be moved to BOS rm. at 6:00pm and that the interns' presentation on dropbox. It was noted that it was posted as a meeting so members can participate and not violate Open Meeting Law.
5. Wetland Data Form Policy Discussion (02:34:18 – 02:34:25)
  - The form was uploaded to the Conservation webpage and the item will be removed from the agenda.
6. Discussion of site compliance regarding active and expired Order of Conditions (02:34:26 – 02:40:34)
  - Ms. Jones reported that Medline is interested in raising the height of the building 4 feet and are looking for guidance on what the Commission will require. They have indicated they plan to stay within the proposed limit of work, which will mean bringing in a substantial amount of fill. There was discussion and speculation as to the reason and the details and everyone agreed more information is required prior to providing advice on how to proceed – either an amendment to their NOI or just an engineer change.

### PROCESSING

1. 12/17/18 & 1/7/19 Meeting Minutes reviewed (02:40:36 – 02:45:02)
  - **Motion:** Mr. Hogan moved to approve the minutes from the 12/17/19 meeting of the Conservation Commission as written. Mr. Bangma seconded, and the motion passed unanimously by vote of 4-0-3 (*Ms. Steele, Mr. Shaw and Mr. Allspach abstained*)
  - **Motion:** Mr. Hogan moved to approve the minutes from the 01/07/19 meeting of the Conservation Commission. Mr. Shaw seconded, and the motion passed unanimously by vote of 6-0-1 (*Mr. Bangma abstained*).

### ANY OTHER BUSINESS, WHICH MAY LAWFULLY COME BEFORE THE CONSERVATION COMMISSION

1. Draft Wetland Bylaw Discussion – item passed over since the meeting was running so long
2. Conservation Budget (02:46:43 – 03:04:50)
  - Members reviewed the budget information prepared by Ms. Jones. Overall, the Conservation Commission is asking for a decrease from what was asked for at the last Spring Town Meeting based on salary changes and some other factors. In regards to the salary line item Mr. Gorman expressed his discontentment with the instruction for department heads not to appropriate the cost of living allowance to non-union personnel - this takes the capacity for a raise from the budget and makes it difficult to have continuity and retain qualified personnel. He offered a few options: (i) commission could shoulder some of that burden through the wetland fund (ii) leave the budget the way it is. Mr. Gorman also mentioned the benefits of allowing for a merit based increase through performance reviews. Members agreed with Mr. Gorman and wanted to include a COLA increase but decided not to change the salary line item at this time because the Town Manager is the hiring authority and passed down the directive to all non-union personnel. They did leave open the possibility to entertain further discussion as later in the year as FY2020 approaches. There were a few other line items members reviewed the detailed format.  
**Motion:** Ms. Steele moved to approve the budget as written (although disappointed with the removal of the COLA as part of the salary as a commentary) and a later discussion to be had regarding the wetlands fund. Mr. Hogan seconded, and the motion passed unanimously by vote of 6-0-0.

\* *Mr. Allspach stepped out during the discussion and did not return to the meeting.*

3. MACC Conference Allocation (03:04:51 – 03:07:10)
  - The conference held March 2 is great opportunity to get insight on how other Commissions and environmental professionals are handling similar issues. Ms. Jones offered to facilitate registration for the members so reimbursement is not necessary.
  - **Motion:** Mr. Hogan moved to approve the expenditure from the WPA funds not to exceed \$1000 to attend the MACC Annual Conference. Mr. Gorman seconded, and the motion passed unanimously by vote of 6-0-0.

**Conservation Commission Meeting Minutes continued – Tuesday, January 22, 2019**

4. Pout Pond Camping Discussion (03:07:15 – 03:10:10)

- A local scout troop has requested to use Pout Pond for a camp endeavor and a clean-up while they are there. The commission has a Pout Pond Use Form and everyone agreed to proceed and review each request on a case-by-case basis.

**AGENT UPDATES**

1. General updates from the office (03:10:13 – 03:12:00)

- Mr. Gorman recommended the Commission get back to using Site Visit Report Form and provided a template for members to review. He modeled it from the EPA inspection report pursuant to the NPDES permit.

**ADJOURNMENT-NEXT MEETING SCHEDULED FOR MONDAY FEBRUARY 4, 2019**

**Motion:** Mr. Hogan made a motion to adjourn the January 22, 2019 meeting of the Conservation Commission. Mr. Shaw seconded, and the motion passed unanimously by vote of 6-0-0.

Respectfully submitted,  
Melissa Shelley

  
\_\_\_\_\_  
Andrew Gorman, Chairman

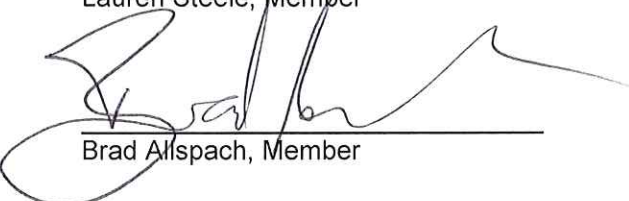
  
\_\_\_\_\_  
Jeffrey Shaw, Clerk

  
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Jim Hogan, Vice Chair

  
\_\_\_\_\_  
Russell Holden, Treasurer

  
\_\_\_\_\_  
Lauren Steele, Member

\_\_\_\_\_  
Dale Bangma, Member

  
\_\_\_\_\_  
Brad Allspach, Member

February 4, 2019  
Date