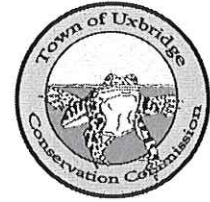


Town of Uxbridge
Conservation Commission
21 South Main Street
Uxbridge, MA 01569
508-278-8600 x 2020

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Conservation Commission Meeting Minutes
February 4, 2019
Board of Selectmen Room, Uxbridge Town Hall

FEB 20 '19 AM 8:15

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

Absent: Members Dale Bangma

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)** (00:01:28 – 00:02:18)
Applicant: Aris Group LLC Representative: Andrews Survey & Engineering, Inc.
Project Description: 23 lot subdivision with associated roadway, drainage, and utilities

Discussion: Mr. O'Connell submitted the revised plan set electronically today (2.4.19), said physical copies are forthcoming, and requested to continue the public hearing to the next regularly scheduled meeting on 2.19.19.

Motion: Mr. Steele moved to continue NOI for 0 Old Elmdale Road to the next meeting of the Conservation Commission. Mr. Hogan seconded, and the motion passed unanimously by vote of 5-0-1. (*Mr. Allspach abstained from voting because he joined the meeting at the end of discussion*).

2. **Notice of Intent (NOI), DEP #312-10XX, 0 & 1045 Quaker Highway** (00:02:19 – 00:02:50)
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.

Discussion: The applicant requested to continue the public hearing to the next scheduled meeting in anticipation of the peer review and the DEP file number.

Motion: Mr. Hogan moved to continue the hearing 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.

3. **Notice of Intent (NOI), DEP #312-10XX, 182 Williams St** (00:02:51 – 00:19:50)
Applicant: Alex Pfordresher Representative: Andrews Survey & Engineering, Inc.
Project Description: The proposed project consists of the construction of a single-family house, private well and private septic with associated earthwork, landscaping and utilities within the wetland buffer zone.

Discussion: John Medeiros, AS&E, attended the meeting on behalf of the applicant. Key points of Mr. Medeiros application include: (i) they kept everything, including the grading outside the 50' buffer, (ii) the corner of house just touches the 100' buffer and part of the driveway is in the 100' buffer (iii) no tree clearing is required (iv) wetlands were flagged by B&C Associates and data forms were provided. DEP has not yet assigned a file number. After discussion, members and the representative agreed to include two (2) feno spike type conservation markers to demarcate the resource area (one (1) at the 100' line near the wellhead area and one (1) where the 50' buffer line and 532 contour line meet off the corner of the driveway agreed upon it). No members of the public commented during the hearing.

Motion: Mr. Holden moved to continue the public hearing to the next meeting of the Conservation Commission while awaiting the dep file number. Mr. Shaw seconded, and the motion passed unanimously by vote of 6-0-0.

4. **Request for Determination of Applicability (RDA), Route 122 (N Main St)** (00:19:51 – 00:41:20)

Applicant: Town of Uxbridge

Representative: BETA Group Inc.

Project Description: roadway improvements on Route 122 (North Main Street) from the intersection of Douglas Rd. (Route 16) northerly to approximately 300 feet North of Hartford Ave. Reconstruction includes full depth pavement reclamation and new sideway construction to improve rideability, provide ADA accessible pedestrian accommodations and provide bicycle accommodations. Minor drainage improvements will upgrade existing catch basins with new deep sump catch basins and replace existing CM pipe with new RC pipe.

* *Mr. Gorman recused himself from discussions because he is an abutter to the project and Mr. Hogan chaired the hearing.*

Discussion: Paul Hutnak, Civil Engineer with Uxbridge DPW, and Bill McGrath, Beta Group, Inc. both attended to present the project funded through Massachusetts DOT Transportation Improvement Program (TIP). The Town pays for the design and Mass DOT pays for and oversees construction. Mr. McGrath reviewed the location and project particulars as explained in project description above. This portion is referred to as Phase 1 and Phase 2 will include South Main Street. The resource areas along Phase 1 include the following areas: (i) Bank and Riverfront associated with Rivulet Brook and Cold Spring Brook at Rivulet and N. Main intersection. EcoTec delineated the area in 2014 for the Town's water main project. The riverfront area is truncated by a culvert that goes under 122 and extends under the parking lot. In describing the work in this area Mr. McGrath said they are not touching the culvert as part as this project and that there will hopefully future project to address problems identified during an assessment completed a couple years ago. There will be very little work behind the sidewalks on both sides and erosion controls will be installed on either side of the brooks. On the north side, they are replacing an old wooden fence with a small guardrail. (ii) Bank and buffer zone work associated with the Mumford River – just at the end of the project. The work in this area is similar, new pavement, sidewalks and some loam and seed and driveway work behind the sidewalk just to match the grade. Mr. McGrath also provided further information on the drainage improvements and erosion control details. An RDA was filed because they felt they have very little impact on any of the resource areas. No members of the public spoke during the hearing. There was a brief discussion on whether this requires a limited project NOI but members agreed the RDA is sufficient with conditions.

Motion: Mr. Holden moved to issue a negative RDA with the **following condition:** that in addition to the proposed silt socks on the plan, that an additional erosion controls be installed in an appropriate manner, where the river and culvert go under the road, and approved by the Commission or its Agent prior to the start of work. Mr. Shaw seconded, and the motion passed unanimously by vote of (5-0-0).

* *Mr. Gorman returned to the meeting.*

REPORTED/ONGOING VIOLATIONS

1. Forest Glen (DEP No. 312-1022) - Findings from 1/24/19 inspection (00:42:06 – 01:09:36)

- At the last meeting, it was decided to leave the EO open to allow for work related to the erosion controls and wetland flags. Ms. Jones met w/ John O'Hearne on 1/23 and was on site again on 1/24 during a 1" to 2" rain event, on a recently frozen ground, which resulted in significant erosion control problems. Members reviewed photographs of problems observed during the visit (i) sediment in the brook (ii) unsuccessful mitigation efforts (contractors placing rocks and bales to control erosion) (iii) riprap stones in the stream. Ms. Jones met with the new contractor onsite and he indicated that he hopes to put the culvert in this week. None of the action items that the Commission requested to be completed in 14 days were finished. Ms. Jones recommended to the Commission the possibility of requiring the site operator to hire a wetland scientist to evaluate the impact to the stream and develop a restoration plan - beyond vacuuming out the stream. The discussion turned to involving DEP – Judy Schmidt with DEP asked Ms. Jones to obtain permission for her to visit the site and Mr. O'Hearne said he preferred DEP does not visit. Mr. Gorman referred to the OoC's condition 15 – which says Mass DEP does have the ability to walk the site to do random inspections during daylight hours so technically permission is not required. After a second follow up from Ms. Jones, Ms. Schmidt still reluctant to visit the site, agreed to contact Mr. O'Hearne via the telephone. There was some discussion about the installation of the culvert and whether it would alleviate the issues. Members were not too confident about the installation because it has been delayed so many times before.

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Motion: Mr. Hogan made a motion that the Commission authorize that Chair to submit request DEP, from the Commission, requesting their involvement in Forest Glen. Ms. Steele seconded and the motion passed unanimously by vote of 6-0-0.

- Sara Seifert and Patrick Stephan, Chair and Member of the Board of Trustees at the Summerfield at Taft Hill Condos, the abutting development, attended the meeting. Mr. Stephan explained not only are they abutters, but they also own a triangle of land and the road that that goes through Forest Glen development. He explained they are keeping any eye on the situation, and without any expertise, they are a counting on the Commission and the Agent to address any issues. He also said he would appreciate being notified or getting involved if appropriate when their property is involved. They also gave permission for Commissioners to enter their property. GIS Maps and plans of the properties and easements were reviewed. There was a final discussion by members on how to proceed.

Motion: Ms. Steele moved to issue a Cease and Desist on all work within jurisdictional areas on site, including the installation of the crossing, until the jurisdictional areas and stockpiles are stabilized to the satisfaction of the Conservation Commission and that a Wetland Scientist be retained to evaluate impacts of the sedimentation on the stream and wetlands and propose a restoration. Mr. Allspach seconded, and the motion passed unanimously by vote of 6-0-0.

** The following items were taken out of published order to accommodate audience members.*

2. Balm of Life Spring Road - Storm water channelization into Bacon Brook (01:10:00 – 01:33:29)
 - Paul Hutnak, Civil Engineer Uxbridge DPW attended the meeting. Mr. Hutnak said the reason DPW installed the paved swale was because of complaints and several instances of the roadway flooding at this spot. He explained that this is a low point on Quaker Highway that water naturally travels to before it goes off the road and down to the brook. Through the years, road sediment from both Quaker Highway and Balm of Life Spring has accumulated and significantly built up along the side of the road causing the flooding. He stated that the swale did not change the drainage pattern and it was just essentially fixing the sediment issue. Some of the members disagreed that the water flow did not change because it went from an overland flow to a direct flow at a higher velocity. Members appeared to agree there is a problem and this is possible solution but because it is a Riverfront resource area, any work requires appropriate Commission permitting. The following options to control sediment entering the brook were discussed: (i) return the area back to its natural state; (ii) install some type of a catch for sediment at the end of the swale (e.g. level spreader); (iii) add riprap/stone to the swale until there is a more permanent solution offered. Ms. Jones reviewed several photographs of the sediment being carried toward the river. It was evident that although the swale ends approximately 6' from the river it's created a path to the river.
 - Everyone agreed for DPW to immediately address the short-term velocity problem with some riprap at the end of the swale and they (DPW) investigate a more appropriate long-term solution and submit RDA w/in 30 days –by the March 4 meeting. In closing, Mr. Gorman mentioned he is in talks w/ Mr. Sherman to evaluate what other communities do regarding Conservation permitting of DPW activities (e.g. Framingham has a town wide OoC) to find the best fit for Uxbridge.
3. Cobbler's Knoll Development (DEP No. 312-1013) - Findings from 1/24/19 inspection (01:33:30 – 02:02:40)
 - Ms. Jones met with Steve O'Connell, AS&E, and Joe Marinella, site owner and operator, at the site on 1/23/19. During the meeting, Mr. Marinella committed to (and appeared to complete) repairing the breeches in the berm and digging a "plunge pool" to redirect water into the infiltration basin. Unfortunately, the following day, 1/24/19, a significant 1"-2" rain event occurred, and water breached through the repairs made to the berm and continued downhill into the woods and into the wetland. Photographs were reviewed of Ms. Jones observations.
 - Mr. Marinella attended the meeting to speak to the progress to date. He stated, that after the 1/24/19 breach he reworked/rebuilt the berm wall and placed boulders for support. Per Ms. Jones request, he will also be adding some tiered erosion controls (silt fence and mulch socks). He anticipated this happening within the next day or two as he was awaiting the materials from his vendor. He reported that the re-establishment of the wetland flags is complete. It was noted later in the discussion that wetlands on the adjacent properties down the hill were not flagged – and they have been impacted by the silt event. He also said, completing the basins are his top priority and he planned to finish in Nov but the extremely wet working conditions impeded progress. There was discussion about the purpose of each of the basins and Ms. Jones referred to the

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1/28/19 Graves Engineering Review of the storm water. Some of the issues identified in the report are related to why the basins are either not infiltrating or retaining. Mr. Shaw pointed out the construction sequence in the OoC was to have all of the drainage features complete prior to any other construction on site but currently there are houses being built. Some solutions to control silt included adding check dams into the dugout channel to reduce the velocity, erosion controls around the house construction sites. Everyone agreed to leave the EO open until Graves gives a clean bill of health and the storm water infrastructure is completed – specifically the basins. Additionally, members agreed vetting the wetland edge should be the next step – walk the basins that are in close proximity to the wetland then make an assessment about the damage. There was a review of a letter to be sent to the adjacent property owner to obtain permission be on their property.

Motion: Mr. Hogan made a motion to instruct the agent request the Planning Board review the 1/28/19 Graves Report and perform a site visit in their capacity as the storm water authority. Mr. Shaw seconded, and the motion passed unanimously by vote of 6-0-0.

WETLAND UPDATES/ISSUES

1. Pout Pond Gate – Ed Evers, Pout Pond Recreational Committee attended (02:02:41 – 02:13:48)
 - The gate had been unlocked by a member of the PPRC to allow for access to the pond for ice fishing and while it was open, it was observed that there were some issues with people doing "donuts" in the parking lot and tearing up the gravel. As a response a new lock was placed on the gate to ensure it remains locked to avoid any potential liability issues. Mr. Shaw explained current agreement the Commission decided and voted it on was that the gate was to remain locked until it is open for the season and there is an attendant present. Mr. Hogan pointed out the primary issue with having the lot open in the winter is that the lot is not maintained (plowed, salted, or sanded) and allowing for public access to an unmaintained area is a potential liability. Members agreed to have further discussion in the spring about what would be required to keep it open more often. Mr. Evers, PPRC, attended and provided a bit more information on the locks and who is responsible for the keys (Town, Fire, DPW). It was mentioned that old oak is scheduled to be taken down 2.5.19 and the location of the septic system was noted – Ms. Jones and Mr. Hogan offered to be onsite and/or ensure tree removal company had plans of the septic placement.

Motion: Mr. Hogan moved to keep Pout Pond locked until it the start of the spring season. Mr. Holden seconded, and the motion passed unanimously by vote of 6-0-0.

The discussions returned to the published agenda order.

REPORTED/ONGOING VIOLATIONS

1. 32 Church Street - Enforcement Order sent 1/10/19 (02:13:50 - 02:14:41)
 - To date there has been no response from the property owner and the certified mail receipts have not been returned. It was noted that some clean-up efforts have been observed from the road – which is a positive. Ms. Jones agreed to double check the certified receipts to see if anything has been returned.
2. Lanzetta Landscaping Yard – Report of digging into yard, Berm/riverfront area encroachment (02:14:42 – 02:17:19)
 - Mr. Lanzetta started to put the material on the berm and agreed to put the plantings in the to-be-submitted NOI. An additional reported violation came into the office - a neighbor was claiming that not only was Mr. Lanzetta digging back into the berm but actually digging a hole into the yard - theoretically to sell gravel he had removed. Ms. Jones was not able to confirm but wanted to pass on the report. Because gravel removal is under the Planning Board's permitting authority everyone agreed to pass the complaint onto the Planning Board administrator. Everyone agreed to leave the item on the agenda while awaiting the NOI.
3. Pine boughs by Pout Pond (02:17:35 – 02:22:55)
 - Photos were reviewed of piles of pine boughs but there was some confusion as whether this was the correct location of the reported violation. Members agreed to do their own survey of the area and to change the agenda item to West River Road dumping. Mr. Shaw mentioned that unfortunately if they have no way to tell who did it there is not much the Commission can do other than clean up the area themselves and discourage others from dumping here.

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WETLAND UPDATES/ISSUES

1. Whitin Pond Discussion - Community letter sent (02:23:00 – 02:32:35)
 - Ms. Jones had productive conversations w/ Joy Trahan-Liptak from BRWA and Jacquelyn Burmeister, the Senior Environmental Analyst for Lakes and Ponds at DPW in Worcester. Both stated that the main way to control water chestnut is through mechanical harvesting (cut them and then remove the material) and supplemented by hand harvesting for sensitive or shallow areas. They were both also very clear that it must be a long-term investment, in the range of at least 8-12 years of continuous management because the seeds are very hardy and each plant produces many seeds. It was noted that there is a certain depth requirement for mechanical harvesting and Whitin Pond may not be deep enough. Ms. Jones also reported that a \$2700 invoice was received from Town Council – who without authorization completed the title search (\$1200 more than the original quote). Members agreed they should not pay more than the original quote and Ms. Jones is meeting with Town Manager discuss further on 2.7.19.
2. Changes to Medline building (02:32:36 – 02:33:55)
 - There was no representation at the meeting but materials were submitted and they plan to attend the meeting on February 19.
3. Open Space Discussion
 - no discussion
4. Discussion of site compliance regarding active and expired Order of Conditions
 - no discussion

PROCESSING

1. 1/22/19 Meeting Minutes (02:35:50 – 02:41:46)

Motion: Mr. Hogan moved to approve the minutes from the 1/22/19 meeting of the Conservation Commission as amended during the meeting. Mr. Holden seconded and the motion passed unanimously by vote of

Processing Item Not on Agenda: Mr. Gorman noted there are seven (7) members of the Commission in addition to the Agent and they would never send a private contractor to dictate site activities on behalf of the Commission. They may have a peer reviewer evaluate storm water structures or vet a wetland edge. He wanted to ensure site operators and contactors know the Commission would never send someone over to a site that said, for example, you must bring in certain material at the applicant's expense unless it is a peer review. Mr. Gorman added that a peer reviewer would not require any direct action but provide the Commission with feedback. If anyone has a concern, they should not hesitate to ask for credentials.

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

1. Draft Wetland Bylaw Discussion
 - Passed over discussion
2. Massachusetts Land Conservation Conference, Saturday March 24th, Worcester
 - Ms. Jones provided information on an upcoming conference regarding Land Trusts and protecting Conservation Land

AGENT UPDATES

1. General updates from the office – no further discussion

ADJOURNMENT-NEXT MEETING SCHEDULED FOR TUESDAY February 19, 2019

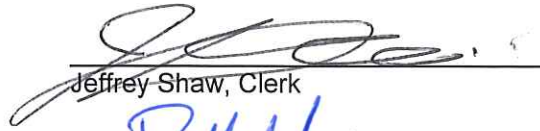
Motion: Mr. Hogan made a motion to adjourn the February 4, 2019 meeting of the Conservation Commission. Ms. Steele seconded, and the motion passed unanimously by vote of 6-0-0.

Respectfully submitted,
Melissa Shelley

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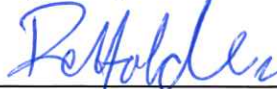
Andrew Gorman, Chairman



Jeffrey Shaw, Clerk



Jim Hogan, Vice Chair



Russell Holden, Treasurer



Lauren Steele, Member

absent

Dale Bangma, Member

Brad Allspach, Member

Date