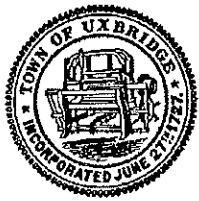


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Town of Uxbridge
Conservation Commission
21 South Main Street
Uxbridge, MA 01569
508-278-8600 x 2020



Conservation Commission Meeting Minutes
February 19, 2019
Board of Selectmen Room, Uxbridge Town Hall

Received by
Uxbridge
Town Clerk

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

Absent: Member Brad Allspach

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)** (00:00:40 – 00:54:52)
Applicant: Aris Group LLC Representative: Andrews Survey & Engineering, Inc.
Project Description: 23 lot subdivision with associated roadway, drainage, and utilities

* *Mr. Bangma recused himself from discussion*

Discussion: Mr. O'Connell attended the meeting on behalf of the applicant. He noted that courtesy notices had been sent to abutters based on an updated abutters list. He explained that the revised plans were similar to plans submitted previous with several changes including: proposing only 22 lots rather than 23 due to vernal pool protected habitat, a proposal to widen the road at the request of Planning Board, and additional details. The road by the vernal pool will be raised and shored up with retaining walls, with two 24" culvert pipes running underneath to retain hydrologic connection. The elevation of the retaining wall will be about 6 feet tapering down to about a foot. In response to questions from the Commission regarding a mislabeling of the vernal pool on the plan set, Mr. O'Connell elaborated he would review whether the catch basin was within 100 feet of a vernal pool, that the third "potential vernal pool" had not been designated as a certified vernal pool during the habitat evaluation but that the EcoTec peer review may indicate that it is, that the applicant could consider constructing a box culvert with a natural bottom under the road in lieu of the two 24" pipes, and that it would be difficult to provide upland habitat to support vernal pool species given changes to the grade or surface area. The Commission strongly requested a construction sequencing and phasing plan. They also noted that since more than an acre of disturbance is proposed, a SWPPP would be required. The Commission reminded Mr. O'Connell that to qualify for a "limited project" status, the road has to be designed to the minimum width approvable by the Planning Board, and Mr. O'Connell said that a waiver from Planning could be sought, particularly since the development will have hydrants and town water. In response to a question about whether the applicant was prevented in any way from digging deeper than needed and replacing the removed material with fill, Mr O'Connell suggested that the Commission could condition the project to prevent that. He noted that the project would necessitate an earth removal permit which is being reviewed by the Planning Board.

Abutter Chris Gilgun, of Old Elmdale Road, spoke and raised a question about the vernal pool by the proposed roadway, stating that it is shaped like a big bowl with steep sides and lots of trees and vegetation. He asked if the clearing of the trees and excavation would begin at the cap of the bowl or if it would include part of the inside wall. Mr. O'Connell replied that it would begin at the top of the vernal pool, and that the grading would be cut so that the ground slopes up to the vernal pool then back down, creating something like a berm around the pool

Abutter Steve Kirby, of 12 Jodie Circle, spoke and made several comments on the plan: he noted that the Stormwater Management report still says 23 lots, that the drawing set had C 1.1 and 1.4 missing, and asked about the easement next to the road. Mr. O'Connell responded that the easement next to the road could be revised away for the access road. Mr. Kirby also noted that the finished width of the road wasn't noted, and asked if a traffic study was done, noting that there are potholes on Hecla St and truck traffic on Hecla St. would worsen the road condition. Mr. O'Connell responded that the finished road width is 20'. Mr. Kirby asked if the Army Corps of Engineers had jurisdiction and Mr. Gorman responded that he did not believe that Army Corps review would be required because of a lack of dredging or fill of a wetland but that Mr. Kirby was welcome to reach out to them as well to confirm.

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Motion: Mr. Hogan moved to continue the NOI for 0 Old Elmdale to April 1st to give time for peer review, detailed wetland habitat evaluation, and revisions. Mr. Shaw seconded, and the motion passed unanimously by vote of 5-0-0

2. Notice of Intent (NOI), DEP #312-10XX, 0 & 1045 Quaker Highway (00:54:55 – 00:56:33)

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 from discussion

Discussion: The applicant formally requested to continue discussion. Some flagging revisions were recommended by peer review, and new plans will incorporate them and comments. No public comments during the hearing

Motion: Mr. Hogan moved to continue the NOI for 0 & 1045 Quaker Highway to the next scheduled meeting for more information. Mr. Shaw seconded, and the motion passed unanimously by vote of 5-0-0.

* Mr. Bangma returned to the meeting.

3. Notice of Intent (NOI), DEP #312-1078, 182 Williams St (00:57:07 – 01:04:16)

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: Mr. O'Connell, Andrew's Survey and Engineering, spoke on behalf of the applicant. A revised plan was provided that adds the two conservation markers requested at the previous meeting. A DEP file number has been issued with no comments. Septic system is approved by Board of Health and will be raised, creating a need for grading around the house. All work is outside of the 50' buffer and much is out of the 100' as well. The agent was unable to locate wetland flags at the site. Mr. O'Connell brought plans from the 180 Williams St. wetland replication on the street to illustrate that even with that replication; the buffer zone at 182 remained the same. Mr. O'Connell agreed to put stakes in the property to mark the wetland boundary.

Motion: Mr. Holden moved to continue the NOI for 182 Williams St to the next scheduled meeting to verify the wetland flag. Ms. Steele seconded and the motion passed unanimously by vote of 6-0-0.

REPORTED/ONGOING VIOLATIONS

1. Forest Glen (DEP No. 312-1022) - Findings from 1/24/19 inspection (01:04:27 – 01:27:38)

- *Prior to the start of discussion, pursuant to the Conflict of Interest Law, Mr. Gorman disclosed he had done work w/ Mr. O'Hearne in the past. He reached out to the AG office and filed a 23 B form with the Town Clerk and it was determined he would NOT have to recuse himself because he does not have financial interest in the project.*
- Ms. Jones reported on her findings from an inspection performed. In attendance at the visit and the meeting was Ms. Jones, Mr. O'Connell AS&E, John O'Hearne Jr., site owner & Jason Ruotolo, of J. Ruotolo Construction. Judy Schmitz with DEP also attended the site visit. Ms. Schmitz suggested some stabilization measures for the exposed earth piles in order to stabilize the site for wet weather events and potential dewatering during the culvert installation. They discussed riprap swales, riprap to direct water into the cascading basins, and beefed up erosion control around the basins and the road. She also discussed best management practices for dewatering in order to install the culvert. Mr. O'Connell said he was encouraged that Ms. Schmitz did not seem overly concerned. He stated that they are going to refresh the wetland flags in the critical areas and he prepared the temporary stream diversion plan that was discussed on site. He provided the following additional detail on this plan - sandbags will divert the sediment laden water into a temporary 30" pipe and at the outlet end, there will be a riprap sediment basin that will filtrate the water which will then spill out over and through the erosion barriers and the riprap into the resource area and make its way back to the existing stream channel. Once this is all in place they can excavate and install the 4-sided box culvert that will be imbedded when it is placed allowing for a natural stream bottom. The temporary pipe can then be removed and the stream can be diverted back into the culvert. There was some further discussion of the soil stockpiles and the plan to manage the run off to areas that can create erosion – riprap shoot and erosion control barriers on the roadway side of the stockpile.
- The timeline of the installation of the culvert was discussed and it was mentioned again that the permit expires in July. Mr. O'Hearne said they are ready to install immediately and Mr. Ruotolo said ideally, they can complete the prep

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and culvert in in about 4 weeks if the weather holds. The additional retaining walls could take another 4 to 6 weeks to complete. Mr. Gorman mentioned there is also wetland replication required associated with the crossing. No members of the public commented during the hearing.

- **Motion:** Mr. Hogan moved to lift the Cease & Desist and issue a new Enforcement Order with the corrective actions prescribed at the last meeting. Ms. Steele seconded, and the motion passed unanimously by vote of 6-0-0.

**The agenda was taken out of published order to the Request to extend the OoC for NEP substation (DEP No. 312-1008) to accommodate the remaining audience members*

WETLAND UPDATES/ISSUES

1. Request to Extend Order of Conditions for 312-1008 NEP Substation Site (01:28:10 – 01:33:40)
Applicant: New England Power Company/National Grid Representative: Alexandra Echandi, BSC Group

Discussion: Ms. Echandi explained that most of the work at the substation has been completed, but a couple of remaining items including removing concrete pads located within the Bordering Land Subject to Flooding of the West River and overall restoration including removing invasive species from the bank. Construction has been completed. Some overhead activity is going on in the upgraded substation. The frame is being taken down and removed at the old substation to add land to the BLSF. Bittersweet and locust are being removed from the bank. The plan for the black locust is doing a cut stem with treatment on the stem. This is not a change from the original OoC. The Conservation Commission has received the inspection reports weekly from the substation. Mr. Holden requested notifying the office when the locust cutting happens. Mr. Shaw noted that the area looks significantly better than it did before.

Motion: Mr. Hogan moved to extend the Order of Conditions for 312-1008 for the NEP substation for two years. Mr. Shaw seconded and the motion passed unanimously by vote of 6-0-0.

**The Commission returned to the published Agenda order*

REPORTED/ONGOING VIOLATIONS

2. 32 Church Street - Enforcement Order sent 1/10/19 (01:34:31 – 01:37:46)
Discussion: The owner of the property has moved stockpiles, but has not contacted the office. If the Commission left the enforcement order in place it would still be open the next time that the Commission receives a report. Stockpiles were observed from the street. Lacking permission to access the property, it can only be viewed from Church St. so it can't be fully verified that the stockpiles have been removed. The owner seems to have taken some note of correspondence. If the enforcement order is open and they try to pull a building permit, the Commission will have a record of the EO and so would then be able to go to the site and verify that the situation has been alleviated. Mr. Gorman noted that a motion is not needed to remove it from the agenda but there appears to be agreement to remove it and leave the EO open.
3. Lanzetta Landscaping Yard – Report of digging into yard, Berm/riverfront area encroachment (01:37:46 – 01:38:48)
Discussion: The Commission is waiting for an NOI, Ms. Jones reported that Mr. Lanzetta has applied gravel to the berm, it has been brought out about 4 or 5 feet and we are waiting for woodchips and gravel. There will have to be loam and seeding in order for plantings to take, which might be part of NOI.
4. Balm of Life Spring Road - Stormwater channelization into Bacon Brook (01:38:49 – 01:38:55)
Discussion: Continued to the next meeting when the DPW will appear before the Commission
5. Cobbler's Knoll Development (DEP No. 312-1013) - Findings from 1/24/19 inspection (01:38:55 – 01:56:35)
Discussion: Ms. Jones went on a site walk with the Planning Board. There has been a new blowout in infiltration basin 1 on the opposite side from before. The town's peer review engineer was onsite to discuss potential options with the Planning Board. On January 24th there has been a large blowout which potentially impacted the wetland near the Trunkline Trail, on February 11th, there was a blow-out leaking sediment into the wetland on their property. Ms. Jones shared pictures from that visit. Sediment from the basin was traveling along the ECBs until those were down, at which point sediment traveled outside the zone of work into the wetland and buffer. In the wetland there was light sedimentation through which vegetation was visible, while in the buffer the sediment is several inches thick. Ms. Jones asked Joe Marinella to construct tiered ECBs around sediment left on hill, and those were put up, but new ECBs are needed on the other side. Mr. Gorman stated that we needed to leave the current EO open. Mr. Hogan asked if any measures had been taken to fix the basin aside from ECBs, and Ms. Jones replied that they have patched holes in it as well as compacted the soil, as well as digging out the plunge pool to slow velocity of water going on. So some work has been done but it was not adequate to the problem. Mr. Gorman stated that the infiltration basins are so sediment laden that they are less

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pervious to infiltration. Mr. Shaw noted that velocity needed to be slowed down and sediment needs to be caught before it goes into the woods. Mr. Bangma added that getting the pipe in would also help. Mr. Shaw noted that it hasn't been constructed. The houses are still being build. The Commission noted that the department will not sign off on any building permits until the issue is corrected. The original permits were probably signed off for construction before these compliance problems were noted. The original Order of Conditions will be expiring in June or July. Mr. Bangma suggested woodchipping the berm to stabilize it.. Ms. Steele noted that they would need to dredge the basin as well. Mr. Shaw noted that part of the Enforcement Order is that they need to complete the stormwater infrastructure, which includes putting a pipe in. Mr. Gorman asked, absent a bylaw or ticketing mechanism, what is the repercussion? Ms. Jones noted that it is another company which is building the houses, separate from the Marinella's. Mr. Gorman clarified that the Cease and Desist should apply to the building company, it is for the whole site. No activity is to be performed at the site outside of the corrective actions.

Motion: Ms. Steele motions to confirm that the Cease and Desist applies to the whole site and send it to the developer. Mr. Hogan seconded and the motion passed unanimously by vote of 6-0-0.

Further Discussion: Several potential means of fixing the basin were discussed, including dewatering and dredging. Mr. Shaw noted that we want the basin constructed, finished, and functioning before anything else is done. Ms. Jones asked whether we need to show that sediment reaching the wetland is coming from the homes. Mr. Gorman responded that the permit is for the whole site, so we can issue a cease and desist pursuant to our Order of Conditions. Mr. Marinella was at the meeting on February 4th, 2019.

WETLAND UPDATES/ISSUES

2. Whitin Pond Discussion - Community letter sent (02:02:20 – 02:13:39)

Discussion: The Conservation Agent in Northbridge and Upton (which share an agent) offered to meet to discuss a regional approach to aquatic invasive species management. Mr. Gorman offered to go to a meeting and talk about with them. It's the same watershed and invasive species. Ms. Jones also pointed out that a watershed approach with multiple towns might be more applicable for grants. A suggestion from an interested citizen (Mr. Potaski) commented that if there is no known ownership the town could consider an eminent domain taking or claiming ownership of a waterbody by right. There are municipalities which have done that. The Commission should do title research but if that is a feasible alternative a conversation with the Selectboard would be warranted. If it's public property it would be more eligible for grants. The town is marked on tax documents of having custody of the parcel which is the inlet. The Northbridge Water District is believed by the Commission to own Meadow Pond. We would need to file a dam safety plan if the town owned it. The parcels upstream of Whitin Pond is marked as "c/o Town Hall". The small wedge is the "LW Tank" section. There is a causeway next to the Larkin building which is owned by the town. So the town may own land on both sides of the roadway. The Progressive Club was controlling water levels. The Chair asked the agent to ask Northbridge about meeting on this issue.

3. Open Space Discussion (02:13:39 – 02:14:26)

Discussion: Minutes are available for review, the Clark interns are creating new GIS maps.

4. Discussion of site compliance regarding active and expired Order of Conditions (02:14:26 – 02:21:50)

* *Mr. Gorman recused himself from discussion*

Discussion: 619 Quaker Ave (DEP No. 312-1062) has a lot of disturbance. The agent will investigate. They have an NOI. The plan which was approved was not on the back side of the wetland. Mr. Powers was told that he would need to provide the Commission with more plans. The Commission asked the Agent to send the NOI to them for review.

* *Mr. Gorman returned to the meeting*

Mr. Gorman noted that Trowbridge Acres on Sutton St could use a visit to verify ECB condition.

5. Changes to Medline building (01:56:31 – 01:57:21)

Discussion: The representative from Kelley Engineering is asking for guidance on whether it will be a new submittal or a revision. There are buffer zone changes on the plans that they had submitted. They will be present at the next meeting on March 4th.

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6. CoC request—30 Brown Bear Crossing (01:57:21 – 02:02:20)

Discussion: Had been denied recently. New submittal has fee and conservation signs have been placed and wetland debris has been removed. EcoTec report in fall stated that wetland replication was successful. It is off of Rock Meadow Rd. The debris, signage and filing fee have been corrected.

Motion: Mr. Hogan moved to issue a Certificate of Compliance for 30 Brown Bear Crossing. Ms. Steele seconded and the motion passed 5-0-1 with Mr. Holden abstaining.

PROCESSING

1. 1/24/2019 OSRP Meeting Minutes (02:22:48 – 02:23:36)

- 1/24/2019 Meeting Minutes passed over for additions from Mr. Holden.

2. 2/4/19 Meeting Minutes (02:23:36 – 02:26:34)

Motion: Mr. Hogan moved to approve the February 4th 2019 meeting notes as written. Mr. Shaw seconded, and the motion passed 5-0-1 (*Mr. Bangma abstained*)

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

1. Draft Wetland Bylaw Discussion (02:26:36 – 02:27:59)

- Mr. Gorman suggested reserving a room to discuss the Wetland Bylaw Discussion on the fifth Monday in April.

2. Open Space Conference April 27th (02:27:59 – 02:29:31)

- This is a new conference which is free and sponsored by Mt. Grace Land Trust

3. BRC Water Quality Monitoring Summit March 30th (02:29:31 – 02:34:34)

- A training for BRC volunteers. This is also at no cost. Mr. Holden stated that the presentation from the volunteer coordinator from this area gave a good presentation on why silt is such a significant problem for wetlands.

AGENT UPDATES

1. General updates from the office (02:34:34 – 02:35:16)

- The Commission discussed doing a personnel review for the agent.


ADJOURNMENT-NEXT MEETING SCHEDULED FOR MONDAY MARCH 4, 2019


Motion: Mr. Hogan made a motion to adjourn the February 19, 2019 meeting of the Conservation Commission. Mr. Shaw seconded, and the motion passed unanimously 6-0-0.

Respectfully submitted,
Melissa Shelley


Andrew Gorman, Chairman


Jim Hogan, Vice Chair


Jeffrey Shaw, Clerk


Russell Holden, Treasurer

Lauren Steele, Member

Dale Bangma, Member

Absent

Brad Allspach, Member

Date

