



Town of Uxbridge
Conservation Commission
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Uxbridge
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Conservation Commission Meeting Minutes
April 1, 2019
Board of Selectmen Room, Uxbridge Town Hall

APR 17 '19 AM 10:42

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

Absent: Vice Chair Jim Hogan, Members Dale Bangma & Brad Allspach

CALL TO ORDER

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

PUBLIC HEARINGS

* Ms. Steel moved to take the Public Hearings out of the published order and hear 3. NOI Tea Party Drive and 4. Amendment to Hyde Park Circle first due to representative attendance. Mr. Shaw seconded, and the motion passed unanimously by vote of 4-0-0.

1. Notice of Intent (NOI), DEP #312-10XX, Tea Party Drive Grading (00:00:57 – 00:18:37)

Applicant: Uxbridge Multi Family Realty, LLC

Representative: Guerriere & Halnon, Inc.

Project Description: Cutting and filling of land within the 100' buffer of a bordering vegetated wetland and construction of a 1 to 1 riprap slope.

Discussion: Dale McKinnon, G&H, represented the applicant at the meeting. He said they are awaiting Graves Engineering to provide their peer review report and requested to continue the hearing but that he was available to answer any questions. Mr. Gorman mentioned a few things the Commission had requested (i) a narrative that could be kept on site or on file that describes the "process of work"; (ii) the third party review and (iii) detail of the erosion control double silt fence w/ wood chips. Mr. McKinnon said that ecb details are depicted on page 6 of the updated plan and has been provided to Graves. Ms. Steele pointed out and provided evidence (recordings of wood frogs) that the detention basin it is currently an active vernal pool. Mr. Gorman further explained there is some concern about the maintenance of the basin and the fact that it is so inundated and that they may want some clarification about what that means in terms of it functioning as a storm water management structure. The Commission may be looking for a condition or some type of mechanism that will require it be functionally maintained. Mr. McKinnon confirmed the intent was for it to be a detention basin not a retention basin and some maintenance may be required to ensure it functions properly. Moving forward, Ms. Jones agreed to get some clarification from DEP on the best way to address the issue. Mr. Holden suggested a possible restriction on the time of year for maintenance but also conveyed concerns with the design since its retaining water to protect species utilizing the basin as a vernal pool. Mr. McKinnon also provided some more detailed information on the armored slope.

Motion: Ms. Steele moved to continue the public hearing for Tea Party Drive in anticipation of additional information from the peer review and the DEP number assignment to the next meeting of the Conservation Commission. Mr. Holden seconded, and the motion passed by vote 4-0-0.

2. Amendment to Order of Conditions, DEP #312-1050, Hyde Park Circle (00:18:38 – 00:23:25)

Applicant: Uxbridge Multi Family Realty, LLC

Representative: Guerriere & Halnon, Inc.

Project Description: The revision is for grading and a riprap berm in Lot 10D to allow for continued flow of the swale behind the homes in Lot 10E and 10D.

* Ms. Steel was recused from discussion because she is an abutter.

Discussion: Dale McKinnon, G&H, attended on behalf of the applicant. As Ms. Steel was recused, there was no quorum present for discussion so Mr. McKinnon consented to continuing discussion to the next meeting of the Conservation Commission.

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Motion: Mr. Shaw moved to pass over the Amended the Order of Conditions for 312-1050 because there was no quorum. Mr. Holden seconded and the motion passed by vote 3-0-1 (*Ms. Steele abstained from voting*).

* *The agenda returned to published order.*

3. **Notice of Intent (NOI), DEP #312-1081, 0 Old Elmdale Road (Map 25, Parcel 2979)** (00:23:25 – 00:33:25)
Applicant: Aris Group LLC Representative: Andrews Survey & Engineering, Inc.
Project Description: 23 lot subdivision with associated roadway, drainage, and utilities

Discussion: The representative did not attend but formally requested to continue the discussion to the next scheduled meeting of the Conservation Commission because of some confusion whether they had the most recent Peer Review comments. Ms. Jones confirmed at the meeting that she has since sent the most recent version to Mr. O'Connell. Members agreed to visit the site on 4/4/19 at 5:30pm and Ms. Jones said she will coordinate w/ applicant and other members. Neil Vaidya, an abutter at 65 Old Elmdale, attended the meeting for status update. Mr. Gorman explained they could not have discussion because the applicant was not present but informed him that it was not until March until the Commission considered the application package to be complete. He also gave a brief explanation that hearings can be continued for up to 2 years with the burden on the applicant to of prove they are working diligently in pursuit of plan revisions.

Motion: Ms. Steele moved to continue DEP# 312-1081 to the next scheduled meeting of the Conservation Commission. Mr. Holden seconded, and the motion passed unanimously by vote of 4-0-0.

4. **Notice of Intent (NOI), DEP #312-1079, 0 & 1045 Quaker Highway** (00:33:27 – 00:34:06)
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 formally requested to continue to the discussion to the next meeting of the Conservation Commission as they work on their plan revisions pursuant to the peer review of the wetland edge.

Motion: Mr. Holden moved to continue DEP #312-1079 to the next meeting of the Conservation Commission. Mr. Shaw seconded, and the motion passed unanimously by vote of 4-0-0.

REPORTED/ONGOING VIOLATIONS

1. **Cobbler's Knoll Development (DEP No. 312-1013)** (00:34:07 – 00:36:37)
 - The Cease and Desist was recently lifted and reduced down to an Enforcement Order with additional corrective actions. Ms. Jones reported Mr. Marinella was draining detention basin 1 in order to take the sediment out and scarify the bottom of the basin. She inspected the measures he was using - a pump discharging water over the riprap spillway with two sets of straw waddles around it – the water appeared to be pretty clean and discharging in to the adjacent wetland. He also finished putting the ecb's around infiltration basin 1 (the problem basin) and the walls were continuing to hold.
2. **619 Quaker Highway (DEP No. 312-1062)**

* *Mr. Gorman is recused from discussion pursuant to the conflict of interest law.*

 - Discussion was passed over due to lack of quorum.
3. **Forest Glen (DEP No. 312-1022)** (00:36:54 – 00:38:43)
 - A preconstruction meeting was held on March 27, 2019. Ms. Jones attended and reported that despite claims they are ready to build the culvert "now", they have sewer pipe requirements that have to be filled and those activities are scheduled at least 2 to 4 weeks out as they wait for the appropriate pipe. The stream is diverted now and running through a 2' diversion pipe w/ silt fence and straw waddles on the downhill side. The riprap is in place and the piles near the stream have been substantially reduced.

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4. Lanzetta Landscaping Yard (00:38:44 – 00:44:59)
 - Mr. Lanzetta is still working on submitting an NOI. At the last meeting the Commission agreed to resend the enforcement order because it was not officially issued and in Ms. Jones correspondence with him and he agreed to accept as it giving him permission to do the remaining work. In response to the complaints about Mr. Lanzetta potentially burying contaminated soil in his yard, he mentioned to Ms. Jones he has a 21 E monitoring well on his site. Ms. Jones agreed to inquire further.

WETLAND UPDATES/ISSUES

1. Open Space Discussion (00:45:01- 00:46:15)
 - The draft the interns have prepared will be discussed during the 4/29/19 meeting along with the following 2 other items – the wetland bylaw, and a joint discussion Northbridge Conservation Commission regarding Whitin Pond.
2. Whitin Pond Title Search (00:46:17 – 00:47:30)
 - Ms. Ellison, the Town Manager, requested the invoice to be paid from the unexpended salary funds from FY2019. The title search results will be submitted to the Commission within the next few days.
3. Discussion of site compliance regarding active and expired Order of Conditions (00:47:31 – 00:49:50)
 - The only item mentioned was 1025 Quaker Highway – they had a replication component on their site and members agreed to keep on their radar.
 - It was also mentioned that the Campanelli site also has to complete their wetland replication as the spring rolls in especially now that they are considering another submittal that which uses the crossing. The project was conditions that the replication was to occur w/ or before the bridge was put in
 - Mr. Gorman explained the way the Conditions are written now says that when the project has a wetland replication it must be completed before or in conjunction w/ the disturbance so you have the opportunity to stockpile the hydric soils and recycle plants to the extent possible.

PROCESSING

1. 1/24/19 and 3/19/19 Meeting Minutes (00:49:52 – 00:51:57)
 - Members passed over the 3/18/19 minutes due to lack of quorum.
 - Mr. Shaw moved to approve the 1/24/19 workshop meeting minutes of the Conservation Commission. Mr. Holden seconded, and the motion passed unanimously by vote of 4-0-0.

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

1. 290 Millville Road site visit (00:51:57 – 01:10:26)
 - Mr. Shaw, Mr. Gorman, and Mr. Holden visited the site on Sunday (3/31/19). Photographs were reviewed (there was evidence of oil tanks; solid waste, concrete blocks, well established paths and certifiable vernal pools via wood frog egg masses). Members agreed the solid waste issues should to be resolved prior any acquisition from the Town. It was suggested that the Board of Health (BOH) also be involved in the discussion to identify as to what they would require in terms of clean up. It was mentioned that there is a DPW well field in proximity to this site.
 - Members also agreed that this is a good area for protecting open space, water quality and has recreational potential. Ms. Jones said Mr. Gallerani (the Town Planner) mentioned given the environmental concerns some potential options may be a one hundred year lease or possibly not owning the property but having access.
 - Going forward members agreed after further review of the photos to compile ideas and develop a “letter of findings” to be submitted to the town planner based on their thoughts and observations.
2. Pout Pond Gate and 2019 Season Discussion (01:10:27 – 01:10:42)
 - Passed over awaiting Mr. Hogan’s input
3. Potential Agent Review (01:10:43 – 01:21:50)
 - Mr. Gorman reviewed what has been done in previous situations: the Commission offered to have a review/ sit down to discuss not only where the Commission is and where the Agent is but what they could be doing better in terms of process. He made clear this is not the type of review done by her hiring authority. Everyone, including Ms. Jones thought this could be a useful opportunity for feedback in both directions. As many as three members could participate without violating any OML quorum issues. Mr. Holden’s input was that it if is to be a “formal” review it should happen after a year but there is a lot of opportunity to have

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information conversations, feedback etc. and Mr. Gorman agreed this is what this is to be. There was a decision to call this Conservation Processing Discussion. Ms. Jones added that this would be helpful or generating ideas for longer-term projects to benefit the Commission or the town. Mr. Gorman invited input from all the members and agreed to coordinate w/ Mr. Hogan.

- o Mr. Holden brought up there are a number of town owned parcels that have popped into our conscience and evaluating for conservation purposes would be worthwhile.
- o Another idea Mr. Holden mentioned was an ecological management plan (although it is dcr's role) for Legg Farm.
- o One last idea mentioned was a checklist w/ each project just to ensure all steps are covered.

AGENT UPDATES (01:21:51 – 01:26:04)

- Mr. Holden access to the MACC online handbook expires in April and Mr. Shaw's is expires in August. The cost is \$15 per access and renewals are easier to be coordinated by the Agent vs. reimbursing each member.

Motion: Mr. Holden moved to appropriate funds not to exceed for the renewal of MACC online handbook for members who needs it in calendar year 2019. Mr. Shaw seconded, and the motion passed by vote of 4-0-0.

- Mr. Gorman thanked Blackstone River Watershed Association for inviting the Conservation Commissioners to the water quality-monitoring summit. There were many people from surrounding Conservation Commissions and he conveyed it was a good presentation on cold-water fisheries and data this year is worth reviewing because there are certain areas of the watershed improving.

ADJOURNMENT-NEXT MEETING SCHEDULED FOR TUESDAY, APRIL 16th, 2019

Mr. Gorman adjourned the meeting 4/1/19 meeting of the Conservation Commission.

Respectfully submitted,
Melissa Shelley



Andrew Gorman, Chairman

Absent

Jim Hogan, Vice Chair



Lauren Steele, Member

Absent

Brad Allspach, Member



Date



Jeffrey Shaw, Clerk



Russell Holden, Treasurer

Absent

Dale Bangma, Member