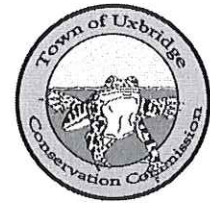




Town of Uxbridge
Conservation Commission
21 South Main Street
Uxbridge, MA 01569
508-278-8600 x 2020



Conservation Commission Meeting Minutes
April 16, 2019
Board of Selectmen Room, Uxbridge Town Hall

MAY 7 '19 AM 10:26
Received by
Uxbridge
Town Clerk

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

Absent: 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

1. **Notice of Intent (NOI), DEP #312-1081, 0 Old Elmdale Road (Map 25, Parcel 2979)** (00:00:33 – 00:40:15)
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: Steve O'Connell, Andrews Survey & Engineering attended the hearing on behalf of the applicant. He stated that they are very close to submitting the revised plans that include the responses to the comments from EcoTec's peer review report, DEP and items discussed during the February 19th meeting. Mr. O'Connell requested the commission to provide direction on a few items included in EcoTec's report. Regarding a portion of comment #4 which does not support the grading on Lot 1 within Certified Vernal Pool Habitat – long term least impactful options were briefly discussed - a retaining wall; a combination of wall and steeper slope with plantings; and shifting the road. Additionally options were discussed to address comment #7 regarding relocating the Compensatory Flood Storage and storm water basin to Lot 22. Mr. O'Connell summarized the benefits making the discussed changes as (i) taking the grading out of the 100' Vernal Pool Habitat, (ii) eliminating an area of BLSF fill, and (iii) moving all work away from the potential Vernal Pool. Photos of evidence of the egg masses at the Vernal Pool were reviewed at the meeting and Mr. Gorman agreed to forward them to Mr. O'Connell.

DEP's comments were related to exceeding the allowable amount of disturbance for the site (10%) and Mr. O'Connell explained that the narrative explains how they got to their number, which is below 10%. It was also noted that these numbers could change with the revisions discussed. Mr. Gorman recommended they make very explicit what areas of the project that are being considering degraded.

Mr. O'Connell also stated they have addressed all of Grave's comments from an engineering standpoint and that Graves, EcoTec, the Planning Board and the Commission will have a chance to review the revised plans. Ms. Jones mentioned that one other item that came up in her conversation with Ms. Selby of DEP CERO is that perhaps a span could be considered in the alternatives analysis for the riverfront. Mr. O'Connell did not think a span would overcome the alteration proposed in the riverfront area because it is so vast. What they are proposing to maintain the hydrologic connection is 100' separation from catch basins to a certified vernal pool, they have replaced the two 24" culvert pipes with an open box culvert which somewhat acts like a span.

Abutter comments: Steve Kirby, 12 Jodie Circle attended with some questions related to the EcoTec report, which Commission members responded to including whether or not the habitat assessment (Appendix B) would still be required. Mr. Gorman also provided a brief summary of Commission's site visit per Mr. Kirby's request.

Motion: Mr. Hogan made a motion to continue the NOI for DEP #312-1081, 0 Old Elmdale Road to the Monday, May 20, 2019 meeting of the Conservation Commission. Mr. Shaw seconded, and the motion passed unanimously by vote of 5-0-0.

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2. **Notice of Intent (NOI), DEP #312-1079, 0 & 1045 Quaker Highway** (00:40:16 – 00:57:26)

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 is recused from discussion*

Discussion: Steve O'Connell, Andrews Survey & Engineering attended the hearing on behalf of the applicant. Revised plans were submitted and reviewed that included changes to the delineation, and minor adjustments to the storm water basin. DEP's only comment was regarding a test pit and Mr. O'Connell confirmed additional test pits were added as part of the Planning Board review with Graves. There was a discrepancy in the Lot 4 delineation between the town's peer reviewer and the wetland consultant for the project. As Lot 4 is not going to be developed as part of the project, Commissioners concurred to omit that area from the approved plan and reference the dispute in the findings of fact.

Mr. Holden expressed his concern about the nature of the project - building a roadway to nowhere without knowing what will be developed there and he considers this an incomplete application. Mr. Gorman concurred with Mr. Holden's concerns that they are voting on something hypothetical but from a regulatory standpoint they are reviewing the layout of a subdivision that has buffer zone impacts and no direct wetland disturbance and that the regulations do not provide utility in planning that way. Mr. O'Connell responded to the concern by stating he wished he could provide more information and that they made it as efficient and streamlined as they can but no one will come to put a building in an industrial zone if the lot doesn't exist (banks won't finance and developers and builders won't entertain it). There was also some discussion among members about how this project compares to the Campanelli project, which was also permitted first as an individual road with stormwater infrastructure. He reiterated that the stormwater management system was designed to handle 60% impervious surface of the lots and if that number would happen to increase, they will have to handle that additional storm water in one of multiple ways.

No members of the public spoke to the hearing.

Motion: Mr. Hogan moved to close the public hearing DEP#312-1079, 0 & 1045 Quaker Highway. Ms. Steele seconded, and the motion passed by vote of 4-0-1 (*Mr. Holden abstained from voting*).

Discussion: Mr. Gorman said he thought it was a permissible project, unfortunately, it is some valuable upland but a lot of it is non-jurisdictional from a habitat standpoint. In terms of the standards of the act, Mr. Gorman stated that the project is able to satisfactorily protect the wetlands as long as the site work matches the plan.

Motion: Mr. Hogan moved issue an Order or Conditions for DEP#312-1079, 0 & 1045 Quaker Highway with the Uxbridge Standard Special Conditions with the findings of fact that there is a discrepancy on the wetland boundary on Lot 4 that will be reviewed later when the proposal is before the Commission or through the re-delineation process should one be required. Mr. Shaw seconded, and the motion passed by vote of 4-1-0. (*Mr. Holden opposed*)

**Mr. Bangma returned to the meeting.*

3. **Notice of Intent (NOI), DEP #312-10XX, Tea Party Drive Grading** (00:58:09 – 01:23:08)

Applicant: Uxbridge Multi Family Realty, LLC Representative: Guerriere & Hanon, 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, of Guerriere & Hanon represented the applicant at the hearing. There was a review of some responses to the Grave's Engineering review (1) the N arrow and the wetland boundary was added on sheet one; (2) the size and scale of plans requested will be provided – specifically 20 scale plans will be provided which should be adequate; (3) they are going to provide drainage modifications information requested when they apply to have the house lots approved. Mr. Gorman mentioned DEP may be looking for the same information and Mr. McKinnon said he can provide it earlier if necessary. There was discussion of the two types of soils on site and Mr. McKinnon provided the NRCS soil survey maps to each of the members. Mr. Gorman clarified the issue in the

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Grave's report was that a large amount of soil will be moved around the site and it is not known if it will be suitable. Mr. McKinnon agreed to provide to Graves soil testing that was already done and if not to ensure acceptable testing is performed to ensure adequacy. Mr. Gorman also stressed that the NRCS/USDA Soil Maps are an approximation which is why additional testing may be warranted for the scope of fill and excavation proposed; (5) regarding the detail of the 1:1 slope requiring the expertise of a geotechnical engineer, Mr. McKinnon proposed going back to his geotechnical engineer to get his input to satisfy Graves. Commissioners also requested this be in the form of a stamped plan; (6) Mr. McKinnon made the change requested in the report. Ms. Steele mentioned old silt fencing and it was thought it may have been the LOD for the road but members and Mr. McKinnon agreed to properly identify during the next site visit. (7) Draining calculation will be provided. Mr. Holden suggested the possibility of parsing out what trees could be removed to minimize the impact to the temperature of the cold-water fishery – a shading analysis may be helpful.

No members of the public spoke to the hearing.

Motion: Ms. Steele moved to continue Tea Party Drive Grading to the next meeting of the Conservation Commission to address the items discussed. Mr. Hogan seconded, and the motion passed unanimously by vote 6-0-0.

4. Amendment to Order of Conditions, DEP #312-1050, Hyde Park Circle (01:23:10 – 01:37:27)

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 recused herself from the hearing.

Discussion: Dale McKinnon, Guerriere & Halnon represented the applicant at the hearing and provided additional copies of the 3/11/19 plans. During the site visit it was determined the contractor had revised the grading behind 10C and he decreased the amount of cut and brought the swale up closer to Hyde Park Circle but it doesn't get the storm water runoff from 10E which is the reason for the proposed grading changes. Mr. McKinnon explained they have added a 1:1 riprap berm to allow for the grading. He went over the sheets provided detailing the changes. Mr. Bangma requested a cross section detail of the riprap. The importance of a site visit was also mentioned. There was a discrepancy regarding Lot 10 E on the various versions of the plans (one showed the foundation in the buffer zone) – Mr. McKinnon agreed to ensure have the most recently approved at the next meeting. Mr. Gorman added that the commission would likely request a condition that the basin is cleaned out prior to any CoC is released (similar to other Hyde Park amended NOI's).

No members of the public commented on the hearing.

Motion: Mr. Holden moved to continue the public hearing to the May 6 meeting of the Conservation Commission in anticipation of the revisions. Mr. Hogan seconded, and the motion passed unanimously by vote of 6-0-0.

* Ms. Steel returned to the meeting.

* Mr. Gorman took the administrative items out of order to hear the following WETLAND UPDATES/ISSUES accommodate an audience member.

WETLAND UPDATES/ISSUES

1. Request for partial CoC: DEP # 312-534, Dunleavy Brook Drive (the partial request is for 56 Dunleavy Brook Drive)
2. Request for CoC: DEP #312-692, 56 Dunleavy Brook Drive (the proposed work never started) (01:37:30 – 01:42:17)

- Ms. Jones performed a site visit and requested to discuss both CoC requests together because they are related to the same address. The first one is for the roadway, which was accepted by the town, and the Commission, issued a partial CoC for the house next door. The second item is which was for a barn that was permitted but never started. Mr. Gorman's recommendation is to issue a complete CoC for the #312-534 and issue a complete CoC for #312-692 with the invalid box checked off, as it was never built.

- **Motion:** Mr. Hogan made a motion to issue a complete Certificate of Compliance for DEP #312-534 Dunleavy Brook Drive. Ms. Steele seconded, and the motion passed unanimously by vote of 6-0-0.

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- **Motion:** Mr. Hogan made a motion to issue a Certificate of Compliance with an *invalid* Order of Conditions for DEP #312-692 for 56 Dunleavy Brook Drive. Ms. Steele seconded, and the motion passed unanimously by vote of 6-0-0.

REPORTED/ONGOING VIOLATIONS

1. Cobbler's Knoll Development (DEP No. 312-1013) (01:42:57 – 02:04:43)

- The following items were discussed - a new blow out of basin and Ms. Jones site visit with DEP personnel. Ms. Jones reported the basin was full and all of the water left at the same time, the force of the water knocked over the erosion control measures and made its way to the wetlands. DEP recommendations included the wetland scientist characterize the disturbance and design any mitigation; they continue to have the outlet structure allow water to escape in a clean controlled way and to the basin be fully rehabbed at the end of the project as well as potentially designing another outlet structure. Possible solutions for future projects discussed including a potential requirement in the OoC for a third party assessment when a violation occurs or someone overseeing the construction of the BMP. Members agreed to emphasize to the owner the importance that they are under Enforcement and the permit is set to expire in July. There was some discussion about the Commission's options if the "project dies".

Motion: Mr. Hogan moved to issue a second Enforcement Order that they have to provide to the Commission the report from the wetlands specialist on impact and a mitigation plan as well as mirror the statements from the original EO (to provide a stamped engineer plan to repair and complete the storm water basins per the original plan a engage any necessary specialists to accomplish this) by the 5/6/19 meeting. Mr. Holden seconded, and the motion passed unanimously by vote of 6-0-0.

2. 619 Quaker Highway (DEP No. 312-1062) (02:04:44 – 02:10:25)

**Mr. Gorman recused himself pursuant to the conflict of interest law and Mr. Hogan chaired the discussion.*

- Ms. Jones reported that the trees thought to be cut within the 25' buffer zone of the Isolated Wetland turned out to be mostly fall from trees cleared *outside* the 25' buffer zone. She requested and they complied in clearing the limbs and branches out of the buffer zone. The commission had issued an EO asking for replanting in the buffer zone – there are maybe 5 trees lost along the straw waddle probably as a result of being knocked over by other trees. Ms. Jones was looking for verification from as whether to leave the EO in place and members agreed to leave it place. Mr. Hogan noted that the DEP Sign is missing again. It was also mentioned that Mr. Powers inquired about placing a straw waddle in the back of the property but members agreed he requires an NOI to any work on the back side of the property.

**Mr. Gorman returned to the meeting.*

3. Forest Glen (DEP No. 312-1022) (02:10:37 – 02:10:59)

- The culvert installation has not yet started and there have not been any new siltation events.

4. Lanzetta Landscaping Yard (02:11:00 -02:12:00)

- An NOI for this item has been submitted which discusses some redevelopment of the site. Mr. Gorman noted they required via the EO or NOI that the berm is re-vegetated. Discussions will be had when the hearing is opened.

WETLAND UPDATES/ISSUES

3. Open Space Discussion (02:12:03 – 02:13:40)

- No new updates. The interns provided a draft that will be discussed in more detail during the 4/29/2019 workshop/ meeting.

4. Whitin Pond Title Search (02:13:41 – 02:20:44)

- The Commission is in receipt of the research performed by counsel's sub-consultant for the Whitin Pond title search. The document was several hundred pages but the summary page essentially identified the Heirs of

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Sydney Kovich as the current owners – who it was mentioned might not be interested in owning it. Members agreed the goal would be have the town assume ownership so grants could be pursued to maintain it. Ownership of the dam was also discussed. The summary title page will be available for further review & discuss during the 4/29/19 meeting (the entire doc is avail on dropbox). It was noted members of the Northbridge Conservation Commission might also attend for discussion.

5. Discussion of site compliance regarding active and expired Order of Conditions (02:20:45 – 02:36:25)
 - **New Item Regarding Medline** – they are asking clarification as to whether or not partial paving of the road way will enable them to meet one of the special conditions of their permit (regarding beginning work on lot 1 before the binder course is down). Ms. Jones met with representatives from Kelly Engineering and the contractors and provided the following summary to members. They not ready to completely pave the entrances as they are still adding gas lines etc; they are currently grading the Medline building (4 feet higher); they would like to begin grading the parking lot (lot 1) so they can use soil that is needed on the other side of the road in order to decrease the amount of soil that they have to import. Mr. Hogan mentioned the importance of ensuring they are looking to only the remove the material that was part of the original plan. It was also suggested, if commission chooses to bypass the special condition and allow work, that they should “build” that lot 1 rather than leave it open (grade it and pave it w/ storm water controls) and request a timeline for the lot to at least have a binder course down. Per Ms. Jones and Mr. Hogan, the overall site looks good.
 - A second equally or more important issue discussed was the wetland replication is past due by at about a year. Mr. Gorman summarized the related condition that it shall be started either before or in conjunction w/ the disturbance of the wetland and sub-conditions regarding the necessity to save plants; stockpile hydric soil; etc and none of those have been met. This cannot be achieved now but they can still initiate the replication process and that at a minimum it should be designed and graded.

Motion: Mr. Hogan moved to allow the applicant move forward with the construction per the plan on site one as long as the binder course is complete by September 1, 2019. The Commission is also requiring the Wetland Replication construction to have been begun and a representative with documented evidence of such to attend the May 20, 2019 meeting. Ms. Steel seconded and the motion passed by unanimously by vote of 6-0-0.

PROCESSING

- 3/18/19 and 4/1/19 Meeting Minutes (02:36:26 – 02:44:14)

Motion: Mr. Hogan moved to approve the 3/18/19 Conservation Commission meeting minutes as amended. Mr. Holden seconded, and motion passed by vote of 5-0-1. (*Ms. Steele abstained from voting because she did not attend the meeting*)
- Motion:** Mr. Shaw moved to approve the 4/1/19 Conservation Commission meeting minutes as amended. Mr. Holden seconded, and motion passed by vote of 4-0-2. (*Mr. Hogan and Mr. Bangma abstained from voting because they did not attend the meeting*)

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

1. 290 Millville Road site visit (02:44:15 – 02:46:14)
 - Ms. Jones prepared a letter for the BOS documenting the site visit. Mr. Gorman and Mr. Shaw reviewed the letter prior to the meeting.

Motion: Mr. Hogan made a motion for grant the discretion to the Chair and Agent to summarize the findings that were discussed at the meeting. Ms. Steele seconded, and the motion passed unanimously by vote of 6-0-0.
2. Pout Pond Gate and 2019 Season Discussion (02:46:16 – 02:50:08)
 - Members need to decide prior to the Memorial Day Weekend. Mr. Hogan suggested Fri-Sun night. Having beach attendants open it (they leave at 5) so they just need to figure out who will lock up? Need to work w/ PPRC to go and set up bathhouse. Dumpster; water on; general maintenance or clean up; septic maintenance. Etc. The Commission concurred with Mr. Gorman and Mr. Hogan coordinating w/ PPRC.

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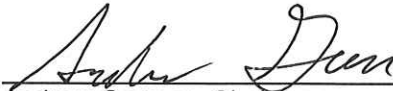
AGENT UPDATES

- General updates from the office – no new updates reported.

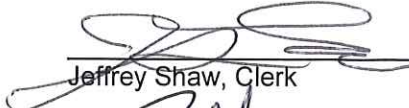
ADJOURNMENT-NEXT MEETING SCHEDULED FOR MONDAY, APRIL 29th, 2019

- **Motion:** Mr. Hogan moved to adjourn the 4/16/19 meeting of the Conservation Commission. Ms. Steele seconded and the motion passed unanimously by vote of 6-0-0.

Respectfully submitted,
Melissa Shelley



Andrew Gorman, Chairman



Jeffrey Shaw, Clerk




Jim Hogan, Vice Chair



Russell Holden, Treasurer

Lauren Steele, Member



Dale Bangma, Member

absent

Brad Allspach, Member

May 6, 2019

Date