

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



Conservation Commission Meeting Minutes
May 6, 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, Dale Bangma & Conservation Agent Holly Jones

Absent: Members Lauren Steele & 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 – 00:02:17)
Applicant: Aris Group LLC Representative: Andrews Survey & Engineering, Inc.
Project Description: 23 lot subdivision with associated roadway, drainage, and utilities

The hearing was originally continued to the May 20, 2019 meeting and the applicant requested to further continue to the first meeting in June.

Motion: Mr. Holden moved to continue the hearing per the applicant's request to the June 3, 2019 meeting of the Conservation Commission. Mr. Shaw seconded, and the motion passed by vote of 4-0-1 (*Mr. Bangma abstained*)

* *Mr. Shaw moved to table agenda item Tea Party Drive Grading discussion awaiting the representative's attendance. Mr. Bangma seconded and the motion passed by vote of 4-1-0 (Mr. Holden opposed)*

* *Mr. Shaw moved to table agenda item Hyde Park Circle Amendment discussion awaiting the representative's attendance. Mr. Bangma seconded and the motion passed by vote of 3-2-0 (Mr. Holden and Mr. Hogan opposed)*

2. **Notice of Intent (NOI), DEP#312-1082, 39 Tabor Road (Map 41, Parcel 1281)** (00:03:54 – 00:20:21)
Applicant: Keith Armstrong, Downeast Realty LLC Representative: Allen Engineering & Associates, Inc
Project description: Construction of a new single family house with associated grading and utilities in buffer zone of BVW. Previously permitted in 2005 as DEP#312-803 and 2009 as DEP# 312-903

Discussion: Lance Anderson, Allen Engineering & Associated represented the applicant at the hearing. DEP assigned file number #312-1082 w/ no comments. Mr. Anderson reviewed the plans for the single-family house with private septic system served by town water. The septic system is under review of the BOH for renewal and explained an OoC was recorded in 2010 but did not have a date of issuance. At that time, building permits could not be issued because of the there was a moratorium on building off East Street due to a water pressure issue. The BOS has now approved the remaining four lots to tie into the public water system. It was noted that his house has its own internal water pressure system, which was one of the reasons for it was released. Conditions discussed included ensuring the limit of disturbance (LOD) label is on the ECB line on the plan and to carry the ECB line all the way to the property line on the cul-de-sac due to extent of the grading required. Mr. Armstrong consented to the conditions discussed. Keith Armstrong, the site owner, stated this lot was cleared 5 years ago and there are no large trees to be removed just saplings that have grown in since the clearing. Commissioners did not have any other comments from a design perspective. There were no public comments.

Motion: Mr. Hogan moved to close the public hearing and issue an Order of Conditions for DEP#312-1082 39 Tabor Road with the Uxbridge Standard Special Conditions and the following special conditions: (i) the applicant or it's representative shall submit a revised plan to the Commission prior to the start of work depicting the LOD along the ECB; (ii) that the southern limit of the erosion control barrier shall extend to the bulb of the cul-de-sac along the 100' wetland buffer line to Tabor Road; and (iii) use of a fiber waddle sock shall be used as the ECB. Mr. Bangma seconded, and the motion passed by unanimously by vote of 5-0-0.

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3. **Notice of Intent (NOI) DEP# 312-10XX, 32 South Main St (Map 25, Parcel 918)** (00:20:23 – 00:34:32)

Applicant: Town of Uxbridge DPW

Representative: GHD, Inc.

Project Description: Replace a section of an existing masonry/rock culvert, install a deep sump catch basin, and install a parking lot on the previously developed property. The entire property is within the 200' riverfront area of the Mumford River, and a portion is within the 100' riverfront area.

Discussion: Marc Drainville with GHD attended on behalf of the applicant. Mr. Drainville, provided a background and reviewed aerial photographs and plans for the site. The Providence and Worcester Railroad is requiring a 30' offset from the tracks and is asking for fence to restrict access to tracks. The plan for the 5500 sq. ft., 16-spot parking lot, including the offset from the railroad. This shall result in an approximate 30% reduction in impervious surface from the previously developed site. There is also a reduction in the peak runoff in the 2- and 10-year storm. Mr. Drainville explained the culvert is still there (albeit in need of repair) and the drain line will be maintained in its current position. There is an existing catch basin on the railroad owned portion of the site but it is unofficially abandoned. A new deep sump catch basin is being proposed for additional capture of solids in the usable area between the lot and the railroad. He also added the railroad prefers the town not use their property because any type of use or maintenance beyond the fence will require a railroad flagman. Mr. Drainville said they looked at alternatives but they were finding debris in test pits so installing a storm water system didn't seem plausible.

No members of the public commented on the hearing.

Motion: Mr. Hogan moved to continue the public hearing for 32 South Main Street to the next meeting of the Conservation Commission in anticipation of a DEP file number. Mr. Shaw seconded, and the motion passed unanimously by vote of 5-0-0.

4. **Notice of Intent (NOI) DEP # 312-10XX, 126 & 148 Ironstone St and 64 Balm of Life Spring Rd (Map 50, Parcels 827 & 835 and Map 51, Parcel 147)** (00:34:42 – 01:13:16)

Applicant: Milton Real Properties of Massachusetts, LLC Representative: Andrews Survey and Engineering, Inc.

Project Description: Pave additional surfaces around existing building including a second access from Quaker Highway. Install a new-paved driveway and stormwater management features that will mitigate the increase in impervious surfaces. The project area is within the Riverfront Area of Bacon Brook and buffer zone of a bordering vegetated wetland.

Discussion: Travis Brown, with Andrews Survey and Engineering and Ethan Flinkstrom, with Colby Company Engineering (provides engineering and construction support to Milton Caterpillar Inc.) attended on behalf of the applicant. Mr. Flinkstrom explained that Milton CAT is looking to expand their ProQuip business (compact construction equipment rentals – 13 stores in New England) and this site fits the needs for a small branch store. They are assessing property and required permits before signing a Purchase and Sale agreement. He also noted because they are from Portland, ME they hired AS&E to assist with the local permitting assessments and requirements. He explained the existing building would be used as a small support store and require some minor renovations. There is an existing shop behind the building which they plan to maintain as is. They would be installing a small wash bay in the shop space with 100% recycled wash bay system. He believes the existing utilities are all adequate – no new floor drains or sewer system. Mr. Brown added the details of the additions to the parking areas - mostly on the Quaker Highway side of the property – and explained the storm water measures. To mitigate the addition to the impervious surface they are proposing the addition of a catch basin, vegetated swale and separator. Because the use is considered fleet storage, it falls under the Land Use with Higher Potential Pollutants Load category. To offset that the separator unit was added. There will be some grading required into the 2:1 slope but no additional trees will be cut. Mr. Brown thought they were in compliance with the standards and emphasized all work is outside the 50' buffer and just a small portion in the 100' buffer of the BVW. Mr. Hogan said he didn't see any issues with the plan before them but mentioned the open violation and Mr. Gorman went over the enforcement options and described the 2 corrective actions have been taken. Mr. Gorman also clarified that the juniper plantings were in response to a prior EO and the Commission would like to see that area is vegetated as closely as possible and noted on the plan. Mr. Brown said the trucks/equipment will be parked in both the paved and unpaved areas on the site. Mr. Gorman mentioned the OoC is written in that certain equipment and vehicles require drip pans/protective measure. Members scheduled a site visit for 5/7/19 at 5:30pm.

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Three members of the public commented during the hearing. Ann Schavone, an abutter at 111 Ironstone Rd., attended with some questions and concerns for the safety for Bacon Brook and the private wells on Ironstone St. given the type of equipment being proposed to be stored. Mr. Brown provided an explanation of the proposed storm water system. Ms. Schavone mentioned recent changes to the berm and Mr. Gorman explained the recent enforcement requested by the commission. Mr. Lanzetta, the landowner, also spoke about the restoration efforts and also mentioned 21E monitoring wells recently tested on site and offered test results.

Ed Martinson, 142 South Street described his concerns with excavation and gravel removal from the site during the summer of 2018. He is concerned with what the earth removed has been replaced with and the potential to contaminate wells on Ironstone St. Mr. Gorman reminded Mr. Martinson that the Commission doesn't review 21E criteria for water testing and again described the Commission's enforcement action taken for the changes to the berm.

George Goulet, 93 Ironstone Rd., an abutter spoke with similar concerns for the safety of Bacon Brook and wells and questions related to the previous encroachment of the berm. Members explained Mr. Lanzetta did was asked of him which was to restore the berm and to stabilize with wood chips and plantings.

Motion: Mr. Hogan moved to continue discussion on 126 & 148 Ironstone St and 64 Balm of Life Spring Rd to the next meeting of the Conservation Commission in anticipation of a DEP file number and a site visit. Mr. Shaw seconded and the motion passed by vote of 5-0-0.

** The Commission took up discussion of the enforcement order for the Lanzetta Landscaping Yard under Reported/Ongoing Violation due to its relevance.*

REPORTED/ONGOING VIOLATIONS

1. Lanzetta Landscaping Yard (01:13:17 – 01:15:34)

- Ms. Jones shared her opinion that the slope and mulch is stable but sparsely re-vegetated. Mr. Gorman said he would be ok w/ lifting the order but Mr. Holden recommended waiting because they will be on site the following day.

Motion: Mr. Holden moved to continue discussion to next meeting of the Conservation Commission. Mr. Shaw seconded, and the motion passed by vote of 4-1-0 (*Mr. Bangma opposed*)

PUBLIC HEARINGS

5. **Notice of Intent (NOI) DEP # 312-1083, 100 Campanelli Drive (Map 28 parcel 1746)** (01:15:48 – 01:50:03)

Applicant: Robert Demarco, Campanelli Uxbridge II LLC

Representative: Kelly Engineering Group, Inc.

Project Description: An approximately 132,300 square foot greenhouse and processing center in a portion of Lot 2 with associated parking, loading, and drainage in the buffer zone to a bordering vegetated wetland.

Discussion: Mr. David Mackwell with Kelly Engineering Group attended on behalf of the applicant. Ms. Jones has been to the site and walked the wetland edge. This is the second project (Lot 2) in the Campanelli Industrial park. Lot 2 is slated to be split into 2 lots – Lot A 6.9 acres and Lot B 9.8 acres. The proposed use for Lot 2A is a marijuana cultivation and processing facility. Associated with the proposal is 68 parking stalls and 1 loading dock. Mr. Mackwell reviewed the plans to develop Lot 2A and buffer zone impacts. All the work is outside 25' no disturb zone. The stormwater is the only work proposed inside 100' buffer to support the creation of the stormwater management pond. The project doesn't require extensive paved areas. The building is approximately 2 acres and the parking area about .9 acres. They have already met with Planning Board and Graves has reviewed the project. Mr. Mackwell provided some additional information on the drainage systems roof collection and parking lot consisting of 2 catch basins, a water quality device, and an infiltration/detention basin. Mr. Holden asked whether any Low Impact Design (LID) features could be incorporated to minimize the size of the infiltration basin (e.g. green roof, porous pavement, rain gardens). Mr. Mackwell explained they explored LID features and explained why they couldn't use various features (eg. a green roof doesn't work because the roof is 2 part (dormer) peaked roofs and open to the sky and there were no opportunities to collect a sheet run off, the grading on site makes it difficult to use bioswales). There was a review of the ecbs. Mr. Holden expressed his reservations about issuing a permit because there have been issues with everything they've permitted so far (the clearing of lot one; work before the binder course being down; the replication area not started). Mr. Holden also

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explained this area is rated the 2nd highest ecological valued resources in the town (per a Mass Audubon and other stakeholders maps). Mr. Gorman said it is zoned for Industrial Use so it is an allowed use by right, that that it meets 8 interests of the WPA, it's not crossing a wetland so he would be hard pressed to find any issues with the design. Mr. Hogan suggested a condition of no snow stockpiling signs on the north side of the parking area/truck turnaround. DEP did not have any comments upon file number issuance. No members of the public commented on the hearing.

Motion: Mr. Hogan moved to close the hearing for DEP#312-1083 100 Campanelli Drive. Mr. Shaw seconded, and the motion passed by vote of 4-1-0. *(Mr. Holden opposed)*

Motion: Mr. Hogan to issue an Order of Conditions w/ Uxbridge Standard Special Conditions for DEP #312-1083, 100 Campanelli Drive. with the added condition that no snow stockpiling signs should be established on the northerly side of the parking and turnaround area adjacent to the infiltration basin with the location and language to be approved by the Commission or it's agent. Mr. Shaw seconded, and the motion passed by vote of 4-1-0. *(Mr. Holden opposed)*

**Mr. Hogan moved to un-table the Public Hearings for Tea Party Drive and Hyde Park Circle. Mr. Shaw seconded, and the motion passed by vote of 4-1-0 (Mr. Holden opposed).*

6. Notice of Intent (NOI), DEP #312-10XX, Tea Party Drive Grading (01:50:37 – 01:51:33)

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 rip rap slope.

Discussion: Dale McKinnon, Guerriere & Halnon, represented the applicant at the hearing.

Mr. McKinnon asked for an extension as he has not yet met with the geotechnical engineer yet. No members of the public commented on the hearing.

Motion: Mr. Shaw moved to continue the hearing for Tea Party Drive Grading to the next meeting of the Conservation Commission. Mr. Hogan seconded, and the motion passed unanimously by vote of 5-0-0.

7. Amendment to Order of Conditions, DEP #312-1050, Hyde Park Circle (01:51:33 – 02:07:12)

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.

Discussion: Dale McKinnon, Guerriere & Halnon, represented the applicant at the hearing. He provided plans for Lot 10D of the sections and an overlay of the new plan to the original. On Lot 10 D the houses are in the same locations but the grading for the front and rear have changed to accommodate necessity of raising the swale to in the rear because of the changes made to Lot 10C. Mr. McKinnon reviewed the berm and swale in detail. The grading changes in the proposed lot is about 4'. There was some discussion among members about the 1:1 slope from an erosion control perspective. Ms. Jones mentioned in this area they have done some steep slopes with that swale successfully and the ecb's are wire backed and jute mats are being used on exposed areas. Mr. Gorman recommended a condition of final engineering sign off from the town's peer reviewer of the basin before a CoC is issued. No members of the public commented on the hearing.

Motion: Mr. Hogan moved to close the public hearing and amend to the Order of Conditions for DEP#312-1050, Hyde Park Circle with the plan dated 3/11/19 with the added condition that the applicants shall maintain the erosion control barrier as a reinforced silt fence with a mulch sock component, and that a Certificate of Compliance shall not be issued until a final satisfactory review of the infiltration basin is performed by the Town's third party engineer. Mr. Shaw seconded, and the motion passed unanimously by vote of 5-0-0.

** The following two agenda items under Wetland Updates/Issues were taken out of order to accommodate the remaining audience members.*

WETLAND UPDATES/ISSUES

1. Request for extension of OoC, Rogerson Commons DEP# 312-1012 (submitted 4/23/19) (02:07:27 – 02:22:01)

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- Travis Brown, AS&E, explained the reason for the request to extend the OoC is that they have approximately 60-90 days of residential construction and expect to come before the board in approximately 3-4 months for a CoC. The areas in the buffer zone have been loamed and seeded – they are just waiting for the grass to grow. The expiration date of the Order is 5/3/19. The request was dated 4/22 and received 4/23 which happens inside the 30-threshold requirement outlined 310 CMR 10.05 Section 8 1st paragraph. Mr. Gorman explained they would like to extend the order, especially because they have been so responsive & compliant, but he does not believe they have the ability and in past practice the Commission has not issued extension within 30 days of the expiration date. Members and the applicant reviewed the work remaining in jurisdictional areas and options to satisfy the OoC less costly than a requesting new NOI. Mr. Bordman stated they are working on the last 3 buildings on the right and the foundations, frames and earthwork is complete. Members and the applicant agreed to utilize the option of the Enforcement Order process to finish the work.

Motion: Mr. Hogan moved to issue an Enforcement Order with the corrective actions to complete the outstanding list of items in the correspondence dated April 22, 2019 maintaining the same special conditions as the original NOI and OoC for DEP#312-1012. The applicant every 30 days will submit notice to the Conservation Agent as to the status of the work and working towards the certificate of compliance. The commission expects the work to be complete by 9/1/19. Mr. Bangma seconded, and the motion passed unanimously by vote of 5-0-0.

2. Discussion of site compliance regarding active and expired Order of Conditions (02:22:02 – 02:27:48)
 - New Item Not on Agenda: 0 Newell Road Solar Project DEP#312- ? - Applicant requested the Commission to provide commentary on a potential plan change. **Mr. Holden recused himself because he is an abutter.*
 - Ed Switzer with Forefront Power attended on behalf of the applicant. He explained the project was permitted last year and landowner has requested the ability to maintain Old Still Corner Road to access other parts of his property. In order to comply with his request they shifted and reduced the number of panels by about 930. He stated they are on the May 22 Planning Board agenda with the request to designate this as a minor change. Specifically Mr. Switzer described the changes as follows: (i) reduced the total number of panels (ii) shifted some from what was a large array to two smaller arrays, (iii) impervious was slightly increased from 1.98 acres to 2.05 acres and reran stormwater calculations with no changes, (iv) the grading has increased from 8.65 to 8.79 acres; (v) no change in in the amount of tree clearing impact to jurisdictional areas or buffer zones. There was some discussion of the stockpile areas. Based on the lack of increased buffer zone disturbance Mr. Gorman thought this could be approved as a minor change.

Motion: Mr. Hogan moved to recognize the post plan change as a minor change to the approved plans stamped and dated 4/29/19. Mr. Bangma seconded, and the motion passed unanimously by vote of 4-0-0.

** Mr. Holden returned to the meeting.*

REPORTED/ONGOING VIOLATIONS

1. 32 Church St (02:28:07 – 02:34:28)
 - On the agenda previously as a violation, the EO was kept open but taken off the agenda due to lack of contact with the owner. A parking area has now been created within the buffer zone / in the resource area. The resource area is regulated as BVW because it has a culvert connection to another BVW otherwise it would just be an Isolated Wetland. It was noted that there are now no trespassing signs posted but the entire site is visible from the street. Ms. Jones described the changes she has observed. Various attempts to contact the owner, including certified mail and knocking on the door, have all been unsuccessful.
Motion: Mr. Gorman moved the Commission request the Agent correspond Town Council seeking response from the appropriate party. Mr. Shaw seconded, and the motion passed unanimously by vote of 5-0-0.
2. Cobbler's Knoll Development (DEP No. 312-1013) (02:34:29 – 02:47:20)
 - The Commission is in receipt of a report from B&C associated regarding conditions and corrective actions. Some key points of the report include: (i) doesn't recommend new plantings; (ii) recommend removing the silt w/ 5-gallon buckets; (iii) onsite monitoring after every ¼" rain event by the SWPPP administrator. As part of the last EO the Commission requested who the SWPPP is and copies of the SWPPP report – none have

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been received to date. Their permit is expiring in July so he has to apply by early June. After discussion, members agreed to use the next meeting as the deadline for engineered drawings how the basin is going to be corrected as noted by the applicant's stormwater professional or Commission will be considering shutting down the site again. There was also discussion as to whether the operator should start some of the corrective actions and whether that work should be overseen by wetlands scientist. Mr. Gorman recommended denying a renewal of the OoC (if the applicant submits a request) so the Commission can issue a new OoC w/ more stringent conditions on the monitoring specifically by qualified professionals. To summarize, members expect attendance from the owner at the next meeting, the engineering report, the silt cleaned out, the erosion control measures in before the next meeting.

3. 619 Quaker Highway (DEP No. 312-1062) (02:47:33 – 02:49:45)

** Mr. Gorman recused himself from discussion under the conflict of interest law and Mr. Hogan chaired discussion of this item.*

- Ms. Jones reported Mr. Powers has planted 8 new evergreens in the buffer zone of the isolated wetland. The big DEP sign is resting against the building. It was mentioned he is still working without a signed building permit. Mr. Powers has said he plans to come before the Commission in June for work in the back of the building and that he understands it will require an NOI.

Motion: Mr. Holden moved to lift the enforcement order for 619 Quaker Highway. Mr. Bangma seconded, and the motion passed unanimously by vote of 4-0-0.

** Mr. Gorman returned to the meeting.*

4. Forest Glen (DEP No. 312-1022) (02:49:50 – 02:51:43)

- Ms. Jones reported she spoke with John O'Hearne and noted that the installation of the culvert has yet to commence. The sewer pipes they have been waiting for are finally in and the contractor has an injury so they may work with someone else. Mr. O'Hearne expects the work to start be any day now. Ms. Jones said the site is stable. Members requested the agent to ask for updated timeline in writing.

WETLAND UPDATES/ISSUES

1. Request for CoC, DEP# 312-592 (previously issued, never recorded) (02:51:45 – 02:53:42)

- Vechionne Mendon St. Project that is now a solar field - the CoC for the parking lot that was there before the solar field was issued but never recorded and the Solar company would like to clear up the open OoC.

Motion: Mr. Hogan moved the Commission re-issue the Certificate of Compliance for DEP#312-592. Mr. Holden seconded, and the motion passed by vote of 5-0-0.

2. Request for CoC, DEP# 312-292, 355 West St (02:53:43 – 02:55:30)

- Ms. Jones' May 1 inspection report indicated some significant amounts of litter, construction debris, refuse, a tire and a metal barrel in the wetland. Her recommendation was to hold off on issuing the CoC. The property is in foreclosure and the company is in PA so Ms. Jones explained the process.

Motion: Mr. Holden moved to deny the Certificate of Compliance for DEP#312-292. Mr. Shaw seconded, seconded and the motion passed unanimously by vote of 5-0-0.

3. Open Space Discussion

- Mr. Gorman administratively tabled this and the following item.

4. Whitin Pond Title Search

- Item tabled

5. Discussion of site compliance regarding active and expired Order of Conditions (02:55:40 - 02:57:12)

- Ms. Jones received an updated from the DEP on 5/6/19 that they executed an ACO with the DPW re a previous violation on Hecla site. Ms. Jones agreed forward to members.

PROCESSING

- Attendance discussion (02:57:12 – 03:03:36)

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- Mr. Gorman requested a discussion regarding attendance. He wanted to make members aware of the difficulty trying to coordinate a meeting with quorum when he is not aware if a member will be absent. He said he understands for the most part everyone makes an effort to attend the meetings but one has missed more meetings and does not often communicate his absence. Everyone agreed he has been a helpful member and shows interest in the site visits and attended the MACC Conference but the interest needs to translate into meeting attendance. Members agreed with the difficulty but did not take any action at this time.
- 4/16/19 Meeting Minutes (03:03:38 – 03:05:48)
Motion: Mr. Shaw moved to approve the 4/16/19 meeting minutes of the Conservation Commission. Mr. Hogan seconded and the motion passed by vote of 5-0-0.

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

- Pout Pond Gate and 2019 Season Discussion (03:03:39 – 03:06:49)
PPRC is meeting next week and members agreed work with them off the record.

AGENT UPDATES

- General updates from the office – no new updates

ADJOURNMENT-NEXT MEETING SCHEDULED FOR MONDAY, MAY 20th, 2019

Mr. Shaw moved to adjourn the Monday May 6, 2019 meeting of the Conservation Commission. Mr. Hogan seconded, and the motion passed by vote of 5-0-0.

Respectfully submitted,
Melissa Shelley



Andrew Gorman, Chairman



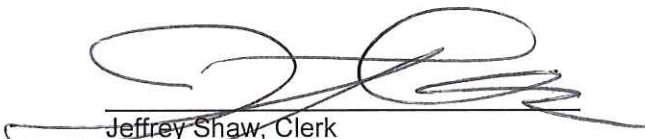
Jim Hogan, Vice Chair

absent

Lauren Steele, Member

absent

Brad Allspach, Member



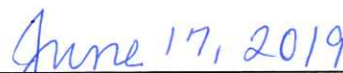
Jeffrey Shaw, Clerk



Russell Holden, Treasurer



Dale Bangma, Member



Date

