



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



Conservation Commission Meeting Minutes  
June 3, 2019  
Board of Selectmen Room, Uxbridge Town Hall

Received by  
Uxbridge  
Town Clerk

**Present:** Chair Andrew Gorman, Vice Chair Jim Hogan, Treasurer Russell Holden, Members Lauren Steele, Brad Allspach & Conservation Agent Holly Jones

**Absent:** Clerk Jeff Shaw and Member Dale Bangma

**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)** (00:00:37 – 00:08:18)  
Applicant: Aris Group LLC Representative: Andrews Survey & Engineering, Inc.  
Project Description: 23 lot subdivision with associated roadway, drainage, and utilities

**Discussion:** The applicant requested to continue the hearing to the first meeting in July because the representative is still working on engineering changes. Mr. Gorman explained that Mr. O'Connell offered to update the Commission but his recommendation was to continue due to potential problems meeting quorum at future meetings. The Mullin Rule only allows for one missed meeting for a member to have the ability to be able to vote. If the hearing were to be opened this evening, three members would be ineligible to vote. One abutter spoke on some administrative matters to the board.

**Motion:** Mr. Hogan moved to continue DEP#312-1081 to the July 1<sup>st</sup> meeting of the Conservation Commission. Ms. Steele seconded, and the motion passed by vote of 4-0-1. (*Mr. Holden abstained*)

2. **Notice of Intent (NOI), DEP #312-10XX, Tea Party Drive Grading** (00:08:19 – 00:08:54)  
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:** The applicant formally requested to continue to the next meeting of the Conservation Commission as they are pursuing additional geotechnical work and the storm water plan was only recently submitted to the Commission and DEP for review.

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

3. **Notice of Intent (NOI), DEP #312-10XX, 639 Hartford Avenue East** (00:08:55 – 00:27:56)  
Applicant: Worcester County Real Estate Investments, LLC Representative: Andrews Survey & Engineering, Inc.  
Project Description: Single-family house, patio, in-ground pool, cabana, private well and private septic with associated earthwork, landscaping paving and utilities within the wetland buffer zone and riverfront area.

**Discussion:** Mr. O'Connell, Andrews Survey and Engineering, attended on behalf of the applicant to describe the project. This second lot being developed of a previously approved project. The abutting site has been built and is occupied. An OoC was issued for this property with a different configuration under DEP#312-1041. They now have a buyer with specific needs which the reason for the new plans and NOI. Steve highlighted the resource areas on site, a BVW on SE side of property and riverfront associated with the West River. There is no work in proposed in the mapped priority or estimated habitat of rare wildlife. Mr. O'Connell reviewed the differences between this and the previously approved application (the house is much closer to Hartford Ave East, less vegetation disturbance, uses some existing paved areas). During the review, some minor plan changes were identified and will be updated (the LOD is off and the 13% riverfront disturbance is not accurate). Mr. O'Connell also noted that they are proposing to remove a portion of the existing paved area in the buffer zone and loam and

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seed the area. It was brought up that the alternatives analysis has not yet been submitted and is still required in written form. Members discussed carrying over the same condition regarding removal of trash from the previous OoC and the possibility of markers along the BVW line. DEP has not yet assigned a number. Members scheduled a site visit for 6/12/19 5:30. No members of the public spoke to the hearing.

**Motion:** Mr. Hogan moved to continue the hearing for 639 Hartford Ave East to the next meeting of the Commission in anticipation of a DEP number, plan revisions and site visit. Ms. Steele seconded, and the motion passed unanimously by vote of 5-0-0.

\* *The agenda was taken out of published order to accommodate audience members.*

### **REPORTED/ONGOING VIOLATIONS**

1. Cobbler's Knoll Development (DEP No. 312-1013) (00:27:57 – 00:47:22)
  - Mr. O'Connell, Andrews Survey and Engineering, attended on behalf of FICO. He reviewed the highlights of the DEP enforcement meeting. Mr. O'Connell AS&E, Joe Marinello FICO, Denise Child DEP Section Chief and Judy Schmitz, DEP Circuit Rider attended. There will be a penalty forthcoming (a formula used to determine the fine is being calculated based on the results of the meeting and a number of other factors). A narrative / construction sequence was added to the approved plan to complete the storm water basin which Mr. O'Connell reviewed the steps (*to monitor weather forecast and schedule work when there is no upcoming rain; place all ecb and lod barriers; perform all restoration and clean-up work required as a result of the infiltration basin/berm washout; work shall follow procedures and protocols approved by DEP; install 36" drain pipe, drain manholes and any other associated infrastructure; perform final construction of the infiltration basin per the specifications on the approved plan; verify all areas are stabilized; inspect sediment forebay after each rain event and clean as needed; maintain all lods, ecbs, etc*). A one month timeframe to complete all the tasks above was agreed to by Mr. Marinello & DEP. DEP also requested a more detailed assessment by B&C associates of the impacts that occurred during the washouts by or around June 12 to quantify the results. During the enforcement meeting, it was agreed that there was not enough impact to require additional plantings or long-term monitoring. Mr. O'Connell reported that most of the sediment from the washouts has been removed. DEP will have a follow up inspection and Graves Engineering will also be performing onsite inspections on behalf of the Planning board. Mr. O'Connell submitted a request to extend the OoC on 6/3/19 via email.
2. Commerce Drive (ACOP-CE-18-6W004-NT) (00:47:27 – 00:49:48)
  - Mr. Gorman recapped his site visit and identified the following as the outstanding items on the EO (EcoTec's report for this year and vernal pool certification). Mr. O'Connell informed members that Art Allen with EcoTec was on site two weeks prior and was able to obtain documentation for 3 certifiable vernal pools that he will be submitting to NHESP. Members agreed to wait to receive Mr. Allen's report before removing the item from agenda and lifting the EO.

### **WETLAND UPDATES/ISSUES**

1. Whitin Pond (00:50:50 – 01:09:58)
  - Discuss Possibility of Diagnostic/RFP for Pond and Watershed
    - Mr. Gorman recommended obtaining quotes for the cost for a diagnostic for both Whitin Pond in isolation and surrounding watershed and requested participation from other members and/or permission for he and Ms. Jones to develop an RFP. Additionally, Mr. Gorman identified a couple of non-matching grants that may be applicable through the Bureau of Land Management. Mr. Hogan recommended, and other members agreed to have the agent reach out to Mike Gallerani, Town Planner for his input. Mr. Holden outlined his opinion on the source of the problem (run-off from the Whitinsville Golf Club and overflow Douglas Wastewater Plant) and recommending directing efforts and resources towards mitigation as it may be hard for the Commission to influence the contributing factors. Mr. Gorman agreed to include the cost to augment local harvesting efforts within the RFP. The importance of having the diagnostic information was noted by a few members (it will be useful if an organization takes over management of the pond and/or inclusion in a grant request). Members also discussed the importance of local involvement and annual hand harvesting as part of remediation. It was mentioned that the Town owns a small parcel to access the pond next to the outflow of the dam at the Progressive Club.
    - Jeffrey Schoonmaker, Linwood St, an abutter to the pond attended out of interest and offered some additional information. He noticed the water chestnut appear in Whitin Pond approximately 10-12 years

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ago after the Town of Douglas started a physical removal in a section of the Mumford river. He observed it eventually made its way to Rice City Pond where mechanical harvest occurred approximately 5 years ago. He noted the weeds themselves create a biomass and contribute further to the problem. He provided his observations of the effects the overgrowth has had on wildlife such as river otters, beavers, and waterfowl.

- Members thanked Mr. Schoonmaker for his interest and shared his concerns. Everyone agreed moving forward to pursue the cost for both diagnosing and remediation via the RFP process.

\* The agenda returned to the published order.

### REPORTED/ONGOING VIOLATIONS

3. 32 Church St (01:10:06 – 01:10:41)
  - No new updates. Ms. Jones agreed to contact Town Counsel for an update on the letter they were sending regarding potential disturbances observed by Commissioners from the public road and by neighboring properties.
4. Forest Glen (DEP No. 312-1022) (01:10:42 – 01:11:44)
  - Per Ms. Jones last visit it appeared they were making progress on installing the culvert.
5. 350 North Main St. (DEP No. 312-1023/1025) (01:11:46 – 01:20:14)
  - Members re-capped the issue (potential asphalt/driveway paving operations and equipment on site). Ms. Steele reported seeing paving/asphalt types of activity on the property (in the driveway next to the dilapidated house) at least twice. Members questioned is what is permissible within the paved areas and discussed the prior NOI's and EOs. There was agreement that the Commission's concern is physical disturbances to the vegetated areas. Members agreed to hold off until Ms. Jones visits the site to obtain additional information.

### WETLAND UPDATES/ISSUES

1. Discussion of site compliance regarding active and expired Orders of Conditions (01:20:22 – 01:21:52)
  - It was mentioned that two (2) solar projects are beginning construction (Forefront Power/Newell Rd. and Quaker Street)

### PROCESSING

- 5/06/19 & 5/20/19 Meeting Minutes – (5/6/19 minutes passed over due lack of quorum) (01:21:53 – 01:27:58)

**Motion:** Ms. Steele moved to approve the 5/20/19 meeting minutes of the Conservation Commission as written. Mr. Allspach seconded, and the motion passed by vote of 4-0-1. (*Mr. Hogan abstained*)

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

1. Pout Pond General Discussion (01:28:03 – 01:31:16)
  - New Pout Pond Rec Committee Members Needed for June and End of Season
    - The pond/gate is open now on weekends until June 17 (last day of school) and then it will be open from 9-5 during the week. It was noted that the property can be accessed dusk to dawn. The Pout Pond Recreation Committee (PPRC) is looking for 2 new members. Cindy Scott is not continuing her tenure after her term expires this June. Jennifer Modica agreed to stay on until the end of summer. Members thanked Mrs. Scott and Mrs. Modica for all their work at Pout pond.
2. Pollinator Pledge Discussion (01:31:18 – 01:54:04)
  - Members discussed and assigned a point person the following potential pollinator goals: (i) utilizing the woodchip area at Pout Pond to plant a pollinator garden (ii) drafting a solar specific OoC that require wildflower mixes (this would serve the WPA and meet the pollinator pledge) – AG (iii) recognize the Community Gardens (iv) start a project identifying pollinators in Uxbridge on the iNaturalist app RH. (v) develop an informational flyer LS (vi) reach out to the bee keepers in town to see if they could coordinate an education session JH (vii) offer conservation land such as Legg Farm to maintain a bee hive (viii) work w/ local scouts to create habitat for carpenter bees (ix) give away or sell wildflower seeds. Requiring

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native grasses and wildflower mixes in solar projects was discussed in more detail and the importance of also incorporating vegetative management plans was highlighted. It was also mentioned that DCR (holder of the Conservation Restriction at Legg Farm) has requested a site walk and June 18 was identified as the preferred date.

**AGENT UPDATES** (01:54:06 – 01:58:58)

- General updates from the office
  - Mr. Hogan worked w/ Ms. Jones on a potential violation behind the UHS – loose tires, tire bridges and other things in protected areas. Members agreed to add this item to the agenda for the next meeting and invite Scott Pashoian, the Facilities Director and/or someone from the Superintendent's office.

**ADJOURNMENT-NEXT MEETING SCHEDULED FOR MONDAY, JUNE 17, 2019**

Mr. Hogan moved to adjourn the June 3rd meeting of the Conservation Commission. Ms. Steele seconded, and the motion passed unanimously by vote of 5-0-0.

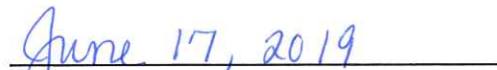
Respectfully submitted,  
Melissa Shelley

  
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Andrew Gorman, Chairman

  
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Jim Hogan, Vice Chair

  
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Lauren Steele, Member

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Brad Allspach, Member

  
\_\_\_\_\_  
Date

*absent*

\_\_\_\_\_  
Jeffrey Shaw, Clerk

  
\_\_\_\_\_  
Russell Holden, Treasurer

*absent*

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Dale Bangma, Member