



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



Conservation Commission Meeting Minutes
Monday April 2, 2018
Board of Selectman's Room, Uxbridge Town Hall

Received by
Uxbridge
Town Clerk

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

It being 6:30 pm, the meeting being properly posted, duly called and a quorum being present, the Chair called the meeting to order.

PUBLIC HEARINGS

Mr. Shaw moved to take the Public Hearings out of published order to hear NOI #312-1062, 619 Quaker Highway first because there was no quorum at the previous meeting to hear the applicant. Mr. Hogan seconded & the motion passed by vote of 6-0-0.

1. **Notice of Intent (NOI), DEP #312-1062**, 619 Quaker Highway (Map 45, Parcels 2998 & 3816) (00:01:20 – 00:29:50)
Applicant: Kevin Powers Representative: Marc N. Nyberg Associates, Inc.
Project Description: Clearing and grading within the buffer zone in preparation for later site development.

Mr. Gorman recused himself due to professional involvement.

Discussion: DEP #312-1062 was assigned with comments the primary being that a storm water checklist should be provided with sufficient documentation to demonstrate that the proposed changes, cover type and slope, will not increase peak flows or cause erosion sediments. Mr. Powers, the property owner, attended and explained he plans to clear and grade the land up to the 25' wetland flags – eventually on both sides of the resource area but this NOI is just for the NE (Quaker Highway) side. He indicated the clearing backside of the property later is "phase 2" and understands either a new or an amended NOI will be required for that work. This NOI did not include plans for how the cleared area will be used. Mr. Powers mentioned he may use it as a dirt lot for parking and storage but his plans are not finalized at this time. A building is going to be constructed on the site outside the 100'. Members explained that they need to understand the final state to be able to permit the work between the 25' and 100' buffer. Additionally they explained if he plans any future work between the 25' and 100' buffer will need to be permitted including parking, paving, buildings etc. additional NOI's will be required. Mr. Holden described project segmentation and why it is somewhat frowned upon and as not cost effective for the applicant. Members agreed that DEP's requirements still need to be addressed and put on the plan. Mr. Power agreed to work with his engineer to update the plan with the required information discussed this evening. Mrs. Danza offered to also talk with his engineer. No abutters attended.

Motion: Ms. Steele moved to continue DEP #312-1062 to the next meeting of the Conservation Commission. Mr. Shaw seconded, and the motion passed by vote of 5-0-0.

Mr. Gorman returned to the meeting and the agenda returned to the published order.

2. **Notice of Intent (NOI), DEP #312-1054**, 0 Newell Rd. & 0 S Main St. (Map 25, Parcels 2065 & 4434) (00:30:17 – 00:30:35)
Applicant: ForeFront Power, LLC Representative: TRC Environmental Corporation
Project Description: Construction of a 4-megawatt ground mounted solar facility with work in bordering vegetated wetlands and associated buffer zones.

Discussion: The applicant formally requested to continue to the next hearing.

Motion: Mr. Hogan made a motion to continue DEP #312-1054 0 Newell Road & 0 South Main Street to the next meeting of the Conservation Commission. Mr. Shaw seconded and the motion passed by vote of 5-0-1. Mr. Holden abstained.

3. **Notice of Intent (NOI), DEP #312-1061**, 0 Quaker St (Map 51, Parcel 2341) (00:30:39 – 01:10:37)
Applicant: ZPT Energy Solutions, LLC Representative: LEC Environmental Consultants, Inc.
Project Description: Construction of a 2 MW photovoltaic solar array and associated site work within the 100' Buffer Zone to a BVW.

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Discussion: Ernie Mello, ZPT, attended the meeting with Sam Hemingway from Fuss and O'Neil. Mr. Mello reviewed the changes to the plan that were identified during the site walk and comments from last meeting. In regards to tree height –everything will remain untouched inside the 25', trees close to the fence that could shade the array will be topped at 8', and 20' from the fence to the 25' buffer the trees will be topped at 15'. They replaced hay bales with compost socks. There was minor reshaping to keep the staging area out of the 100' buffer. The biggest change to the original plan was due to related comments from both Graves and DEP regarding run-off rates and to address diversion swales were added outside the buffer zone near the NW wetland area. The Fire Chief requested a turnaround outside the fence – which they added outside 100' buffer zone. Mr. Hemingway provided additional details regarding the culvert near the turnaround, the stone swale, and areas to receive New England wetland seed mix. There was further discussion on DEP's first comment and Mr. Hemingway explained the intent it was related to run off and ensuring the detention basins would be sized to accommodate a larger amount of flow. There will be a sturdy grass mix under the array and a storm water modeling design to reflect a condition that has become a little more conservative – all the modifications and new calculations have been submitted to Graves. He also explained their response to paragraph 2 – it was addressed with the added storm water management measure on the west side before discharging to the north and they increased the size/depth of the basin. Check dams were on the grass swale as well as the armored portions with stone which were clarified on the plans. There will be a SWPPP also due to the size of the project which will address the sediment control during construction and inspections must be submitted. Mr. Gorman emphasized the importance of the Commission being copied on all inspections. There was a review of the project phasing – initial phase is excavating the basin on the low side as well the ditches, which will be the primary protection. There will also be some perimeter protections also to go in before tree cutting. No members of the public commented on the project. Mr. Holden recommended not issuing the order until Natural Heritage Endangered Species report has commenced as requested in DEP's report.

Motion: Mr. Hogan moved to close the public hearing for DEP #312-1061. Mr. Bangma seconded and the motion passed by vote of 5-1-0. Mr. Holden – nay.

There was a brief discussion of special conditions.

Motion: Mr. Hogan moved to approve DEP#312-1061 with Uxbridge Standard Special Conditions and the additional condition that no work shall commence until authorized by Natural Heritage Endangered Species Program and The Conservation Commission shall be copied on all reports regarding erosion and sediment controls and storm water pursuant to the SWPPP. Ms. Steele seconded and the motion passed by a vote of 5-1-0. Mr. Holden – nay.

4. **Notice of Intent (NOI), DEP #312-106X, Tea Party Drive (Map 29, Parcels 3053, 3099, 3987, 3084, 3866, 3895, & 4745)**
Applicant: Uxbridge Multi Family Realty, LLC Representative: Guerriere & Halnon, Inc.
Project Description: Construction of a roadway and associated grading, clearing, and paving in conjunction with a positive Determination of Applicability (01:10:45 – 01:50:13)

Discussion: Dale McKinnon and Mike Hassett with Guerriere and Halnon attended on behalf of the applicant. Abutter notifications were returned, and a color copy of the plan was distributed to members. Mr. McKinnon reviewed the erosion control measures they are proposing: a repaired and reshaped existing berm and second line of erosion control around the basin (they will evaluate and repair or replace of the existing ECB). This NOI is only for the construction of the roadway and separate NOIs will be submitted for the construction of the lots. Mr. McKinnon stated only stabilization is the secondary fence that is being proposed with the mulch socks and the upkeep will be maintained as necessary. He said the plan to first clean up any soil erosion there now then use that to for the re-engineered berm. There was review of the section on the plan that addressed the berm which will remain until the easterly side is developed. Mr. Bangma recommended having straw waddles and compost socks onsite so check dams can be created as needed. Members also discussed considering a possible stabilizing agent such as tackifier or jute mats particularly on the steep slopes around lots 4 and 7. Mr. Hassett provided additional details about erosion control line. They also discussed the schedule of operation to take place which is the general rehab of the site (cleaning up catch basins and existing erosion), putting in the additional silt fence and then re-engineering and stabilize the berm. Phase 2 would be fixing the basins, cleaning them out, putting the silt sock in and cleaning the road. No members of the public spoke. The project falls under the general construction permit and a SWPPP is required and the Members requested to be copied on any inspection reports.

Motion: Mr. Holden moved to continue Tea Party Drive for DEP #. Mr. Hogan, seconded and the motion passed by vote of 6-0-0.

New Item: Mr. McKinnon reviewed in proposed changes to the units on Hyde Park Circle. Lot lines have changed on the south side, the number of units have gone from 18 to 16, and they are adding roof drain infiltration and several are on the buffer line. The agent did not sign off on the building permits primarily because the lot lines have change and the number of buildings went from 3 to 4 and approved plans do not match to the new layout of the street. Members agreed as this doesn't qualify as a minor change and amended NOIs are required and the agent should wait until the NOI is submitted

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before giving her permission. The applicant agreed and will be providing amended NOI requests detailing the changes and combining 2 NOIs for lots 8D and 10C down from the 3 (one will be closed out as work not started).

REPORTED/ONGOING VIOLATIONS

1. Old Lackey Dam Road Gravel Pit (01:50:40 – 02:13:56)
 - *Mr. Gorman and Mr. Bangma both recused themselves from discussion.* A town employee reported trucks loaded with snow entering the site. James Berkowitz, attended on behalf of TJJ, LLC property owner. He explained they have a right of way to the site, that the snow was from parking lots they clear, and described the area on site it is stockpiled (up against the 12' berm around the edge of the property placed on reground material). He also said they investigated and couldn't identify any permitting requirements through the town or Mass DEP. Members reviewed a Snow Disposal Mapping and guidelines on the DEP website. Although the area is over a mapped aquifer, Mr. Holden did not believe it was a violation of the WPA but members agreed to go on a site walk just to check out the surface after the snow melts. They also recommended to try to be at least 50' from the wetland. *Mr. Gorman and Mr. Bangma returned to the meeting after discussion.*

Mr. Shaw moved to take the agenda out of order and go to Wetland Updates/Issues to hear the Campanelli project. Mr. Hogan seconded and the motion passed by vote of 6-0-0.

WETLAND UPDATES/ISSUES

- Open Discussion on MEPA Submission by Campanelli development on Douglas Street. (02:14:50 – 02:32:57)
 - Mr. Hogan, Mr. Bangma and Mrs. Danza attended the informational MEPA meeting. They reported that appears that there are a few wetland crossings but most of the construction, roads, and buildings proposed with the project are outside the resource areas there were no apparent conservation issues. Mrs. Danza and Mr. Bangma also visited the site and gave a brief overview. Mr. Kelly, with Kelly Engineering, explained they are in the very early stages of the project. They are required to file an Expanded Environmental Notification Form (EENF) because they have an indirect access permit with Mass DOT because they are adjacent to 146 and they are meeting certain thresholds for traffic generation and land disturbance. And because the project will require more than 10 acres of land disturbance they are also required to complete an Environmental Impact Report (EIR). Once they complete the state process they plan to come before the Conservation Commission, the Planning Board for a Special Permit for the size of the project and handle some Town Meeting actions (the abandonment of High Street and to change the use table to include Warehouse Distribution in the Industrial Zone). In approximately 4 weeks they plan to file for a Definitive Subdivision with the Planning Board to put in the roadway and create four (4) lots. Lot 4, the larger lot, would accommodate an 800k sq. ft. (20 acre) warehouse and will be the first application. Essentially it is a 1.4 mill sq. ft. development in its entirety including 3 buildings. They have an actual user now so as soon as permits are received the project will happen quickly. Mr. Kelly also stated that having a user them a project they can really analyze and although some pieces have been moved around the property it appears impacts to the wetlands have been reduced. Mr. Holden asked whether green infrastructure been analyzed, and Mr. Kelly said yes, they are looking into broad energy savings possibly roof top solar and to incorporate as many LID measures such as rain gardens and bios swales. Medline (a medical supply company) is the end user. Members agreed to take the item off the agenda until an NOI is submitted and discussed a potential site visit.

The agenda returned to the published order.

REPORTED/ONGOING VIOLATIONS

1. Dumping of yard waste/Christmas trees at intersection of Cross & Bruce St (02:33:09 – 02:40:22)
 - A letter was issued a property owner on Bruce St. regarding the initial complaint and now a second report has been received with the same problem of dumping of yard waste by owners of a neighboring parcel. Members agreed to send a letter to the second property owner and a general letter, explaining why this is an issue and alternatives, to all abutters within 100'. They also agreed to have the agent to re-notify DCR and suggest no dumping signs.
2. Commerce Drive – Map 40, Parcels 3085 & 3086 (02:40:25 – 00:00:00)
 - Mr. Gorman spoke with Denise at DEP. They are fine with the Enforcement Action the Commission has taken as a start and they are likely going to require more. She indicated DEP will expect have some sort of enforcement conference with the respondent and the steps DEP follow are somewhat different which is why it is taking a little longer. Members agreed to keep it on the agenda through the growing season.
3. 395 West Street (02:41:40 – 02:43:22)

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- There are still vehicles as was reported. This violation also being addressed with the Zoning Enforcement Officer, Larry Lench and members agreed to see the results of his interactions. Mrs. Danza will follow up administratively and with Mr. Lench take action if necessary.
4. 77 Industrial Drive (02:43:28 – 02:52:50)
- Mr. Shaw and Mr. Gorman visited the site and reported the following highlights to the members: (i) the stakes appeared to be 200' from the Blackstone river (ii) while there is a lot of stuff on the property most of it appears to be contained outside the 200' except possibly some pavers (maybe a 5' encroachment) (iii) the hoop garages were right along the line (iv) there were open piles of tires which may be an issue with BOH. There was further discussion about the response letter and members agreed although most disturbances are outside the area, they have to move the debris pile back and should correspond w/ BOH on whether the tires should be moved. Additionally, pursuant to the original order, they must to establish a visible boundary for the 200' line in perpetuity. Members also agreed pass along the observations of the open storage of tires to BOH.

WETLAND UPDATES/ISSUES

- Discussion of site compliance regarding active and expired Order of Conditions (02:52:51 – 02:54:50)
 - Mrs. Danza informed members she will be maintaining an Active Site Worksheet and an up to date version will kept to Dropbox.

PROCESSING

1. 3/5/18 & 3/19/18 Meeting Minutes (02:54:52 – 02:58:12)
- Motion: Mr. Shaw moved to approve the 3/5/18 Meeting Minutes as written. Mr. Hogan seconded and the motion passed by vote of 5-0-1.
 - Motion: Mr. Hogan moved to approve the 3/19/18 Meeting Minutes as written. Mr. Bangma seconded and the motion passed by vote of 4-0-2.

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

1. Next steps about Open Space & Recreation Plan & Committee (02:58:15 – 03:04:34)
- Mr. Gorman asked for members' input about contacting the company that originally prepared plan to determine the cost to have it updated. Everyone agreed it's a good idea to obtain quotes and look into other possible pro-bono ways of having it update. Members also agreed that Commission / local input adds a lot of value as well and should continue to be considered.
2. Performance Review discussion for Conservation Agent (03:04:36 – 03:15:54)
- A performance review has not been done in the past either by the Town or the Commission and Mr. Gorman proposed the idea of the Commissioners providing feedback to the Chair and Vice Chair who would meet with the agent to discuss. Ms. Steele recommended talking to the Town Manager first to determine her review process and what the Commission's part could be. There was discussion about the Commission and the Agent getting together to establish the criteria for the review. Mr. Holden recommended they right now endorse the agent for the skills and value that she has brought since she's been here. Mr. Hogan agreed to reach out to Ms. Ellison and Mr. Gorman agreed to outline sample goals and review piece.
3. General discussion regarding vernal pool certification (03:16:03 – 03:22:04)
- The group went over their inspections: Mr. Holden – heard wood frog choruses near the water the department on Hecla, and obtained recordings of the choruses at Pout Pond in the back by the cedar swamp, and two locations near the well field on Newell Rd. He will add these locations to his map. Mr. Gorman, Ms. Steel and Mr. Shaw visited the Commerce Dr. site and recorded chorusing wood frogs and spotted fairy shrimp. They agreed to meet up to visit the DPW site.

Agent Updates – New Items not on Agenda: (03:22:05 – 03:30:08)

- No longer need to change next meeting location.
- Earlier that day, she received Blackstone River Watershed Association (BRWA) inquired about holding a tandem canoe class at Pout Pond June 30th 9-4 about 15 cars. Members agreed it was fine, discussed waiving fees because of the supportive relationship with the BRWA and recommended coordinating with the PPRC.
- Pout Pond Beach Attendant jobs are posted.
- Poster Contest for Earth Day closes April 18th
- She was in contact with someone with EPA about storm water issues in Uxbridge. A representative will be in town to visit the Cobbler's Knoll subdivision and any other locations they recommend. The EPA is the party responsible for issuing the General Contractors Permits. There was also discussion about the Stormwater Bylaw and the need to develop regulations.
- She brought the new Pout Pond annual passes to show members
- Requested to add Weed monitoring next agenda

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ADJOURNMENT-NEXT MEETING SCHEDULED FOR APRIL 17, 2018

Mr. Hogan moved to adjourn the April 4 meeting of the Conservation Commission. Holden seconded, and the motion passed by vote of 6-0-0.

Respectfully submitted,
Melissa Shelley

Andrew Gorman
Andrew Gorman, Chairman

Jim Hogan, Vice Chair

Lauren Steele
Lauren Steele, Member

Jeffrey Shaw, Clerk

Russell Holden
Russell Holden, Treasurer

Dale Bangma
Dale Bangma, Member

April 17, 2018
Date

