

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



Conservation Commission Meeting Minutes
May 21, 2018
Board of Selectman's Room, Uxbridge Town Hall

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

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

1. **Notice of Intent (NOI), DEP #312-1054**, 0 Newell Road & 0 South Main Street (Map 25, Parcels 2065 & 4434)
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. (00:00:43 – 00:00:53)

Discussion: The applicant requested to continue to the next meeting of the Conservation Commission.

Motion: Mr. Hogan moved 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 4-0-0.

2. **Notice of Intent (NOI), DEP #312-1062**, 619 Quaker Highway (Map 45, Parcels 2998 & 3816) (00:00:55 – 00:01:35)
Applicant: Kevin Powers Representative: Marc N. Nyberg Associates, Inc.
Project Description: Clearing and grading within the buffer zone in preparation for later site development.

Discussion: The applicant requested to continue to the next meeting of the Conservation Commission.

Motion: Mr. Hogan moved to continue DEP #312-1062, 619 Quaker Highway, to the next meeting of the Conservation Commission. Mr. Shaw Seconded and the motion passed by vote of 4-0-1. Mr. Gorman abstained.

Ms. Steele joined the meeting during discussion.

3. **Notice of Intent (NOI), DEP #312-1064**, 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 (00:01:29 – 00:05:28)

Discussion: Dale MacKinnon, with Guerriere & Halnon, attended on behalf of the applicant. He referenced Mrs. Danza's email outlining issues on both Tea Party Dr. and Hyde Park Circle and that they are in the process of setting up a meeting with Mike Harrington, Fafard, to address everything together. Mr. MacKinnon also requested to continue discussion related to the NOI to the next meeting as they are still addressing DEP items. There was no public comment.

There was further discussion regarding the problems at both locations – silt on the roadway, soil stockpiles, and houses on the left side of the roadway with unpermitted added/extended lawn area. It was noted that the work that is required for the silt fence repair can be completed under the existing EO. Ms. Steele also observed a lot of silt in the detention pond and that the slopes with the mats looked good.

Motion: Ms. Steele moved to continue DEP #312-1064, Tea Party Drive to the next meeting of the Conservation Commission. Mr. Hogan seconded and the motion passed by vote of 5-0-0.

4. **Request for Determination of Applicability (RDA), FY18-7**, 19 Easy Street (Map 14, Parcel 2675) (00:05:37 – 00:16:38)
Applicant: Mark Andrews
Project Description: Clearing of vines and downed trees caused by storm damage within the Riverfront Area

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Discussion: Commissioners Gorman, Shaw, Holden and Hogan visited the property on and discussed their observations. There are three “areas” that were discussed (two larger mature trees and a middle “battleground area” with birch trees). The most dominant species of vine observed was grape with some bittersweet mixed in. The homeowner does not want to move forward with the NOI process and so members discussed what work is approvable under an RDA. Members agreed on the following parameters for trimming - vines may be clipped 4 feet up and above on the tree not to exceed 3 feet from the trunk of the tree – for the big trees. They decided to the middle section should just be left as is because it is so dense and the birch trees would be difficult to salvage without major work. No members of the public attended.

Mr. Holden joined the meeting during the motion.

Motion: Mr. Hogan moved that the Commission issue a negative determination with the conditions that any trimming not exceed 3 feet around the perimeter of the mature trees’ trunks and to a height of 4 feet. The applicant is permitted to remove any dead vines and poison ivy from the tree after trimming. Ms. Steele seconded and the motion passed by vote of 5-0-0.

5. **Amended Notice of Intent (NOI), DEP #312-1051, 25, 27, 29, 31 Hyde Park Circle (Map 29, Parcel 3117) (00:16:40 – 00:29:27)**
Applicant: Uxbridge Multi Family Realty, LLC Representative: Guerriere & Halnon, Inc.
Project Description: Request is to reduce the number of units from 8 to 4 due to changes in lot lines.

Ms. Steele recused herself because she is an abutter.

Discussion: Dale MacKinnon with Guerriere & Halnon attended on behalf of the applicant. He described the lot changes (originally 16 units are now reduced to 12) and reviewed the on-site roof water infiltration system (the only other change to the plan). He emphasized there will not be any change in the limit of disturbance or grading of the site. The roof infiltrators are a sub-surface plastic unit approximately 30” tall and 7’ long and there will be 4 per unit. Mrs. Danza did not have any reservations as long as they retain the special conditions on the original order 52-54 (related to getting a copy of the report for the Construction General Permit and changes made to the Construction Phasing Plan). No members of the public spoke about the hearing.

Motion: Mr. Hogan moved to close the public hearing for the amended NOI for DEP #312-1051. Mr. Shaw seconded and the motion passed by vote of 4-0-1. Mr. Holden Abstained.

Final Deliberation: Members agreed it was the same limit of disturbance, storm water features were net positive from the previously approved plan, and riprap pad will be discussed during 8B approval.

Motion: Mr. Hogan moved to amend the Order of Conditions for DEP #312-1051 keeping the special conditions 52, 53 and 54 and this is in reference to the plan dated 5/3/18 stamped by Mr. Dale MacKinnon. Mr. Bangma seconded and the motion passed by vote of 4-0-1. Mr. Holden Abstained.

Ms. Steel returned to the meeting.

6. **Notice of Intent (NOI), DEP #312-1065, 612 & 626 Douglas St & 600 High St (Maps 28 & 33, Parcels 1746/3589 & 342)**
Applicant: Campanelli Development, LLC Representative: Kelly Engineering Group, Inc.
Project Description: Construction of a 2,800 ft. subdivision roadway to be known as Campanelli Drive within resource areas and associated buffer zones with a stream crossing & wetland replication (00:30:05 – 01:14:15)

Discussion: David Mackwell with Kelly Engineering, Russell Dion with Campanelli, and John Rockwood with EcoTec, attended on behalf of the applicant. Mr. Mackwell provided an overview of the project and reviewed aerials of the parcels to orientate members with the 200 acres to be combined and re-subdivided with the intent of becoming an industrial subdivision. EcoTec delineated the wetlands and the related maps were reviewed at the meeting – there is about 39 acres of wetlands; 5 BVWs connected to each other and 5 or 6 Isolated Wetlands. The subdivision itself will consist of a 2,800’ roadway (primary drive and a one-way exit) to provide frontage to 4 individual industrial lots and a 5th lot not part of the subdivision (11 acres of left over land) that the seller will retain. Members reviewed an overall view of the 3 areas of work being proposed – the construction of the road and the buildings on lots 1 and 4 no work is being proposed at this time for lots 2 and 3.

Mr. Mackwell reviewed the details of roadway, plans to manage storm water and the wetland areas impacted. At the road entrances there will be a water quality device and a subsurface recharge system, on the exit drive there will also be a water quality device into an infiltration and detention basin and then spill over through a level spreader just outside the 25’ no disturb zone. There is also a stormwater management pond consisting of a sediment forebay, constructed wetlands water quality area, and an infiltration basin that will also serve as a detention basin. Within the road way construction, the only direct impact is a wetland crossing to access the area and they are proposing an arch culvert span of the intermittent

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stream within the BVW. To mitigate they have replicated some wetlands. There are a few minor impacts to the buffer and a few areas they get into the 25' no disturb zone. Amount of proposed wetlands impact is 1400 sq. ft. impact with 2000 sq. ft. replication with a replication factor of 1.39. The replication plan was prepared by EcoTec and provided with the NOI packet. Mr. Mackwell reviewed detailed views of culvert and stream crossing and said they are working with Contech for the 25' aluminum arch structure. One of the footings will be in the BVW. Proposed surface of the roadway is about 14' higher than the stream bed.

Mr. Gorman brought up peer review of the wetland edge and Mr. Mackwell mentioned the time required to hang all the flags (7 full man days) but stated they are more than open to review any areas the Commission requests. Mr. Rockwood explained the reasons for choosing replication area (i) it gets water from both existing systems (ii) they wanted to minimize the amount of woods you have to travel through to get to it to construct it (iii) its adjacency to the crossing and road. It was also mentioned that the wetland scientists will be onsite during construction to ensure the gradings and plantings are correct. He also said they would be open to conditions placing a deadline on the reports – they typically do them in Sept. He also confirmed the intermittent streams flows in northerly direction.

They discussed setting up the site visit and peer review. Mr. Hogan mentioned that with other projects the Commission has asked for additional replication when they are inside the 25'. Mr. Rockwood explained are already oversized and that they are putting the buffer zone back also but offered additional plantings to make a denser vegetated area. Signage by the retaining wall was also mentioned. The representatives stated they are willing to mitigate whatever is best and identified during the consultant site walks.

When asked if there a future plan to connect this roadway with lot 3 Mr. Mackwell responded they left room for a driveway in between the wetland systems. Mr. Gorman mentioned Graves' comments 5 and 6 related to the ECB being clearly defined on the plan and Mr. Mackwell said they can enhance the plan to highlight the limit of work. Regarding project sequencing, the first order of work will be to construct arch culvert to get access to the property. Then they will start to get the area prepared to place footings for the building and during that time there may be a second crew working on the road. It may be possible to delay the clearing lot 1 to keep open soils at a minimum. Members settled on a date for the site visit of 5/31 at 5:30pm and agreed the peer review should include a review of wetland flags around the crossing, the 25' encroachments and the wetlands around the infiltration basins. No members of the public spoke to the application.

Motion: Mr. Hogan moved to initiate peer review for DEP #312-1065 including a review of wetland flags around the crossing, the 25' encroachments and the wetlands around the infiltration basins. Mrs. Steele seconded and the motion passed DEP #312-1065 by vote of 6-0-0.

Motion: Mr. Hogan moved to continue DEP #312-1065, 612 & 626 Douglas Street & 600 High St. to the next meeting of the Conservation Commission. Mr. Shaw seconded and the motion passed by vote of 6-0-0.

7. **Notice of Intent (NOI), DEP #312-1066, 612 & 626 Douglas St & 600 High St (Map(s) 28 & 33, Parcels 1746/3589 & 342) (01:14:19 – 01:47:20)**

Applicant: Campanelli Development, LLC

Representative: Kelly Engineering Group, Inc.

Project Description: Construction of an 800,000 sq. ft. building and trailer parking with resource areas and associated buffer zones with a stream crossing and wetland replication

Discussion: David Mackwell with Kelly Engineering, Russell Dion with Campanelli, and John Rockwood with EcoTec, attended on behalf of the applicant. Mr. Mackwell returned the green cards from the legal notices to Mrs. Danza. He went on to review the building portion for the development for lots 1 and 4 and the construction of an emergency access drive on lot 5. On lot 4 there will be an 800,000 sq. ft. building and one large and several small parking lots. There is 40 trailer storage positions and 130 loading docks over 2 sides of the building. Office area is primarily in the front but there are small shipping and receiving offices in other corners of the building. He pointed out designated snow storage areas. There was a review storm water management of the Lot 1 trailer overflow parking lot – several catch basins that combine up to a sediment forebay that spills into constructed wetland water quality improvement and then infiltration basin/detention pond through a pipe to a level spreader. In the larger parking lot at the building there are bioswales and a small rain garden on level areas in addition to the water quality device and level spreaders. Mr. Mackwell reviewed went over impact areas. There is one area inside the 25' no disturb (near the certified Vernal Pool) but based on recommendations from multiple entities the applicant has decided to change the plan and slide the building slightly to the north. There is a smaller crossing for the emergency access road – currently proposed at 18'. There was a review of the collection of water from the roof and parking areas and the 2 significant water quality devices - detention/infiltration basins. They will have more refined details for the crossing on the emergency access area at the next meeting. Working with the seller and the DPW to improve the old High Street to meet the criteria for the user for emergency access. This crossing will likely be a double arch (26' and 8') as it is a braided intermittent stream. The applicant will be making the discussed adjustments (moving the building to avoid impact of #2, incorporating the peer review comments and taking another round with the architects/designers of the buildings) and will provide any updated plans.

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Motion: Mr. Hogan moved to initiate peer review for DEP #312-1066 for the wetlands surrounding the proposed crossing and the area around the retention ponds on the south side of the building. Ms. Steele seconded and the motion passed by vote of 6-0-0.

Further discussion: Mr. Hogan mentioned his concerns with the snow storage on the east side – discussed signage- as well as a berm to prevent it from going over the fence and into the wetland. Mr. Holden asked about the wetland type and Mr. Rockwood said it is mostly forested shrub swamp and one bog. They also discussed the building being a big barrier making it hard for wildlife passage between and use of the wetland areas and options for wildlife crossings. They offered to evaluate further as they look at security.

Motion: Mr. Hogan moved to continue DEP #312-1066, 612 & 626 Douglas Street & 600 High St. to the next scheduled meeting in anticipation of changes to the plan. Mr. Shaw seconded and the motion passed unanimously by vote of 6-0-0.

REPORTED/ONGOING VIOLATIONS

The agenda was taken out of order to hearing 395 West Street first during this portion of the meeting because the applicant was in attendance.

1. 395 West Street (01:47:36 – 01:58:57)
 - Ms. Rachel Collins the homeowner attended and Mr. Gorman explained the reason for the letter was because it was reported that there were vehicles stored in wetlands and buffer zones. Ms. Collins stated she has moved the cars up from the wetlands and further explained her family is “rotating” cars for income and they typically do not bring the vehicles to the house to be stored. She also agreed not to park any vehicles in the wetlands (beyond the retaining wall) in the future. There was discussion about one last vehicle in particular parked in the woods (in a resource area) that Ms. Collins agreed to move as soon as she can locate the keys. She also gave permission for the agent go out to confirm the wetland location to ensure accuracy.
2. Commerce Drive – Map 40, Parcels 3085 & 3086 (01:59:36 – 02:02:35)
 - Mr. Gorman reported there has been an initial meeting with DEP but hasn't seen any follow up yet as conferences may still be going on. Members agreed the Commission should be monitoring the restoration, which doesn't appear to have been initiated. DEP has said to Mr. Gorman, and Mr. O'Connell understands, that they are not in conflict with the Commission's EO and there may be more requirements and this is just the start. Members agreed to keep an eye on the property. Mrs. Danza has not had any updates either.

Agenda returned to item 1 Lackey Dam Road Gravel Pit.

3. Old Lackey Dam Road Gravel Pit (02:02:36 – 02:02:52)
 - Mrs. Danza will follow up again with the property owner, when she checked after the last meeting there was still snow on the ground.

WETLAND UPDATES/ISSUES

1. **Snow Removal Procedure** (02:03:02 – 02:09:41)
 - Mrs. Danza reported that Mr. Sherman indicated that it has been their goal to find an appropriate spot for snow storage but right now, the DPW parking lot on Depot St. is the only spot out of jurisdiction. They would like to work with the Commission to find a suitable location. Mr. Gorman asked whether there a Best Management Practice (BMP) that the DEP recognizes if they have to use the current site to minimize pollutant runoff. There was brief discussion about using the riprap area at the HS or the McCloskey parking lot as possibilities for next year. Next steps agreed upon on were for members to identify potential areas (town owned properties) and present them formally to Ben.
2. **Discussion of site compliance regarding active and expired Order of Conditions** (02:09:45 – 02:26:08)
 - Mrs. Danza provided the following updates noted during her inspections.
 - **Hyde Park Circle** – stockpiles of rock and dirt that needs to be cleaned up; on the eastern side of the road silt fences appear to have been moved; for the houses on the left, yard areas were prepared beyond the decks approx. 15' into the 100' buffer which were not permitted; DEP signs need to go up. Mrs. Danza will ask for measurements to be prepared so they can determine if permits are required. This one was technically not jurisdictional because it was designed to be out of the buffer zone. Several members thought a potential violation letter should be issued and Mrs. Danza agreed to go out to verify measurements before any official Enforcements Orders are issued.
 - **Tea Party Drive** – slope has continue to degrade and has overtopped the two silt fence lines that have been put in and some has gone over the boulder line; no silt sacks in the catch basins.

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- **74 Aldrich** – there was just a slight breach under the wattle at the old cart path and a new wattle has been placed and staked.
- **Cobblers Knoll** - appears they have picked up and are working again, she observed some new sediment piles and some trucks on site for wells and they have cleared a little more. She was unable to make it back to the basin.
- **Mountainview** - the rock placement at the culvert crossing is creating a channel, water is still running down the driveway and gulling on the side of the culvert and reaching the stream, debris was left out, ECBs to be removed on lot 7. She reviewed Mr. Arnold's response in which he agrees to resolve the issues identified.

PROCESSING

1. **Request for Certificate of Compliance, 57 Lackey Dam Rd, DEP #312-1060–Septic Installation (02:26:10 – 02:40:40)**
Discussion: Mrs. Danza reviewed her photos of the property and it showed most of the grass grown in. Members disagreed on whether the lawn was established enough to issue the COC but after further review and discussion decided to approve it with a special condition.

Motion: Mr. Shaw moved to issue a Certificate of Compliance for DEP #312-1060 57 Lackey Dam Road with the Special Condition that exposed areas be over seeded and topped with straw and that the straw wattle remain in place until June 15, 2018. Mr. Hogan seconded and the motion passed by vote of 6-0-0.
2. **Request for Certificate of Compliance, 263 Hazel Street, DEP #312-1040–Septic Installation (02:40:42 – 02:41:47)**
Discussion: The Commission reviewed photographs that showed the grass is clearly filled in and fully established.

Motion: Mr. Holden moved to issue a Certificate of Compliance for DEP #312-1040 57 Lackey Dam Road. Mr. Hogan seconded and the motion passed by vote of 6-0-0.
3. **5/8/18 Meeting Minutes (02:41:51 – 02:45:03)**
Motion: Mr. Hogan moved to approve the 5/7/18 Meeting Minutes of the Conservation Commission as written. Ms. Steele seconded and the motion passed by vote of 5-0-1.

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

1. Next steps about Open Space & Recreation Plan & Committee (02:45:04 – 02:45:47)
 - Members agreed to table the conversation for this evening.
2. Performance Review discussion for Conservation Agent (02:45:48 – 03:03:58)
 - Mr. Gorman provided an updated rough draft to members hoping for input on the discussion of the record of achievement and future goals. He had added sections regarding the enforcement process and public outreach to the draft as was requested. Mr. Holden recommended adding a section under record of achievement regarding Communication (with Commission Members as well as the public). He also stated that he sees this as independent production of data and expectations from any official review by the Town Manager (which will hopefully take place during the date of hire month – Sept for Mrs. Danza). The Commission would be evaluating a different skill set than someone who deals with the managerial aspects. As a point of reference, Mr. Hogan pointed out that that evaluations are privileged and the only thing they should discuss in open session is a summary. Everyone agreed to proceed they will individually add what they feel necessary under the record of achievement and future goals and email their comments back to Mr. Gorman by June 1. This information will be summarized and put in to a document for public review.
3. General discussion regarding vernal pool certification & recently certified pools (03:04:00 – 03:08:00)
 - Natural Heritage recently certified a few Vernal Pools (two off Hazel and one on the Campanelli project site) as part of a rare species survey/study for mostly marble salamander habitat.
4. Discuss plan to revisit the draft wetland bylaw (03:08:02 – 03:09:07)
 - Members agreed to review Sections 1 and 2 at the next meeting on June 4, 2018.
5. Updates/Changes to Pout Pond Gate Open & Close Rotation (03:09:08 – 03:10:19)
 - There was a brief discussion regarding assignments for locking/unlocking the Pout Pond gate.
6. Pout Pond weed treatment (03:10:20 – 03:12:50)
 - An early season inspection was performed by Josh with SOLitude and there were no areas at this time that required treatment for invasive/nuisance weeds. He will go back out in 2 weeks and treat if necessary.

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- Mr. Gorman mentioned the condition of oak tree by the building and whether they should plan to prune or remove. Everyone agreed to add it to the agenda for next week.

AGENT UPDATES

1. General updates from the office/projects (03:12:51 – 03:21:08)

- 19 Hollis Street – there has been a septic fail and they want to replace as soon as possible and are looking for guidance from the Commission. The edge of the septic is 95' from the wetland across Hollis street. They have submitted already to BOH. They stated a straw wattle will be installed at the top of the bank along the edge of the work area. Because it is a failed system, members reviewed section 10.02 to see if there is something that allows for this under the RDA process. Mr. Gorman recommends evoking 310 CMR 10.06, the emergency section, which provides some latitude because it is for the protection of public health or safety. They could ask them to file an emergency certificate they could sign off on when ready.
- Motion: Mr. Hogan moved to advise the agent to ask the property owner to request an emergency certification under 310 cmr section 10.06 for a failed septic system that could pose a risk to public health. Mrs. Steele seconded and the motion passed by vote of 6-0-0.

2. Pout Pond Updates (03:21:10 0 03:22:11)

- The dumpster will be delivered by 5/25, the water testing is starting 5/22, and the Commission is waiting on DPW to dig up septic, and the beach attendants hired.


ADJOURNMENT-NEXT MEETING SCHEDULED FOR MONDAY, JUNE 4, 2018

Motion: Mr. Hogan moved to adjourn the May 21, 2018 meeting of the Conservation Commission. Ms. Steele seconded and the motion passed 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

June 4, 2018
Date