

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

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Conservation Commission Meeting Minutes
June 4, 2018
Board of Selectman's Room, Uxbridge Town Hall

JUN 27 10:44 AM '18

Present: Chair Andrew Gorman, Vice Chair Jim Hogan, Clerk Jeff Shaw, Members Dale Bangma and Brad Allspach and Conservation Agent Melissa Danza

Absent: Treasurer Russell Holden, and Member, Lauren Steele

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

Mr. Gorman welcomed new member Brad Allspach to the Commission.

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. (00:00:15 – 00:24:02)

Discussion: Susie Gifford, with TRC Environmental attended on behalf of the applicant. She brought final plans and informed the Commission that the Planning Board closed the public hearing on 5/23/18 and are finalizing their conditions. She reviewed changes to the plan during the PB process, which she stated, were minor and outside Conservation's jurisdictional areas. The following are the key points from the final plan overview: there are 6 sections of arrays; the main access will up from Depot St. which they will improve and maintain; an access road (running N to S) will be created from the easement that goes in towards the water treatment facility; the fence line has been moved so it hugs the array and no longer encompasses one of the wetlands. There was also review of existing conditions and impacts, which are limited to the BLSF and 100' buffers to BVWs. A bridge is being proposed to span the "finger" wetland. Ms. Gifford informed members that Graves did a full review and there were approximately six rounds of comments. Test pits were dug to determine historical high ground watermarks and no changes resulted from the tests. Minor changes were made to the storm water basin to ensure storm water calculations were met. Mr. Gorman stated he appreciates the phasing and they may consider accepting a condition to require the Commission's permission to move from phase 1 to phase 2 and 2 to 3 since so much land is being disturbed. Ms. Gifford said they would be open to that. Soil stockpiling sites were also reviewed. The plans did not include any details of the bridge crossing and Ms. Gifford said it was designed to not touch the flood plain. Members considered whether they were comfortable approving the NOI with condition that that there could be no flood plain disturbance associated with the crossing or should they require the cross-section detail before approving. It was also mentioned that the silt fence is inside the limit of work but that is because the treetops only will be cut outside for shading. After further discussion, members decided to wait for the cross section bridge detail before approving the NOI. No one from the public spoke at the hearing.

Motion: Mr. Hogan moved to continue DEP #312-1054, 0 Newell Road & 0 South Main Street in anticipation of the details of the bridge. Mr. Shaw seconded and the motion passed by vote of 4-0-1. Mr. Allspach abstained.

2. **Notice of Intent (NOI), DEP #312-1062**, 619 Quaker Highway (Map 45, Parcels 2998 & 3816) (00:24:04 – 00:24:45)
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 formally 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.

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.

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Project Description: Construction of a roadway and associated grading, clearing, and paving in conjunction with a positive Determination of Applicability (00:24:47 – 00:35:45)

Discussion: Dale MacKinnon, with Guerriere & Halnon attended on behalf of the applicant and requested a continuance as they are still trying to address compliance with DEP's storm water standards 3, 4, and 6. Item 6 is regarding the intermittent stream on site not being considered a cold water fishery during the 2011 drainage calculations so they are revising those calculations. Additionally, they have not yet addressed all the problems on site as soon as they hoped and they would like to set up another inspection on Monday, June 11 with the Agent, Fafard and G&H. Mr. MacKinnon confirmed that the eastern slopes are the main concern and that the silt socks have not yet been installed. The client informed him that it would all be complete by Friday June 8. Members made their position clear, that the issues must get resolved as soon as possible or they will have to turn over to DEP as the EO was issued quite some time ago.

Regarding Hyde Park Circle: A building permit was signed off because the edge of the silt fence at the time was 100' from the resource area. The silt fences were pushed towards the resource area and to make room for a lawn to be cut in – although it is uphill and there is a swale there it is believed to be within the 100' buffer and the work should be permitted. Mr. McKinnon agreed to get confirmation/measurements and provide NOI – for lot 9E. Mr. Gorman mentioned that the wetlands were confirmed during a recent ANRAD. No public comment on the hearing.

Motion: Mr. Hogan moved to continue DEP #312-1064, Tea Party Drive to the next meeting. Mr. Bangma seconded and the motion passed by vote of 4-0-1.

** Mr. Hogan moved to table the next 2 agenda items DEP #'s 312-1065 and 312-1066 for the applicant to prepare their presentation. Mr. Shaw seconded and the motion passed by vote of 5-0-0.*

4. **Notice of Intent (NOI), DEP #312-1067**, 320 East Street (Map 36, parcel 3846) (00:37:30 – 00:49:45)
Applicant: Kathryn Piel
Project Description: Replacement of a septic system within the buffer zone to a BVW. Representative: Shea Engineering

Discussion: Fred Lapham from Shea Engineering attended on behalf of the applicant. The NOI is for a septic repair for a system that did not pass the Title 5 inspection. The failure is very premature as the system was installed less than 3-years ago when the Single Family 4-Bedroom Home was constructed. The new system will utilize the same area and be slightly further away from the wetland line than the original. There is not an alternative location for the system on the property. They have not yet been able to determine the nature of the failure and are hopeful it can be identified during the removal process. Mr. Lapham said they are proposing to keep the tank, as it is structurally sound, but have to remove the sand mound and the entire leech system. During their assessment, the sand appeared to have slightly finer material in it than what is typical (at least at the level they tested) and the openings in the plastic unit were clogged with encrusted sand. The units will be thoroughly examined as they come out. The new system is a Cultec unit in a bed configuration with a filter fabric over the top each unit that Mr. Lapham has full expectations this design will be adequate. He also noted any disturbance will be on the top half of the mound and no clearing is necessary and ECBs are called out on the plan. No members from the public commented on the hearing.

Motion: Mr. Hogan moved to close the hearing for DEP #312-1067, 320 East Street. Mr. Bangma seconded motion passed 5-0-0.

Motion: Mr. Hogan moved to issue an Order of Conditions with the Uxbridge Standard Special Conditions for DEP #312-1067, 320 East Street. Mr. Bangma seconded and the motion passed unanimously by vote of 5-0-0.

** Mr. Hogan moved to un-table the items DEP #'s 312-1065 and 312-1066. Mr. Bangma seconded and the motion passed by vote of 4-0-1.*

5. **Notice of Intent (NOI), DEP #312-1065**, 612 & 626 Douglas Street & 600 High St (Map(s) 28 & 33, Parcels 1746/3589 & 342) (00:50:13 – 01:07:13)
Applicant: Campanelli Development, LLC
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. Representative: Kelly Engineering Group, Inc.

Discussion: David Mackwell, Kelly Engineering, John Rockwood, EcoTec, & Russel Dion, Campanelli attended on behalf of the application. Mr. Mackwell informed members that the applicant received peer review comments from Graves Engineering regarding the subdivision and site development plans. In response, they responded to technical comments and also shifted building approximately 26'. Mr. Mackwell then reviewed the updated plans, areas of impact and mitigation area in more detail. Area #1 Impact (associated with the roadway) was revised and the replication area was moved to a previously disturbed location. There is also a new impact to an isolated wetland system as a result of the building shift.

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Plans will be updated as details are finalized from the culvert manufacturer. DEP commented on the need for a water quality certificate as outlined in 314 CMR 9.03 and so each lot will have a deed restriction tying it to all other lots in the subdivision so the net amount of fill can be limited to a total of at 5000 sq. ft. Mr. Mackwell requested trying to expedite the Commission's 3rd Party Review and requested permission for EcoTec to talk directly to LEC – the Agent informed him they are already aware of what needs to be reviewed and have Mr. Rockwell's contact information. No members of the public commented on the hearing.

Motion: Mr. Hogan moved to continue DEP #312-1065, 612 & 626 Douglas Street & 600 High St to the next regularly scheduled meeting Mr. Shaw seconded and the motion passed by vote of 4-0-1. Mr. Allspach abstained.

6. **Notice of Intent (NOI), DEP #312-1066**, 612 & 626 Douglas Street & 600 High St (Map(s) 28 & 33, Parcels 1746/3589 & 342) (01:07:15 – 01:15:37)
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, Kelly Engineering, John Rockwood, EcoTec, & Russel Dion, Campanelli attended on behalf of the application. Mr. Mackwell briefly reviewed the main points mentioned during the prior hearing as the NOIs are related. Members looked over the overall site plans again to see what changes resulted from the building shift. The only noticeable change was they lost two trailer stalls. Members reviewed the details of the emergency access road crossing. No members of the public commented on this submittal. Members did not have any additional comments. Everyone agreed to make sure LEC knows the first NOI is priority.

Motion: Mr. Hogan moved to continue DEP #312-1066, 612 & 626 Douglas Street & 600 High St to the next regularly scheduled meeting. Mr. Bangma seconded and the motion passed by vote of 4-0-1. Mr. Allspach abstained.

* Members took some time to explain the Commission's process and answer questions for Mr. Allspach.

REPORTED/ONGOING VIOLATIONS

1. Old Lackey Dam Road Gravel Pit
 - *Item Passed Over - not enough members for quorum after recusals*
2. 395 West Street (01:21:23 – 01:25:55)
 - Mrs. Danza visited the site, photos were reviewed, and the homeowner is making progress on the cleanup. It was her opinion that if items are inside where the fence was supposed to be (along the old established dirt bike path) there should not be impacts to any resource areas. The owner does not plan on keeping cars on the property - only over weekends when the junkyard is not open. Mr. Gorman recommended sending a follow up letter explaining the findings of the agent to ensure they are on the same page and make sure they understand that future use of the trail for motorized vehicles would require permitting. Additionally, Mr. Hogan recommended asking the homeowner to mark the fence location and the agent verify before it is installed. All members agreed.
3. Commerce Drive – Map 40, Parcels 3085 & 3086 (01:25:56 – 01:29:29)
 - Mr. Gorman spoke with Denise Child, DEP briefly this morning and determined they are still in discussions relative to the Notice of Enforcement Conference, which will be confidential. It was stated that DEP sees themselves as overlapping with the Commission and they will want to see some level of compliance with the Commission's EO. Members agreed to have Mrs. Danza reach out to Mr. O'Connell to see if there is a hard start date. They also emphasized the urgency and importance of compliance as River Front, BVW, Flood Zone; potential Vernal Pools have all been affected. Members also agreed to try to get on site to observe regrowth and progress.

WETLAND UPDATES/ISSUES

1. Snow Removal Procedure (01:29:30 – 01:37:37)
 - One of the sites currently used for town snow storage is up against the Mumford River so there are concerns about possible pollutants in the snow melting and getting in the river. There was discussion about the following locations as possibilities: the HS lot, McCloskey Parking Lot, Pout Pond Parking Lot, and DPW Facilities on Hecla St./River Rd. Mrs. Danza agreed to run the suggestions by Mr. Sherman, DPW Director. It was also mentioned that on May 14 DEP re-categorized street sweepings and Mrs. Danza will inform Mr. Sherman of this change as well.
2. Discussion of site compliance regarding active and expired Order of Conditions (01:37:37 – 01:42:26)
 - Mrs. Danza reported that RDA along Newell Road for the force main replacement has started, ECBs are up.
 - Mrs. Danza went by Mountainview Rd. and observed like a bit of sediment that had gone into the stream – there is a track of sediment that went through the silt sock. They have compacted construction entrance and it is not as bad

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before just a few squishy spots. The front wetland looked a bit murky – so obvious some stuff was coming out of the culvert. Nothing noted on the street itself.

PROCESSING

1. 5/21/18 Meeting Minutes (01:42:27 – 01:45:07)

Motion: Mr. Hogan moved to accept the 5/21/18 meeting minutes of the Conservation Commission as amended. Mr. Bangma seconded and the motion passed by vote of 4-0-1.

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

1. Pout Pond Budget items (01:45:14 – 01:47:25)

- There is a mostly dead oak tree next to the building at Pout Pond and there are concerns that dead limbs could be a danger to the public. Mr. Evers, PPRC, inquired about the possibility of funds being appropriated to remove it. Mrs. Danza reported that there is approximately \$775 remaining in the FY2018 Grounds and Maintenance Budget for Pout Pond.

Motion: Mr. Hogan moved that the Commission authorize the agent to expend an amount from the Pout Pond Property Grounds and Maintenance Budget not to exceed \$775 for the mostly dead oak tree at the entrance of Pout Pond that is endangering the building, public safety and welfare. Mr. Shaw seconded and the motion passed by vote of 5-0-0.

2. Next steps about Open Space & Recreation Plan & Committee (01:47:26 – 01:49:48)

- Passed over since Mr. Holden and Ms. Steele were not present. Mr. Gorman recommended sending the agent on a field trip to a free ADA compliance workshop (regarding considerations for open space and rec plans) in Hadley, on June 27 from 11 – 1. There will be agents from a variety of surrounding towns are attending and members all agreed it will be helpful for Pout Pond ADA considerations.

3. Performance Review discussion for Conservation Agent (01:49:39 – 01:51:13)

- Mr. Gorman has not received any comments yet but will remind other Commissioners. Everyone agreed to take the item off the agenda for now until responses are received and summarized. Mrs. Danza expressed her interest in goals from Commissioners.

4. Discuss plan to revisit the draft wetland bylaw (01:51:15 – 01:52:20)

- Passed over until all members are present and extended discussion to the first three sections during the next meeting.

5. Pout Pond weed treatment(01:52:21 – 01:53:04)

- SOLitude is going back out for a re-check. The agent reported that the pond looks good so far – just a lot of pollen.

AGENT UPDATES (01:53:05 – 01:56:13)

1. General updates from the office/projects - Mrs. Danza just noted that she would be taking some personal time this week.
2. Mr. Hogan inquired about spending WPA funds for training and Mr. Gorman agreed put the request on the next meeting agenda.
3. Members thanked Mr. Hogan for his time as a Board of Selectmen and volunteering his time to repair the picnic tables at Pout Pond.

ADJOURNMENT-NEXT MEETING SCHEDULED FOR JUNE 18, 2018

Motion: Mr. Hogan moved to adjourn the June 4, 2018 meeting of the Conservation Commission. Mr. Bangma seconded and the motion passed by vote of 4-0-1.

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Respectfully submitted,
Melissa Shelley



Andrew Gorman, Chairman



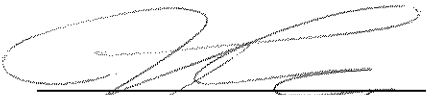
Jim Hogan, Vice Chair



Lauren Steele, Member



Brad Allspach, Member



Jeffrey Shaw, Clerk

Russell Holden, Treasurer

Dale Bangma, Member

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Date

