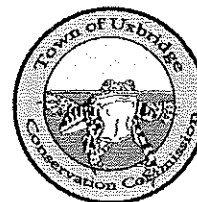


Town of Uxbridge  
Conservation Commission  
21 South Main Street  
Uxbridge, MA 01569  
508-278-8600 x 2020



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

**Present:** Chair Andrew Gorman, Clerk Jeff Shaw, Treasurer Russell Holden, Member Brad Allspach and Conservation Agent Melissa Danza

**Absent:** Vice Chair Jim Hogan, Members Lauren Steele & Dale Bangma

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 #312-1064**, Tea Party Drive (Map 29, Parcels 3053, 3099, 3987, 3084, 3866, 3895, & 4745) (00:00:43 – 00:01:02)

Applicant: Uxbridge Multi Family Realty, LLC

Representative: Guerriere & Hainon, Inc.

Project Description: Construction of a roadway and associated grading, clearing, and paving in conjunction with a positive Determination of Applicability

**Discussion:** The applicant requested to continue as they finalize the storm water engineering.

**Motion:** Mr. Holden moved to continue DEP #312-1064 Tea Party Drive 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 #312-1065**, 612 & 626 Douglas Street & 600 High St (Map(s) 28 & 33, Parcels 1746/3589 & 342) (00:01:05 – 00:30:37)

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

**Discussion:** David Mackwell with Kelly Engineering, John Rockwell with EcoTec, and Russel Dionne with Campanelli attended on behalf of the applicant. Since the last meeting a site walk took place, the Planning Board approved the project and the third-party reviews by both Graves Engineering and LEC were completed and incorporated into the plan. Mr. Mackwell went over the plans and pointed out updates – the mitigation area was slightly moved in impact area 1 near the roadway bridge and the details for the bridge/crossings engineering sheet were added. Mr. Rockwell and the LEC representative walked all the potential impact areas as well as some other areas and verified the accuracy of the wetland flags (some flags were slightly moved and some added along the bank). A chart that summarized all the 3<sup>rd</sup> party review responses was developed and provided to Members. Representatives at Kelly Engineering reviewed the Uxbridge Standard Special Conditions and requested 2 minor modifications (i) *related to item #29 requested removing the word "building" before permit because work will need to begin before building permits are needed.* Mrs. Danza clarified the intent noting building permits are not required before the start of work and the condition written as is it will not hold up the project. (ii) *related to the 25' requirements they requested adding "as shown on plan of record" as work will be done within 25'.* There was also discussion about adding the following 2 additional conditions (i) *reference to the deed restriction for the entire parcel and (ii) clearing of the remote lot (Lot 1) will not start until the binder course is applied to the subdivision roadway.* Mr. Holden inquired about the ability for wildlife to maintain passage between the various wetlands on the site. Mr. Mackwell responded that there are no big retaining walls or fences in the way and they should be able to make it through – a person could walk from the access roadway to the warehouse. Additionally, the curbing type is cape cod berm which was confirmed on Page 9 of the plan. No members of the public comment on the hearing.

**Motion:** Mr. Shaw moved to close the public hearing for DEP #312-1065, 612 & 626 Douglas Street & 600 High St. Mr. Allspach seconded, and the motion passed unanimously by vote of 4-0-0.

**Member discussion/deliberations:** Catalog of the standards met: BVW disturbance replication ratio of 1:1 was met (exceeded); hydrologic connection to the stream will be maintained; restoration protocol submitted by wetland scientist;

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meets the standards set forth in 10.54 for bank; maintaining substrates as much as possible; and maintain flows if everything is installed correctly. Members agreed to add the "lot 1" condition to the Standard OoC for the next application (DEP No. 312-1066) and for both applications to incorporate the Deed Restriction Condition that would require the applicant to either file for water quality certification or present the deed restriction at start of work showing that the lots are not to exceed the 5000' sq ft threshold for wetland disturbance (per 314 CMR 9.00 *et seq.*)

**Motion:** Mr. Shaw moved to issue an Order of Conditions for **DEP #312-1065**, 612 & 626 Douglas Street & 600 High St with the changes read into record regarding the 25' set back and the added condition that the property owner or applicant show evidence of the deed restriction prior to the start of work evidencing that the total allowance of wetland disturbance will not to exceed 5000' square feet or they will file water quality certificate as required under Mass DEP Standards. Mr. Holden seconded, and the motion passed unanimously by vote of 4-0-0.

3. **Notice of Intent (NOI), DEP #312-1066**, 612 & 626 Douglas Street & 600 High St (Map(s) 28 & 33, Parcels 1746/3589 & 342) (00:30:38 – 01:08:10)

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 Rockwell EcoTec, and Russel Dionne, Campanelli attended on behalf of the applicant. Mr. Mackwell briefly recapped the discussion regarding conditions – the modification to the Standard Special Conditions regarding the 25' no disturb; limiting any work on lot 1 until the binder is down on roadway to minimize earth disturbance; and the deed restriction requirement. He also reviewed the LEC changes to the wetland flags on the easterly side of the property. Specifically, B91A flag added and BE88 was relocated a few feet uphill. No one from the public spoke at the hearing. WPA Standards were again reviewed and it was found that the applicant respected the 25' no disturb where possible; crossing meets for both BVW and Bank disturbance.

**Motion:** Mr. Shaw moved to close the public hearing for **DEP #312-1066**, 612 & 626 Douglas Street & 600 High St. Mr. Holden seconded, and the motion passed by vote of 4-0-0.

**Final Deliberation:** Members agreed it met standards of the act but it is up to the Commission to make sure the replication protocol is followed.

**Motion:** Mr. Shaw moved to issue an Order of Conditions for **DEP #312-1066**, 612 & 626 Douglas Street & 600 High St with the modifications to the 25' setback condition described on the record with the same water quality condition described on the record for the hearing for 312-1065 and the added condition that no site clearing within the designated lot one area is to occur until the binder course is applied to the subdivision roadway as depicted on the plan and approved under 312-1065. Mr. Holden seconded, and the motion passed by vote of 4-0-0.

During the motion Mr. Holden had questions and there was discussion about the condition regarding the clearing restriction and whether included just lot 1 or lot 4 also. Mr. Gorman reviewed Mr. Hogan's intent when proposing the condition. He also emphasized that it will take a lot of diligence from the Town and the Erosion Control Monitor to make sure everything is done according to plan.

After the order was approved Mr. Mackwell informed Members they plan to perform soil testing (site borings) on the bank during the appeal period, so they can identify the soil bearing capacity and prepare the footings for the bridge for the first wetland crossing. The need for the rush is due to the obligation to Medline for September 1<sup>st</sup> to allow access to commence construction.

4. **Notice of Intent (NOI), DEP #312-10XX**, 55 Stanphyl Road (Map 32, Parcel 4794) (01:08:20 – 01:19:21)

Applicant: Brian Heldenbergh

Representative: Andrews Survey & Engineering, Inc.

Project Description: Installation of an in-ground pool within the buffer zone to a BVW.

**Discussion:** Travis Brown, with Andrews Survey and Engineering, attended on behalf of the applicant. Mr. Brown reviewed the plan for the for a 18' x 36' in ground pool with 8' deck and pointed out the 100' buffer zone and 25' no disturb areas. The majority of work is in an existing lawn and there will only be some minor tree clearing required. The plan is to re-use the fill, that is dug out for the pool, for grading and there they do not anticipate the need to stockpile it but they would be open to the condition requiring any stockpiling of soils to be outside the 100' buffer. They also proposed 3 FENO type conservation markers at the existing tree line, the 25' buffer and where the wood line meets the 50' buffer). Mrs. Danza asked whether high ground water is a concern and whether any de-watering be required. Mr. Brown didn't have any ground water maps but agreed to look into it. He also said he would find out if any other decks or walkways are being considered by the homeowner. No abutters commented on the hearing.

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**Motion:** Mr. Holden moved to continue the Public Hearing DEP#312-10XX, 55 Stanphyl Road, to the next meeting of the Conservation Commission while awaiting Dep #. Mr. Shaw seconded, and the motion passed unanimously by vote of 4-0-0.

### REPORTED/ONGOING VIOLATIONS

1. Old Lackey Dam Road Gravel Pit (01:19:27 – 01:19:59)
  - Passed over due to lack of quorum as Mr. Gorman is recused due to professional involvement.
2. Commerce Drive – Map 40, Parcels 3085 & 3086 (01:20:01 - 01:23:25)
  - No new correspondence with Mr. O'Connell. Mrs. Danza will restate the Commission's expectation for the monitoring report.

*\* Mr. Gorman administratively moved Agenda item #3 Site Compliance from the Wetlands Updates and Issues section to the Reported and Ongoing Violations Section.*

3. Discussion of site compliance regarding active and expired Order of Conditions (01:23:48 – 01:39:11)
  - Forest Glen – off Taft Hill Lane, DEP #312-1022
    - A hydraulic leak from a vehicle was reported so a few Commissioners visited the site. The fluid was out of the buffer zone, but the site is under an Order of Conditions and they are required to follow best practices in situations like this.
    - A second unrelated issue occurred after a recent rainstorm event and was reported by the site supervisor as sedimentation event. Mr. Gorman went to the site and administered an Enforcement Order (EO) requiring some cleanup (passed out to Commissioners during the meeting). Because the EO was issued outside of a meeting it has to be ratified or it will be null so members reviewed photos and recommended extending the 7-day timeline Mr. Gorman originally allotted to 14 days. Mrs. Danza also provided an update on the situation – they have been hand scooping sediment into buckets at the area had naturally dammed up – but because it is so fine it is difficult to pick up.

**Motion:** Mr. Holden moved to allow the current Enforcement Order that Mr. Gorman issued to lapse and to issue a new Enforcement Order to mitigate the sedimentation of the stream to the extent practical within 14 days with the use of a vacuum truck under the supervision of the wetland consultant working on this property and to add additional erosion controls to prevent further siltation of the stream to be inspected by the Conservation Agent. Additionally, this Enforcement Order shall require that a representative from the site attend the next meeting to discuss further the need for additional sediment/erosion controls on the site. Mr. Allspach seconded, and the motion passed unanimously by vote 4-0-0.

4. 20 Glen Street – New Item per Mr. Holden (01:39:15 – 01:44:47)
  - Passing by Glen Street, Mr. Holden noticed the clearing of 20 has taken place and there was no DEP sign posted and some the wetland flags had not been replaced. Everyone agreed good idea to take a ride past the site. Sediment from an upper lot (off-site and outside jurisdiction) has been washing off the property and into the storm water management structure. The Commission found this issue difficult to address because Commission doesn't have enforcement authority over storm water management issues outside of its jurisdiction. Mrs. Danza said she follow up and that she thought it was discussed before and they agreed to put some type of barrier up. Part of the MS4 permit requires that these systems have to be inspected but Uxbridge doesn't yet have a process set up for inspecting yet that the Commission is aware of.

### WETLAND UPDATES/ISSUES

1. Request for Certificate of Compliance, 373 Mendon Street, DEP #312-1055 (01:45:50 – 01:46:29)
  - Mrs. Danza brought as-built plans for review and informed members it is complete and stabilized but it was left to the new owners, so it was a bit delayed. The resource area is bank.
  - **Motion:** Mr. Shaw moved to a Certificate of Compliance for DEP#312-1055, 373 Mendon Street. Mr. Holden seconded, and the motion passed unanimously by vote of 4-0-0.
2. Snow Removal Procedure (01:46:30 – 01:55:20)
  - Mrs. Danza reported that she had talked with Mr. Sherman and he thought the only feasible area was the DPW parking lot. Mr. Shaw printed out town owned properties and offered to look through the list for large parcels while waiting for Mr. Sherman's memo.

### PROCESSING

1. 6/18/18 Meeting Minutes (01:55:22 – 02:06:20)

## **Conservation Commission Meeting Minutes continued – Monday July 2, 2018**

**Motion:** Mr. Gorman moved to approve the 6/18/18 Meeting Minutes of the Conservation Commission with the amendments noted during the meeting. Mr. Shaw seconded, and the motion passed by vote of 4-0-0.

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

1. Next steps about Open Space & Recreation Plan & Committee
  - Passed over until all members are present
2. Discuss plan to revisit the draft wetland bylaw
  - The review of Sections 1-5 was passed over until all members are present.
3. Pout Pond weed treatment (02:06:58 – 02:08:28)
  - Survey was conducted and it was determined treatment is needed and the pond will be closed for swimming for one day (July 10). Mrs. Danza will coordinate communicating to the public (posting signs, social media, etc). She will also obtain the MSDS sheets of the product being applied.
4. Whitin Pond weed abatement (02:08:29 – 02:10:50)
  - Mr. Gorman did not prepare to present anything formally, but he would like the commission to look into any grants to help them deal with the water chestnut and cyanobacteria that is overtaking the pond. He recommended starting to document the conditions. Another question needed to be answered is who is the actual owner of the pond.
5. Yearly Reorganization
  - Passed over until all members are present

### **AGENT UPDATES** (02:10:54 – 02:12:00)

1. Mrs. Danza will be visiting Sutton St. and Trowbridge Acres this upcoming week
2. Mr. Shaw wanted to give a big thank you and shout out to Pout Pond Employee Victoria for take the time to go above and beyond her duties to help out an elderly woman to her car. Thank you for making her feel welcome and the area accessible to all our residents.

### **ADJOURNMENT-NEXT MEETING SCHEDULED FOR JULY 16, 2018**

**Motion:** Mr. Holden moved to adjourn the July 2, 2018 meeting of the Conservation Commission. Mr. Shaw seconded, and the motion passed by vote of 4-0-0.

Conservation Commission Meeting Minutes continued – Monday July 2, 2018

Respectfully submitted,  
Melissa Shelley

  
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Andrew Gorman, Chairman

(absent)

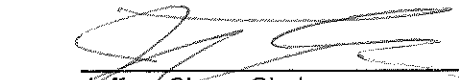
\_\_\_\_\_  
Jim Hogan, Vice Chair

(absent)

\_\_\_\_\_  
Lauren Steele, Member

  
\_\_\_\_\_  
Brad Allspach, Member

July 16, 2018  
\_\_\_\_\_  
Date

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

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

(absent)

\_\_\_\_\_  
Dale Bangma, Member

