



Conservation Commission Meeting Minutes
August 20, 2018
Board of Selectman's Room, Uxbridge Town Hall

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

It being approximately 6:30, the meeting duly posted and a quorum present the chair called the meeting to order and led the pledge of allegiance.

ANNOUNCEMENTS: Mr. Gorman announced that this is Mrs. Danza's last meeting as the Conservation Agent and all the members thanked her for all her hard work over the past 3 years.

PUBLIC HEARINGS

1. **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
Project Description: Construction of a roadway and associated grading, clearing, and paving in conjunction with a positive Determination of Applicability (00:01:45 – 00:10:24)
Representative: Guerriere & Halnon, Inc.

Discussion: Mike Hassett, Guerriere and Halnon, attend on behalf of the applicant to review their response to DEP comments related to the storm water report and how the cold-water fishery was addressed. Essentially, DEP was requiring some additional treatment of the storm water and handling of recharge. In a letter to DEP and the Commission, G&H confirmed it is a cold-water fishery designating it as a critical area and detailed how they are managing the recharge (adding additional recharge to the storm water chambers located at each house and adding defender units to the existing drain line). No members of the public commented during the hearing.

Motion: Mr. Hogan moved to close the public hearing for DEP #312-1064. Ms. Steele seconded, and the motion passed unanimously by vote of 7-0-0.

Motion: Mr. Hogan moved to issue an Order of Conditions for DEP#312-1064 with the Uxbridge Standard Special Conditions. Mr. Shaw seconded and the motion passed unanimously by vote of 7-0-0.

- * *Mr. Hogan moved to table discussion for DEP312-1069 until the applicant arrives. Mr. Shaw seconded, and the motion passed unanimously by vote 7-0-0.*

2. **Notice of Intent (NOI), DEP #312-10XX**, 44/38 Mendon Street (Map 19/25, Parcels 4185/38) (00:11:57 – 00:35:30)
Applicant: Jack Robertson
Project Description: Clearing of vegetation behind John Farnum House and construction of a canoe/kayak launch

Discussion: Jack Robertson attended to present his project. He displayed several photographs, with dimensions and information added to depict the project to commissioners. The work mainly consists of clearing approximately 900' of low shrubs and other small obstacles within the proposed path and launch area. There is also a plan to add a staircase (13 steps w/ landing) and made of composite material that would require 2 sonotubes (concrete filled, 2' deep) for stability. The sonotube holes will be hand dug with a posthole digger and poured onsite. With the exception the installation of the sonotubes, no soil disturbance is expected. They do not intend to cover the path with anything, just leave it in its natural state. The plan for signage is a small sign at the beginning of the path and possibly painting a rock protruding in the water at the launch site to identify the exit. Erosion control measures were discussed and everyone agreed there should be some protection at the bottom of the staircase work and at the edge of the driveway at the Farnum House. Mr. Hogan made a few recommendations (i) trimming would be better than pulling out vegetation for stability purposes (ii) dead limbs or trimmed items may be kept on site out of the way because it is good habitat. The only concern mentioned was the canoe slide wearing down and eroding over time (its approximately a 14' drop at 32') and possible "channel" options such as plywood or plastic. Two abutters Dr. Tapscott and Bev Gudanowski attended with questions and recommendations. Moving forward, Mr. Robertson agreed to talk with the Blackstone Valley Heritage Corridor, consult with the Building Inspector about the stair case, consider options regarding the canoe slide, check out other launches in the area, and provide a basic drawing of the project (eg location of the sonotubes, etc).

Motion: Mr. Hogan moved to continue 44/38 Mendon Street in anticipation of a DEP number. Ms. Steele seconded, and the motion passed by vote of 7-0-0.

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3. **Request for Determination of Applicability (RDA), FY19-2**, 11 Hartford Avenue West (Map 12D, Parcel 1894)
Applicant: Timothy Freitas
Representative: Shea Engineering & Surveying, Inc.
Project Description: Abandonment of existing septic system, crushing top of leach pit, filling with clean sand or gravel, and topping with loam & seed (00:36:00 – 00:48:36)

Discussion: Steve Donatelli, Shea Engineering attended on behalf of the applicant to describe the project. The existing cesspool is located behind the house and is no longer in function. The new septic system has been installed in front of the house. To finish the project, they have to complete the official abandonment of the cesspool by pumping it out, crush bottom if solid and fill it with sand and gravel. For erosion control they are proposing will be straw wattles placed on top of the bank around the cesspool. A small backhoe/bobcat may be needed to bring the gravel in and smooth out with topsoil and seed. During the meeting it was confirmed the resource area is Riverfront and there was discussion as to why the installation of the new system was not permitted as it is within 200'. Mr. Donatelli's reasoning was that it was exempt because according to Title 5 it is considered a repair. Additionally, it would be grandfathered because the original system was installed prior to August 7, 1996. The new system went through the Board of Health approval process in November of 2017 and was not brought to the attention of the Commission.

Motion: Mr. Hogan moved the Commission issue a negative determination for the work for RDA FY19-02, 11 Hartford Ave West, for the decommission of the cesspool, with the condition that the erosion controls are in place as proposed. Ms. Steele seconded, and the motion passed by vote of 7-0-0.

- *Mr. Hogan moved to un-table discussion for DEP#312-1069. Mr. Shaw seconded, and the motion passed by vote 7-0-0.*

4. **Notice of Intent (NOI), DEP #312-1069**, Intersection of Hecla St & Old Elmdale Road to intersection of Hecla St & Brown Terrace (Map 25, Parcels 304 & 4021)
Applicant: Uxbridge DPW
Representative: Onsite Engineering, Inc.
Project Description: Replacement of existing water main to improve fire flow capabilities and provide redundancy in this section of the system. (00:50:04 – 01:15:13)

Discussion: Paul Ruzala, with Onsite Engineering attended on behalf of the applicant. He gave an overview of the project because many abutters were in attendance for another project nearby. There will be an open trench, from house #186 to directional drilling section 100' past Brown Terrace. Mr. Ruzala explained, the whole project is proposed to be in the roadway, there is no disturbance to the West River but due to the drilling a NOI was triggered. Mr. Gorman explained during the prior hearing it was agreed the applicant will prepare and provide a frack out plan to the Commission prior to the start of work and also the site operator will maintain turbidity curtain on hand in case of a breach of the substrate of the river. Dep comments were reviewed, and no other questions or conditions arose. A few abutters spoke (i) asked to hear DEPs comments and clarification of items on the plan (ii) inquired if related to the Old Elmdale Estates project and the representative explained why it is not (iii) general questions regarding the cost, purpose, etc. A final condition of an inspection by the commission and or its agent during the different stages of the project was discussed and agreed upon.

Motion: Mr. Hogan moved to close the public hearing for DEP#312-1069. Mr. Shaw seconded, and the motion passed unanimously by vote of 7-0-0.

Motion: Mr. Holden moved to issue an Order of Conditions for DEP#312-1069 with the Uxbridge Standard Special Conditions and the following added conditions (i) that a turbidity curtain, adequately sized to accommodate the river, will be kept on hand and deployed in the context of the breach of the substrate of the river if needed (ii) a frack out plan and monitoring and clean-up plan is submitted to the office prior to the start of work and (iii) that the monitoring and clean-up plan is subject to a majority vote of the Commission to be effective. Ms. Steele seconded, and the motion passed unanimously by vote of 7-0-0.

5. **Notice of Intent (NOI), DEP #312-10XX**, 0 Old Elmdale Road (Map 25, Parcel 2979)
Applicant: Aris Group LLC
Representative: Andrews Survey & Engineering, Inc.
Project Description: 23 lot subdivision with associated roadway, drainage, and utilities (01:14:43 - -2:25:24)

Mr. Bangma recused himself from the public hearing due to professional involvement.

Discussion: Mr. Steve O'Connell, Andrews Survey and Engineering attended on behalf of the applicant who is exploring development options for the property. He reviewed plans for a 23-lot residential subdivision and the following are some key points: (i) it is 30 ½ acre property; (ii) in 2016 earth removal permits were explored through several town boards and deemed not feasible; (iii) they are proposing to construct a subdivision road to provide access to the site; (iv) this is the only access to the site, other options were explored; (v) the single family homes will be serviced by town water with septic systems; (vi) storm water will be managed through catch basins and closed pipe network, discharge to one central infiltration basin, where it can recharge almost completely and there is an overflow into isolated wetland. Resource areas involved are the West River, Blackstone River, ILSF, and recently two certified Vernal Pools. No impact or direct alterations to the resource areas but they are being careful to maintain hydrology to them. Total riverfront area on the property is 674,912 sq. ft and they are allowed 10% of alteration of which storm water controls and previously disturbed areas do not count. All the totals are on the plan. They have not yet been in front of the PB so there has not yet been a third-party review. Mr. O'Connell emphasized while there is some Riverfront area and buffer zone work there is zero square footage of wetland alteration and no replication required.

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Mr. Gorman asked about the BLSF filling and Mr. O'Connell confirmed they are proposing as part of the project to fill in some areas of BLSF and are proposing 1:1 (foot to foot) volume of compensatory storage to mitigate for the flood storage lost - details are included in the plan. It was mentioned that this disturbance, while on the plan, was not included in the NOI application form and Mr. O'Connell agreed to amend the application to incorporate it. Mr. Gorman emphasized the difficulty it took to carefully review the application because of inconsistencies and inaccuracies and offered the following examples: the BLSF disturbance was omitted from the application; in some sections the project is identified as a limited project and others it is not; page 2 only buffer zone is identified as a resource area to be disturbed and riverfront and BLSF disturbances are not included; alternatives analysis includes incorrect references; the performance standards section states there are no certified vernal pools on or in the vicinity of the property. Ms. Steele referenced prior concerns with the ability of the road to handle the vehicles required to construct the subdivision. Regarding phasing and how erosion is going to be managed, Mr. O'Connell said he thought erosion in general on the site should be easy to manage due to the sandy soil conditions on site and once they are in the central portion of the site it should be contained. It was also mentioned that the owner does not have to technically decommission Still Corner Road because he owns the land on both sides of the roadway.

Normally a disturbance of the 100' vernal pool area w/in the BLSF and riverfront would trigger a habitat evaluation but without having a Limited Project in place the Commission does not have the ability to approve that. Mr. Gorman read into record Section 10.58(4)(B) Protection of Rare Species "No project may be permitted within the riverfront area which will have any adverse effect on specified habitat sites of rare wetland or upland, vertebrate or invertebrate species, as identified by the procedures established under 310 CMR 10.59 or 10.37, or which will have any adverse effect on vernal pool habitat certified prior to the filing of the Notice of Intent."...so the adverse effect question will factor in. Mr. Hogan recommended at a minimum the Commission should request a 3rd party review to which everyone agreed. Mr. O'Connell agreed to prepare an amended application designated as limited project. The project is scheduled to be presented to the Planning Board during their September 12th.

Public Comment: Six abutters spoke and the following are the concerns raised and responses: (i) How topography would be affected? It will change dramatically and went over the profile sheets of the plan were reviewed. What will happen to material removed? What can be used will be processed and used on site such as a stockpile for septic; dense grade for underneath road base; sand for pipe bedding and any additional material will be hauled off. There is not much rock on site so they do not anticipate any blasting, hammering or crushing onsite. (ii) Expressed concerned that this is just a gravel removal operation, according to PB submittal almost 600,000 cubic yards of gravel coming out and the subdivision is being added into facilitate the gravel removal project. Concerned with 1st house lot encroaching on the Vernal Pool and the widening of the roadway. Mr. O'Connell stated that most of the gravel removal will occur outside jurisdiction of the Con Com but they do not expect it to drag on. (iii) Requested that the Commission look at it as an earth removal project and asked what will be used to replace earth removed if the project is abandoned before completion. Mr. O'Connell confirmed that this is not a soil importation project and it shouldn't be classified that way. The Commission responded that they would be looking for loam and seed as part of the conditions of what is allowed to be brought in. Mr. Hogan recommended speaking at the PB and suggest the bonds are enough to cover abandonment. (iv) Wanted commissioners to be aware that the Vernal Pools were omitted from the application and brought evidence they are certified. (v) Asked the Commission to consider that the project has been rejected a least 3 times by Con Com and DEP. Shared a letter by the BVHC with concerns from the prior project submittal. (vi) Inquiry as to what the Commission can do if significant there is alteration of the topography around the resource area what they can do to which they responded unless or until there is a direct impact they cannot do much.

In conclusion, members requested a plan with the final grade w/o the houses, driveways and septic system to make it easier to see the final grades and Mr. O'Connell will be preparing an amended NOI.

Motion: Mr. Hogan moved to request a peer review for the wetland boundary and review of the project in the context of the wetlands protection act. Mr. Shaw seconded, and the motion passed by vote of 6-0-0.

Motion: Ms. Steele moved to continue Old Elmdale Road to the next meeting of the Conservation Commission in anticipation of further documentation from the applicant. Mr. Hogan seconded, and the motion passed unanimously by vote of 6-0-0.

Mr. Bangma returned to the meeting.

REPORTED/ONGOING VIOLATIONS

- 52 Fisher Street – clearing of trees/brush for access road/driveway to back of property (02:26:01 – 02:39:04)
 - Mr. Gorman, Mr. Holden and Mr. Shaw visited the site and there was discussion about what action to take relative to the disturbance. Specifically, Mr. Holden recommended removing some of the rock that has gone onto the low areas and re-seeding the disturbed area with a wetland mix would be helpful. He also mentioned a follow up and monitoring of the area for a period after the initial planting. Mr. Muntz, the homeowner confirmed she doesn't have a specific need or intent to use the area cleared – she was just going to park her plows there and she is ok w/ letting the area be re-established. Everyone agreed she will notify the commission when the restoration has taken place with an update (such as photos) provided June 1 and September 1. Mr. Shaw also recommended she could use ECBs to hold back road wash off until the seed takes.
 - Motion:** Mr. Holden moved to issue an Enforcement Order for 52 Fisher Street to (i) remove existing stones within the wetland and buffer zone (ii) to apply a wetland seed mix to the disturbed areas (iii) to apply a straw waddle or similar

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erosion control measure to the roadside area for purposes of controlling runoff and (iv) to submit photos during late spring and early fall to be vetted by the Commission or its designee. There is a 45-day deadline for the restoration work. Mr. Hogan seconded, and the motion passed by vote of 7-0-0.

- **Motion:** Mr. Hogan moved to recognize the work associated with the existing retaining wall as a minor activity. Ms. Steele seconded, and the motion passed unanimously by vote of 7-0-0.

Mr. Gorman polled the audience and administratively changed the agenda order to hear the items under Wetland Updates/Issues next.

WETLAND UPDATES/ISSUES

1. Certificate of Compliance – DEP #312-989, Lackey Dam/Route 146 Stormwater Retrofit (02:40:10 – 02:45:39)
 - Kathryn Eagan and Kaitlyn Rimol with BSC Group attended on behalf of the project, which was completed with MASSDOT as part of the storm water improvements for the Mumford River and also part of their overall Impaired Waters Program. Ms. Eagan explained they designed an infiltration swale and four infiltration basins and reviewed the as-builts. She mentioned the infiltration swale did experience a wash out but has since been repaired. Several members mentioned they have seen the site. *Mr. Hogan stepped out during the discussion and did not participate in the vote.*
 - Mr. Holden moved to issue a Certificate of Compliance for DEP #312-989, as per the stamped plan and site photos. Mr. Shaw seconded, and the motion passed by vote of 6-0-0.
2. Beaver Dam – Ironstone Reservoir/ BJs Conservation Restriction (02:46:00 – 02:59:00)
 - Mr. Gorman, Mr. Shaw and Mr. Holden conducted some site visits and explicitly identified two beaver dams and believe there is likely a third that is difficult to get to and verify. Mr. Holden also mentioned BJs pump house, but they do not have the ability to regulate the flows locally. There is also a man-made connection that is filled in w/ stones (a causeway of sorts that goes from one part of the property to the other) with older beaver material on top – water was flowing over it. It was observed that one of the identified beaver dams appeared to have water running through it and over it. There was also a “sluiceway” that would allow water to go through it and around the dam and there was water in this. Everyone agreed visits confirmed the problem and they were able to document the trees dying off due to incursion from water. There is BOH coordination – they have the ability to issue a trap permit and demarcate something as a hazard. Mr. Gorman offered to prepare a letter outlining the findings to the BOH and BJ's and include the documentation. Mr. Holden recommended a proactive approach could be to contact local sportsman's club and nearby landowners to give permission to trap during the RI trapping season. They still have to determine what to do about the dam and Mr. Gorman agreed to reach out to her for advice.

Motion: Mr. Hogan moved that the commission authorize the Chair to draft and send a letter on behalf of the Commission detailing the findings of the site visits to be sent to the Board of Health, BJ's property representative and any other land representative that may be affected and wishes to be included. Ms. Steele seconded, and the motion passed unanimously by vote of 7-0-0.

The agenda returned to the published order to item #2 under Reported/Ongoing Violations.

REPORTED/ONGOING VIOLATIONS

2. 832 Aldrich St – submitted complaint of wood chips filling in wetlands on adjacent property (02:59:02 – 02:59:48)
 - Still working on scheduling a site visit.
3. Old Lackey Dam Road Gravel Pit (02:59:49 – 03:01:51)
 - *Mr. Bangma and Mr. Gorman recused themselves due to professional involvement.* Mr. Shaw and Mr. Holden conducted a site visit. The area used for snow storage is pretty well surrounded with natural berm or an earthen berm and based on the work on the site it appears he is a responsible land owner and wouldn't have any trouble with him storing snow there.
 - **Motion:** Ms. Steele moved to authorize the agent send a letter that the Commission approves of the snow stock piling in the location specified. Mr. Shaw seconded, and the motion passed by vote of 5-0-0.
4. Commerce Drive – Map 40, Parcels 3085 & 3086 (03:02:13 – 03:02:31)
 - Discussion on progress and plan for future monitoring. No new updates discussed.
5. Forest Glen (03:02:31 – 03:05:39)
 - Mr. Holden completed a site inspection and reported that feels the terracing and diversion swales are working but another storm could overtop either one or both of the terraces. He mentioned that they should be maintaining that by removing any sediment that builds up behind the terraces. Also, there are two small areas that they need to go in and take out sediment from the original enforcement order. There are two specific areas where the water slows down, downstream of the crossing – it is easy to see. They have excavated a little section so water can go around a rock but Russ would encourage them not to maintain that but let it grow back. Mrs. Danza agreed to email Mr. Perry to let him

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know they want normal inspections of the erosion controls to occur per their SWPPP and to finish the cleaning with a bucket and shovel.

WETLAND UPDATES/ISSUES

3. Certificate of Compliance – DEP #312-471, Patriot Way Subdivision (03:05:40 – 03:08:28)
 - This subdivision was completed in 2000. Mrs. Danza reported the original request was for a partial for this lot. From her research he was able to determine that it was the only lot left that was jurisdictional. The commission issued partials for the other applicable house lots. She recommended issuing a complete CoC for the entire roadway to ensure other non-jurisdictional lots do not keep coming up.
 - Mr. Hogan moved to issue a Certificate of Compliance for DEP#312-471 for the Patriot Way Subdivision as complete. Ms. Steele seconded, and the motion passed by vote of 7-0-0
4. Discussion of site compliance regarding active and expired Order of Conditions
 - No updates
5. Whitin Pond weed abatement
 - No new updates, still waiting on to hear back from Counsel or otherwise
6. Peaceful Pond – weed issues (03:08:35 – 03:11:22)
 - No updates – Mr. Holden will forward photos to the group and they agreed to take up at the next meeting.
7. 79 River Road – Update from Gary Dulmaine of MA Department of Environmental Protection (3:11:23 – 03:16:45)
 - This site has a superseding Order of Conditions. A site visit occurred with Mr. Dulmaine, DEP, Mr. Holden and Mr. Shaw. The original Uxbridge OoC indicated that there were isolated wetlands. Over the course of time it was confirmed (via a site visit with regional and state representatives) there is a now a narrow connection between the wetlands on and off the site and are now considered BVWs. Given that, they had a few different conditions. Some issues were observed (a pipe that was not supposed to be outflowing) and DEPs plan going forward is to have a meeting with the applicant and their representative to discuss and would keep us in the loop and welcomed our input.

PROCESSING

1. 7/30/18 & 8/6/18 Meeting Minutes were reviewed (03:16:48 – 03:23:29)

Motion: Mr. Holden moved to approve the 7/30/18 meeting minutes of the Conservation Commission. Mr. Hogan seconded and the motion passed by vote of 5-0-2.

Motion: Mr. Holden moved to approve the 8/6/18 meeting minutes as amended. Ms. Steele seconded, and the motion passed by vote of 4-0-3.

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

- Draft Wetland Bylaw Discussion (Andrew is finalizing per the changes suggested at the workshop.)
- FY18 Annual Report approval
Motion: Mr. Gorman made a motion to approve the annual report as approved and amended during the meeting. Mr. Hogan seconded and the motion passed by vote of 7-0-0.

AGENT UPDATES

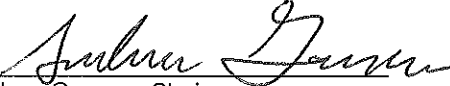
1. General updates from the office/projects – no new updates
2. Agent resignation & next steps for hiring (03:23:52 – 03:25:10)
 - Mr. Gorman explained that the Agent has taken on a new opportunity and went over next steps in the hiring process. The town manager provided final edits to HR and they are just awaiting the posting.
3. Pout Pond responsibilities & items to address (03:25:11 – 03:27:01)
 - Mr. Hogan and Mr. Gorman met w/ PPRC to coordinate efforts in closing up the pond for the season.

ADJOURNMENT-NEXT MEETING SCHEDULED FOR SEPTEMBER 5, 2018

Motion: Mr. Hogan moved to adjourn the August 20 meeting of the Conservation Commission. Mr. Shaw seconded, and the motion passed by vote of 7-0-0.

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Respectfully submitted,
Melissa Shelley



Andrew Gorman, Chairman


Jeffrey Shaw, Clerk



Jim Hogan, Vice Chair



Russell Holden, Treasurer



Lauren Steele, Member

Dale Bangma, Member

Brad Allspach, Member

September 17, 2018
Date