



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



**Conservation Commission Meeting Minutes
April 21, 2020
Remote Meeting**

Present: Chair Andrew Gorman, Vice Chair Jim Hogan, Clerk Jeff Shaw, Treasurer Russ Holden, Members Dale Bangma, Lauren Steele and Mark Richardson and Conservation Agent Holly Jones

CALL TO ORDER

It being approximately 6:30pm, the meeting being properly posted, duly called, and a quorum being present digitally, the Chair called the meeting to order. He made the following statement to explain the purpose for the remote meeting:

Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor's March 15, 2020 Order imposing strict limitations on the number of people that may gather in one place, this meeting of the Uxbridge Conservation Commission is being conducted via remote participation. Although, no in-person attendance of members of the public will be permitted, the Town of Uxbridge has made every effort to ensure the public can adequately access the proceedings in real time via technological means. This meeting is being streamed on Uxbridge Television and Zoom per the instructions on the agenda alternatively members of the public can call in by calling 301-715-8592 or 253-215-8782 and using meeting i.d. 829 533 315. All motions will be voted on with roll call vote in alphabetical order by last name (Bangma, Gorman, Hogan, Holden, Richardson, Shaw, Steele).

PUBLIC HEARINGS

1. **Notice of Intent (NOI) DEP No. 312-1095, 300 Mendon St. (Map 19, parcels 2413, 2475, & 2467) (00:01:57 – 00:02:49)**
Applicant: Cook's Crossing, LLC. Representative: Kristen Labrie, Andrews Survey & Engineering
Project Description: A subdivision comprising 50 housing units contained within 25 duplex buildings, with associated utilities, grading, paving, and stormwater system in the buffer zone to a bordering vegetated wetland.

Discussion: Applicant requested to continue.

Motion: Mr. Hogan moved to continue the NOI for DEP 312-1095, 300 Mendon St., to the next meeting of the Conservation Commission. Mr. Shaw seconded, and the motion passed unanimously by roll call vote of 7-0-0 (Bangma – aye, Gorman aye, Holden – aye, Hogan aye, Holden aye, Richardson aye, Shaw aye, Steele aye)

2. **Notice of Intent (NOI) DEP No. 312-1096, 0 Old Elmdale Rd (Map 25 Parcel 3167) (00:02:50 – 00:03:43)**
Applicant: Aris Group, LLC Representative: Jude Gauvin, Andrews Survey & Engineering
Project Description: Construction of a roadway, drainage, and gravel removal in the inner and outer riverfront area, bordering land subject to flooding, and the buffer zone to a bordering vegetated wetland.

Discussion: Applicant requested to continue.

Motion: Ms. Steele moved to continue DEP 312-1096, 0 Old Elmdale Rd., to the next meeting of the Conservation Commission. Mr. Hogan seconded, and the motion passed by roll call vote of 6-0-1 (Bangma – abstain, Gorman - aye, Hogan - aye, Holden - aye, Richardson - aye, Shaw - aye, Steele - aye)

3. **Notice of Intent (NOI) DEP No. 312-1100 44 Hollis St (Map 20 Parcel 4232) (00:03:45 – 00:04:33)**
Applicant: Stephen Benoit Representative: Kristen LaBrie, Andrews Survey & Engineering
Project Description: A single family home with well and septic and associated earthwork, landscaping, and utilities within the riverfront area, with a wetland crossing of the bordering vegetated wetland.

Discussion: Applicant requested to continue.

Motion: Mr. Holden moved to continue DEP 312-1100, 44 Hollis St., to the next meeting of the Conservation Commission. Mr. Shaw seconded, and the motion passed unanimously by roll call vote of 7-0-0 (Bangma – aye, Gorman - aye, Hogan - aye, Holden - aye, Richardson - aye, Shaw - aye, Steele - aye)

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4. Request for Determination of Applicability (RDA) 305 West River Rd. (Map 7 Prcl 3898) (00:04:40 – 00:17:05)

Applicant: Dennis Seely

Project Description: Filling off and leveling an existing lawn area to the level of an existing paved driveway in the buffer zone of bank and bordering vegetated wetland. Filled in area will be loomed and seeded.

Discussion: Mr. Seely went over the work to be performed by DJ Salmon Landscaping. A sketch of the area was reviewed and Mr. Seely described the "run off" stream. Ms. Jones' recommendation was to go ahead with the use of erosion controls. It was also noted that the entire area is an existing lawn and which goes beyond the work area. Members agreed on a location for the ecbs and requested Ms. Jones perform an inspection to ensure they are properly established prior to the start of work.

Motion: Mr. Hogan moved to issue a Negative Determination of Applicability for 305 West River Rd with the condition that an erosion control barrier, approved by the Commission or its designee, be installed between the work area and the adjacent downgradient resource area and said erosion control barrier shall be inspected by the Conservation Agent prior to start of work. Ms. Steele seconded, and the motion passed unanimously by roll call vote of 7-0-0 (Bangma – aye, Gorman - aye, Hogan - aye, Holden - aye, Richardson - aye, Shaw - aye, Steele - aye)

5. Request for Determination of Applicability (RDA) 32 South Main St (Map 25 Parel 918) (00:17:08 – 00:29:00)

Applicant: Town of Uxbridge

Project Description: Construction of a parking lot in a previously developed lot destroyed by fire in the outer riverfront area of the Mumford River

Discussion: Steve Sette, Uxbridge Town Manager, presented on behalf of the Town. He described the need for a solid surface lot for the individuals that utilize the lot (primarily senior citizens) to mitigate a potential liability. The plan is to have DPW put down re-ground asphalt, staying inside existing footprint. Dry well drainage was chosen and will be located where the original asphalt pitches down. Mr. Bangma emphasized the need to ensure the deep old culvert is taken into consideration and safely covered because it is an estimated 20 feet deep. Mr. Shaw agreed and explained the replacing the culvert was part of the original NOI but there is no funding for that at this time. The plan was also reviewed.

Mr. Gorman thought they could condition it in such a way to ensure the culvert is protected. Members discussed the need for erosion control everyone agreed silt sacks in the down gradient catch basins would be sufficient and because raised RR tracks are between the work and resource area.

No members of public commented during the hearing.

Motion: Mr. Richardson moved to issue a Negative a Determination of Applicability for 32 South Main Street with the conditions that the underlying culvert be protected by best engineering practices for stability and silt sacks be placed in the downgradient catch basins up to 50 feet from the project to prevent sediment from entering the adjoining stream Mr. Shaw seconded, and the motion passed unanimously by roll call vote of 7-0-0. (Bangma – aye, Gorman - aye, Hogan - aye, Holden - aye, Richardson - aye, Shaw - aye, Steele - aye)

6. Request for Determination of Applicability (RDA) 70 West River Rd. (Map 13 Parcel 4877)

Applicant: Uxbridge Conservation Commission (00:29:05 – 00:38:37)

Project Description: Mechanical raking of upper beach area at Pout Pond to remove vegetation in preparation for beach nourishment

Discussion: The request is coming from the PPRC who would like to rake up the crabgrass and weeds encroaching on the beach before they replace the sand (with new sand that is being donated by Pyne Sand and Gravel). The work can be completed with a York rake pulled by a small tractor. Mr. Gorman recommended the raking does not go deeper than 1 foot. Mr. Holden pointed out that late April begins the peak of the endangered dragonfly flight period and that it would be preferable to perform the activity after June 15. No one from the public commented during discussion.

Motion: Mr. Shaw moved to issue a Negative a Determination of applicability for 70 West River Road for the beach raking at Pout Pond with the conditions that the raking shall occur only in marked areas and shall not be lower than 1 foot in depth and said raking shall not be performed between 4/15 - 6/15 any given year to avoid impacting the sensitive dragonfly habitat. Mr. Holden seconded, and the motion passed unanimously by roll call vote of 7-0-0. (Bangma – aye, Gorman - aye, Hogan - aye, Holden - aye, Richardson - aye, Shaw - aye, Steele - aye)

WETLAND UPDATES/ISSUES

1. CoC request: DEP No. 312-651, 1 Lackey Dam Rd. (00:39:56 – 00:45:26)
 - Attorney Gerald Shugrue attended on behalf of the homeowners. He explained the OoC was issued in 2000 and the project completed in 2001. In the process of selling the homestead it was discovered that there was an active Order of Conditions in place. The homeowners did not have any documentation and they were unable to investigate further because the engineer is deceased. In February, the property passed title 5 inspection. Attorney Shugrue surmised the CoC request just fell between the cracks which is why they are requesting now. Ms. Jones performed a desktop gis review of the site. She described project as a replacement of a septic about 70' from the wetland resource area which is the pond. It appeared to Ms. Jones that there was not any additional encroachment into the wetland than what was permitted.

Motion: Mr. Hogan moved to issue a Certificate of Completion for DEP No. 312-651, 1 Lackey Dam Rd. Mr. Shaw seconded, and the motion passed unanimously by roll call vote of 7-0-0. (Bangma – aye, Gorman - aye, Hogan - aye, Holden - aye, Richardson - aye, Shaw - aye, Steele - aye)

2. OoC extension request: DEP No. 312-1033, 671 Quaker HWY (00:45:30 – 00:50:09)
 - Byron Andrews, Andrews Survey and Engineering attended on behalf of the applicant. The request is to extend an amended Order of Conditions issued in June 2017 for a fuel service station. It's owned by Cardinal Industries and Mullaly Landscaping is currently using the site. It was in the Commission's jurisdiction because a detention basin was designed adjacent to the wetland (closest point being 37'). No site work has occurred under the permit yet and but they expect to begin in the near future. Mr. Andrews said they would most likely begin with site grading and wouldn't get to the basin until later in the project. Mr. Gorman requested they be mindful of the condition in the order related to cleaning the mulch piles prior to other site work activities.

Motion: Mr. Hogan moved to extend the Order of Conditions for a period of 3 years for 312-1033, 671 Quaker Highway. Mr. Shaw seconded, and the motion passed unanimously by roll call vote of 7-0-0. (Bangma – aye, Gorman - aye, Hogan - aye, Holden - aye, Richardson - aye, Shaw - aye, Steele - aye)

3. OoC extension Request: DEP No. 312-829, 135 East St (00:50:10 – 00:53:52)
 - *Mr. Bangma recused himself from discussion and did not participate by mic or video.* Mr. Manser, the homeowner attended. Ms. Jones reviewed the application and updated commissioners on her recent site visit. She did not see any issues, said the site is very stable and the proposed work is to essentially regrade the areas that at have filled in with shrubs and weeds. Mr. Manser added the rough grading is complete so he just has to add some topsoil grade it and finish the lawn. It was noted that there have not been any outstanding compliance issues on the site.

Motion: Mr. Hogan moved to extend the Order of Conditions for a period of 3 years for 312-829, 135 East St. Mr. Shaw seconded, and the motion passed by roll call vote of 6-0-1. (Bangma – abstained from discussion, Gorman - aye, Hogan - aye, Holden - aye, Richardson - aye, Shaw - aye, Steele - aye)

** Mr. Bangma returned to the meeting*

5. OoC extension Request: DEP No. 312-969, 70 West River Road/Pout Pond (00:53:58 – 00:57:48)
 - The is the OoC which governs the application of aquatic herbicide that the Commission contracts with Solitude to perform annually. They perform a survey in the spring and fall to look at the extent of the aquatic growth and will apply Diquat (an herbicide) to get it under control when necessary. The Order4 expires in June so an extension is required for Solitude to perform the spring assessment that has already been paid for under this year's contract. Members agreed the order should be extended and Ms. Jones agreed to follow up with Solitude and report back to Commissioners.

Motion: Mr. Shaw moved to extend the Order of Conditions for DEP No. 312-969, 70 West River Road/Pout Pond, for a period of 3 years. Mr. Hogan seconded, and the motion passed unanimously by roll call vote 7-0-0. (Bangma – aye, Gorman - aye, Hogan - aye, Holden - aye, Richardson - aye, Shaw - aye, Steele - aye)

6. Minor Plan Change; DEP No. 312-1094, Uxbridge Rod & Gun Club (00:57:50 – 01:04:44)
 - *Mr. Gorman recused himself per conflict of interest law and Mr. Hogan chaired the discussion.* Mark Allen, Allen Engineering attended on behalf of the applicant. He explained the "minor change" is that the temporary basis are going to be permanent vegetated shallow infiltration basins. The change was made in accordance with the Planning Board's storm water permit. Plans were revised and reviewed during the meeting. Mr. Holden inquired whether they had developed a ammunition clean-up plan and Mr. Allen responded that they had finalized a plan during the Planning Board Review and a copy has been submitted to Ms. Jones.

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Motion: Ms. Steele moved to approve the changes for DEP No. 312-1094, Uxbridge Rod & Gun Club to make the temporary swales permanent as per the plan. Mr. Shaw seconded, and the motion passed by roll call vote of 6-0-1. (Bangma – aye, Gorman – abstained from discussion and vote, Hogan – aye, Holden – aye, Richardson – aye, Shaw – aye, Steele – aye)

** Mr. Gorman returned to the meeting*

** The agenda was taken out of published order to accommodate the remaining audience members.*

7. Consultation with DPW on upcoming road/stream crossing NOI (01:05:07 – 02:01:00)

- Phil Paradis, with Beta Group attended on behalf of the DPW. Mark Gershman, Beta Group and Paul Hutnak, DPW, also attended and provided some comments. Beta group has been working with DPW to assess and provide plans for the replacement of 3 culverts in town. Mr. Paradis provided the following key points for each:
 - **Albee Road:** This culvert is in disrepair and as a result, on recent occasions, the stream has overtopped the road. There is very little water coming from the outlet structure with some breakout occurring to the right. To meet the openness ratio for the stream crossing standards an 8 to 9-foot-wide culvert would be required which would completely drain the pond for which this culvert acts as an outlet control device. The immediate need is to get the water down to the invert elevation. They are proposing to replace the 12" corrugated metal pipe – probably with a size larger – to get it functioning, to prevent flooding and continued migration of water through the roadway bed and outlet. He displayed photographs of the culvert and current conditions and described how they would control erosion during the replacement. It was mentioned that there is a BVW system to the north and a BVW to the immediate west of the pond complex. There was discussion regarding whether a natural stream type alternative, that is not too wide, could be considered to maintain a wider openness ratio for wildlife. Mr. Paradis noted that it is an alternative they could consider it but they need to also ensure its not erodible – there is an approximate 6' differential in height between inlet to outlet.
 - **Crosses Sutton Street near Hartford Avenue:** Photographs were reviewed of the twin metal corrugated culvert system. It runs about 75' in length in a skewed direction. The inlet side does not have much depth (about 24") and the left pipe has no flow and the right has just some flow. On the outlet side there are 4 pipes - 2 pipes to the left are from drainage systems from Sutton St. and 2 are from the culvert. The condition of both are poor – the bottoms are completely gone. This system has covers close to a square mile drainage system with significant more flows. Their initial thought is to replace the current system with a shallow box culvert approximately 8' wide x 5' deep filling the bottom with substrate similar to the existing. Also considering a 3-sided box culvert. Mr. Paradis explained why the project didn't meet the bank full width the openness ratio requirements.
 - **Hazel St. Culvert:** This culvert is 5 ½ wide x 6 ½' deep and approximately 40' long – being undermined and cracking with sediment issues above the culvert. DPW has received a grant from DER for the *design* of a culvert that meets the stream crossing guidelines and provides a better ecological connection between each side. Photographs were reviewed of the conditions and the associated stream. There is no FEMA mapped flood area associated with this stream. Based on their review they believe capacity is sufficient for the 100-year storm event and it is not restrained in terms of flow. Mr. Paradis explained an opening is over 10' in width it becomes a small bridge and requires Mass Highway and significantly higher design effort. If they were to meet the stream crossing guidelines relative to 1.2 x bank full width the opening would be 12.6'. He explained that they don't see a lot of benefit other than meeting that standard. They are proposing to upgrade the width to 9 ½' to provide a better connection. Paul Hutnak is working with DER to identify what standard has to be met and was looking for the Commissions input. There was discussion about the cost differences between the two types of projects and the available funds through the DER. DER is funding \$76K for the design portion; the town can apply for construction funding which is capped at \$200K; the actual cost is estimated at a \$1 mil or more to replace.
- Initially they will be filing NOI's for Albee and Sutton St. The work on Hazel St. will likely be submitted in the next fiscal year because permitting was not included in the DER grant – DPW put the permitting in the Chapter 90 funding. Albee and Sutton were part of the MVP grant to they are trying to meet those standards of resiliency for climate change. Moving forward with Hazel St. Mr. Paradis said they would like to express the opportunity with DER to continue with a smaller culvert if it is something they can pursue via the ecological restoration limited project. There was consensus among members that Beta's recommended path forward for Hazel St. was acceptable.

The meeting returned to the published agenda order.

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REPORTED/ONGOING VIOLATIONS (02:02:10 – 02:02:38)

1. 650 Quaker Highway (Assessors Map 45 Parcel 3831) – no updates
2. Crownshield, Tea Party Drive – Ms. Jones received the geological reports
3. 99 Elm St Riverfront Clearing – no updates
4. River Rd. stormwater discharge – DEP is beginning to pursue this

WETLAND UPDATES/ISSUES

8. Algonquin Mainline Pipeline Maintenance (02:02:40 – 02:03:33)
 - The Conservation Commission was notified of repairs of the pipeline to be performed in a wetland. The problem identified during routine monitoring and this activity is exempt from wpa permitting requirements.
9. P&W Railway Yearly Operational Plan (02:03:34 – 02:03:57)
 - Similar to the pipeline maintenance, the Commission was provided with the P&W yearly operational plan also exempt. \
10. Discussion of site compliance regarding active and expired Orders of Conditions (02:03:34 – 02:08:24)
 - Medline Site: It was noted that ecb's are not up in the new area that is being cut into (Lot 2A). Additionally, the level spreader is scheduled to be moved this spring. Ms. Jones agreed to visit the site and members agreed to add the item back on the agenda.
 - Mr. Holden inquired as to the nature of the site visit to Hollis St. was mentioned and Mr. Gorman said it was to better investigate the wetland line.

PROCESSING

1. 4/6/2020 Meeting Minutes (02:08:26 – 02:10:15)

Motion: Mr. Bangma moved to approve the April 6, 2020 Meeting Minutes as written. Mr. Hogan seconded and the motion passed by roll call vote of 6-0-1. (Bangma – aye, Gorman – aye, Hogan - aye, Holden - abstained, Richardson - aye, Shaw - aye, Steele – aye)

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

1. Pout Pond Recreation Committee Update (02:10:17 – 02:12:09)
 - Ms. Jones is working with the Board of Health and the PPRC for the hiring of the beach attendants and a potential opening date – she'll keep everyone posted.

EXECUTIVE SESSION & MEETING ADJORNMENT (02:12:10 – 02:14:30)

1. Review of minutes for the executive session on 2/4/2020 held to discuss imminent litigation strategy regarding potential wetlands violations at 32 Church St (Assessor's map 6 parcel 4452)

Motion: Mr. Shaw made a motion to enter into Executive Session with no other business to follow, inviting Holly Jones the Conservation Agent to participate, for the purpose is to review and approve the meeting minutes from the 2/4/20 executive session discussion held to discuss imminent litigation strategy regarding potential wetlands violations at 32 Church St. Mr. Hogan seconded, and the motion passed by roll call vote of 6-0-1. (Bangma – abstained from discussion, Gorman - aye, Hogan - aye, Holden - aye, Richardson - aye, Shaw - aye, Steele - aye)

NEXT MEETING SCHEDULED FOR Monday, May 4, 2020

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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

Mark Richardson, Member

Date

Conservation Commission Meeting Minutes continued – Monday, April 21, 2020

Respectfully submitted,
Melissa Shelley

Andrew Gorman, Chairman

Jeffrey Shaw, Clerk

Jim Hogan, Vice Chair

Russell Holden, Treasurer

Lauren Steele, Member

Dale Bangma, Member



Mark Richardson, Member

Date

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Mark Richardson, Member

Date