

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



**Conservation Commission Meeting Minutes
September 16, 2019
Board of Selectmen Room, Uxbridge Town Hall**

REC'D UXB TOWN CLERK
2019 DEC 17 AM 11:03

Present: Chair Andrew Gorman, Vice Chair Jim Hogan, Clerk Jeff Shaw, Treasurer Russell Holden, Members, Lauren Steele and Conservation Agent Holly Jones

Absent: Member Dale Bangma

CALL TO ORDER

It being approximately 6:30pm, the meeting being properly posted, duly called, and a quorum being present, the meeting was called to order by the Chair, who led the Pledge of Allegiance.

The Chair announced there is a vacant seat on the Conservation Commission and encouraged interested residents to submit a Talent Bank Form to the Town Manager's Office or visit the Conservation office or a meeting for more information.

PUBLIC HEARINGS

1. **Notice of Intent (NOI), DEP #312-1088, Old Lackey Dam Rd, Assessor's parcel 15-3153** (00:01:11 – 00:01:30)
Applicant: Lackey Dam Nominee Trust **Representative:** Allen Engineering & Associates, Inc.
Project Description: Expansion of an existing recycling and processing yard to include a processing area for sorting/processing of asphalt, brick, and concrete rubble, and glass, along with a truck weigh scale, office trailer, glass processing equipment and, non-potable well for processing and dust control, and sediment basin.

Discussion: The applicant formally requested to continue to the next meeting to allow time to address the engineering third party review comments.

Motion: Mr. Hogan moved to continue the public hearing for DEP#312-1088, Old Lackey Dam Road to the next regularly scheduled meeting of the Conservation Commission. Mr. Shaw seconded, and the motion passed by unanimously by vote of 5-0-0.

2. **Amended Order of Conditions: DEP No. 312-1063, 20 Glen St, Map 36 parcel 4127** (00:01:31 – 00:01:17:47)
Applicant: Koopman Lumber Company **Representative:** Andrews Survey and Engineering, Inc.
Project Description: Addition of a porch in the buffer zone of a BVW onto the rear of a previously permitted single family home.

Discussion: Dirk Koopman, Koopman Lumber Company, attended the meeting and briefly reviewed the request. A Sewage Disposal System As-Built plan was provided to illustrate the location of the deck but did not identify the conservation markers, the replication area or LOD. Members agreed to amend the conditions allowing the deck structure to be included and to add this plan as an addendum, depicting the location of the deck, to the Order of Conditions (OoC).

Mr. Koopman inquired about removing the silt fencing to make the property more presentable while it is on the market. He stated that the grass is growing and has already been mowed several times. He was informed that the conditions of the OoC require the erosion control measures stay in place until a Certificate of Compliance (CoC) is issued. Further, because this project included wetland crossing and required a replication area, that proof of the success of the replication area would be required to obtain a CoC. Photographs from 8/27/19 of the grass and the replication area were reviewed and members agreed ecbs are still required around the replication area (it was present but did not appear to be planted in the photographs). The requirement of monitoring reports was also discussed with Mr. Koopman and he was advised to coordinate with the design engineer he was working with to determine how far along he is in the wetland replication process.

Motion: Ms. Steele moved to close the public hearing for DEP No. 312-1063, 20 Glen Street. Mr. Hogan seconded, and the motion passed unanimously by vote of 5-0-0.

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Motion: Ms. Steele moved to amend the Order of Conditions for DEP 312-1063, 20 Glen Street, to add a condition that the Commission will recognize the stamped Sewage Disposal System As-Built plan, prepared by Andrews Survey and Engineering dated 8/2/19 as an addendum depicting the location of a deck that was approved through the amendment process. Mr. Holden seconded, and the motion passed unanimously by vote of 5-0-0.

3. Amended Order of Conditions: (DEP No. 312-1086) Tea Party Drive, Map 29 parcel 3053, 3099, 3987, 3895, 3866, 3084, 4745 (00:17:50 – 00:49:10)

Applicant: Uxbridge Multi Family Realty LLC

Representative: Guerriere and Halnon, Inc

Project Description: Amending an existing Order of Conditions for an Armored Slope in the Buffer Zone of LUW, Bank, and BWV to eliminate the requirements for review by a structural engineer and a hydrologist

Discussion: Dale McKinnon, Guerriere & Halnon, attended the meeting on behalf of the applicant to address the open issues related to the request. He brought the latest revision of the plan based on Graves Engineering's most recent review and comments.

Mr. McKinnon described how they addressed the concern regarding velocity of the outfall concern by omitting the sump and using a 20' level spreader with a perforated tee flow diffuser set in crushed stone buried in riprap. He added a note to the plan that an as-built would be provided to demonstrate the grading requirements were met and to identify the location of the bend fittings in case future maintenance is required. From a design standpoint, members agreed the new configuration addresses the original concern of routing the water through the basin.

Members discussed the importance of and approaches to ensure a geotechnical engineer is carrying out the oversight and monitoring of construction. It was mentioned that during an inspection the Agent noticed that the geotextile fabric did not appear to be what was specified in the plan. Members discussed adding a statement on to condition number 52 stating, "prior to the initiation of phases 2 and 3 of construction of the armored slope the Commission will require some form of documentation from the Geotechnical Engineer that the revetment is being constructed as designed". Mr. McKinnon agreed address the geotextile fabric issue immediately and offered to request an initial and then periodic monitoring reports from UTS to be provided Commission to which members agreed.

No members of the public provided comment during the meeting.

Motion: Mr. Shaw moved to close the public hearing for DEP No. 312-1086 Tea Party Drive. Ms. Steel seconded, and the motion passed unanimously by vote of 5-0-0.

Motion: Ms. Steele moved to amend the Order of Conditions for DEP No. 312-1086 to (i) identify the stamped plan, revised 9/16/2019 and corresponding sheets dated 9/6/2019, as the plan of record, (ii) to change the operating language of conditions 52 and 53 as requested with an amendment condition 52 requiring the periodic inspection reports prepared by the third party geotechnical engineer be forwarded to the Conservation Commission and (iii) the site engineer shall provide the Conservation Commission a letter and images to documenting the successful installation the level spreader. Mr. Hogan seconded, and the motion passed unanimously by vote 5-0-0.

REPORTED/ONGOING VIOLATIONS

1. 14 Woodland Road (00:49:25 – 00:55:55)

- On 9/13/19, an anonymous complaint was received of tree clearing within buffer zone and possibly a wetland behind 14 Woodland Rd. Ms. Jones and Mr. Shaw drove by the property on 9/5/19 and it appeared some material had been moved. A letter of potential violation with a request to attend the meeting was sent to the homeowner Daniel Stotz. Mr. Stotz attended the meeting and explained he had used a tractor to relocate a large brush pile, left by a prior owner, from the bottom of a hill that his children use for sledding. He also said he had used a chainsaw to remove some dead pine tree limbs from around his shed but they were not relocated into the wetland area. Mr. Stotz was amenable to a site visit from the agent or commissioner. The compost facility on River Road was mentioned as an alternative for disposing of brush and lawn clippings.

2. 146 Mendon St, Stanley Woolen Mill (00:55:58 – 01:06:07)

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- DPW informed the Conservation office of sewer work and related soil stockpiles on the property adjacent to the canal. After visiting the site and meeting with the property owner Mr. Deane, Ms. Jones determined there was need to make a sewer connection to an existing pipe within the wall of the area known as the tailrace. This involved digging a trench, excavating and stockpiling the soil next to the canal and an Enforcement Order was issued. Ms. Jones noted the work took approximately one day is complete and did not appear to have any impacts. Photographs of her visit were reviewed.
 - Mr. Nicholas Deane, one of the co-owner of the mill attended the meeting to provide additional information. He said they finally have a federal lease, which gives them enough rent to bring the main mill up to code and begin occupying it. They are working with a 9/30/19 deadline to have this portion of the building substantially complete including the need for the sewer connection. Mr. Deane described how he worked with DPW to identify and scope the sewer connections and discovered that a leach tank located in the mill yard that needed be removed – the reason for the soil stockpiles. He said he understood the need for erosion controls around the soil stockpiles and that it was an oversight due to the imposing deadline that they did not obtain permitting from the Commission.
 - Mr. Gorman noted the minor activities section and that the Commission has allowed for installation of underground utilities within existing paved areas. Everyone agreed an "after the fact" filing or further enforcement is not necessary. Mr. Deane agreed to contact Ms. Jones if anything like this comes up in the future.
3. Forest Glen (DEP No. 312-1022) (01:06:15 – 01:12:49)
- * Mr. Gorman recused himself from discussion and Mr. Hogan chaired this portion of the meeting.*
- After a recent rain event, the road collapsed and there was a sediment incursion into the wetland. Ms. Jones informed commissioners that John O'Hearne assured her that they will be cleaning up this sediment with vacuum truck next week. She also noted that there is still sediment in the stream (from both before and after the culvert installation). Another problem emphasized was that the operator never notified the Commission of the road collapse. Members reviewed Ms. Jones photographs of the washout and it was noted that the roadway has been since been repaired. After discussion, Commissioners agreed to request the Wetland Scientist evaluate the level of impacts to both the stream and wetland and restoration required.
- * Mr. Gorman returned to the meeting.*
4. Medline (DEP No. 312-1066) (01:13:04 – 01:19:52)
- Ms. Jones and Mr. Shaw inspected the site on 9/5/19 and identified several areas of ECBs required repairs following the recent violation. Immediately after the visit, a request was made to Kennedy Excavating & Mark Arnold, Goddard Consulting to prioritize the repair of the ECBs to prevent further impacts. Ms. Jones' site visit occurred a week later on 9/12/19, and while actual cleanup of the wetland was occurring, no work on the ECB's had taken place. She walked the site with someone from Kennedy and pointed out all the areas and they got someone working on it that day. The Commission has a visit scheduled for tomorrow - 9/17/19.
5. Cobbler's Knoll Development (DEP No. 312-1013) (01:19:53 – 01:21:00)
- Ms. Jones stated that DEP is still awaiting an impact assessment and remediation plan from FIKOW after a second, recently extended deadline passed. They are also still in the process of negotiating penalties. It was also noted that Ms. Jones would be inspecting the site before the next meeting.
6. 32 Church Street (01:21:01 – 01:25:33)
- A new report of active cutting was received and photos taken from a public vantage point were reviewed. There appears to be a new shed, fresh dirt, and a fresh cut tree stump in the wetland buffer zone area and you can see much more into the property than this past winter. Members discussed the option of pursuing the administrative search warrant to allow for an assessment of the site conditions.
 - **Motion:** Mr. Hogan made motion to request the Conservation Commission Chair and Agent to work with the Board of Selectmen and Town Council to begin the process for an administrative search warrant for 32 Church Street. Mr. Holden seconded, and the motion passed unanimously by vote of 5-0-0.
7. 148 Ironstone Rd (DEP No. 312-1084) (01:25:35 – 01:28:08)

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- Several members noted that the exposed dirt area has been hydro-seeded and the grass has started growing. Photographs of the site were reviewed and everyone agreed there was a significant improvement. Members decided to leave the item on the agenda until after a rain event to ensure the area is stabilized.

WETLAND UPDATES/ISSUES

1. Request to Extend OoC: DEP No. 312-1024 West River Pump Station (01:28:09 – 01:31:15)
 - Ms. Jones inspected the site and reported that everything appeared to be in compliance. Members discussed the request and did not have any reservations extending the order.
 - **Motion:** Mr. Shaw moved to extend the Order of Conditions for DEP No. 312-1024 West River Pump Station to June 30, 2020 pursuant to the request of the applicant. Ms. Steele seconded, and the motion passed unanimously by vote of 5-0-0.
2. Request to Extend OoC; DEP No. 312-1025 350 North Main St. (01:31:16 – 01:35:50)
 - This is the property with the two abandoned houses associated with LW Tank. The OoC is set to expire next month but they have indicated they are planning to do the work this fall.
 - **Motion:** Mr. Hogan moved to extend the Order of Conditions for DEP No. 312-1025 350 North Main St. for the requested three years. Mr. Shaw seconded, and the motion passed unanimously by vote of 5-0-0.
3. Request to re-issue CoC: DEP No. 312-243, 16 Sharon Circle/Lot 107 (01:35:53 – 01:36:39)
 - A CoC was issued in 1993 but was never recorded.
 - **Motion:** Mr. Holden moved to issue new CoC for DEP No. 312-243 16 Sharon Circle/Lot 107. Mr. Hogan seconded, and the motion passed unanimously by vote of 5-0-0.
4. Wetlands Bylaw (01:36:41 – 01:47:59)
 - A public Q&A session was tentatively scheduled for 9/30 at 6:30pm pending room availability. Members discussed taking part in an FYI Uxbridge Cable TV program as another method to inform residents about the Bylaw. Ms. Jones agreed to develop a power point presentation for Town Meeting for member input during the October 7 meeting. There was also a discussion regarding the input provided by Town Council, which in short, replaced some language with the MACC template language – similar to the draft rejected during the 2016 vote.
5. Discussion of site compliance regarding active and expired Orders of Conditions (01:48:00 – 01:53:44)
 - Balm of Life Spring Road DPW Drainage Structure – ongoing sand runoff from the road has filled in the riprap/level spreader "depression" and is just flowing over top. Members noted that the level spreader is the appropriate fix but to be effective it may need minor modifications and the sand must be cleaned out. Ms. Jones agreed forward the position of the Commission, that the level spreader must be functionally maintained for the permit to be effective, to DPW.

PROCESSING

1. 8/19/19 and 9/4/19 Meeting Minutes (01:53:46 – 02:00:10)
 - The commission approved the 8/19/19 meeting minutes at the prior meeting so no further review was required.
 - **Motion:** Mr. Holden moved to approve the meeting minutes from 9/4/19 as amended during discussion. Mr. Shaw seconded, and the motion passed by vote of 3-0-2 (*Mr. Hogan and Ms. Steele abstained from vote*).

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

1. Pout Pond General Discussion (02:00:13 – 02:02:54)
 - Pout Pond clean-up day is scheduled for 9/21/19.
2. Legg Farm General Discussion (02:02:55 – 02:07:04)
 - There was a complaint about ATV's at Legg Farm. Mr. Gorman inspected the property to verify the complaint and did not see any major damage just some minor tire marks and some downed trees along the blue path. Photographs taken during the visit were reviewed. Everyone agreed there did not appear to be a problem and to discourage any such activities on the property.

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3. Whitin Pond General Discussion (02:07:05 – 02:15:44)
 - Mr. Gorman expressed his opinion that clean up efforts for Whitin Pond would best be done by a "project manager" (either an individual or entity) that has time to invest. He believed at this time that role would be difficult for the Commission to take on based on the amount of permits and inspections that the Agent is responsible for. It was also mentioned that it might be difficult to convince the BOS and taxpayers to assume liability for a pond the town does not own. All the members agreed that the Commission could contribute and take part of the process and to encourage residents to set up a lake association. Mr. Holden informed members that there is an Association of Lake Management Committees that have members that may help residents understand what is involved and offered to be find the point of contact for the residents. Members agreed to leave the item on the agenda as a placeholder and to obtain "ball park" estimates from SoLitude for some of the activities discussed.
4. Timely material submittal policy (02:15:46 – 02:21:03)
 - Members reviewed and discussed draft policy developed by Ms. Jones. Members agreed to add "and approval" to the portion regarding delaying review.
 - **Motion:** Mr. Hogan moved to approve the Submittal Policy as amended during discussion. Mr. Shaw seconded, and the motion passed unanimously by vote of 5-0-0.
5. FY2019 Annual Report (02:21:04 – 02:27:40)
 - A draft annual report was reviewed and discussed. Members agreed to allow for more time before approving the report.
6. MACC Fall Conference October 19th (02:27:45 – 02:33:00)
 - **Motion:** Mr. Holden moved to approve funds up to \$120 per interested commissioner to attend the MACC Fall Conference. Mr. Shaw seconded, and the motion passed unanimously by vote of 5-0-0.

ADJOURNMENT-NEXT MEETING SCHEDULED FOR MONDAY, October 7th, 2019

Motion: Mr. Hogan moved to adjourn the September 16, 2019 Meeting of the Conservation Commission. Ms. Steele seconded, and the motion passed unanimously by vote of 5-0-0.

Respectfully submitted,

Melissa Shelley



Andrew Gorman, Chairman



Jim Hogan, Vice Chair

Lauren Steele, Member

Date



Jeffrey Shaw, Clerk



Russell Holden, Treasurer

(Absent)

Dale Bangma, Member