



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



Conservation Commission Meeting Minutes
July 6, 2020
Remote Meeting

REC'D UXB TOWN CLERK
2020 AUG 27 PM 12:11

Present: Chair Andrew Gorman, Vice Chair Jim Hogan Clerk Jeff Shaw, Treasurer Russ Holden, Members Mark Richardson and 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 digitally, the Chair called the meeting to order. He stated the following 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 Community Television and Zoom per the instructions on the agenda alternatively members of the public can call in by calling 301-715-8592 and using meeting i.d. 98000073265. All motions will be voted on with roll call vote in alphabetical order by last name.

Member roll call of attendance: Gorman – here, Hogan – here, Holden – here, Richardson – here, Shaw – here, Steele – here.

PUBLIC HEARINGS

- 1. Notice of Intent (NOI) DEP No. 312-1095, 300 Mendon St. (Map 19, parcels 2413, 2475, & 2467) (00:02:20 – 00:03:03)**
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.

Note: the applicant has requested a continuance to the next regularly scheduled meeting

Motion: Mr. Hogan moved to continue DEP 312-1095 to the next meeting. Mr. Shaw seconded, and the motion passed unanimously by roll call vote of 6-0-0 (Gorman – 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 3979) (00:03:05 – 00:06:03)**
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.

Note: the applicant has requested a continuance to the next regularly scheduled meeting

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

There was a question & discussion before the vote regarding the purpose for delays. Byron Andrews, Andrews Survey and Engineering, in attendance for another matter, explained they requested to postpone discussions with the Conservation Commission until the Uxbridge Planning Board opens their public hearing for site review of the project and potential modifications are identified and documented.

REPORTED/ONGOING VIOLATIONS

- 1. DEP No. 312-1086—Tea Party Drive (00:06:05 – 00:45:12)**
 - Dale McKinnon, Guerrier & Halnon, attended the meeting. Ms. Jones explained Uxbridge experienced a large storm on Sunday 6/28/20 during which a large amount dirty water with suspended clay entered the stream. Ms. Jones and Mr. McKinnon identified at least 2 sources (i) the basin at the end of Tea Party and some sediment entering the

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stream from the much smaller armored wall at Hyde Park circle and (ii) the swale on Crownshield experienced more wash out in an area closer to the basin. There continued to be additional wash out issues as more rain kept coming throughout the week while the developer and engineer were onsite working on solutions: (i) the basin at the end of Tea Party now has no outlet except for two (2) 3" pumps, (ii) the swale has been relined in its entirety and re-riprapped (Crownshield), (iii) the silt from Hyde park has been dug out and chinking of that wall with smaller rocks has started. Mr. McKinnon added the reason for the overflow was because 2 blow-up balls placed in the 24" outlet of the detention basin to control outflow did not perform as expected (one deflated and the second was bypassed). He is recommending enlarging the secondary basin (an open soil basin that acts as a temporary sediment pond) to provide more storage. He indicated that after construction when site is vegetated the existing basin will be adequately sized. Ms. Jones confirmed the catch basin silt socks appeared to be better maintained than a few months ago.

- Because there was a breach of the site's limit of disturbance members discussed whether additional enforcement action is necessary and what it should look like. They considered the history of violations on the site and that it requires extraordinary means to prevent violations because of the soil conditions, the slopes & proximity to the stream. After discussion members agreed on a more proactive/preventative 2-pronged approach: (i) to require a third-party professional wetland scientist to assess impacts to the resource areas (stream and bwv) and (ii) to require third party SWPPP oversight including post rain event inspections.
- To quantify the storm Mr. McKinnon referenced the town of Bellingham received a 10-year volume in 90 minutes. His recommendation was to hire Graves to evaluate the erosion control and through them hire a wetlands specialist to assess the resource areas.
- There was discussion on the appropriate mechanism for the Commission to collect third party review fees (Order of Conditions or through new Enforcement Order). Ms. Jones agreed to coordinate further with Mr. McKinnon and reach out to Town Counsel to inform them of the action and see if they have further guidance.

Motion: Mr. Holden moved to issue an Enforcement Order requiring the respondent (i) to provide the Town with third party review fees to sustain ongoing third party review of the project site following rain events with that meet or exceed $\frac{1}{4}$ " of rainfall and said funds shall be provided within 14 days and (ii) retain a competent wetland scientist to evaluate the impacts to the jurisdictional areas from the 6/28/20 storm and other rain events thereafter prior to this meeting and said professional shall provide written documentation to the Commission, within 30 days, quantifying and detailing the impacts and make any suggestions that are required to restore the area to its pre-disturbance conditions within 30 days of this order. Mr. Steele seconded, and the motion passed unanimously by roll-call vote of 6-0-0. (Gorman – aye, Hogan – aye, Holden – aye, Richardson – aye, Shaw – aye, Steele – aye).

2. DEP No. 312-1013—Turner Farm Rd. – Cobbler's Knoll Subdivision (00:45:12 – 00:56:15)

- Byron Andrews, Andrews Survey and Engineering, attended on behalf of the respondent. Mr. Andrews explained the detention basin failed presumably during the 6/28/20 rain event (approx. 6" of rain fell in about 90 minutes) and a large volume of water and debris proceeded downhill and into the wetlands the 6/28/20 rain event. He said clean-up began as soon as it was practically possible, the berm was rebuilt, added rip rap to prevent erosion and cleaned up the majority silt and debris, about 1' deep, by hand. Mr. Andrews noted that there is still some debris that was there prior to the storm and that his client's plan is to remove it as part the ongoing enforcement effort with DEP. Per Ms. Jones request, he inspected the other 2 basins on the site. He reported they are built the outfalls are loamed. Ms. Jones also spoke with DEP and was told the ACOP was written in a way that it would cover the more recent contributions to the wetland system.
- Mr. Andrews explained they have determined the best access to the area in terms manpower and disturbance to the forest is from the SNETT side. They are awaiting a response for permission from the state to utilize the trail before they can establish a firm timeline. If they cannot drive their vehicles on the trail, they will explore bringing it back up the hill. Everyone emphasized the need for the slope of the basin to be stabilized, particularly where the repairs occurred. It was noted that a Graves inspection report mentioned concerns with the actual construction of the basin and what type of materials were used - Mr. Andrews agreed to discuss with his client to ensure suitable materials are being used.
- Members were amenable to the clean-up work continuing under the ACO because of DEP and Ms. Jones' level of comfort proceeding and agreed that no further action was required at this time.

WETLAND UPDATES/ISSUES

1. CoC request-312-1061, 0 Quaker St (00:56:26 – 01:04:47)

- Pete Forte, Zero Point Development, attended on behalf of the respondent. Mr. Forte reported the installation of the 2-megawatt solar array was complete and there has not been any work on site for the past few months. Ms. Jones visited the site on 7/1/20 and displayed photographs of the site conditions. She noted some areas where soils moved during the 6/28/20 big rain event. She also reported the site was completed to plan and largely stabilized except for a section on the cart path where she observed the soil movement. Mr. Forte supposed rocky soils

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contributed to the poor growth and he thought the soil movement that Ms. Jones observed was probably just loam they spread settling in.

- Everyone agreed there have not been any issues with the site, but a few members would like to see more growth and stabilization in the areas identified. There was a suggestion of adding another level of hydroseed. Ms. Jones agreed to meet Mr. Forte on site to confirm the areas in question.

Motion: Ms. Steele made a motion to table the request for the Certificate of Compliance until a date where the applicant feels the areas of concern have been stabilized. Mr. Holden seconded, and the motion passed unanimously by roll call vote of 6-0-0. (Gorman – aye, Hogan – aye, Holden – aye, Richardson – aye, Shaw – aye, Steele – aye).

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

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

1. Koopman Lumber – 12 Douglas Street – Item was not on the agenda because it could not be reasonably anticipated 48 hours in advance of the meeting: (01:05:34 – 01:17:12)
 - Darrell Baker, Store Manager, Koopman Lumber attended the meeting. He gave an overview of the stream that runs through the property and described flooding they experienced during 6/28/20 rain event (he estimated 5" in 90 minutes). He explained this was the fourth time in 15 years the basement has flooded resulting massive losses despite mitigation efforts. There are also sink holes starting to appear in the parking lot, Mr. Baker believes was a result of the pressure entering the culvert. He provided a review of that work performed a few years ago and noted it was not completely successful. Currently, they have professionals assessing the situation and may be required to add an additional culvert alongside the original to prevent future flooding. He hopes to have a plan w/ some documentation to proceed with the repairs within the next few weeks. Mr. Baker also said the obvious solution to the problem would be to stop the water flow at Carney St. where there is a floodplain upstream – if the opening at the Carney St. bridge the same size as the culvert behind them this would fix their problem. Members acknowledged that may be a longshot. There was discussion as to what would be the appropriate filing - NOI? RDA?. Members explained an NOI was submitted in the past but it will be primarily dictated by the complexity of the solution. They also informed Mr. Baker parking lot repairs may be captured under the minor exemption if resource areas are not disturbed and the work is in the footprint of existing pavement but the work to the culvert will probably require an NOI.
2. Pout Pond Recreation Committee Update (01:17:25 – 01:30:30)
 - Jennifer Modica, PPRC member, attended the meeting to provide a brief update on Pout Pond. She acknowledged concerns with potential overcrowding and met with the Town Manager and Police Chief to develop a plan. They agreed to not allow parking along the street – but so far it has not been an issue. Mrs. Modica said the few times she was at the pond it was full, but people were spread out and social distancing. PPRC is meeting Wednesday to discuss modifying their guidelines to be more in line with the State's which was updated in June. She noted that picnic tables are allowed so a few more may be added and that there are now three beach attendants and there is coverage almost the entire time the pond is open.
 - Mrs. Modica reported that the four hazard trees, previously identified, were removed by Revell Tree Removal and she noted they were great to work with. There was discussion about the loss of trees & damage that occurred during the microburst in June and the erosion of the beach that occurred during recent storm event (flow from the parking lot, sand in the pond, woods, etc). Ms. Jones suggested some type of bioswale or berm to direct water from the parking lot away from the wetland. It was also noted that the recycled telephone poles at the edge of the parking lot that may have stopped runoff have deteriorated. Everyone agreed the issue requires some more long-term planning.

The agenda returned to the published order.

WETLAND UPDATES/ISSUES

3. CoC request 312-1083, Campanelli Lot 2A/Cultivate (01:00:44 – 01:41:15)
 - There was not a representative in attendance, so Ms. Jones provided an update of the request. She noted the site did not experience any erosion during the recent storms. Regarding the concern of ledge in the basin, calculations showing that the volume was sufficient were submitted to and accepted by Graves, although they did not have a way to determine whether infiltration capacity was sufficient. Mr. Shaw added he visited the site after the 6/28/20 rain event and that there was not any water in the basin. Ms. Jones reviewed photographs of the site. Members discussed whether the site met the 75% threshold and decided they would prefer to table the request allow some for additional vegetation and stabilization.

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Motion: Mr. Holden made a motion to table the Certificate of Compliance request until the first meeting in September. Mr. Hogan seconded a Mr. Steele seconded, and the motion passed by majority roll-call vote of 4-2-0. (Gorman – nay, Hogan – aye, Holden – aye, Richardson – aye, Shaw – nay, Steele – aye).

4. Discussion of site compliance regarding active and expired Orders of Conditions (01:41:19 – 01:58:01)
 - Forest Glenn Subdivision: Mr. Gorman recused himself from discussion. Mr. Shaw visited the site and observed some wash out that came down underneath the culvert and travelled to the river. Ms. Jones also received complaints of sediment washing down the road from residents on Taft Hill Road. Mr. Shaw shared some photographs of silt on the downstream side of the culvert. He recommended, and members agreed, the site should be assessed. Ms. Jones agreed to coordinate. Mr. Gorman returned to the meeting when discussion ended.
 - Hyde Park Circle: The infiltration basin back side of Hyde Park was full, and it should be empty. Ms. Jones provided a description of her observations and Mr. Shaw's photographs were reviewed. It appears the silt fence and rock wall have been undermined. They are currently pumping the water out and running it through a flocculant and letting it back in. It does not appear the basin has ever been properly fixed. Mr. Gorman referred to there being specific language in the OoC for the Hyde Park lots saying the basin must be in operating capacity before a CoC can be issued and third-party review is also built in.

PROCESSING

1. Annual Commission Re-organization (01:58:15 – 02:01:02)
 - Mr. Gorman explained the timing of the reorg and the responsibilities of each of the positions. After a quick discussion, members agreed to leave the organization structured as is.

Motion: Mr. Shaw made a motion to take no action and leave positions as they currently stand for FY2021. (Gorman – Chair, Hogan – Vice Chair, Holden – Treasurer and Shaw – Clerk). Ms. Steele seconded, and the motion passed unanimously by roll-call vote of 6-0-0. (Gorman – aye, Hogan – aye, Holden – aye, Richardson – aye, Shaw – aye, Steele – aye)

2. Review of fee schedule (02:01:03 – 02:12:12)
 - Members reviewed a first pass draft fee schedule developed by Ms. Jones. Because NOI filing fees are set by the WPA, additional fees for NOI filings were not included. Mr. Gorman emphasized the additional work required from the office for certain filings and that some towns do require separate fees via their wetland bylaw. Members discussed whether Uxbridge has a way to add fees on a NOI review separate from the act w/o the authority of a bylaw behind it. He shared an example (Rochester's Filing Fees). Members agree that it is critical for Uxbridge to better capture the efforts of the offices and the first step find out if the BOS has that authority. Ms. Jones will speak to Town Counsel. Members also agreed to further review Ms. Jones document and to try to generate numbers as it relates to NOI's with priority to aligning the fees w/ the amount of work required.
3. 6/15/2020 Meeting Minutes (02:12:13 – 02:13:39)

Motion: Mr. Shaw moved to accept the minutes 6/15/20 with the amendments recommended by Mr. Gorman during the meeting. Mr. Holden seconded, and the motion passed unanimously by roll-call vote of 6-0-0. (Gorman – aye, Hogan – abstain, Holden – aye, Richardson – aye, Shaw – aye, Steele – aye)

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

1. SOLitude Lake Management Pout Pond report (02:13:40 – 02:23:00)
 - Mr. Gorman explained Solitude is not recommending any invasive treatments based on the spring inspection reports. Ms. Jones confirmed they are not ruling it out completely and they are planning to will re-assess in July.
 - Ms. Steele asked about the status of Whittin Pond and whether it would be a good time to think about the Water Chestnut removal. Ms. Jones and Mr. Holden noted that it may already be too late as it is already complete covered. Mr. Gorman expressed his wish for the resources to really pursue some type of long-term invasive species management program in combination with Northbridge who appeared to be interested. Ms. Jones noted one hope may be through the MVP process – the Whittin Pond Dam has been identified as one of the most hazardous w/ worst conditions in town and one of the recommendations was to remove it – a lengthy and difficult process. It was mentioned that nobody is responsible for the dam technically it is not maintained, or any reports submitted to the state committee overseeing dam safety. Mr. Shaw did not completely discount hand removal and agreed to share a video he has of the success in a similar situation on the Connecticut River.

ADJOURNMENT-NEXT MEETING SCHEDULED FOR Monday, July 20th, 2020

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Mr. Hogan made a motion to adjourn the July 6, 2020 meeting of the Conservation Commission. Ms. Steele seconded, and the motion passed unanimously by roll call vote of 6-0-0 (Gorman – aye, Hogan – aye, Holden – aye, Richardson – aye, Shaw – aye, Steele – aye).

Respectfully submitted,
Melissa Shelley

Andrew Gorman, Chairman

Jeff Shaw, Clerk

Jim Hogan, Vice Chairman

Russel Holden, Treasurer

(ABSENT)

Lauren Steele, Member

Dale Bangma, Member

Mark Richardson, Member

Date

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Jeff Shaw, Clerk

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(ABSENT)

Dale Bangma, Member

Date

