



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



**Conservation Commission Meeting Minutes**  
**August 3, 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, Member Dale Bangma and Conservation Agent Holly Jones

**Absent:** Members Lauren Steele and Mark Richardson

**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. 941 0817 5136. 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, Shaw – here (Mr. Bangma joined the meeting during Public Hearing #5.)

**PUBLIC HEARINGS**

- 1. Notice of Intent (NOI) DEP No. 312-1095, 300 Mendon St. (Map 19, parcels 2413, 2475, & 2467) (00:01:54 – 00:19:04)**  
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:** Kristen LaBrie, Andrews Survey and Engineering, attended on behalf of the applicant. This project was previously presented pre-covid and was on hold awaiting Planning Board review. Ms. Labrie reported that Planning Board has met on the proposal, Graves has signed off on the plans with the exception of one minor comment related to a changing the detail on a catch basin. She anticipates Planning Board approval during their next meeting. She pointed out that the only area in the resource area is along the entrance to the project – a wetland area across the street from the project. DEP comments were primarily related to stormwater but one indicated there is potentially riverfront area on the Mendon St. Side and if so it would need to be noted and the filing fee changed. Ms. Jones reviewed the stormwater comments – the project is located in Zone 2 which is a critical area subject to stormwater Std 6; was it correct to model existing conditions as a gravel surface; basin has no emergency over flow; construction basins should not be proposed at the location of the proposed infiltration basins; and annual high ground water will be present within 4' of the bottom of the basin. Ms. Labrie responded that Graves fully reviewed the stormwater, revisions were made and submitted to Commission and Graves. Members addressed riverfront distance question by reviewing gis map, google aerial images and the plan and confirmed there is no development in that corner. Mr. Gorman suggested that the Commission note in the findings that the mean annual high-water mark of the river across Mendon St. is not being reviewed as part of the filing.

No members of the public commented during this public hearing.

**Motion:** Mr. Hogan moved to close the public hearing for DEP 312-1095, 300 Mendon St. Mr. Shaw seconded, and the motion passed unanimously by roll call vote of 4-0-0 (Gorman – aye, Hogan – ayē, Holden – aye, Shaw – aye)

**Motion:** Mr. Hogan moved to issue an Order of Conditions for DEP 312-1095 for 300 Mendon St with the Uxbridge Standard Special Conditions and in the findings note that the Commission is making no determinations about the mean annual high water of the stream across the street from the project area. Mr. Shaw seconded, and the motion passed unanimously by roll call vote of 4-0-0 (Gorman – aye, Hogan – aye, Holden – aye, Shaw – aye).

- 2. Notice of Intent (NOI) DEP No. 312-1096, 0 Old Elmdale Rd (Map 25 Parcel 3979) (00:19:06 – 00:20:00)**  
Applicant: Aris Group, LLC Representative: Jude Gauvin, Andrews Survey & Engineering

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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 regularly scheduled meeting of the Conservation Commission. Mr. Hogan seconded, and the motion passed by roll call vote of 3-1-0 (Gorman – aye, Hogan – aye, Holden – nay, Shaw – aye)

3. **Notice of Intent (NOI) DEP No. 312-1102, 176 Rivulet St (Map 11 Parcel 1599) (00:20:01 – 00:24:52)**  
Representative: Margaret Bacon, Civil Site Engineer

Applicant: Mellisa Watson  
Project Description: replacing a failing septic system in the 100 ft buffer zone to a bordering vegetated wetland on an existing lawn area.

**Discussion:** Bill Morris, Civil Site Engineering, attended on behalf of the applicant. DEP did issue any technical comments with the file number. Plans were updated with comments from the previous meeting. Members agreed as proposed the project met all the requirements for this title five upgrade. Mr. Holden reminded the applicant of the Conservation Restriction on the abutting parcel and the need to be prudent with the sediment on site to protect this sensitive area.

No members of the public comment during the hearing.

**Motion:** Mr. Holden moved to close the public hearing for 312-1102 176 Rivulet St and issue an Order of Conditions with the Uxbridge Standard Special Conditions. Mr. Hogan seconded and motion passed unanimously by roll call vote of 4-0-0 (Gorman – aye, Hogan – aye, Holden – aye, Shaw – aye)

4. Notice of Intent (NOI) DEP No. 312-11XX, 502 and 486 Douglas St (Map 23 Parcels 4364 and 4424)  
Representative: CMG Environmental, Inc. (00:24:52 - 00:25:00)

Notice of Intent (NOI) DEP NO. 312-11XX, 502 and 100 Designation  
Applicant: Uxbridge Gas & Market Representative: CMG Environmental, Inc. (00:24:52 – 00:25:05)  
Project Description: Demolishing a single-family dwelling and constructing a 5,000 s.f. filling station and convenience store with a drive-through and two fuel pump canopies along with associated parking and stormwater treatment. The work is within the 100 ft buffer zone to a bordering vegetated wetland.

*Note: The item was passed over – during the previous meeting the applicant requested a continuance to the August 17 meeting and a motion was made per that request.*

5. Request for Amended Order of Conditions, DEP No. 312-1093, Sutton St/Old Millville Rd, Q143/R144 Transmission Line (00:25:08 – 00:31:14)

**Transmission Line** (00:25:08 – 00:31:14)  
Applicant: New England Power Co. Representative: Alexandra Echandi, BSC Group  
Description: Request to amend Order of Conditions Special Condition #48(a) that "herbicides, pesticides, or chemical fertilizers shall not be used within wetland resource areas or 100-ft buffer zone of wetland resource areas" to conform with the NEP Five-Year Vegetation Management Plan which includes herbicide application.

**Discussion:** Alexandra Echandi, BSC Group attended on behalf of the applicant. After the OOC was issued, she noticed item 48a applied in perpetuity. She explained that although they are not proposing the use of herbicide as part of this project, National Grid does apply herbicide via their vegetation management plan. She provided details of that plan to members. Specifically, the amendment requested is to either remove the in-perpetuity clause or note that they herbicides are not being used with this filing however if Nat'l Grid chooses to they are allowed under their approved vegetation management plan. Mr. Holden said was in favor of adding amendment and other members agreed. No members of the public commented on the request.

**Motion:** Mr. Holden moved to close the public hearing to amend the Order of Conditions for 312-1093 and amend condition 48a by adding the clause: this condition shall only apply to the permitted activities as described therein and shall not apply to the deed in-perpetuity. Mr. Hogan seconded, and the motion passed unanimously by roll call vote of 4-0-0 (Gorman – aye, Hogan – aye, Holden – aye, Shaw – aye).

**Conservation Commission Meeting Minutes continued – Monday, August 3, 2020**

*Dale Bangma joined the meeting.*

**6. Request for Determination of Applicability, 50 Depot St. (Map 25 Parcel 1095) (00:31:51 – 00:52:50)**

Applicant: Capron Self Storage

Project Description: Clearing trees in the outer Riverfront Area, which is separated from the river by a road and stormwater basin.

**Discussion:** Rocco Addeo and Shawn Scunggio, co-owners, attended the meeting. They recently acquired the property and are working with Andrew's on a plan to expand the self-storage facility and are beginning to clean up and prepare the areas on the parcel which are vegetated. They had the parcel surveyed and there is an approximate 9000 square foot section of trees between the 200- and 100-foot buffer zone. They are requesting permission to remove these trees when the other trees are removed as a cost savings. Ms. Jones visited the site and shared the plan, photographs and a brief background of the parcel. At this time no plans for structures are proposed for the area, just the removal of the trees and grading the parcel.

Given the quantity of clearing, Mr. Hogan's opinion was the work requires an NOI. Mr. Gorman explained what is being proposed is permissible, but a negative determination of an RDA implies the Commission did not believe the WPA applies. Mr. Bangma added, knowing there is a larger projected coming along that needs to be permitted it would make sense for this work to be part of that. Mr. Holden pointed out the longer the site is it's open the more opportunity for erosion w/o an ongoing project and ecbs, etc. Mr. Holden explained to the applicant that they don't have to wait for the project portion they could also file a NOI application for the tree removal w/ engineering drawings and wetland resource area safeguards.

**Motion:** Mr. Hogan moved to issue a Positive Determination of Applicability, finding that work proposed shall require a NOI filing due to proposed amount of clearing in the riverfront. Mr. Shaw seconded, and the motion passed by roll call vote of 4-1-0 (Bangma – aye, Gorman – nay, Hogan – aye, Holden – aye, Shaw – aye, Steele – aye).

**REPORTED/ONGOING VIOLATIONS**

**1. DEP No. 312-1086—Tea Party Drive (00:52:55 – 00:57:50)**

- It was noted that the EO was issued and a deadline is coming up next week for the 1<sup>st</sup> report from the wetland scientist. Ms. Jones explained they hadn't selected an erosion control specialist by the first deadline (7/23) and the deadline for the recommendations is August 10<sup>th</sup>. Members reviewed the enforcement order.

**2. DEP No. 312-1022—Forest Glen/Spring Hill Rd. (00:57:51 – 01:30:07)**

*Mr. Gorman recused himself from the next two items, pursuant to the conflict of interest law, and Mr. Hogan chaired this portion of the meeting.*

- John O'Hearn, the developer, attended the meeting. Ms. Jones provided an update to Commissioners. She was onsite with Mr. O'Hearn last Friday and believes the culvert concrete is exposed due to erosion of the earth within and around the culvert. She recommended working with an expert to determine how to stabilize the stream bed and repair some of the erosive damage. Mr. O'Hearn said they confirmed w/ a survey that the culvert was installed at the correct grades per the plan. Photographs of the culvert were reviewed, and it appears to have the capacity to manage the flow, but something is interfering the flow. Mr. Holden recommended determining whether the water is hitting the side and if it is going into the culvert, he suggested the possibility of using baffles. Everyone agreed an as built plan and having the design engineer attend the next meeting would be helpful. Mr. O'Hearn mentioned he spoke with Scott Rabideau, a wetlands biologist who recommended 6' stone where the water enters or the entire length of the culvert – better than the gravel. Mr. Hogan recommended Mr. O'Hearn ask Mr. Rabideau to provide written recommendations which could be part of an EO to do the work to fix the problem.
- Mr. O'Hearn agreed to supply an as-built of the culvert area, to ask Andrews to attend the next meeting and to provide the recommendations from his wetland scientist as to what should be in the culvert to prevent future sedimentation.
- Vinnie Cataldo, 39 Andrews, provided his opinion and his concerns for the preparations of the culvert area, lack of oversight during construction of the road and issues with stormwater leaving the site.

**WETLAND UPDATES/ISSUES**

1. OoC extension request, DEP No. 312-1022, Forest Glen/Spring Hill Rd (01:30:08 – 01:33:13)

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- The Commission last extended the OOC for one year and that year is coming up. The proponents are requesting a 3-year extension. Members discussed and agreed to issue it for one year.

**Motion:** Mr. Holden moved to extend DEP 312-1022 Order of Conditions for one year. Mr. Bangma seconded, and the motion passed unanimously by roll call vote of 4-0-0 (Bangma – aye, Hogan – aye, Holden – aye, Shaw – aye).

*Mr. Gorman returned to the meeting.*

2. Discussion of site compliance regarding active and expired Orders of Conditions (01:33:27 – 01:35:30)
  - Ms. Jones mentioned that there has been no action on the part of the owner related to the violation at Quaker Hwy. There has not been any new activity and no mitigation efforts since the State of Emergency. It was noted that there has been very little re-growth. Ms. Jones agreed to follow up with DEP.
3. Whitin Pond Clean-up (01:35:32 – 01:42:30)
  - The scouts were back out pulling water chestnuts – a “brutal endeavor” according to Mr. Shaw. With 7-8 people per day for 4 days they were only able to clear 1/3 to 1/2 acre because it is so thick – very little impact, considering the size & effort. Mr. Shaw said it was good learning experience to get a better grasp of what it would take to eradicate the invasive species. The limitations on gatherings associated with the Covid 19 pandemic limited the number of people that could be included in the project. Next season he would like to pull in the same area seeing if it could be kept clear and possibly expanded. Members were very thankful for the efforts and agreed to keep the item on the agenda to see if there is any additional abutter/resident interest.

### PROCESSING

1. Review of fee schedule (01:42:33 – 01:49:31)
  - Ms. Jones agreed to add her input regarding creating administrative NOI fees in line with the effort and time involved in various types of projects. The purpose being is to maintain enough funds to cover the agent cost. Ms. Jones also informed members that Town Counsel said administrative fees for NOI's would be fine so long as it is related to the administrative time effort involved.

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

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

1. Pout Pond Recreation Committee Update (01:49:32 – 02:07:01)
  - Mrs. Modica, PPRC, attended the meeting to update the Commission. Solitude is treating the pond Wednesday and it will be closed for 2 days. The PPRC is meeting Wednesday to discuss their end of season as 8/26 is the attendants' last day. They may keep gate open minimally and perhaps a bathroom.
  - The revolving account was discussed. Mrs. Modica said when the season ends, the PPRC plans to evaluate options to utilize the funds to ensure payroll can be covered. She also noted sales of the season passes that begin in April often fund a good portion of the salaries. Ms. Jones added most of the money the account earns is in May and June. After discussion, it was estimated there will be 3-4k in the account at the end of this season. The PPRC is hoping for a grant from the Cultural Council to cover the costs to hire bands and music which will help also. Mrs. Modica has a planned follow up with Accounting and agreed to share the information with the Commission.

*The agenda returned to the published order.*

### PROCESSING

2. FY2020 Annual Report (02:00:07 – 02:09:44)
  - There is a draft is on dropbox. There were fewer OOC's issued and Emergency Certifications were added. Members decided to table to allow for more time to review since it's not due until December.
3. 7/6/2020 and 7/20/2020 Meeting Minutes (02:09:46 - 02:14:02)
  - 7/6/20 minutes were passed over (they were accidentally removed from dropbox and not available for review).

**Motion:** Mr. Shaw moved to approve the 7/20/20 meeting minutes as amended by Professor Gorman's edits. Mr. Hogan seconded, and the motion passed unanimously by roll call vote of 4-1-0 (Bangma – abstain, Gorman – aye, Hogan – aye, Holden – aye, Shaw – aye)

### OTHER BUSINESS (02:14:02 - 02:18:30)



**Conservation Commission Meeting Minutes continued – Monday, August 3, 2020**

1. Ms. Jones announced her resignation as Conservation Agent and her anticipated last day will be August 18<sup>th</sup>. Commissioners expressed how thankful they were for all the work she did for Uxbridge and wish her all the best in her new endeavor. Ms. Jones also expressed her appreciation for all the Commissioners and staff.

**ADJOURNMENT-NEXT MEETING SCHEDULED FOR Monday, August 17th, 2020**

Mr. Hogan made a motion to adjourn the August 3, 2020 meeting of the Conservation Commission. Mr. Holden seconded, and the motion passed unanimously by roll call vote of 5-0-0 (Bangma -Gorman – aye, Hogan – aye, Holden – aye, Shaw – aye).

Respectfully submitted,  
Melissa Shelley

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Andrew Gorman, Chairman

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Jeff Shaw, Clerk

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Jim Hogan, Vice Chairman

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Russel Holden, Treasurer

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Lauren Steele, Member

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Dale Bangma, Member

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Mark Richardson, Member

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Date

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following  
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for signatures*

**Conservation Commission Meeting Minutes continued – Monday, August 3, 2020**

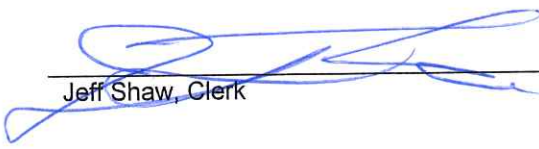
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Respectfully submitted,  
Melissa Shelley

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Andrew Gorman, Chairman

  
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Jeff Shaw, Clerk

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Jim Hogan, Vice Chairman

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Russel Holden, Treasurer

*abstain - not there*  
\_\_\_\_\_  
Lauren Steele, Member

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Dale Bangma, Member

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Mark Richardson, Member

*August 20, 2020*  
\_\_\_\_\_  
Date

*Page Revised (previous page)  
to correct a vote under adjournment*