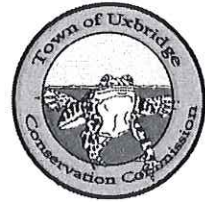




Town of Uxbridge
Conservation Commission
21 South Main Street
Uxbridge, MA 01569
508-278-8600 x 2020



Conservation Commission Meeting Minutes
August 17, 2020
Remote Meeting

REC'D UXB TOWN CLERK
2020 OCT 15 AM 9:10

Present: Chair Andrew Gorman, Vice Chair Jim Hogan Clerk Jeff Shaw, Treasurer Russ Holden, Members Mark Richardson, Lauren Steele and Dale Bangma 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 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 976 3479 6500. 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 (Mr. Bangma joined the meeting during Public Hearing #2.)

PUBLIC HEARINGS

1. **Notice of Intent (NOI) DEP No. 312-1096, 0 Old Elmdale Rd (Map 25 Parcel 3979) (00:01:52 – 00:04:17)**
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: The applicant requested to continue to the next meeting and said they anticipate submitting updated plans within the next week.

Motion: Mr. Hogan moved to continue DEP # 312-1096 to the next meeting of the Conservation Commission. Mr. Shaw seconded, and the motion passed by roll call vote of 5-1-0 (Gorman - aye Hogan – aye, Holden – nay, Richardson – aye, Shaw – aye, and Steele – aye).

2. **Notice of Intent (NOI) DEP No. 312-11XX, 502 and 486 Douglas St (Map 23 Parcels 4364 and 4424)**
Applicant: Uxbridge Gas & Market Representative: CMG Environmental, Inc. (00:04:18 – 00:20:59)
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.

The applicant requested to continue to the next meeting of the Conservation Commission and Mr. Gorman provided the following updates: the Commission received the initial report from Graves Engineering, the additional Wetland Delineation is complete, a Site Visit was held on 8/15/20 and the Commission was informed revised plans are forthcoming. Mr. Gorman acknowledged the abutters in the audience and took the following questions related to procedure:

Pat Stephan, 44 Andrews Drive, asked how long does Commission have before they have to decide? Mr. Gorman responded that an applicant can request continuances for up to 2 years in most cases, however the Commission has the right to ensure the applicant is diligently pursuing the project per regs WPA 10.05 or 10.06 subsection. Mr. Stephan also inquired about the relationship between the Commission and the Planning Board. Ms. Jones and Mr. Gorman provided information on the interactions of the Boards.

Paul Balutis, 40 Taft Hill Lane– asked whether revised plans & the wetland delineation are available? Mr. Gorman explained the applicant completed their portion, and it will be available after the peer review is complete.

Frank Zersky, 7 Summerfield Drive – he read a section of Article 6 in the Uxbridge Zoning Bylaw related to the requirement of providing comment / input to the Planning Board. Mr. Gorman, Mr. Shaw and Ms. Jones went over typical internal process between boards.

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Motion: Mr. Holden moved to continue the NOI for 502 and 486 Douglas Street to the next meeting of the Conservation Commission. Mr. Hogan 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, and Steele – aye).

3. Request for Determination of Applicability (RDA), 452 Hazel St (Map 23 Parcel 924) (00:21:01 – 00:32:40)

Applicant Name: Luis Loja

Representative: Margaret Bacon, Civil Site Engineering

Project Description: Replacement of an existing failed septic system in the 100' buffer zone of a Bordering Vegetated Wetland. Work is entirely within existing lawn, with no new clearing.

Discussion: *Mr. Bangma recused himself per the conflict of interest law.* Margaret Bacon, Civil Site Engineering attended on behalf of the applicant to request a negative determination for the replacement of a failed septic system. She said this is an exact replacement of a mounded system with a septic tank and pump chamber and the work will be occurring in an existing lawn. The project is outside 50' buffer and erosion control (straw wattles) are noted on the plan. She also noted they have BOH approval and the work will take 1 ½ weeks. Ms. Jones displayed the plan for review. Ms. Bacon said they are using Presby Advanced system – extra protection due to the high ground water in the area. Mr. Gorman asked whether she would you accept a condition to extend the erosion control 10-15' further west and Ms. Bacon agreed. She did not believe stockpiling will be required but if it is it will be outside the 50' buffer. She also believed the construction vehicles will driving around the left-hand side of the house.

Paul Balutis, 40 Taft Hill Lane, asked for some details about the system which Ms. Bacon provided. Members agreed based on the presentation and conditions that a negative determination is appropriate.

Motion: Mr. Shaw moved to issue a Negative Determination of Applicability for 452 Hazel Street with the following conditions: (i) the erosion control barrier depicted on the plan shall extend 15 to 20 feet further to the west than currently depicted (ii) any soil stockpile will be kept at least 50' from the wetland buffer zone. Mr. Hogan seconded, and the motion passed unanimously by roll call vote of 6-0-0 (Gorman – aye, Hogan – aye, Holden – aye, Richardson – aye, Shaw – aye, and Steele – aye).

Mr. Bangma returned to the meeting.

REPORTED/ONGOING VIOLATIONS

1. DEP No. 312-1086—Tea Party Drive (00:32:43 – 01:00:41)

- Patrick Garner, Wetland Scientist, Angela Conforti, General Counsel for Fafard, Wellington Pereira, Construction Supervisor and Dale McKinnon, engineer Guerriere & Halnon (G&H) attended the meeting. Mr. Garner outlined his observations during two site visits (written report provided). The primary threat - the outfall of Basin 3 has been closed off and it is being dewatered when it receives any stormwater to an upper area with a different water shed. A channel that contributed to the problems during the June storm has been rebuilt and lined. He said he found minimal wetland impacts per say – minimal staining, banks are in good shape, no evidence of any deposition that stopped the stream and no signs of turbidity in the stream. His recommendation is to stabilize the site particularly the open Tea Party lots. He noted the very silty soil which is subject to be suspended in overland flow. He said the settling basin in front of basin 3 is not a long-term solution and is proposing to continue working with G&H to develop a plan to stabilize the entire site in a manner to eliminate a second event. He said a more substantive report will available and presented during be the September 8 meeting.

Mr. Gorman agreed that the wetland and the cold-water fishery are more of a conduit for the sedimentation events and that stabilizing the site is the only way to "stop the bleeding". Mr. Holden added while this silt may not leave a big trace, but fine sedimentation is a major concern for the macro-invertebrates that live in the cold-water fishery. Mr. Garner agreed and noted with the basin closed off the immediate threat is not there, and it shouldn't be opened until the site is stabilized. Ms. Steele asked Mr. Garner what is being considered to stabilize the site when they have already attempted twice without much success. Mr. Garner responded they agree - the silty soil with no organics and dry conditions make it a challenge he is approaching w/ G&H. Mr. Shaw and Mr. Holden pointed out another area impacted (across from Quaker Highway) that Mr. Garner agreed to inspect on his next visit.

Mr. Garner's report also recommended reducing the rain event inspection requirement from ¼ inch to ½ inch and the Commission advised against that change to keep in line with the NPTES permit and SWPPP inspections.

2. DEP No. 312-1022—Forest Glen/Spring Hill Rd. (01:00:44 – 01:16:20)

- AG recused himself per the conflict of interest law* and Mr. Hogan acted as Chair for this item. Since the last meeting, Ms. Jones was able to connect with all current key contacts - Mr. O'Hearn, site operator, Mr. Rabideau, wetland

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professional and Jude Gauvin, engineer, Andrew's Survey and Engineering. Mr. Rabideau was unable to attend this meeting, but he has an inspection to evaluate the culvert and annual wetland replication review scheduled this week and expects his report to be complete for the next meeting. Mr. Gauvin, Andrew's Survey and Engineering, attended the meeting explained that he was just assigned to the project today and visited the site. He presented his initial assessment of the erosion issues (culvert is at an 8% slope; believes the June storm started to erode the 2' of material from inside the culvert; it was left with a 2 ½' drop from the old intermittent stream bed to the bottom of the culvert at the inlet; appears that water is entering stone bed under culvert and seeping in as the downstream side is dry; the outlet to the culvert doesn't quite line up w/ the original channel). He will be working to determine what should be placed in the bottom of the culvert and said it cannot be just compact soil. He was not prepared to offer a permanent solution, but suggested possibly armoring w/ heavy duty riprap to prevent the scouring and re-channelizing the inlet to flow into the culvert - instead of along the side of the wall where it's causing erosion and undermining the structure. Mr. Gauvin said he should have some recommendations by the September 8 meeting. Mr. Hogan and members concurred with Mr. Gauvin on the items to be addressed. Mr. Holden noted he was hoping for a natural substrate for the bottom of the culvert and Mr. Gauvin gave his opinion based on his experience (it's difficult to make it work). *Mr. Gorman returned to the meeting.*

- *(This discussion related to Forest Glen, took place during the next item - 99 Elm Street - and Mr. Gorman recused himself).* Paul Balutis, 40 Taft Hill Lane, had questions about the design of the culvert and purpose of the natural substrate on the bottom. He summarized a problem occurring at Taft Hill Condominium Development – water escaping the site bringing silt/mud with it and clogging one of their drains. Commissioners did not believe the issues were related to the culvert problem and recommended they contact Planning Board as the Stormwater Authority. Patrick Stephan, 44 Andrews Drive, also had questions about the potential changes to the culvert.
- Ms. Cataldo, 39 Andrews Drive, inquired on the status of a records request she submitted 12 days ago to Mr. Gorman (who forwarded it to the Town Clerk and Planning Board). She is looking for all the inspections completed at the Forest Glen site. Members recommended she follow up the Town Clerk.

3. 99 Elm St. (01:16:21 – 01:35:40)

- In February there was a report was that there was tree cutting in a riverfront area received and it was added to the agenda for the first meeting in March. The office received follow up from the complainant. Ms. Jones asked the owner to attend but there was no-one in attendance for the matter. Members agreed to pass over.
- *See item above Forest Glen for an unrelated discussion that occurred during this item.*

4. 650 Quaker HWY (01:35:43 – 01:35:45)

- No one attended to discuss the matter, so members agreed to pass over.

WETLAND UPDATES/ISSUES

1. Item not on Agenda (*not anticipated 48 hrs in advance of the meeting*) – 583 Quaker Highway Supply New England (01:39:30 – 01:44:59)
 - Paul Pico attended on behalf of Supply New England. The subdrain (on the north side) has failed and water is getting into the warehouse. They would like to repair the riprap swale, subdrain and replace the line to the drywell. If the drywell is damaged they would like the ability to repair or replace if necessary. Mr. Pico provided details and sketches of the proposed repairs. Ms. Jones recommendation is that the work is exempt because it falls under WPA section 10.2 regarding maintenance of stormwater infrastructure. Additionally, based on a site visit and aerial images, the work does not appear to be in jurisdiction. Commissioners agreed he is free to restore his drainage without any formal permitting.
2. Informal permitting conversation regarding redevelopment of 377 Mendon St. (01:45:01 – 01:55:53)
 - Fred Lapham, Shea Engineering, presented on behalf of his client Richard Quinn who also attended the meeting. Mr. Lapham explained this is a pre-existing non-conforming structure and lot. He described the conditions on the site and noted the wetlands were flagged last fall. Mr. Quinn's initial proposal was to rebuild the structure in its current location, but the resource areas are 8' off the structure creating some limitations. They would like to explore other locations where a house of similar size could be built but a change in location may result in the loss of grandfather status as it relates to zoning. He was hoping for a letter of support from the Commission if they were to choose a location that offers a more favorable design from a wetland perspective. He displayed a plan with a potential location and Mr. Gorman noted that the new location looks to be out of the Commission's jurisdiction. Ms. Steele preferred proposed location over the existing due to the proximity to the resource areas. Members agreed the 30 x 40 dwelling depicted on the plan is further away from the resource area depicted in the rear of the lot which is a more favorable design from a wetland perspective just looking at it from a plan perspective. It appeared to minimize impacts greater than were you to reconstruct the dwelling in its existing location. Members offered a site visit if more input is required.

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Mr. Lapham thanked members and said they would be back after they have more fully explored their options and made some decisions.

3. Item not on Agenda (*not anticipated 48 hours in advance of the meeting*), Mendon Street, Koopman Lumber (01:56:01 – 02:02:14)
 - Darrel Baker, attended the meeting. A tree came down on their property and landed on partially on their building and partially on the former Cumberland Farms building. Ownership contacted Mr. Gorman and Mr. Bangma and the tree was removed. Commissioners agreed to recognize this activity under hazard tree removal. Mr. Holden encouraged Koopmans come up w/ a comprehensive plan to proactively protect the resource area (as well as their own assets).
 - Mr. Baker also reported that the substantive work on the culvert is expected to be complete this week. It was also noted the emergency order expires at the end of the week.

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

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

1. Pout Pond Recreation Committee Update (02:02:38 – 02:13:40)
 - Jen Modica, PPRC member attended the meeting with updates. She expressed appreciation for Mr. Gorman and Ms. Jones hard work and wished them best of luck in their new endeavors. RI residents are not allowed at recreational facilities at this time per Gov. Baker's updated travel advisory requirement and the beach attendants know to contact Chief Montminy if there are any complaints. This will be the last week for beach attendants and PPRC members will be filling in for about the 10 days until Labor Day – the official close day.
 - Mrs. Modica reported the balance for the combined PPRC accounts on July 1 was \$10,800; payroll was \$2500 in July and expected to be \$2500 or less for August. She determined they cannot use funds from the gift account for payroll. PPRC members are considering offering the 2019 rate up until Memorial Day and then an increased rate after to generate additional funds to cover the increased cost of the beach attendants.
 - Mrs. Modica will be responsible for the water testing for the remainder of the season. Clean up date is expected to be scheduled later in September. Commissioners thanked Mrs. Modica for all her hard work this unique season.

The meeting returned to the published agenda order.

WETLAND UPDATES/ISSUES

4. CoC request—DEP No. 312-1093—NEP Soil Borings (02:13:45 – 02:16:48)
 - Ms. Jones performed site inspections with Ali Echandi, BCS Group, at both the Millville Road and Sutton Street locations. She reported the work was completely unnoticeable at the Millville site. She described the Sutton St site and noted that it was a little more obvious something occurred at this location. There was a single patch that was not completely revegetated but it was stable and covered with straw. She recommended granting the request and closing out the permit.
 - **Motion:** Mr. Holden moved to issue a Certificate of Compliance for DEP 312-1093. 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, and Steele – aye).
6. CoC request—DEP No. 312-1008—NEP substation (02:16:50 – 02:21:50)
 - Ms. Jones visited the site with Ali Echandi, BCS Group. She reviewed a special condition in the order about reducing invasive species which commission gave some guidance about the physical reduction of a patch of Japanese Knotweed. At that time, the project was essentially complete w/ the exception of that reduction. Ms. Jones described the efforts taken – the patch was cleared and covered it with heavy plastic and 6" riprap and heavy logs placed around it. She noted that there were some sprouts that did come through the heavy plastic and around the side – which was hand removed within that last couple of weeks. There was one area of paving that was not on the original plan. Photographs of the areas discussed were reviewed. She recommended issuing the certificate.
 - **Motion:** Mr. Holden moved to issue a Certificate of Compliance for DEP 312-1008. Mr. Hogan 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, and Steele – aye).
7. Discussion of site compliance regarding active and expired Orders of Conditions
 - Passed over – no specific items to be addressed

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PROCESSING

1. Review of fee schedule (02:22:00 – 02:22:36)
 - Ms. Jones prepared a draft fee schedule and members agreed save discussion for a future meeting.
2. FY2020 Annual Report (02:22:37 – 02:24:50)
 - Ms. Jones confirmed the number of RDAs and adding site inspections for Article 97 Conservation Lands was recommended for future reports.

Motion: Mr. Holden moved to accept the FY2020 Annual Report. Mr. Hogan 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, and Steele – aye).
3. 7/6/2020 and 8/3/2020 Meeting Minutes Review (02:24:52 – 02:29:14)
 - Motion:** Mr. Shaw made a motion to approve the 7/6/20 meeting minutes of the Conservation Commission as amended. Mr. Hogan seconded, and the motion passed by roll call vote of 6-0-1 (Bangma – abstained, Gorman – aye, Hogan – aye, Holden – aye, Richardson – aye, Shaw – aye, and Steele – aye).
 - **Motion:** Mr. Holden made a motion to approve the 8/3/20 meeting minutes of the Conservation Commission as amended. Mr. Shaw seconded, and the motion passed by vote of 5-0-2 (Bangma – aye, Gorman – aye, Hogan – aye, Holden – aye, Richardson – abstained, Shaw – aye, and Steele – abstained).

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

1. Agent search and transition plan (02:29:24 – 02:40:37)
 - This is Ms. Jones last week as the Uxbridge Conservation Agent. The position has been posted and a few applications have come in. Interviews are being scheduled this week and Mr. Gorman and Mr. Hogan and assisting the Town Manager with a transition plan. Members discussed the appropriate person to sign certificates of occupancy – Mr. Shaw agreed to check in since he is in Town Hall frequently. For coverage in the interim, the IT department established an email distribution list UXBConservation@uxbridge-ma.gov – Mr. Hogan, Mr. Shaw, Mr. Holden, Mr. Richardson, and Ms. Steele all offered to be on the list.
 - Members all thanked Holly for all the work she has done. Everyone agreed she did a great job and was an asset on the town.
2. Chair resignation and potential reorganization (02:40:38 – 02:45:35)
 - Mr. Gorman informed Commissioners that he is moving out of Uxbridge that this would be his final meeting. His appointment will not officially end for a couple more weeks and he will be helping out with the transition. Mr. Holden recommended the Commission re-org at the next meeting and in the interim have Mr. Hogan act as Chair – he agreed. Members thanked Mr. Gorman for all his hard work over this past 4 years and all wished him good luck in his new endeavors.

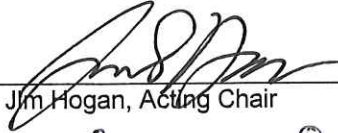
ADJOURNMENT-NEXT MEETING SCHEDULED FOR Tuesday, September 8th, 2020

Mr. Hogan made a motion to adjourn the August 17, 2020 meeting of the Conservation Commission. 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).

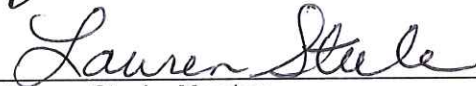
Respectfully submitted,

Melissa Shelley

Signature Page



Jim Hogan, Acting Chair

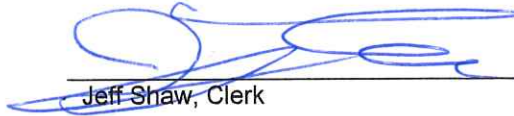


Lauren Steele, Member



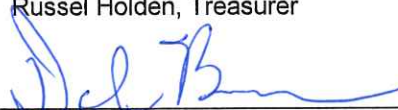
Mark Richardson, Member

Date



Jeff Shaw, Clerk

Russel Holden, Treasurer



Dale Bangma, Member