



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



**Conservation Commission Meeting Minutes
October 5, 2020
Remote Meeting**

REC'D UXB TOWN CLERK
2020 NOV 9 AM 8:30

Present: Chair Jeff Shaw, Vice Chair Jim Hogan Clerk, Treasurer Lauren Steele, Members Dale Bangma, Mark Richardson, and Jessica Cleary and Conservation Agent Michèle Grenier

Absent: Clerk Russel Holden

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 98380403155. All motions will be voted on with roll call vote in alphabetical order by last name.

ANNOUNCEMENT: The Chair welcomed new member Jessica Cleary to the Commission.

PUBLIC HEARINGS

1. **Notice of Intent (NOI) DEP No. 312-1096, 0 Old Elmdale Rd (Map 25 Parcel 3979) (00:02:09 – 00:05:09)**
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 of the Conservation Commission.

Motion: Mr. Hogan moved to continue DEP #312-1096 to the next meeting of the Conservation Commission. Ms. Steele seconded, and the motion unanimously passed by roll call vote of 4-0-1 (Hogan aye, Richardson – aye, Shaw, Steele – aye, Ms. Cleary abstained) Mr. Bangma was recused.

2. **Notice of Intent (NOI) DEP 312-1103, 502 & 486 Douglas St (Map 23 Parcels 4364 and 4424) (00:05:13 – 00:31:43)**
Applicant: Uxbridge Gas & Market, Representative: CMG Environmental, Inc.
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.

Presentation: Dave Faist, CMG Environmental, Tom Reidy, Bacon Wilson, Eric Simpson, Tg2 Solutions, Dennis Darveau and the applicant all attended the hearing. Mr. Faist went over the updates since the last meeting: (i) plan was revised (ii) DEP file # assigned and comments responded to (iii) Graves Engineering review comments have all been addressed and included in the updated plan set. The Agent reviewed the file and did not have any concerns she noted the comments and responses seem in order. No Commissioners had any additional comments at this time.

Public Comment: Frank Zersky, 7 Summerfield Dr. – looking for information concerning what kind of migration of VOC's occur from the underground tanks during refill. His concern is the potential for the wetland leading to the cold-water fishery to be degraded over time as a result of vapor molecules eventually settling to the ground. Mr. Simpson, the consulting LSP on the project explained the underground storage tanks in MA run at a negative air pressure. On the delivery side, all tanker trucks in MA are designed to carry a Vapor Recovery System to capture vapors. Mass DEP standards require the system to be 95-99% effective.

Tom Fields, 21 Summerfield Dr. – inquired whether the prior Agent's comments have been addressed. Mr. Faist said they had and changes are reflected in the 9/4/20 plan.

Claudia Cataldo, 39 Andrews Dr. – asked what thought has gone into the snow, sand, salt and chemical run off from cars and trucks in the winter. Mr. Faist pointed out the snow storage areas that have been designated and also described the Mass DEP water quality standards they must meet and the BMPs being used to mitigate any of those potential impacts.

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Motion: Mr. Hogan made a motion to close the public hearing. Mr. Bangma seconded, and the motion passed by roll call vote of 4-0-2 (Bangma – aye, Cleary – abstained, Hogan – aye, Richardson – aye, Shaw – aye, and Steele – abstained).

Discussion: Members discussed and finalized conditions – Operation and Maintenance Plans be submitted to the Commission; Snow Removal Signs added and maintained in perpetuity.

Motion: Mr. Hogan moved to issue an Order of Conditions for DEP 312-1103, 502 and 486 Douglas St with the Uxbridge Standard Special Conditions and the following additional conditions: (i) the Operational Management Plan be added to the Order of Conditions including providing quarterly inspection reports are provided to the Commission perpetuity and (ii) no snow stock piling signs be installed per the plan and remain in place in perpetuity. Mr. Bangma seconded and the motion passed by roll call vote of 4-0-2 (Bangma – aye, Hogan – aye, Richardson – aye, Shaw – aye, Steele – abstain, Cleary – abstain)

3. Notice of Intent (NOI) DEP No. 312-1104, 515 Douglas Street St (Map 23 Parcels, 3545, 2895, 3283, and Map 22 Parcel 1685) (00:31:45 – 00:52:59)

Applicant: Campanelli Development, LLC

Representative: Kelly Engineering Group

Project Description: The site development of an industrial warehouse with associated stream crossing improvements.

Presentation: David Mackwell, Kelly Engineering attended on behalf of the applicant. A DEP number was assigned just before the last meeting and comments were responded to through the Commission. He said the Uxbridge Planning Board moved to close the public hearing and approve the project and peer review is down to a few minor issues. He noted due to the size of the project, the peer review will be involved through out to inspect the drainage etc.

Members requested a follow up on the snow storage and snow removal for trailer trucks. Mr. Mackwell went over the details on sheet 7 of the revised plan – signs added along the NW wall and in the lower lot area. The scrapper to clean trailers will be handled by the operator and the applicant doesn't level of detail at this time – he did think it would be located in the outbound lane. Related conditions were discussed with the applicant.

Other than a recommendation from Mr. Fields as to where to see an example of a trailer snow remover, no members of the public

Motion: Mr. Hogan moved to close the public hearing for DEP No. 312-1104 515 Douglas Street. Ms. Steele seconded, and the motion passed by roll call vote of 5-0-1 (Bangma – aye, Hogan – aye, Richardson – aye, Shaw – aye, Steele – aye,)

Discussion: No additional comments or concerns, members agreed everything has been addressed via the peer review process.

Motion: Mr. Hogan moved to issue an Order of Conditions for DEP #312-1104 with the Uxbridge Standard Special Condition and the additional conditions: (i) snow removal signs shall be installed as per the approved plan and maintained in perpetuity and (ii) any accumulation of snow from trailer roofs be moved in the demarcated snow storage area as designated on the approved plan. Mr. Bangma seconded, and the motion passed by roll call vote of 5-0-1 (Bangma – aye, Hogan – aye, Richardson – aye, Shaw – aye, Steele – aye, Cleary – abstained)

4. Notice of Intent (NOI) DEP No. 312-11xx, 50 Depot Street (Map 25 Parcel 1095) (00:53:00 – 01:07:12)

Applicant: Rass Depot, DBA

Representative: Andrews Survey & Engineering

Project Description: The proposed project is the construction of 6 additional storage buildings within the 200 Riverfront.

Discussion: Jude Gauvin, Andrews Survey and Engineering, and the applicant attended the meeting. Mr. Gauvin shared the plans for the project. The triangular shaped parcel is bound by National Grid on the north & east and Parabo Gas and the P&W railroad on the west. The Mumford River goes by the site on the northern side. A small portion of the area for the proposed additional storage units falls within 200' of the river. The site was previously in use and was cleared at one point. There is some scrub growth and a detention basin for the National Grid access road between the site and the river. He reviewed the proposed stormwater system for the site. He presented the pre and post storm calculations for a 2-, 10- and 100-year storm and all cases presented a net decrease in runoff.

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The Agent inspected the site and she reported it to be mostly gravel and existing buildings. There is a tree line comprised mostly of scrubby brush and revegetated trees is proposed to be removed and 85% of the site will be paved. Members recommended the applicant flag the 200' line and agreed to visit the site on their own. A DEP number has not yet been assigned.

Public Comment: Bob Contursi, 16 Nikki Way, Member of the Board of Directors for the Blackstone Heritage Corridor and Chairperson for the Uxbridge Bike Path Committee attended. He informed everyone that the parcel has been deemed as a possible connection route for the bike path and asked the applicant could consider a mutually agreeable easement on some part of the parcel so they can continue the path.

Motion: Mr. Hogan moved to continue the NOI for 50 Depot Street to the October 19 meeting of the Conservation Commission. Mr. Bangma seconded, and the motion passed unanimously by roll call vote of 6-0-0 (Bangma – aye, Cleary – aye, Hogan – aye, Richardson – aye, Shaw – aye, Steele – aye).

5. Notice of Intent (NOI) DEP No. 312-11xx, 410 N. Main Street (Map 12D Parcel 0281) (01:07:15 – 01:18:35)

Applicant: Dokkum Realty, LLC

Representative: Allen Engineering Associates, Inc.

Project Description: The proposed project is the construction of a bus repair and maintenance within the 200 Riverfront.

Discussion: Eric Bazzet with Allen Engineering Associates attended on behalf of the applicant. Ms. Grenier has been to the site and reported that the only work in the riverfront is the installation of a sewer line and a stormwater infiltration system - the proposed building (a bus barn to repair busses) is outside riverfront and resource area. Mr. Bazzet reviewed the plans and described the stormwater system and sewer connections. He pointed out the area of work in riverfront totaling approx. 21, 400 sq. ft. The entire site is gravel and no new pavement is being proposed. A portion of the site is in Northbridge and so they are before the Northbridge Commission also.

Adding no snow storage signage on the riverfront side was discussed as a possible condition. Mr. Wiersma, the owner said the snow is currently stockpiled on the east side of the property (behind the abutters on rt. 122). A DEP number has not yet been assigned to the project.

No members of the public commented during the hearing.

Motion: Mr. Hogan moved to continue the NOI for 410 N. Main to the October 19 meeting of the Conservation Commission. Ms. Cleary seconded, and the motion passed unanimously by roll call vote 6-0-0 (Bangma – aye, Cleary – aye, Hogan – aye, Richardson – aye, Shaw – aye, Steele – aye).

REPORTED/ONGOING VIOLATIONS

1. DEP No. 312-1086—Tea Party Drive (01:18:40 – 01:25:32)

- Dale McKinnon, Guerrier & Halnon, attended on behalf of the developer and provided an update on the Lot 15 B basin. They believe the ground water is following the stone underneath the drainage pipe and they plan to install a clay dam to stop it. Wellington had put an impervious liner under the swale itself but they believe the groundwater is still following underneath the headwall and along the pipe. Mr. McKinnon said he will pursue DPW and Planning Board approval of the changes. He also said the work should be complete before the next meeting and agreed to notify the Agent when they are ready to install.
- Mr. McKinnon also reported the brush has been cleaned up on the slopes of both basins (Hyde Park and the lower part of Crownshield).

2. DEP No. 312-1022—Forest Glen/Spring Hill Rd. (01:25:32 - 01:35:44)

- Jude Gauvin, Andrews Survey and Engineering attended the meeting. He finalized the plan presented during the prior meeting and provided it to the Agent. He reviewed the plan during the meeting and described the project to Commissioners. There was discussion and agreement to add a note to the plan to clean-up (hand removal) the sediment that has accumulated at the outflow.
- Ms. Grenier will add this plan to the open Enforcement Order and members will come into Town Hall to sign/ratify the Order.

WETLAND UPDATES/ISSUES

1. Discussion of site compliance regarding active and expired Orders of Conditions (01:36:03 – 01:37:27)

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- Ms. Grenier said she reviewing the files to identify expired Orders of Conditions and she plans to draft a letter to facilitate closing – she said she'll provide to members for review.

PROCESSING

1. Town Charter Review Discussion (01:37:28 – 01:41:20)
 - Several members reviewed the Charter and no one had any comments or recommendations for changes. Everyone agreed the impacts to the Conservation Commission are minimal since they are governed by MGL. The only item the Charter influences is the Commission's ability to call on Town Counsel and that has never been a problem when needed.
2. 8/17/2020, 9/8/20 & 9/21/20 Meeting Minutes Review (01:41:41 – 01:47:16)
 - **Motion:** Mr. Hogan moved to approve the 9/21/20 Conservation Commission Meeting Minutes as written. Mr. Bangma seconded, and the motion passed by roll call vote of 4-0-2 (Bangma – abstain, Cleary – abstain, Hogan – aye, Richardson – aye, Shaw – aye, Steele – aye).
 - **Motion:** Mr. Hogan moved to approve the 8/17/20 Conservation Commission Meeting Minutes as written. Mr. Richardson seconded, and the motion passed by roll call vote of 5-0-1 (Bangma – aye, Cleary – abstain, Hogan – aye, Richardson – aye, Shaw – aye, Steele – aye).
 - **Motion:** Mr. Hogan moved to approve the 9/8/20 Conservation Commission Meeting Minutes as written. Mr. Richardson seconded, and the motion passed by roll call vote of 4-0-2 (Bangma – aye, Cleary – abstain, Hogan – aye, Richardson – aye, Shaw – aye, Steele – abstain).
3. Approval of Filing Fee (01:47:17 – 01:57:40)
 - After a brief review of the document members agreed on an amendment to clarify the top of bank section to read "top of bank fee for riverfront" and remove the \$45 ANRAD fee. A few other minor formatting inconsistencies were identified.
 - **Motion:** Mr. Hogan moved for the Conservation Commission to submit the Conservation Filing Fees, as amended, to the Board of Selectmen. Mr. Richardson seconded, and the motion passed unanimously by roll call vote of 6-0-0 (Bangma – aye, Cleary – aye, Hogan – aye, Richardson – aye, Shaw – aye, Steele – aye).

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

1. Pout Pond Recreation Committee Update (01:57:42 – 02:00:51)
 - Pratt is scheduled to remove the trash dumpster the day after the meeting. Mr. Shaw talked to Rob Harris about winterizing the building – he closes a bunch of town structures at the same time.
2. MACC Fall Annual Conference (02:00:52 – 02:09:05)
 - The conference is all virtual from Oct 17 – Oct 24 with workshops offered throughout the week. The cost is \$125 for the week and an additional \$50 per Fundamental.
 - **Motion:** Mr. Hogan made a motion to authorize the expenditure of up to \$180 per member and agent (\$125 for the week + \$50 for a fundamental). Mr. Shaw seconded, and the motion passed unanimously by roll call vote of 6-0-0 (Bangma – aye, Cleary – aye, Hogan – aye, Richardson – aye, Shaw – aye, Steele – aye).
3. 5 Peter Street - *Item not on Agenda as it was not anticipated 48 hours in advance of the meeting* (02:09:52 – 02:17:20)
 - Ms. Grenier reported there are four (4) big white pines leaning towards the house; 2 are dead; they are not on resource area which is on the opposite side of the house. She would like to give the homeowner permission to remove the trees. She noted the homeowner had a letter from an arborist. Members approved her request and mentioned the hazard tree policy.

ADJOURNMENT-NEXT MEETING SCHEDULED FOR Monday, October 19, 2020

Mr. Hogan moved to adjourn the October 5, 2020 meeting of the Conservation Commission. Mr. Bangma seconded, and the motion passed unanimously by vote of 6-0-0.

Respectfully Submitted,
Melissa Shelley, Land Use Administrative Assistant



Jeff Shaw, Chairman