



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



**Conservation Commission Meeting Minutes
December 7, 2020
Remote Meeting**

REC'D UXB TOWN CLERK
2021 JAN 7 AM 9:03

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

** Chairperson Jeff Shaw was in attendance but did not participate.*

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

CERTIFICATE OF COMPLIANCE

1. Partial Certificate of Compliance (COC), DEP No. 312-114 6B Peter Street

- The applicant did not attend the meeting. Ms. Grenier explained 6B Peter Street was connected to 2 OoCs (for the house itself and road OoC). The house has been complete for several years and is in the process of being sold to a new owner. The road is still not complete. During the 11/16/20 meeting the Commission approved a full CoC for the home and recommended the applicant apply for a partial for the road. Ms. Grenier confirmed she visited the site and that everything is established and stable. The road is outside the 100' buffer and the house was approximately 75' from the wetland.
- **Motion:** Mr. Bangma moved to issue a partial Certificate of Compliance for the road Order of Conditions DEP312-114. Ms. Cleary seconded, and the motion passed by roll call vote of 5-0-1 (Bangma – aye, Cleary – aye, Hogan – aye, Holden – abstain, Richardson – aye, Steele – aye).

REQUEST FOR DETERMINATION OF APPLICABILITY

1. Request for Determination of Applicability (RDA), 32 Cross Road

- Fred Lapham, Shea Engineering. He explained that this is a typical septic system replacement for a three-bedroom house and that a negative determination was issued in 2013 but the project was postponed. Uxbridge Board of Health has approved this proposed system. Mr. Lapham described the property as fully developed and completely enclosed w/a stockade fence. The wetlands have been re-examined by Northeast Ecological. The new system is a Kohltech pump type and it's closest point is 69' from the resource area. The work area is approximately 50' from the wetland (where the cesspool is being removed). The area grades downward about 5% from house to wetlands. He noted that magnetic tape has been added over all components for protection. Mr. Lapham said there have been no substantive changes from the 2013 design only some minor code compliance adjustments. It was noted during discussion that Cold Spring Brook is one of the bodies down gradient.
- **Motion:** Mr. Richardson moved to issue a Negative Determination of for 32 Cross Road septic replacement. Mr. Holden seconded, and the motion passed unanimously by roll call vote of 6-0-0 (Bangma – aye, Cleary – aye, Hogan – aye, Holden – aye, Richardson – aye, Steele – aye)

2. Request for Determination of Applicability (RDA), 204 Quaker Highway

- Jude Gauvin, AS&E attended on behalf of the applicant. The homeowners are looking to replace a shallow dug well that is close to the septic system and appears to be contaminated. A site to place the new well was identified 54' from wetland. Minimal clearing would be required to dig the well and the trench for the 35' waterline path. The area is wooded and the waterline path has not been laid out in the field, so the number of trees to be removed has not been identified. After discussion members agreed that a 5' deep/35' long trench within 100' of the wetland may be too substantial to be captured in an RDA.

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- **Motion:** Mr. Holden moved to issue a Positive Determination of Applicability for the well replacement at 204 Quaker Highway. Ms. Steele seconded, and the motion passed unanimously by roll call vote of 6-0-0 (Bangma – aye, Cleary – aye, Hogan – aye, Holden – aye, Richardson – aye, Steele – aye).

PUBLIC HEARINGS

1. **Notice of Intent (NOI), DEP No. 312-1096, 0 Old Elmdale Rd (Map 25 Parcel 3979)**

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: *Mr. Bangma recused himself from discussion.* The applicant's representative requested a continuance. Members reviewed the progress of this public hearing: opened in 1/21/20 and continued at the request of the applicant 2/18/20, 4/21/20, 6/15/20, 7/6/20, 8/3/20, 8/17/20, 9/8/20, 9/21/20, 10/5/20, 10/19/20, 11/2/20 and 11/16/20. Members agreed they had approved the requests in through spring and summer because the Applicant was awaiting meeting with the Planning Board whose meetings were limited due to the pandemic. That has been resolved and the Commission has still not received any revised plans.

Jude Gauvin, AS&E attended and said the Planning Board suggested they address all Grave's, third party comments before presenting again. The applicant has also requested the Planning Board issue an extension until February. Several members thought it would be appropriate to deny the request to continue and ask the applicant refile when they are ready.

Motion: Mr. Holden moved to close the public hearing for DEP# 312-1096. Ms. Steele seconded, and the motion passed unanimously by roll call vote of 5-0-0 (Cleary – aye, Holden – aye, Hogan – aye, Richardson – aye, Steele – aye).

Motion: Mr. Holden moved to deny the application on the basis of lack of progress and information. Ms. Cleary seconded, and the motion passed by roll call vote of 5-0-0 (Cleary – aye, Holden – aye, Hogan – aye, Richardson – aye, Steele – aye).

2. **Notice of Intent (NOI), DEP No. 312-1106, 50 Depot Street (Map 25 Parcel 1095)**

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, AS&E attended on behalf of the applicant. He explained they are continuing to work on addressing the items in DEP's and the Planning Board/Graves initial review comments. The requested soil test pits have been dug and the infiltration basin was relocated between the buildings. Mr. Gauvin reviewed the revised plans and the and said Graves provided a letter based on his second revision with just some minor issues to be finalized. There was discussion about the request for a ground water mounding test – a calculation to determine how whether the ground water will be raised – they want to make sure if the ground water doesn't get "contaminated" – keep them far enough apart. Mr. Gauvin said he expects to have all the Graves comments addressed by the 12/9/20 Planning Board meeting.

Members agreed to wait until approval from the Planning Board, in the event additional revisions arise. Rocco Addeo, the owner asked why they have to wait and Mr. Hogan explained that because the third-party review is not complete there may be further changes to the plan they approve which would require the applicant to resubmit to the Commission. Mr. Addeo was satisfied w/ the response.

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

3. **Notice of Intent (NOI), DEP No. 312-1109, 10 Rockmeadow Road (Map14, Parcel 22551)**

Applicant:/Owner: Pintos Plumbing & Heating, Inc.,

Representative: Andrews Survey & Engineering

Project Description: The proposed project includes a single-family dwelling with associated driveway, grading, landscaping, private well and septic system withing the buffer zone of bordering vegetated wetlands.

Discussion: Jude Gauvin AS&E attended on behalf of the applicant. In 8/2007 DEP issued a superseding OoC after the commission denied the project and a Variance was granted by the ZBA for a reduced front setback. The permits were never acted upon and have lapsed. The applicant retained AS&E last fall - wetlands were flagged and the dwelling

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location was shifted from the 2007 position. The septic system was also modified – the original had 2 areas; it was redesigned w/ trenches on top of trenches and the reserve system was placed upland. Mr. Gauvin noted it is a conventional septic system that is as close to the resource area as it would be today even if they had to use the reserve system.

Dave Crossman, B&C, reflagged the wetlands in April 2020. He attended the meeting and explained they were flagged by a different entity last fall and he was asked to review it - at which time he didn't see the need to make any improvements. This spring AS&E hired B&C to reflag the area - Mr. Crossman said he didn't see much more than a few feet difference from the delineation last fall.

During her initial assessment of the wetland, Ms. Grenier disputed the wetland flags and requested the Representative also flag the house and septic system.

There was concern amongst members that the foundation of the house is right at the 25' and work will be occurring inside the 25' buffer zone. There was discussion with the Representative about whether a replication area was investigated to compensate for the disturbance. Members discussed options of visiting the site for more information and denying it on the basis that there is work inside 25' and allowing the applicant re-apply with DEP.

Motion: Mr. Holden moved to close and deny on the fact that it impedes on the 25' setback policy. Mr. Richardson seconded, and the motion passed unanimously by vote of (Bangma - abstained, Cleary – aye, Hogan – aye, Holden – aye, Richardson – aye, Steele – aye).

4. **Notice of Intent (NOI) DEP No. 312-11xx 30 Noonan Way, Map 56, Parcels 2049, 1999, 2844, 2853 & 2086**
Applicant: Regenerative LLC, Owner: 1025-1045 Quaker Highway, Representative: Andrews Survey & Engineering.
Project Description: The proposed project consists of clearing and construction of agricultural fields with associate grading, landscaping, utilities, private well, also an irrigation well within the buffer zone of bordering vegetated wetlands and a stream crossing.

Discussion: *Bangma recused from the line item.* Jude Gauvin, AS& E and Atul Patel attended on behalf of the application. Mr. Gauvin reviewed the plans for the clearing and construction of agricultural fields for marijuana growth. Only encroachment on the resource area is for the crossing (considered limited project). There will be an installation of an irrigation well and shed to control the well and feeder tubes that provide water to the field. There is a need for 2000 to 3000 gallons of water need per day so underground tanks will be installed. There will be a gravel access drive on the upper side of the wetlands. Restrooms will be located in a trailer facility. Mr. Gauvin explained this is Phase 1 of a larger project. Phase 2 will be a 20k sq. ft. building to bring outside grow inside and some processing and offices indoors. The majority of work for Phase 2 will be outside buffer zone but they will need drainage and they understand they will need to submit another NOI for that.

Phase 1 work includes clearing and minimal grading w/in 100 buffer zone. A well will also be drilled to establish a public water supply established (this well will eventually service the building – more than 24 people). Mr. Gauvin noted there is a Hydrogeologist on board. He pointed out power will be supplied from a shed onsite until Phase 2 begins. Drip irrigation is being used and crop rows will be run along contours to capture rainwater. The property is located in an industrial zone – required for cannabis use.

Mr. Gauvin did not have details on the crossing yet and Ms. Grenier recommended an open box culvert because there are wetlands on both sides. DEP has not yet issued a number/comments. No members of the public commented during the hearing

Motion: Ms. Steele moved to continue 40 Noonan Way to the next meeting in expectation of DEP number and details of the culvert. Mr. Holden seconded and the motion passed by roll call vote of 5-0-0 (Cleary - aye, Hogan – aye, Holden – aye, Richardson – aye, and Shaw -aye).

REPORTED/ONGOING VIOLATIONS

1. DEP No. 312-1086—Tea Party Drive
 - Mr. Garner has submitted several rain reports since the last meeting. The most recent had several action items required. Dale McKinnon, G&H, reported that Mr. Pereira, the site supervisor has been out w/ covid and will be returning next week. He will be the one who will be addressing the items in the report and Mr. McKinnon said he'll update Ms. Grenier as soon as possible.

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2. DEP No. 312-1022—Forest Glen/Spring Hill Rd.
 - We still don't have any updates from the applicant – Ms. Grenier will follow.

WETLAND UPDATES/ISSUES

1. Conservation Data Base, Approval
 - Last meeting the Commission was provided a demonstration of a database designed to streamline Commissions' workflow. The cost to Uxbridge is \$1999 and the funds would come from Wetlands Protections Funds (Balance approximately 30k).
 - **Motion:** Ms. Steele moved to approve the expenditure for the Conservation Database demonstrated by Paula Bertram. Ms. Cleary seconded, and the motion passed unanimously by roll call vote of 6-0-0 (Bangma – aye, Cleary – aye, Hogan – aye, Holden – aye, Richardson – aye, Steele – aye).
2. Discussion: Covid Signature Pages and Vote Certification Page Methods
 - Ms. Grenier explained that process that DEP and the Attorney General have approved to simplify the process of obtaining signatures during the pandemic. DEP has provided a template of information required and examples from other towns were reviewed. Essentially, Ms. Grenier signs the DEP forms and includes the names of the Commissioners that have approved the project. She also prepares and includes a form documenting each Commissioners' vote for that particular project – the form is signed by Ms. Grenier and the Town Clerk. It was mentioned that the Commission can go back to regular signatures after the Emergency Order is lifted by the Governor – or anytime they are not comfortable with the process.
 - **Motion:** Mr. Holden moved to approve the creation of the Covid Signature Page and Vote Certification Pages. Ms. Steele seconded, and the motion passed unanimously by roll call vote of 6-0-0 (Bangma – aye, Cleary – aye, Hogan – aye, Holden – aye, Richardson – aye, Steele – aye).

PROCESSING

1. Meeting Minutes Review 11/16/20

Motion: Mr. Holden moved to approve the 11/16/20 meeting minutes as written. Ms. Cleary seconded, and the motion passed by vote of 4-0-2 (Bangma – aye, Cleary – aye, Hogan – abstain, Holden – aye, Richardson – aye, Steele – abstain).
2. Meeting Minutes Review 10/19/20

Motion: Mr. Holden moved to approve the 10/19/20 meeting minutes as amended. Ms. Cleary seconded, and the motion passed by vote of 5-0-1 (Bangma – aye, Cleary – aye, Hogan – aye, Holden – aye, Richardson – abstain, Steele – aye).

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

1. MACC Online Handbook Subscription funds allocation – Ordered
 - Ms. Grenier let everyone know they are signed up.

ADJOURNMENT-NEXT MEETING SCHEDULED FOR Monday, December 21, 2020

Motion: Mr. Holden moved to adjourn the December 7, 2020 meeting of the Conservation Commission. Ms. Cleary seconded, and the motion passed unanimously by vote of 6-0-0 (Bangma – aye, Cleary – aye, Hogan – aye, Holden – aye, Richardson – aye, Steele – aye).

Respectfully Submitted,
Melissa Shelley, Land Use Administrative Assistant



Jeff Shaw, Chairman