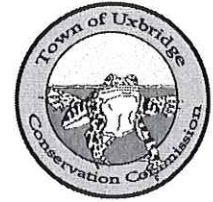


Town of Uxbridge
Conservation Commission
21 South Main Street
Uxbridge, MA 01569
508-278-8600 x 2020



**Conservation Commission Meeting Minutes
October 7, 2019**

Board of Selectmen Room, Uxbridge Town Hall

REC'D UXB TOWN CLERK
2020 JAN 7 PM1:53

Present: Chair Andrew Gorman, Vice Chair Jim Hogan, Clerk Jeff Shaw, Treasurer Russell Holden, Members Dale Bangma, Lauren Steele 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, the meeting was called to order by the Chair, who led the Pledge of Allegiance.

The Chair congratulated Conservation Agent Holly Jones on completing the Massachusetts Association of Conservation Commissioners (MACC) Fundamentals for Conservation Commissioners a Certificate Training Program.

** The agenda was taken out of published order to hear Wetland Updates/Issues 6 Maslow's Way to accommodate the family with young children in attendance for the matter.*

WETLAND UPDATES/ISSUES

1. Request for CoC: DEP No. 312-1076, 6 Maslow's Way (00:01:09 – 00:18:45)
 - Anthony Francesshell, the homeowner attended the meeting. Ms. Jones informed members that the CoC request was submitted by Andrews Survey on behalf of TTK Real Estate, Jim Smith, the developer and there are 2 deviations from the approved plan (i) there is porch put on by builder that is not on the original plan and (ii) the owner installed a shed in corner of the lawn about 25' from the wetland boundary. Additionally, the developer removed the ECB and upon Ms. Jones' inspection, the area was not fully stabilized because it was disturbed during installation of a sprinkler system. The homeowners stated that the grass has since grown in.
 - Members discussed options to best address the deviations from the approved plan and photographs were reviewed. Because the shed is within the permitted Limit of Disturbance (LOD) and the homeowner agreed to extend the CoC request, the majority of the members agreed the creation of the shed could be addressed through the RDA process. In regards to the porch, an amended NOI was discussed but because it is located outside the 50' buffer members agreed it could qualify as a minor activity. Ms. Jones agreed to assist the homeowner with the RDA process.
 - **Motion:** Mr. Hogan moved to extend the CoC request per the applicant until they are prepared to file. Mr. Shaw seconded, and the motion passed by vote of 5-1-0. (Mr. Holden voted nay)

** The meeting returned to the published agenda order.*

PUBLIC HEARINGS

1. **Notice of Intent (NOI), DEP #312-1088, Old Lackey Dam Rd, Assessor's parcel 15-3153** (00:18:52 – 00:33:08)
Applicant: Lackey Dam Nominee Trust Representative: Allen Engineering & Associates, Inc.
Project Description: Expansion of an existing recycling and processing yard to include a processing area for sorting/processing of asphalt, brick, and concrete rubble, and glass, along with a truck weigh scale, office trailer, glass processing equipment and, non-potable well for processing and dust control, and sediment basin.

Discussion: Bruce Williams, Allen Engineering, attended on behalf of the applicant. He informed the Commission that the Uxbridge Planning Board issued approval and are finalizing the Special Permit decision language. He explained why he believes this site does not meet criteria for Land Use with Higher Potential for Pollutants (LUHPPL) use, which he described as sites with areas where there is a lot of petroleum in either containers or vehicles (e.g. high intensity parking lots, outside storage of fleet vehicles). Ms. Jones noted the storm water standards call out waste processing as being a qualifying category and guidance from DEP states that ABC processing should be considered solid waste for permitting. Mr. Williams explained when you design a LUHPPL you have to allow 1" of water quality volume vs. ½" water quality volume on normal sites. The water quality volume design figure is derived from the amount of impervious material on the site and this site has no impervious surface therefore the water quality volume could not be calculated at ½' or 1' which is the biggest effect of LUHPPL designation. Mr. Gorman

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noted because they are filing under the redevelopment standards, they are only required to meet the LUHPPL designation to the greatest extent practicable. He also said he preferred not have a determination from the commission as to the LUHPPL designation because of the discrepancies.

Mr. Williams said electricity for the site would be provided by a portable generator that which will be brought on site with the fuel and the plans say there will be no fuel stored on site. A condition to add a drip pan for the generator was discussed with Mr. Williams. Mr. Williams explained all the exposed side slopes and the sediment basin are to receive 6" of loam and New England erosion control seed mix and ECB's will eventually be removed in those areas. He also said it is possible the ECB on the up-gradient side, that will provide a temporary diversion of surface water from running down the slope may be maintained longer than the down gradient.

The only other outstanding item from the Planning Board's peer-review was that the soil test pits for the sediment basin have not been completed. Members discussed a potential condition to allow the Commission to have the ability to lean on Graves Engineering to help ensure the effectiveness of the basin. No members of the public in attendance of the meeting commented on the hearing. Members agreed this is essentially a redevelopment project of a gravel and material processing site that includes the added benefit of new plantings and stormwater mitigation.

Motion: Mr. Hogan moved to close the public hearing for DEP#312-1088, Old Lackey Dam Road. Mr. Shaw seconded, and the motion passed by vote of 6-0-0.

Motion: Mr. Hogan moved to issue an Order of Conditions for DEP#312-1088 with the Uxbridge Standard Special Conditions and the following additional conditions (i) that the Commission is not making a finding as to whether or not the site qualifies as a LUHPPL (ii) that the Commission reserves the right to request a third party storm water review when the test pits are dug for the storm water basin to determine if the soil infiltration capacity is adequate (iii) that an appropriate containment pad shall underlie the generator during its operation to prevent any leaking into the resource areas. Mr. Shaw seconded, and the motion passed unanimously by vote of 6-0-0.

REPORTED/ONGOING VIOLATIONS

1. Medline (DEP No. 312-1066) (00:33:16 – 1:00:44)

- Mark Arnold, Goddard Consulting on behalf of Kennedy Excavating for the Medline site attended the meeting. Mr. Arnold distributed a Wetland Vegetation Report dated 10.7.19 and pointed out all the areas in which there has been natural regrowth. He explained there was buffer zone disturbance due to extra clearing that occurred when the spreader was installed at a different alignment from what was on the plan (now closer to the wetland). This is addressed in the report. They are requesting to loam and seed and restore the disturbed buffer zone area where sediment entered. Mr. Arnold offered the option of correcting the alignment to the original plan but indicated that it would will require additional buffer zone disturbance. He asked the Commission for permission to begin the seeding and guidance on whether to correct the misaligned spreader. Because it threads between two wetlands, members requested a plan depicting both options for the spreader to review, which Mr. Arnold agreed to provide.
- Overall members were pleased with the cleanup efforts but disappointed that the report was submitted after the date required by the Enforcement Order (EO) resulting in pressure to make quick decisions. After discussion, members agreed to the buffer seed mix can be planted as soon as possible and that the shrub plantings, restoring the Old High Street crossing and the stormwater spreader will warrant additional discussion.
- Mr. Arnold communicated his intention related to the "logging road" (i) he will be supervising the removal of the logging mats to ensure no additional damage occurs; (ii) he will evaluate what is underneath and make sure anything unnatural is removed; (iii) he will determine whether vegetation was damaged and whether plantings will be required. He also said he can submit a planting plan for the logging road if the Commission requests. He said the plan is to remove the logging road within the next two weeks and stabilize the area w/ seed and straw but if the Commission prefers it may be possible to wait until spring. He agreed to provide the protocol to the Commission.
- Mr. Arnold also mentioned the following additional updates to the site since the Commission's last visit (i) there has been more seeding and there is a lot of grass growth; (ii) the stormwater basin has had its connection structures installed; and (iii) they working on connecting the pipes for the roof drains.
- **Motion:** Ms. Steele moved that the Commission close the existing Enforcement Order for DEP #312-1066 and issue a new Enforcement Order w/ the following corrective actions: (i) the respondent will perform seeding in accordance w/ the 10/7/19 Wetland Vegetation Report submitted by Goddard Consulting; (ii) the respondent shall submit a plan to documenting the mitigation to be performed in support of the Old High St. crossing; (iii)

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that the applicant shall submit graphic representation to document the current location of the level spreader footprint cleared in the field; (iv) the respondent shall submit a written plan outlining the additional shrub and trans plantings that will need to commence within the disturbed areas; (v) the respondent shall remove sediment from the disturbed wetland in the vicinity of the level spreader to the satisfaction of the Commission or its designee. Mr. Hogan seconded, and the motion passed unanimously by vote of 6-0-0.

** The agenda was taken out of published order to hear Wetland Updates/Issues CoC request for 44 Mendon Street to accommodate the applicant, the only remaining member of the audience.*

WETLAND UPDATES/ISSUES

2. Request for CoC: DEP No. 312-1070, 44 Mendon St (01:01:06 – 01:06:36)
 - Jack Roberts, the applicant attended the meeting to present his CoC request. He stated the project is complete; and the staircase was built in a smaller footprint than originally planned. They decided not to construct a canoe slide along the side of the staircase. Gravel was placed at the top and bottom of the staircase to level those areas. Mr. Roberts noted there were two torrential downpours during construction and they not observe any run off or pooling of water near the river. Photographs of the project were reviewed and members agreed the project matched the plan and appeared to meet criteria for the CoC.
 - **Motion:** Mr. Hogan moved to issue a Certificate of Compliance for DEP#312-1070, 44 Mendon St. Mr. Shaw seconded, and the motion passed unanimously by vote of 6-0-0.

** The meeting returned to the published agenda order.*

REPORTED/ONGOING VIOLATIONS

1. Cobbler's Knoll Development (DEP No. 312-1013) (01:06:37 – 01:08:10)
 - Ms. Jones was informed by Denise Childs, DEP that they are still waiting on the restoration plan, but she was informed that AS&E has been there to locate & map the disturbed areas for the Wetlands Scientist to use for the restoration plan. The report was initially due in July. The ACOP is likely being held up for the restoration plan's completion so it can be referenced.
2. 32 Church Street (01:08:11 – 01:14:46)
 - Commission reviewed a historic document provided by one of the parties involved. It is an informal letter written by the former chairman of the Commission in 1988 providing permission for Mr. Wilson for the certain land disturbing activities. Ms. Jones was informed by the civil clerk's office that there is not a form for filing an administrative warrant and is awaiting advice from Town Council on how best to proceed. She also noted she observed what appears to be continued activity and two pieces of large equipment working on the site. Members agreed to continue moving forward with obtaining and executing the administrative search warrant to be able to document the soil conditions.
3. 148 Ironstone Rd (DEP No. 312-1084) (01:14:48 – 01:16:09)
 - Mr. Gorman visited the site and reported the seed is coming in and that erosion does not appear to still be a problem. Members decided to keep the item on the agenda for a few more weeks to see how the site does after a few more rain events.
4. 6 Maslow's Way (DEP No. 312-1076)
 - Item was discussed earlier in the meeting

WETLAND UPDATES/ISSUES

3. Wetlands Bylaw (01:16:17 – 01:33:11)
 - There was a brief discussion about the 9/29/19 meeting that was held to talk generally about the about the proposed bylaw. The commission did not have a quorum and there was a resident in attendance. During the meeting, members had a discussion and viewed Ms. Jones' presentation to be given to the town boards and town meeting.
 - Members reviewed and discussed the most recent edits recommended by Town Council. They agreed the formatting changes recommended were acceptable but not to incorporate the recommendations that dealt with the substance of the bylaw.

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4. Discussion of site compliance regarding active and expired Orders of Conditions (01:33:13 – 01:34:30)
 - Tea Party Drive – one of the subdrains has been installed and members agreed to request confirmation that the Geotechnical Engineer has been on site.
 - Balm of Life Spring Road DPW Drainage Structure has been leveled out.

PROCESSING

1. 8/19/19 and 9/4/19 Meeting Minutes (01:34:31 – 01:35:16)
 - Mr. Gorman requested to table the 9/4/19 minutes to the next meeting for further review. The 8/19/19 minutes were approved at an earlier meeting but still required member signatures.

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

1. Pout Pond General Discussion (01:35:17 – 01:36:35)
 - Ms. Modica, PPRC, informed the Mr. Gorman that a tree by the gate is losing limbs. Members also discussed outstanding end of year items and Mr. Gorman agreed to work with Ms. Modica to compile a list of any remaining activities.
2. Legg Farm General Discussion (01:36:37 – 01:39:22)
 - There are 2 or 3 large trees down across the blue trail. It was mentioned that the approach in the past has been to cut the trunk up and push the pieces away from the path. Mr. Shaw agreed to contact the local boy scout troop to potentially do the work.
3. Whitin Pond General Discussion (01:39:23 – 01:39:27)
 - No updates
4. Central Massachusetts Mosquito Control Project Discussion (01:39:28 – 01:50:04)
 - The Commission was not asked, nor did they make a formal opinion on whether the town should participate in the program. It was mentioned that there are regulations that exempt this program from the standards from the Wetlands Protection Act. Members reviewed the CCMP's flow chart of activities and how Conservation Commissions are notified. It was noted that the Commission has the ability to issue comments 30 days prior the start of work.
5. FY2019 Annual Report (01:50:05 – 01:55:10)
 - **Motion:** Mr. Hogan moved to accept the 2019 Annual Report as written. Mr. Bangma seconded, and the motion passed by vote of 6-0-0.

ADJOURNMENT-NEXT MEETING SCHEDULED FOR MONDAY, October 21st, 2019

Motion: Mr. Shaw moved to adjourn the October 7, 2019 Meeting of the Conservation Commission. Mr. Hogan seconded, and the motion passed unanimously by vote of 6-0-0.

Respectfully submitted,

Melissa Shelley



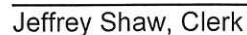
Andrew Gorman, Chairman



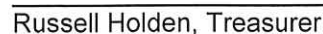
Jim Hogan, Vice Chair



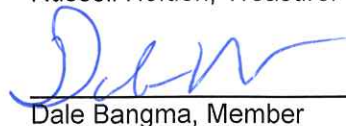
Lauren Steele, Member



Jeffrey Shaw, Clerk



Russell Holden, Treasurer



Dale Bangma, Member

Jan 6, 2020
Date