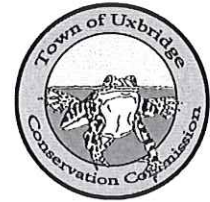


Town of Uxbridge
Conservation Commission
21 South Main Street
Uxbridge, MA 01569
508-278-8600 x 2020



Conservation Commission Meeting Minutes
February 18, 2020
Board of Selectmen Room, Uxbridge Town Hall

REC'D UXB TOWN CLERK
2020 MAR 3 AM 9:34

Present: Chair Andrew Gorman, Vice Chair Jim Hogan, Clerk Jeff Shaw, Member Dale Bangma, and Conservation Agent Holly Jones

Absent: Treasurer Russell Holden, Members Lauren Steele & Mark Richardson

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.

PUBLIC HEARINGS

1. Notice of Intent (NOI) DEP No. 312-1090, 250 Chocolog Rd (Map 44 Parcel 345) (00:00:31 – 00:08:36)

Applicant: Michael Healy

Representative: Andrews Survey & Engineering

Project Description: A single family home with private well and private septic with associated earthwork, landscaping and utilities within the wetland buffer zone.

Discussion: Kristin Labrie, Andrew's Survey and Engineering, attended on behalf of the applicant. She provided abutter notifications and updated wetland data sheets. The plan was revised plan to depict the new 100', 50' and 25' buffer zones but the locations of the house, driveway, septic, or well have not changed. She stated the septic system has already been approved by the BOH and noted the tree line and the ECB mark the limit of work. Members recommended a condition of a Feno spike type of conservation marker be placed along the ECB at the closest point to the wetland. They also suggested adjusting the ECB to go down around the well and associated earthwork. Ms. Labrie agreed to the conditions and updating the plan to reflect the changes. Members were comfortable with the Agent performing a site visit. No members of the public commented on the hearing.

Motion: Mr. Hogan moved to continue DEP No. 312-1090 to the next meeting of the Conservation Commission in anticipation of plan revisions and a site visit by the Agent. Mr. Bangma seconded, and the motion passed unanimously by vote of 4-0-0.

2. Notice of Intent (NOI) DEP No. 312-1095, 300 Mendon St. (Map 19, parcels 2413, 2475, & 2467) (00:08:39 – 00:09:45)

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: The applicant requested to continue to the next meeting of the Commission because they have not yet been before the Planning Board - they are on the 2/26/20 agenda and expect to have updates for the Commission's 3/2/20 meeting.

Motion: Mr. Hogan moved to continue DEP No. 312-1095 to the next meeting of the Conservation Commission in anticipation of plan revision. Mr. Shaw seconded, and the motion passed unanimously by vote of 4-0-0.

3. Notice of Intent (NOI) DEP No. 312-1093, Whitins Pond Tap Line, (Map 4 Parcel 3883, Map 40 Parcel 1586) (00:09:45 – 00:14:22)

Applicant: New England Power Company D/B/A National Grid

Representative: Ale Echandi, BSC Group

Project Description: Drilling two geotechnical soil borings necessary for planning and design of future work within a bordering vegetated wetland. Each soil boring is approximately 4-6 inches in diameter.

Discussion: Ale Echandi, BSC Group, attended on behalf of the applicant and provided a brief recap of the project to obtain soil borings within wetland resource areas. DEP issued a file number and did not have any comments on the project. The Commission's only concern was the ensuring the correct installation of the swamp mats and a condition was agreed upon to notify the office 24 hours prior to the start of the boring procedure. Ms. Echandi also committed to sending Ms. Jones copies of the weekly inspection reports. No members of the public commented on the hearing.

Motion: Mr. Hogan moved to close the public hearing for DEP No. 312-1093 and to issue an Order of Conditions with the Uxbridge Standard Special Conditions and the following two additional conditions: (i) the inspection reports generated

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from the site work are forwarded to the Conservation Agent and (ii) the Conservation Agent shall be notified 24 hours prior to the start of work. Mr. Shaw seconded, and the motion passed unanimously by vote of 4-0-0.

4. Notice of Intent (NOI) DEP No. 312-10XX, 0 Old Elmdale Rd (Map 25 Parcel 3167) (00:14:33 – 00:15:36)

Applicant: Aris Group, LLC

Representative: Jude Gauvin, Andrews Survey and 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.

Motion: Mr. Hogan moved to continue the hearing for 0 Old Elmdale to the next regularly scheduled meeting. Mr. Shaw seconded, and the motion passed by vote of 3-0-1. (*Mr. Bangma abstained from vote*)

* *Mr. Hogan moved to table the NOI for 145-147 Hecla Street while awaiting the representative. Mr. Shaw seconded, and the motion passed unanimously by vote of 4-0-0.*

REPORTED/ONGOING VIOLATIONS

1. 650 Quaker Highway (Assessors Map 45 Parcel 3831) (00:16:30 – 00:23:15)

- Lee Beausoleil, the respondent, attended the meeting. He informed members that Scott Rabideau, Natural Resource Services, assessed the site on 2/14/20 and provided him with a restoration plan. Mr. Beausoleil has since "shored up" the ecbs and installed a check dam "where the water way was cleared out". Mr. Rabidau's report also included proposed plantings (arrowwood and pepper bush) which Mr. Beausoleil agreed to plant when the weather permits. He provided a copy of the report to Commissioners. Members agreed Ms. Jones should visit the site to observe the current status and to table the item for now based on the progress made so far. Ms. Jones asked about the long-term plans for the site and Mr. Beausoleil indicated sometime in the future he would like to put a building on the parcel if possible.

2. 32 Church St (Map 6 Parcel 4452) (00:23:15 - 00:40:45)

- Troy Wilson attended on behalf of Frank Wilson. The following are the questions/issues Mr. Wilson raised and the Commission's responses:
 - Mr. Wilson inquired what is the statute of limitations on the violations that have been brought up and requested the Commission provide proof in the form of maps or paperwork that there are wetlands on his property. Mr. Gorman explained that complaints of wetland resource filling by parties that reside in the general neighborhood prompted the initial investigation by the Commission. He went over the process the Commission undertook over the past years to try to access the property to identify whether a wetland had been impacted and what mitigation would be required. He explained the Commission's jurisdiction comes solely from the WPA and that wetlands are not always mapped but can be identified through examination of the soils, hydrology, and vegetation on site.
 - Mr. Wilson stated the DPW and Ms. Jones emptied frog pond (allegedly 300,000 gallons of water) on to the property. Mr. Hogan thought the DPW work may have been cleaning a catch basin related to stormwater control.
 - Mr. Wilson stated the Commission illegally entered the dwelling during an Administrative Search Warrant. The attending officer did not believe entering the Breezeway to knock on the door breached the span of the search warrant but they left when asked and did not gather information on the first visit.
 - Mr. Wilson brought a letter on Conservation Commission letterhead signed by Charles R. Smith dated 7/7/1988 that states Mr. Wilson has permission to "fill the land next to his residence" and believes this document provides permission for the work. Members explained that the Chair or an individual member does not have the regulatory authority to issue blanket permits of this nature.
- Members also acknowledged not being able to discuss some items without violating OML because of the previous related Executive Session discussions. Mr. Gorman recommended to continue forward any information to DEP, as a neutral party, to see if they are willing to provide some guidance. He noted that Mr. Frank Wilson been in contact with them several times and requested they intercede.

Motion: Mr. Hogan made a motion to have the Chair or the Agent draft a letter to DEP requesting they investigate whether there are wetland violations on the site. Mr. Bangma seconded, and the motion passed by majority vote of 3-1-0 (*Mr. Shaw voted negative*).

* *The following item was not on the published Agenda because it was not reasonably anticipated by the Chair 24 hours in advance of the meeting.*

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3. Cobbler's Knoll Subdivision Question (00:41:45 – 00:58:46)

- Byron Andrews, Andrews Survey and Engineering, attended on behalf of Arraho Realty Trust, in regards to lots in the Cobbler's Knoll Subdivision. Mr. Andrew's mentioned the expired OoC for the main development of the sub division and said they are working Mr. Marinella to develop an application for a new NOI. Arraho Realty purchased 11 lots and have been constructing houses on them. Five of these lots still need foundations and Mr. Andrews asked whether the Commission would consider allowing the work on these lots and if so what would be required (NOI's, partial leases on a per lot basis, etc). He said this activity would not contribute to on the ongoing subdivision issues because the basins and the swales are not on the Arraho lots and they have not been the subject of any complaints. The activities that led to the EO's and the non-renewal of the OoC were performed by another party. He further stated this is putting a heavy financial burden on his client and their employees as well as the people that want to buy the lots and may be coordinating selling a property etc.
- The lots in question are 1, 2, 32, 33, and 34 and Ms. Jones noted these lots are close to Chocolog Rd. and the drainage goes into the detention basin close to the road. Mr. Andrews stated if any work is within the 100' buffer NOI's would be filed. Mr. Hogan recommended the option of submitting RDAs showing the wetland and where the work is being done (assuming it's outside of jurisdiction which would require NOIs). Members thought that the RDA a creative solution that represents a compromise and also allows for documentation and conditions as needed. There was also a brief discussion regarding how this would affect the CoC process.

* Mr. Hogan moved to un-table the NOI for 145-147 Hecla Street. Mr. Shaw seconded, and the motion passed unanimously by vote of 4-0-0.

PUBLIC HEARING

5. Notice of Intent (NOI) DEP No. 312-10XX, 145-147 Hecla St (Map 25 Parcel 2378) (00:58:52 – 1:44:48)

Applicant: Town of Uxbridge/DPW

Representative: Beta Group, Inc

Project Description: Restoration of Bordering Vegetated Wetland and Bordering Land Subject to Flooding pursuant to an Administrative Consent Order agreement with MassDEP. The project will include processing and removing stockpiles.

Discussion: Craig Ellison, with Beta Group Inc., attended on behalf of the Uxbridge DPW. He described the work as a restoration project. There are stockpiles behind the DPW salt shed comprised of construction debris (asphalt and concrete) and materials collected during street sweeping and catch basin cleanings. He estimated the material has been there quite a while – probably decades – and there is quite a bit of vegetation, including trees, growing out of them. Most of the material is sand. The need for removal is because stockpiles were placed in the flood plain with portions in a BVW, buffer zone and a very small portion inside the 25' setback. The Administrative Consent Order (ACO) states that the Town can no longer put materials here and the piles must be removed by December of 2025. The NOI is for the management of these materials during removal from the flood plain, buffer zone and setback. Mr. Ellison explained the process of removal - large chunks of asphalt & concrete will be processed onsite and taken to a landfill or recycling processing facility, the vegetation will be removed as needed because it is good for erosion; they will be doing composting along the perimeter edge. A slight temporary soil berm will be created to protect from any stormwater run-off. Mr. Ellison explained, the material was tested via a program of 11 test pits for petroleum hydrocarbons, VOCs, PCB's, heavy metals and said the only thing found were some petroleum related compounds associated with asphalt. The work plan hasn't been finalized yet but, Mr. Ellison said the original thought was work from east to west. Mr. Hogan recommended working the opposite - west to east (at the back and pulling forward so it can be stabilized geologically & repaired along the way). He noted existing the stockpile will act as a buffer between the processing and river. Members requested a phasing plan with the understanding it is estimated – even a mark up of the plan. Mr. Ellison said under the ACO a survey must be done once a year. It was also noted that because it is 5-year project a renewal should be planned for. This NOI is just for the removal of the materials related to the ACO and any other work would submit an NOI.

Mr. Shaw inquired about the metal levels indicated in the chemical testing report and how we ensure nothing is contaminated during on-site processing. Mr. Ellison explained the metal concentrations identified were compared to Mass Standards RCS1 (what they use for residential property) – and the levels were under, relative to metals, below likely hood that they would leech. He said they will also have to follow the no visible dust standard and wash down the area after processing. He stated the plan is to bring it down to the existing grade level while comparing and looking for consistency with materials on both sides of the pile.

Jim Booth, a member of the audience, asked whether there will be any monitoring as relates to possible airborne contaminants during the processing. Mr. Ellison explained they will follow the protocol outlined in the Mass standard for no visible dust and most likely that would include misting the material down. Commissioners discussed including conditions related to monitoring throughout the life of the project to ensure that the any of the dust is not impacting

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resource areas. They also recommended exploring the use of an impermeable barrier underneath the area the processing and/or the possibility of locating it on the parking lot. Commissioners are also looking for project phasing plan and the utilization of BMPs. Members agreed the material should be removed but want it to be completed in a planned concise method with monitoring.

Daryl Oakley, Uxbridge resident and professional wetlands scientist, attended with some comments and questions. He inquired about the restoration and recommended the Commission consider a condition for the use of New England wetland seed mix and that the plantings occur before 5/15 or 8/30 and possibly include watering depending on the phasing. He asked what the long-term vision was for the area (forest or meadow) and the noted the possibility of conditioning shrubs/trees if applicable. He inquired whether an ANRAD had been completed and noted that wetland delineation forms were not included in the NOI. He noted the area is a Zone 2 as it relates to public water supply, and had his colleague review the NOI, and he recommended the processing be completed on an impervious surface. He said, "we could spec out using 2mm of polyethylene sheeting or equivalent". He asked the engineer if the materials could be live loaded. Mr. Ellison said everything will be unless the size would prohibit from being accepted into the receiving facility. Mr. Ellison provided some details about how the material will be treated once it leaves the site – they will be catch basin cleanout requirements.

Mr. Ellison and the Commissioners agreed the next steps are (i) develop and provide a phasing plan for the project, (ii) explore options for the best location to process materials, (iii) provide the wetland data forms to the Commission, (iv) explore opportunities to use native plants identified in the data forms, (v) to consult with their wetland scientist about BMPs for invasive management. Mr. Ellison also noted a wetland delineation is being completed for the entire property and the DPW will be filing NOI's in the future for some of their routine work.

Motion: Mr. Hogan moved to continue the NOI for 145-147 Hecla Street to the next meeting of the Conservation Commission. In anticipation of revisions discussed and a DEP number. Mr. Shaw seconded, and the motion passed unanimously by vote of 4-0-0.

The meeting returned to the published agenda order.

REPORTED/ONGOING VIOLATIONS

4. Crownshield, Tea Party Drive (01:45:10 – 01:56:17)

- Sedimentation of the stream was reported by an abutter, Mr. Harold Klei, a former Commissioner who is familiar w/ the project. He believed it was the due to a basin failure (similar to before) in which the basin itself is undermined in some way. Ms. Jones investigated and determined the source of the sedimentation was silty water shooting at high flow velocity from a pipe near the basin at bottom of Tea Party Drive (just like the sedimentation event reported by Mr. Shaw recently). The basin appears to be functioning, it is not holding water, but its outlet is dry.
- The Planning Board has agreed to send Graves to perform an inspection 2/19/20. Ms. Jones will be on site for that review and will also be meeting with Mr. McKinnon the following day. Fafard has been notified and their response was to put up a silt fence. Commissioner's speculated as to what could be cause and where the water is coming from. Members reviewed Ms. Jones' photographs and agreed to hold off on issuing an EO to clean up the stream until the source is confirmed.

WETLAND UPDATES/ISSUES

1. CoC request: 10 River Rd, DEP No. 312-101 (01:57:20 – 01:59:15)

- The request is for an office building on River Road, constructed in the buffer zone, approximately 30 years. Ms. Jones inspected the site in accordance with the documentation on file. She found it was built to per the plan and there was no trash or extra incursions into the wetland. It was raining when she was there, and the stormwater system was functioning well. The respondent is hoping to obtain a CoC without an as-built. Members agreed due to the age of the project that was acceptable if Ms. Jones was comfortable.

Motion: Mr. Hogan moved to issue a Certificate of Compliance for DEP No. 312-101. Mr. Bangma seconded, and the motion passed unanimously by vote of 4-0-0.

2. CoC request: 21 Constitution Way, DEP No. 312-1089 (01:59:16 – 02:00:22)

- Ms. Jones explained this CoC request was for the NOI filed to account for a deck that was constructed and not permitted on the original NOI for the house. The original NOI for 21 Constitution Way was issued a CoC and Ms. Jones confirmed she had been to the site.

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3. Extension of OoC request, DEP No. 312-1031 Trowbridge Acres, 434 Sutton St.
 - *Passed over due to lack of quorum. Members confirmed the order doesn't expire until May.*
4. Discussion of site compliance regarding active and expired Orders of Conditions (2:00:48 – 02:02:03)
 - **Cobbler's Knoll:** They have indicated they are putting the finishing touches on the restoration plan and should be submitting it to DEP next week.

PROCESSING

3. 2/4/2020 Meeting Minutes (02:02:03 – 02:04:52)
 - Motion: Mr. Shaw moved to approve the 2/4/20 meeting minutes of the Conservation Commission as written. Mr. Hogan seconded, and the motion passed unanimously by vote of 4-0-0.

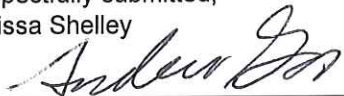
ANY OTHER BUSINESS, WHICH MAY LAWFULLY COME BEFORE THE CONSERVATION COMMISSION

1. Conservation Department Budget FY2021 (02:04:53 – 02:31:02)
 - Mr. Gorman highlighted the high number of hours the department spends on Enforcement that we are unable to recoup the cost for.
 - The salary line item for the Agent is the same per the TM. He has requested salaries remain until the union contract negotiations are complete. There was discussion about the percentage of the Conservation Agent's salary that comes from the WPA and the Town and the need to determine a sustainable number the WPA fund can contribute. It was noted that at the beginning of 2018 there was 48k and now there is 26k. Members recommended continuing to have a salary conversation with the Town Manager.
 - Line 5300 other professional services was discussed. This line covers the expenses related to SOLitude testing and the applications for the milfoil and pond weed abatement as well as *e. coli* testing for the beach. It was noted that these expenses increase a bit every year and Ms. Jones added 5k this upcoming budget year to finish our open space and rec plan (a one time expense).
 - 0 based budgeting was used – not that different from years past.
2. MVP Grant Updates: Vernal Pool certification, Open Space and Recreation Planning, Dams, Culverts, EEE (02:19:20 -
 - The state has been awarded an action grant that was EEE focused and there were items that involve the Commission. DPW will be replacing culverts (to help w/ mosquito breeding habitat and creating problems for the ecological connectivity). The grant awarded a sum for the town to be able to pursue the Vernal Pool certification on public land (\$13, 800) and an intern was hired to help in the efforts. The grant also included updating the Open Space Plan and so Ms. Jones is coordinating the establishment of an Open Space Committee. The Town Manager has secured CMRCP to help guide this effort.
3. PPRC (Item not on agenda)
 - Jen Modica, Chair of the PPRC, informed members that they have completed their initial planning. She requested to be placed on the Commission's next meeting agenda to discuss raking the sand to help with the weeds near the water. Members approved the request and decided to keep a Pout Pond a rolling agenda item for the season to have the ability to discuss items as they arise.

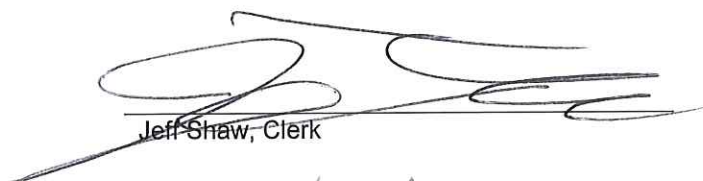
ADJOURNMENT-NEXT MEETING SCHEDULED FOR Monday, March 2nd, 2020

Mr. Hogan moved to adjourn the 2/18/20 Conservation Commission meeting. Mr. Shaw seconded, and the motion passed unanimously by vote of 4-0-0.


Respectfully submitted,
Melissa Shelley



Andrew Gorman, Chairman



Jeff Shaw, Clerk



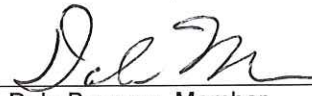
Jim Hogan, Vice Chairman

absent

Russel Holden, Treasurer

absent

Lauren Steele, Member



Dale Bangma, Member

absent

Mark Richardson, Member

March 2, 2020

Date