



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



**Conservation Commission Meeting Minutes
May 18, 2020
Remote Meeting**

RECD UXB TOWN CLERK
2020 JUN 15 PM 1:28

Present: Chair Andrew Gorman, Vice Chair Jim Hogan, Clerk Jeff Shaw, Treasurer Russ Holden, Members Lauren Steele, and Mark Richardson and Conservation Agent Holly Jones

Absent: Member Dale Bangma

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 made the following statement 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. 829-533-315.

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).

PUBLIC HEARINGS

1. **Notice of Intent (NOI) DEP No. 312-1095, 300 Mendon St. (Map 19, parcels 2413, 2475, & 2467) (00:02:12 – 00:02:21)**
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.

Note: During the previous meeting this hearing was continued to the June 1, 2020 meeting of the Conservation Commission

2. **Notice of Intent (NOI) DEP No. 312-1096, 0 Old Elmdale Rd (Map 25 Parcel 3979) (00:02:25 – 00:03:18)**
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.

Note: The applicant has requested a continuance to the June 1, 2020 meeting of the Conservation Commission

Motion: Mr. Hogan moved to continue DEP No. 312-1096 to the June 1 meeting of the Conservation Commission. Mr. Shaw seconded, and the motion passed unanimously by roll call vote of 6-0-0 (Gorman – aye, Hogan – aye, Holden – aye, Richardson – aye, Shaw – aye, Steele - here).

3. **Notice of Intent (NOI) DEP No. 312-1101 63 Linwood St (Map 12A Parcel 1233) (00:03:19 – 00:37:07)**
Applicant: Steve Bevilacqua Representative: Allen Engineering and Associates
Project Description: Construction of three new condominium units along the existing dwelling unit, widening the driveway, and utility and stormwater improvements in the buffer zone of a bordering vegetated wetland and land under water. A portion of the site is in a Riverfront Area but there will be no new disturbance in that portion.

Discussion: Michael Dryden, Allen Engineering, attended on behalf of the applicant. Since the last meeting a site visit occurred and comments were received from DEP. The wetland flags, identified during the site visit, have been adjusted and conservation markers at the 25' no disturb have been added to the plan. Mr. Dryden reviewed each of the DEP comments and how they were addressed: (1) a reference to 10.53(1) - impacts to the buffer zone are increased (2) a request for a riprap construction entrance – this is already detailed on the plan and must have been missed by DEP (3) existing lawn is not considered degraded riverfront area – they agree

Conservation Commission Meeting Minutes continued – Monday, May 18, 2020

and noticed the original submittal was 17sq ft. over the 10% of the overall riverfront on site. They easily were able to tighten up some off grading associated with the driveway to ensure they do not go over the 10%.

Members gave some additional information regarding the site visit and noted a meeting occurred between the applicant and Mr. Johnson, the neighbor with a concern related the culvert. Mr. Dryden said his client agreed to ensure the inlet to the pipes stayed clear of debris. It was also noted that inspections should be made during construction to ensure the culvert remains clear of debris.

Mr. Dryden displayed the updated CAD drawings so members could see the updated snow storage area, conservation markers and updated wetland flags and buffer zones. There was discussion on how to ensure all the conditions are met – highlighting the Certificate of Understanding, the OoC, and any homeowner's association documents. Erosion control measures, in context of grading, were also reviewed – and inspection requirements were mentioned.

No members of the public commented during the hearing. Mr. Dryden did not officially issue the plan because he was waiting for the meeting to ensure there were no other changes. He was hoping that because the changes are so minor in nature that the Commission would be amenable to a conditional approval - he noted the AutoCAD drawings they have been reviewing have already been updated. Members noted their procedure is to issue the OoC after the final stamped dated plan set is submitted. A discussion of the paths forward was had by members – some were ok with closing and issuing because the changes were so minor and others preferred to wait for receipt of the final plan because some of the changes were a result of the DEP comments and a plan date is required with the submittal.

Motion: Mr. Shaw moved to close the public hearing for DEP 312-1101 for 63 Linwood Street. Mr. Hogan seconded, and the motion passed by roll call vote of 6-0-0 (Gorman – aye, Hogan – aye, Holden – aye, Richardson – aye, Shaw – aye, Steele - aye).

Discussion: Mr. Holden requested when the landowner agreement is drawn up there be specific reference to the snow storage area. The chair conducted a straw poll regarding the outstanding issued plan set before moving forward.

Motion: Mr. Shaw moved to issue an Order of Conditions for DEP 312-1101 for 63 Linwood Street with the standard Uxbridge Special Conditions and the following additional conditions: (i) the permanent location of the snow stockpiling to the east side of the driveway shall be referenced in the OoC as an ongoing condition and shall be referenced in any subsequent homeowner agreement; (ii) the stream in front of the culvert inlet on the subject property shall be functionally kept free of debris that would increase the risk of flooding (iii) prior to the start of work the applicant shall submit stamped plans of record to reference with the OoC detailing the requested plan changes requested by the Commission. Ms. Steele, seconded and the motion passed by a majority roll call vote of 4-2-0 (Gorman aye; Hogan – no; holden – no; Richardson – aye; Shaw – aye; Steele – aye).

4. **Request for Determination of Applicability, 21 Constitution Way (Map 11 Parcel 4652) (00:37:08 – 00:55:14)**
Applicant: Stanislav Demko and Kathleen Demko
Project Description: Removal of 25 trees identified as hazardous from a single-family home lot within the buffer zone of a bordering vegetated wetland.

Discussion: Stanislav and Kathleen Demko attended to present their request. Ms. Demko said their primary concern is for safety and the trees identified are large, dead and very close to the house. The 25 trees in question were identified through a consultation between the homeowner and a local tree removal company. Mr. Holden, Mr. Shaw, and Ms. Jones all visited the site (separately) and each agreed they could not identify 25 trees that were dead or dying. Mr. Holden said he could confirm only about 4 or 5 trees as dead and hazardous. It was noted most of the identified trees were Red Maples and some Red Oaks. A marked-up plan with the locations of the identified trees was reviewed during the meeting. Most of the trees are along the limit of disturbance and approximately 9 are inside the 25' no disturb zone. Concerns were discussed relative to this being a brand-new house that was proposed, designed, and sold this way.

Conservation Commission Meeting Minutes continued – Monday, May 18, 2020

The homeowner offered the option of members visiting the property with the tree removal company to walk the land, re-evaluate and identify key trees that do pose a risk. Ms. Jones agreed to coordinate, and Mr. Richardson agreed to accompany Ms. Jones on the visit. Members re-iterated they were open to removing trees that are specifically dead or dying and can be readily identified by the Conservation Agent.

Motion: Mr. Holden moved to continue the RDA discussion for 21 Constitution Way to the next meeting of the Conservation Commission in anticipation of the Commission and its designee performing additional recognizance of the hazard trees on the property. Mr. Shaw seconded, and the motion passed unanimously by roll call vote of 6-0-0 (Gorman – aye, Hogan – aye, Holden – aye, Richardson – aye, Shaw – aye, Steele - aye).

REPORTED/ONGOING VIOLATIONS

1. DEP No. 312-1066—81 Campanelli Drive/Medline spring action items (00:55:15 – 00:56:00)
 - Ms. Jones has a plan site visit scheduled with Mark Arnold during the upcoming weekend.

2. DEP No. 312-1086—Tea Party Drive (00:56:01 – 01:16:28)
 - Dale McKinnon, Guerriere and Halnon and Wellington Pereira, construction supervisor attended the meeting. A site visit occurred Sat 5/9 to evaluate the Tea Party basin (basin 3) breach area, the undermined stormwater structure off Crownshield and the dewatering practices.
 - Mr. Pereira provided an update - a dewater box was placed across from Crownshield with new hoses discharging to that box; on the outlet they put a filter back (so there are 2 types of filtration as it discharges); also put in haybales along and across in case the box overflows; at the trench/with the repaired swale he has extended the line all the way up to the pipe but that did not stop the ground water from coming up on the other side. They installed a silt fence to catch anything. He will be working with Mr. McKinnon to gather more information to determine where the water is coming from. Mr. McKinnon thinks the groundwater caused the undermining through that area so he's thinking about intercepting that ground water with a pipe and let it grade out where it would come into the swale.
 - Ms. Jones noted the area looked much improved over what they observed the previous week. Mr. Shaw described how the silt sacks in the catch basins became so clogged with fine material that water was not going through them but was held and reduced the flow into the storm water basin of concern. Everyone agreed on the importance of closely monitoring the site especially after every rain event. Mr. Pereira said the plan going forward is to finalize the subdrains and loam and seed both shoulders of the road, to scrape, clean and re-establish basin 3, then clean all the catch basins. They estimated 3 weeks until the site is stabilized and agreed to notify the Commission when they are ready to scarify the basin so the Commission has a chance to monitor. The armored slope is complete – they are just working on the swale at the top. Members agreed to leave the item on the agenda and Mr. McKinnon will provide an update at the next meeting.

3. 366 Douglas St tree clearing (01:18:29 – 01:31:54)
 - Report of tree clearing in a buffer zone of an intermittent stream was received. Ms. Jones observed the clearing happening behind the property from the roadway but was unable to verify whether there was a wetland there. Mr. Zarembovicz, the property owner called into the meeting. He said there are a lot of dead trees on his property but was reluctant to provide any additional information. Mr. Gorman & Ms. Jones explained the overall purpose of the Conservation Commission's and that they are trying to determine whether the reported activity is within their jurisdiction and whether the activity is permissible. Mr. Zarembovicz preferred to not to have any members or the agent visit his property until has discussed it with a representative and he agreed to follow up with Ms. Jones before the next meeting.

4. 5 Moorland Drive tree clearing (01:32:00 – 01:48:07)
 - Justin Desmeule, the property owner attended the meeting. He explained that he was stopped by Ms. Jones after he had already taken trees down. He had no idea that he his property contained any "wetlands" or that a permit would be required to cut trees. He explained that he had rented a chipper to eliminate wood and brush from trees taken down a few years ago to make room for a shed. Since he had the chipper, he decided to take down a few more to extend the yard. The property is on the Mumford River across from Rogerson Crossing.
 - Mr. Shaw reviewed the property map and resource areas. Ms. Jones was on site and confirmed, not a wetland but riverfront was impacted. She estimated the work occurred outside 100' of the river based after reviewing aerial images and recommended the area be allowed to revegetate or have the homeowner submit an RDA to extend the lawn.
 - Mr. Desmeule was amenable to leaving the area to revegetate and understood the process should he wish to perform additional work. Members decided not to take further action at this time and Ms. Jones agreed to write a letter summarizing the discussion.

Conservation Commission Meeting Minutes continued – Monday, May 18, 2020

5. Rogerson Crossing (item not agenda as it was not anticipated in advance of the meeting) (01:48:08 – 01:50:06)
 - William Vis, a trustee at Rogerson Crossing called because he was told that the Commission would be considering removing the erosion control measures during tonight's meeting. Ms. Jones informed everyone that one of the Engineers with Eastland contacted her with a question about the CoC request, but it has not yet been submitted. She explained to Mr. Vis the erosion controls may be removed after the Commission issues a CoC.
6. 41 Tucker Hill Rd tree clearing (01:50:07 – 02:04:17)
 - Rob Finnegan, the property owner called in to the meeting and explained roughly 10 trees close to the fringe of the grass because he thought posed a threat to the home. He said he was unaware of the completely unaware of the Commission's process and apologized. Ms. Jones visited the site and spoke with the Mr. Finnegan – she said approximately 10' behind the lawn edge has been cleared. The plan was reviewed and it was determined that the limit of work (the lawn edge) was approximately 25' from the wetland edge. Photographs reviewed depicted some land disturbance and members agreed that the amount of disturbance should be defined, and the homeowner can propose some restitution to the area. The importance of locating the conservation markers was also discussed. Ms. Jones agreed to coordinate a second site visit to mark out the area and talk about potential restoration with Mr. Finnegan and the Commission will talk about a potential restoration plan at the next meeting. Ms. Steele expressed concern that the Commission should be stricter enforcing w/in the 25' no disturb.
7. 44 Tucker Hill Rd tree clearing (02:04:18 – 02:25:20)
 - Marlene DiRaimo, the property owner called into the meeting. She has been in the house for approximately 2 years. She mentioned that last year she had Ms. Jones visit the property for advice on some trees that were close the house. This year, some trees (hollowed out inside and rough shape) were removed on the left side of the house – away from the wetland - to help eliminate an ant problem in the house. Another tree that was close to the conservation marker was also removed at this time because she had concerns that he roots did not appear stable. Ms. DiRaimo saw Ms. Jones at 44 Tucker Hill and invited her over to show her and get advice on how to properly proceed. Ms. Jones displayed the plan to confirm most of what was removed was on the south side of the property away from the wetland except the one at the corner of the 25' no disturb area. Ms. Jones confirmed there has not been any soil disturbance.
 - As the encroachment outside of the LOD is on the margin, Mr. Gorman recommend documenting this interaction has occurred and that no further clearing of the 25' or outside the LOD is permissible w/o some permitting action. Ms. DiRaimo said she is not looking to cut anything else unless there is a true hazard – she may put a fence up in the future. Members agreed with Mr. Gorman's recommendation. There was some discussion about whether the conservation markers exist on this lot and how to ensure homeowners are aware of restrictions.
 - Ms. DiRaimo also explained that she would like to re-route the water out of the French drain because there substantial standing water in the back-left corner. Members advised that once her plan is finalized, she should submit and RDA for the work. She said gave permission for members to walk the property.

WETLAND UPDATES/ISSUES

1. Vernal Pool certification report back from Jessica Baldeck (02:25:35 – 02:40:07)
 - Jessica Baldeck presented the results of her project Surveying Potential Vernal Pools in Uxbridge. The following are a few highlights of her presentation. According to MassGIS OLIVER, there are 159 Potential Vernal Pools (PVP), 31 of which were located on Town or State-owned land. 10 of the PVPs that she was able to access had biological evidence and she was able to submit the certification forms. She displayed photographs and reviewed the evidence found. She also developed 6 sessions of virtual public outreach programs (Intro to VP, Reading of the Secret Pool, Recorded site visits showing wood frog egg masses and tadpoles, Overview of Oliver and an Overview of NHESP). She provided information on why Uxbridge's VPs are important. Her videos were viewed over 1,000 times on Facebook and have received a lot of positive feedback. Everyone agreed she did a great job.
2. 44 Tucker Hill Rd drainage extension conversation (02:40:15 – 02:40:31)
 - The item was discussed under Reported/Ongoing Violations # 6.
3. Discussion of site compliance regarding active and expired Orders of Conditions (02:40:32 – 02:45:30)
 - BJ's Emergency Certification - Mr. Shaw and Ms. Jones visited the site and described the potential for problem caused by a beaver dam - water is heading towards the pump house and starting to flood over their well head. They are working with an engineer and have hired a company to install a beaver deceiver to lower the level by

Conservation Commission Meeting Minutes continued – Monday, May 18, 2020

approximately 1 ½'. They are using the same company used to solve the problem further downstream. Based on the site visit findings and Ms. Jones photographs members agreed to ratify the order.

Motion: Mr. Shaw made a motion to ratify the Emergency Order for the beaver deceiver installation. 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, Steele - aye).

** The agenda was taken out of published order to accommodate remaining audience members.*

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

1. Pout Pond Recreation Committee Update (02:45:33 – 02:55:26)
 - Jennifer Modica, attended on behalf of the PPRC. The PPRC approved tentative guidelines to safely open Pout Pond during the Covid 19 emergency. Ms. Modica has a meeting is scheduled with Kristin Black, BOH to review.
 - Two candidates have been interviewed for the beach attendant positions (both returning employees from last year). They will not be collecting fees, but their role will be to generally oversee the area and ensure the beach and the restrooms are clean. Mrs. Modica noted that enforcing "capacity" may be beyond the scope of the attendants and the PPRC will be working with the BOH and Public Safety officials to plan accordingly.
 - Water testing began last week.
 - Ms. Modica also informed members that federal Covid funds may be available to the town to offset costs and they may be able to recoup some of the expenses for having beach attendants and their PPE and cleaning supplies.
 - Mrs. Modica will continue to keep the Commission up to date.

** The agenda returned to the published order.*

WETLAND UPDATES/ISSUES

4. Active and Site Compliance (02:55:27 – 03:09:23)
 - Tucker Hill Road – Members had a discussion ensuring homeowners understand the rules/responsibilities of having a property with resource areas. It was noted that this subdivision was permitted in 2016 and the Certificate of Understanding was not formally implemented until 2017. There was further discussion about the conservation markers – whether they were appropriately placed as agreed to in the OoC; what can be done and who is responsible if they are not; how to ensure they are noticeable enough and homeowners are aware of their responsibilities, prior to the issuance of a CoC.
 - Everyone agreed to add the topic as an agenda item for the next meeting so there can be a more concrete discussion to cover all sites, not just as it relates to Tucker Hill Rd.

PROCESSING (03:09:24 – 03:16:30)

1. 4/21/2020 Meeting Minutes
 - **Motion:** Ms. Holden moved to approve the 4/21/20 meeting minutes of the Conservation Commission as amended. Ms. Steele seconded, and the motion passed unanimously by roll call vote of 6-0-0 (Gorman – aye, Hogan – aye, Holden – aye, Richardson – aye, Shaw – aye, Steele - aye).
2. 5/4/2020 Meeting Minutes
 - **Motion:** Mr. Shaw moved to approve the 5/4/20 meeting minutes of the Conservation Commission as amended. Mr. Hogan seconded, and the motion passed by roll call vote of 5-0-1 (Gorman – aye, Hogan – aye, Holden – aye, Richardson – aye, Shaw – aye, Steele - abstained).

ADJOURNMENT-NEXT MEETING SCHEDULED FOR Monday, June 1, 2020

Mr. Shaw made a motion to adjourn the May 18 meeting of the Conservation Commission. 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)

Conservation Commission Meeting Minutes continued – Monday, May 18, 2020

Respectfully Submitted,

Melissa Shelley



Andrew Gorman, Chairman

Jeff Shaw, Clerk

Jim Hogan, Vice Chairman

Russel Holden, Treasurer

Lauren Steele, Member

Dale Bangma, Member

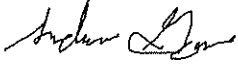
Mark Richardson, Member

Date

Conservation Commission Meeting Minutes continued – Monday, May 18, 2020

Respectfully Submitted,

Melissa Shelley



Andrew Gorman, Chairman

Jeff Shaw, Clerk

Jim Hogan, Vice Chairman

Russel Holden, Treasurer

Lauren Steele, Member

Dale Bangma, Member

Mark Richardson, Member

Date

Conservation Commission Meeting Minutes continued – Monday, May 18, 2020

Respectfully Submitted,

Melissa Shelley

Andrew Gorman, Chairman

Jeff Shaw, Clerk

Jim Hogan, Vice Chairman


Russel Holden, Treasurer

Lauren Steele, Member

Dale Bangma, Member



Mark Richardson, Member



Date

Conservation Commission Meeting Minutes continued – Monday, May 18, 2020

Respectfully Submitted,

Melissa Shelley

Andrew Gorman, Chairman

Jeff Shaw, Clerk

Jim Hogan, Vice Chairman

Russel Holden, Treasurer



Lauren Steele, Member

Dale Bangma, Member

Mark Richardson, Member

Date

