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Town of Uxbridge
Conservation Commission
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Conservation Commission Meeting Minutes
Monday, April 7, 2014
Lower Town Hall, Uxbridge Town Hall

ORIGINAL

Please note some items may have been taken out of agenda order.

Present: Chair Russell Holden, Treasurer Jim Hogan, Clerk Jeffrey Shaw, Members Michael Healy and Michael Potaski and Administrator Kristin Black.

Absent: None.

It being approximately 6:35 pm, the meeting being properly posted, duly called and a quorum being present, the meeting was called to order by the Chair.

ACTIVE WETLAND CASES

1. RDA-2014: Chapter 90 Pavement Maintenance Program, Town of Uxbridge
 Applicant: Town of Uxbridge DPW Representative: Cole Services, LLC
 Project Description: The general project description is pavement rehabilitation and handicap/sidewalk repairs on sections of Aldrich St., Glendale St., Elmwood Ave., Locust St., Chestnut St., Balm of Life Spring Rd., Chapin St., Henry St., West River Rd., Linwood St., and E. Hartford Ave
 - o Discussion: Benn Sherman, Director of Uxbridge DPW, stated one project will use hot in-place recycling on Aldrich Street, followed by finish surface; second project is a mill and overlay on Linwood Street; spot improvements on sidewalks, including handicap ramps, on East Hartford and Linwood; remainder of streets will receive shimming; no change to street footprints; four separate contracts for work to be done; suggested that site walks be conducted where appropriate; and, potential need for erosion controls when repairing sidewalks. Discussion included concern if this can be done as an RDA; types of erosion controls and contractor removal of materials; no stockpiling of material; no need for storage onsite or staging area; percentage of proposed work in riverfront area; need for overall BMP (best management practices); limited amount of linear feet near wetlands; contracts have been awarded; now contracts are being written; estimated work start date mid/late-May, lasting through the summer; date of request in relation to twenty-one (21) day deadline; majority of projects are rural country roads, with no current drainage; and, no land disturbance activity. Mr. Sherman will draft BMP for Commission consideration/review.
 - o **MOTION:** I, Mr. Shaw, move that the Commission continue the Public Hearing for RDA-2014 for Chapter 90 Pavement Maintenance Program to the next regularly scheduled meeting. Seconded by Mr. Potaski, the motion passed 5-0-0.

2. Notice of Intent (NOI) 312-967, 86 Chapin Street (Map 26, Parcel 1281)
 Applicant: Evergreen Center, Inc. Representative: Guerriere & Halnon, Inc
 Project Description: Construction of a proposed 6 bedroom house and associated work within the 100' buffer to a Bordering Vegetated Wetland (BVW).
 New Information Submitted: Wetland Delineation Forms
 Additional Information Requested on 18MAR: Revised Erosion Control Barrier design shown on plan (straw wattles substituted for haybales), Construction Sequence
 Additional Concerns: Does the septic meet the current guidelines for setback from wetlands? (I hope to resolve this on Monday when Denise with BOH returns from medical leave.)
 MACC Subsurface Sewage Guidance: Page: 22.16.1 Title 5 and Board of Health Regulations
The Wetlands Protection Act regulations, at 310 CMR 10.03(3) [PDF], establish a presumption that a subsurface sewage disposal system, which complies with the requirements of Title 5 or more stringent local board of health requirements, protects the interests of the Wetlands Protection Act, provided it

Conservation Commission Meeting Minutes continued - Monday, April 7, 2014

is at least 50 feet from a wetland. The conservation commission determines wetlands boundaries if there is a dispute.

- o Discussion: Peter LaVoie of Guerriere & Halnon, representing the applicant, stated he submitted EcoTech wetlands forms from 2008 to Mrs. Black; more erosion controls added to plans; and, construction sequence added to plans. Discussion included Board of Health update of current fifty (50) foot guidelines; review of new plans; closest disturbance point to wetlands is twenty-five (25) feet; clearing limit will be staked in the field; wetland year delineation date incorrect on paperwork (should be 2008, not 2004); and, question of accuracy of wetland delineation, given date and time of year performed (winter).
- o **MOTION: I, Mr. Potaski, move that the Commission grant a Standard Order of Conditions for MA-DEP 312-967. Seconded by Mr. Hogan, the motion passed 5-0-0.**

MOTION: I, Mr. Potaski, move that the Commission address the Wetlands Updates/Issue #1 out of order. Seconded by Mr. Hogan, the motion passed 5-0-0.

WETLANDS UPDATES/ISSUES

1. Request for Extension of Orders of Conditions 312-829, 138 East Street, Applicant: Roger Manser
 - o Discussion: Applicant Roger Manser stated that Order of Conditions is set to expire at the end of May; house is up, but not living in it yet; anticipating that seeding will be done before expiration date, but is requesting extension of OOC just in case. Mrs. Black shared site visit observations; a few concerns about existing erosion controls; noted steep grade off back of the house; project has been extended twice by the Applicant and once by PEA; and, small amount of work left. Discussion included existing hay bales will be replaced with straw wattles/silt fence; DEP signage is visible from road; and, extension time frame needed to complete.
 - o **MOTION: I, Mr. Potaski, move that the Commission grant an Extension to the Order of Conditions for MA-DEP 312-829 for three (3) years to May 22, 2017. Seconded by Mr. Shaw, the motion passed 5-0-0.**

MOTION: I, Mr. Potaski, move that the Commission address the Conservation Land Pout Pond agenda items out of order. Seconded by Mr. Hogan, the motion passed 5-0-0.

CONSERVATION LAND

1. Pout Pond

Rachael Frazier, member of PPAC, will present the following:

Motion to hire 2 part time seasonal employees (new information: job descriptions & financial analysis)

- o Discussion: Rachel Frazier provided 2013 financial analysis and 2014 forecast to the members; restated need to hire part time seasonal employees; reviewed 2014 forecast, including maximum wages for both employees; and, seasonal pass revenue versus day pass revenue. Discussion included parking pass required for swim lessons in past year; decrease in swimming lesson participants; fund availability or projection of revenue is needed from Town Accountant; and, need for established weekly turnover schedule.
- o **MOTION: I, Mr. Potaski, move that the Commission approve the hiring of two (2) part time employees. Seconded by Mr. Hogan, the motion passed 5-0-0.**

Review of Fishing Derby

- o Discussion: Ms. Frazier shared 2nd annual Fishing Derby will be held on Saturday, April 26, 2014; posted on Facebook; and, missed newspaper deadlines. Discussion included stocking of pond and closure of pond before the derby.

Motion to allocate funds for weed abatement at Pout Pond

- o Discussion: Ms. Frazier stated there was increase of weeds in Pout Pond last year; manual removal by volunteers occurred; weed abatement had occurred in 2011; proposing abatement this year; and, have proposal from Aquatic Control Technologies. Discussion included Finance Committee project expenditure. Dave Lewcon, also representing PPAC, addressed project expenditure; savings over the past years in water sampling bacteria test for Microbac; learning curve from treating/not treating the issue in the past; competitive bid not possible; and, hazard of weed entanglement. Discussion continued of source of

Conservation Commission Meeting Minutes continued - Monday, April 7, 2014

funding for treatment is tbd; who to bear filing fees, abutter notification required or not; and, funding options were discussed.

- **MOTION: I, Mr. Potaski, move that the Commission approve in principal the proposed Aquatic Control Technologies plan, funding source to be determined. Seconded by Mr. Shaw, the motion passed 5-0-0.**
Requirement of dumpster for 2014 season per Town Manager – passed over.

Mr. Potaski recused himself from NOI 312-963 discussion and decision.

3. NOTICE OF INTENT (NOI), 312-963, 92 & 104 Aldrich Street, (Map 45, Parcels 1814, 1073 & 2726)
Applicant: ExxonMobil Pipeline Company Representative: Roux Associates, Inc.
Project description: Trenching of 6' depth, 7' width and up to 1,750' in length to facilitate preventative maintenance of a petroleum pipeline resulting in impacts to Bank, BVW and Land Under Waterbodies and Waterways.
 - Discussion: Eric Runstrom of Roux Associates, Inc., representing the Applicant, provided a brief recap from the last meeting; reviewed three (3) drafted Special Conditions; and, Applicant has no issue with the drafted conditions, including the time of year for work within the stream. Discussion continued on wetland mitigation and replication; and, erosion control installation alert not necessary, given how work will be performed. Mrs. Black read Special Condition of low/no flow for the record.
 - **MOTION: I, Mr. Hogan, move that the Commission grant a Standard Order of Conditions including the three (3) discussed Special Conditions for MA-DEP 312-963. Seconded by Mr. Shaw, the motion passed 4-0-0.**
4. NOTICE OF INTENT (NOI), 312-9xx, 79 River Rd (Map 45, Parcel 1345) - *awaiting comments from MA-DEP*
Applicant: Bedrock Crossing LLC Representative: Andrews Survey & Engineering
Project description: Fill ILSF, grade and create gravel lot.
 - Discussion: No update to provide.
 - **MOTION: I, Mr. Potaski, move that the Commission continue the Public Hearing for the NOI for 79 River Road to the next regularly scheduled meeting. Seconded by Mr. Hogan, the motion passed 5-0-0.**

WETLANDS UPDATES/ISSUES continued

2. Drawdown activities at Rivulet/Taft Pond
 - Spoke to Phil Michaelson (Foam Concepts) regarding recent draw down. He was told by previous owner to let water down before major storm events and the spring. Done that way for years. I told him if he wants to alter the water level he needs to file a Notice of Intent of Emergency Certification Form for drawdown activities. Phil said he is fine with not drawing down the pond, but is worried about what will happen if neighbors have flooding/water issues. If town is ok with it, he will not alter water levels.
 - Discussion: Mrs. Black recapped comments noted above. Discussion included ability to release water gradually.
3. 0 Old Elmdale Rd, Update on appeal of Superseding Determination of Applicability
 - KB Seeking approval by CC to actively participate in appeal. Prescreening conference is at 10am on Tuesday at Worcester DEP office.
 - Discussion: Mrs. Black provided a recap; Gary Vecchione has appealed DEP process; concerned about continued request to make a deal; site visit held this day; three (3) potential vernal pools on property; located egg masses in two (2) pools; forwarded material to Town Manager; planning on attending but not speaking at prescreening conference; and, will report back to Commission.
 - **MOTION: I, Mr. Shaw, move that the Commission consider Mrs. Black to be their official representative with the appeal. Seconded by Mr. Potaski, the motion passed 5-0-0.**

PROCESSING

1. Site Visit Update
 - Mrs. Black reminded members to look for vernal pools when doing site visits now. All other site visits have been discussed. Mrs. Black hadn't received a call to reschedule Immanuel Pit site visit; hasn't had time to make follow-up call; received email from Natural Heritage that they had nothing on

Conservation Commission Meeting Minutes continued - Monday, April 7, 2014

record since 2009; and, Citizens Petition to rezone Immanuel Pit was discussed. Discussion changed to process between Conservation and Building department, Planning Board, et cetera; nothing has been defined; Mrs. Black wants to develop a process; monthly department meetings are being reinstated with building, planning, DPW, and Board of Health; and, land owner permission is required to go on property.

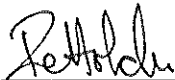
2. Documents to be Considered for Signature: Meeting Minutes 18MAR2014
 - o Mrs. Black hasn't done them yet.
3. WPA Fund: proposed expenditures (laptop)
 - o Mrs. Black shared general comments on Macbook Air vs Pro. No other expenses to discuss.
4. Interest in rejoining the Conservation Commission from Tracey Tibedo
 - o Mrs. Black shared that Tracy Tibedo has been on Commission, on and off, over the years; is interested in serving again as work requirements have lessened. The Commission would welcome him back.

ANY OTHER BUSINESS WHICH MAY LAWFULLY COME BEFORE THE CONSERVATION COMMISSION

1. OTHER
 - o Mrs. Black shared the annual plan of activities from Providence-Worcester Railroad.
 - o Mrs. Black shared MACC Spring/Summer classes with Commission; and, wetland science class was of interest to her. The Commission agreed it could be of value for her to attend as long as it doesn't conflict with job duties and responsibilities.

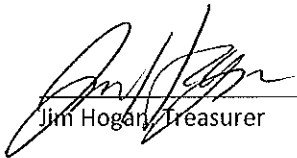
At approximately 9:35pm, MOTION by Mr. Hogan to adjourn the meeting. Seconded by Mr. Potaski, the motion carried 5-0-0.

Respectfully submitted,
Beth A Pitman
Temporary Conservation Assistant

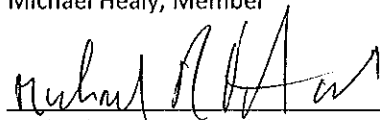


Russell Holden, Chairman

Michael Healy, Member



Jim Hogan, Treasurer



Michael Potaski, Member



Jeffrey Shaw, Clerk

3NOV14
Date