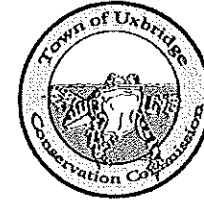


Town of Uxbridge
 Conservation Commission
 21 South Main Street
 Uxbridge, Massachusetts, 01569
 508-278-8600 x 2020



Conservation Commission Minutes
 Monday, June 02, 2014
 Board of Selectmen Meeting Room, Uxbridge Town Hall

Received by
 Uxbridge
 Town Clerk

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 Tracy Tibedo, and Administrator Kristin Black.

Absent: Member Mike Potaski.

It being 7:00 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. NOTICE OF INTENT (NOI) 312-9xx, 4 Albee Road, Uxbridge (Map 40, Parcel 2432)
 Applicant: Erin Carven Representative: Guerriere and Hanlon Inc.
 Project Description: Rebuild of a single family house and associated work within the 100' buffer to bordering vegetated wetlands (BVW).
 - o Discussion: John Nenart of Guerriere and Hanlon Inc. on behalf of the Applicant presented the plan to rebuild a house that was burned down; new house on the same footprint and of the same size; within the 100 foot buffer; stone retaining wall; proposing new stone foundation; house on historic register, approved for demolition; and, field stone foundation will be dug out and removed. Discussion continued to add storage/stock piling area to the plan; wetlands have been flagged; existing septic system to be shown on plan; construction sequence will be added to the plan; and, on or offsite debris storage. The Chair asked if abutters were present and wished to speak. D.J. Salmon, 672 Millville Road, noted that the current Enforcement Order of rip rap swale is not shown on the plan, and would like that violation addressed before granting a new decision. Donna Sanchez, 20 Albee Road, questioned the Representative, if tenting is necessary to control asbestos due to age of the home. Mrs. Black will ask the Building department what the specifics are of the demo permit. Mrs. Sanchez also asked if the Commission had received her email, sent approximately two weeks ago, as she has not received answers to her questions to date. The Chair confirmed seeing her email, but has not had time to respond yet. Given her lengthy past experience with the Commission to get approval to mow her lawn, Mrs. Sanchez questioned the process, allowing Applicant to dig right next to the wetlands. Mrs. Black described MassDOT salt remediation process to dig the test wells. Mrs. Sanchez was more concerned that she received no response from any Commission members or Agent. The Commission had brief discussion about needing to create a policy. No additional abutters chose to speak. Mr. Nenart stated he was unaware of the Enforcement Order, and will add that to the plan. Discussion continued about gravel driveway in regard to septic system. Mr. Hogan received the abutter cards from the Representative.
 - o **MOTION: MOTION: I, Mr. Tibedo, move that the Commission continue the Public Hearing for the Notice of Intent for 4 Albee Road to the next regularly scheduled meeting. Seconded by Mr. Hogan, the motion passed unanimously.**

2. NOTICE OF INTENT (NOI) 312-9xx, 1080 Hathaway Lane, Uxbridge (Map 47, Parcel 1556)
 Applicant: John Scungio of Millville Investments Representative: Heritage Design Group
 Project Description: Construction of a single family house, septic system and associated grading/utilities within the 100' buffer to bordering vegetated wetlands.

ORIGINAL

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- Discussion: Eric Bazzett of Heritage Design Group, representing the Applicant, stated the lot is approximately 2 acres of primarily forested land; noted wetland delineation and buffer zone on plan; proposed erosion controls; no work is proposed in buffer zone; septic approved by Board of Health (BOH), but not installed yet; and, driveway grading area. The Chair read #38d from Special Conditions, citing scope of limit of work. Mr. Tibedo proposed signage as a Special Condition on 100 foot buffer zone to the edge of the property. Mrs. Black will draft Special Condition language, draft signage verbiage, and develop a program of options (verbiage, sizes, materials, etc.) and email to the Commission and the Representative. Green cards have not been received yet by the Commission.
 - **MOTION: I, Mr. Tibedo, move that the Commission continue the Public Hearing for the Notice of Intent for 1080 Hathaway Lane to the next regularly scheduled meeting. Seconded by Mr. Hogan, the motion passed unanimously.**
3. REQUEST TO AMEND EXISTING ORDERS OF CONDITIONS (OOC) 312-888, Lot 5 Mountainview Road, Uxbridge (Map 41, Parcel 1941)
Applicant: Lawrence Hill of Hill Financial Company, Inc. Representative: Goddard Consulting, LLC
Project Description: Construct a single family house within 100' of BVW. The amendments are requested due to a change in BVW boundaries.
- Discussion: Scott Goddard of Goddard Consulting, representing the Applicant, pointed out wetland and buffer zone on plan; Order of Resource Area Delineation (ORAD) line; upland area will stay intact; slight adjustment to house footprint; observations of site visit; erosion control options of mulch sock or straw wattle; and, staging access location. The Chair commented on lack of narrative, which Mrs. Black said is stated in the newly submitted NOI (312-988). Mr. Goddard will provide Mrs. Black with a small narrative to denote the square footage change in the buffer zone as a result of the ORAD (312-944).
 - **MOTION: I, Mr. Tibedo, move that the Commission issue an amended Standard Order of Conditions for MA DEP file #312-888 with the caveat that the amended Conditions include a narrative and a brief statement noting the clear difference in the sited plans. Seconded by Mr. Shaw, the motion passed unanimously.**
4. REQUEST TO AMEND EXISTING ORDERS OF CONDITIONS (OOC) 312-890, Lot 7 Mountainview Road, Uxbridge (Map 41, Parcel 1977)
Applicant: Lawrence Hill of Hill Financial Company, Inc. Representative: Goddard Consulting, LLC
Project Description: Construct a single family house within 100' of BVW. The amendments are requested due to a change in BVW boundaries.
- Discussion: Scott Goddard of Goddard Consulting, representing the Applicant, showed plan approved in 2008 for Lots 6 and 7; wetland area, wetland fill area, crossing of driveway, and replication area; isolated wetland area; new buffer zone lines; missing erosion control line on plan; and, house is now out of the buffer zone, and slightly larger. Discussion included conditioning the extension of erosion control plans along the driveway and use of mulch sock and silt fence. Mrs. Black asked, then confirmed, all green cards have been received.
 - **MOTION: I, Mr. Tibedo, move that the Commission issue an amended Standard Order of Conditions for MA DEP file #312-890 with the caveat that the amended Conditions include a brief statement noting the clear difference in the sited plans, the extension of erosion controls, and change to preferred erosion control product(s). Seconded by Mr. Hogan, the motion passed unanimously.**
5. REQUEST TO AMEND EXISTING ORDERS OF CONDITIONS (OOC) 312-887, Lot 4 Mountainview Road, Uxbridge (Map 41, Parcel 1832)
Applicant: Lawrence Hill of Hill Financial Company, Inc. Representative: Goddard Consulting, LLC
Project Description: Construct a single family house within 100' of BVW, including the construction of a driveway through BVW and a 1:1 wetland replication area. The amendments are requested due to a change in BVW boundaries
- Discussion: Scott Goddard of Goddard Consulting, representing the Applicant, stated this parcel has a legitimate wetlands crossing with two (2) wetland replication areas; natural ledge and steep slope on parcel; and, proposed moving previously recommended wetland replication area. The Chair asked to see the proposal at the next regularly scheduled meeting on a new plan. Discussion included conditioning time of work near intermittent stream.

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- **MOTION: I, Mr. Tibedo, move that the Commission continue the Public Hearing for the Request to Amend Order of Conditions for MA DEP 312-887 to the next regularly scheduled meeting. Seconded by Mr. Hogan, the motion passed unanimously.**

- 6. **REQUEST FOR CERTIFICATE OF COMPLIANCE (COC) 312-889, Lot 6 Mountainview Road, Uxbridge (Map 41, Parcel 1895)**
Property Owner: Albee Realty Trust Representative: Goddard Consulting, LLC
Project Description: The Applicant (Albee Trust Realty) would like to close the existing Orders of Conditions for Lot 6 as the project no longer fall under the jurisdiction of the WPA.
 - Discussion: Scott Goddard of Goddard Consulting, representing the Applicant, stated this parcel no longer needs an Order of Conditions (OOC); proposed work is no longer in buffer zone; and, new location of the house. Discussion surrounded OOC options for approval, with Mr. Goddard recommending that it be considered work never started or an invalid order based upon the results of the ORAD. The Chair stated concern with executing COC before work has been done. Mrs. Black to consult with MA DEP for recommendation of best way to proceed.
 - **MOTION: I, Mr. Tibedo, move that the Commission continue the Public Hearing for the Request for Certificate of Compliance for MA DEP 312-889 to the next regularly scheduled meeting. Seconded by Mr. Shaw, the motion passed unanimously.**

- 7. **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: None.
 - **MOTION: I, Mr. Tibedo, 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 unanimously.**

WETLANDS UPDATES/ISSUES

None.

PROCESSING

- Site Visit Update
 - Mrs. Black stated her site visits were already discussed in agenda items and had emailed the Commission in regard to potential violation at 1 Stagecoach Road. She also wanted to confirm that Commission is receiving email, and a need to coordinate efforts in responding to emails.
- Documents to be Considered for Signature: Meeting Minutes
 - Mrs. Black received approval from Town Manager David Genereux to be compensated for administrative hours to complete the meeting minutes.

CONSERVATION LAND

- Schedule annual walk of Conservation Land in town
 - The Chair added this to the agenda and will try to put together a schedule for July to introduce members to property in town. Discussion included best days of the week and times for members.

ANY OTHER BUSINESS WHICH MAY LAWFULLY COME BEFORE THE CONSERVATION COMMISSION

- Pout Pond Recreation Committee (PPRC)
 - The Chair shared the PPRC concern of appropriate permitting for ice cream trucks at Pout Pond; required Board of Health permitting; requirement of Pout Pond parking permit; and, PPRC right to regulate vendors. Discussion included recommendation to PPRC to outline vendor procedure, including BOH compliance; vendor fee not to exceed yearly parking permit fee; vendor fee to be more than parking fee, given daily access; public safety concerns; who determines procedure for Pout Pond; and, potentially require vendors park inside the fence, not on the road.
 - **MOTION: I, Mr. Healy, move that the Commission recommend that PPRC put together a comprehensive plan for Pout Pond vendors to be reviewed and approved by the Commission and that the plan be reviewed and approved by the Town Manager prior to presenting to the**

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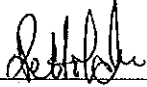
Commission as Town Counsel may need to be involved. Seconded by Mr. Hogan, the motion passed unanimously.

- Erosion Controls
 - Mrs. Black brought up preferred erosion control methods, including double mulch sock, depending upon the site. Suggested that the Commission website include that information; changes to required number of copies of a completed application to lessen administrative time and costs; and, need to receive an electronic copy of applications and plans.
- Email Correspondence
 - Mrs. Black brought up email correspondence process; she's not able to keep up with the workload. Mr. Healy suggested a templated email response (thank you for your email and that your concerns will be addressed at the next Conservation meeting). Mr. Tivedo suggested that Mrs. Black forward an email to individual member to respond to, rather than sending it to all members and no one responds. The Chair commented that Commission needs to be aware of Open Meeting Law in email as it can be considered deliberations; suggested that templated email response be used including reference to Open Meeting Law; and, agreed that email come from Mrs. Black with her contact information.
- Miscellaneous
 - Discussion changed to length of Mrs. Black's maternity leave of six (6) to eight (8) weeks; proposed coverage in Mrs. Black's absence; Commission schedule change for the summer, if any; Commission make an effort to close out things more quickly in fewer steps and less meetings; and, need to research process for Commission to establish fines, required bylaw change approval by Town Meeting versus a judge levying MA DEP enforcement fines.
- Enforcement Order Update: 170 Hecla Street
 - Mrs. Black confirmed forwarding the no trespass letter to the Commission and stated that Chief Lourie explained that the Commission has the same rights to access the property, but a police escort is now required for site visits. Enforcement Order is still in effect. Mrs. Black will be serving as a witness on Thursday for the superseding orders. She commented on email exchange with Mr. Vecchione, regarding Cease and Desist preventing agricultural work; cost for additional wetland delineation in order to farm; multiple previous Enforcement Orders on this site; and, scheduling of site walk with MA DEP.
- Enforcement Order Update: 221 Mill Street
 - Mrs. Black updated the Commission that she conducted a site visit with Maggie Walsh, Town barn inspector and the property owners. Ms. Walsh was comfortable with the existing conditions, safety of the horses, and the existing paddock. The manure area has been moved outside of 100 foot buffer, but is not on a concrete slab as desired by the barn inspector and the Commission. Horses are no longer allowed to graze in wetland area. Discussion included the owners moving the paddock away from the previously delineated wetlands as an alternative to the Commission requiring a new costly wetlands delineation. The owners still considering need for access to back lot.

At approximately 9:27pm, MOTION by Mr. Tivedo to adjourn the meeting. Seconded by Mr. Shaw, the motion carried unanimously.

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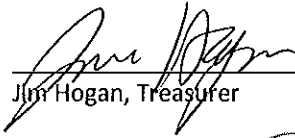
Respectfully submitted,
Beth A Pitman
Planning/Zoning/Conservation Assistant



Russell Holden, Chairman

absent

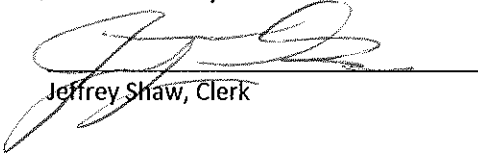
Michael Healy, Member



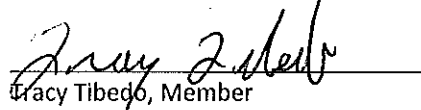
Jim Hogan, Treasurer

absent

Michael Potaski, Member



Jeffrey Shaw, Clerk



Tracy Tibedo, Member

200266114

Date