

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



Conservation Commission Minutes
Monday, July 7, 2014

SEP 16 '14 AM 9:58

Board of Selectmen Meeting Room, Uxbridge Town Hall

Received by
Uxbridge
Town Clerk

ORIGINAL

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

Present: Chair Russell Holden, Treasurer Jim Hogan, Clerk Jeffrey Shaw (arrived at approximately 7:40p), Members Michael Healy (arrived at approximately 6:50p), Mike Potaski and Tracy Tibedo, and Administrator Kristin Black.

Absent: None.

It being 6:30 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) 312-972, Hartford Ave (near 104 Hartford Avenue East)

Applicant: Town of Uxbridge

Representative: Beta Group, Inc.

Project Description: Replacement of an enclosed culvert/sluceway that crosses Harford Avenue East and additional activities including dredging a portion of the downstream canal and roadway/sidewalk repairs within wetland Resource Areas and buffer zones.

Mr. Potaski recused himself from this agenda item.

- Discussion: Matthew Crowley, professional engineer on behalf of the Beta Group on behalf of the Town of Uxbridge, submitted the proof of mailing to the abutters to Mr. Hogan, who stated later in the meeting that a large number of abutter cards are missing, according to the Assessor-provided abutter list. Mr. Crowley stated the following: existing culvert is comprised of rotting timbers; detailed new work plan, including new sidewalks will be ADA compliant; within riverfront of Rumford River; roadway widening is not needed; a pumping bypass and temporary dam will be needed; shared recent site pictures; proposed erosion controls; and, project work done during low flow periods. Mrs. Black shared her site visit observations. Mr. Tibedo asked if flow would be stopped, and Mr. Crowley stated that it should be continuously. Mrs. Black spoke to Benn Sherman, DPW Director, about the initial NOI missing a dewatering plan that has since been submitted; discussion continued on the proposed working document dewatering plan. The Chair stated that the Commission with six (6) sitting members must have a quorum of the majority of members when making a determination (motion). With one member recused and others unable to attend, the Commission is not legally able to take a vote at this time. Mr. Crowley chose to answer all member questions at one time and continue the meeting. Mr. Healy joined the meeting belatedly, providing the necessary quorum for voting. Discussion continued on Special Conditions: approval of finalized dewatering plan, work done during low flow time of year, wetland flows especially outlet of Peaceful Pond remain the same. Public Hearing must be continued until abutter list issue is resolved. Chair opened hearing to abutter comment. Mr. Harry Romasco, president of Uxbridge Housing Associates, stated concern that he shared with Benn Sherman that project dredging not affect the current level of flow, as well as creating more comprehensive project including Crown and Eagle wall repair. Discussion continued; Chair stated it cannot be included in this NOI and recommended that the wall repair be a new NOI. No other abutters present chose to speak.
- MOTION: MOTION: I, Mr. Tibedo, move that the Public Hearing be continued for Notice of Intent 312-972 to the next regularly scheduled meeting. Seconded by Mr. Hogan, the motion passed unanimously.

Conservation Commission Minutes Continued - Monday, July 7, 2014

2. NOTICE OF INTENT (NOI) 312-9xx, 99 East Hartford Ave, Uxbridge (Map 12A, Parcel 2275)
Applicant: Uxbridge Housing Associates, Inc.
Project Description: Repair of approximately 10 linear feet of the canal wall and associated work within wetland Resource Areas and buffer zones.
Mr. Potaski remained recused from this agenda item.
- o Discussion: Mr. Harry Romasco, representing the Applicant, after handing in green cards, stated that would like work to happen during dry season and questioned why DEP number has not been received yet. Mrs. Black suggested sending the NOI and copies of the paid fees again to the DEP and calling them to confirm receipt. Mrs. Black shared site visit observations, suggesting a Special Condition be the staging location of heavy equipment above the canal. Mr. Romasco stated names of contractors to perform the work; proposed erosion controls; and, location of trees on site. The Chair shared that MA DEP strongly recommends not closing a Public Hearing or voting on a project until they have been able to review and comment.
 - o MOTION: I, Mr. Tibedo, move that the Public Hearing be continued for Notice of Intent for 99 East Harford Avenue (Map 12A, Parcel 2275) to the next regularly scheduled meeting. Seconded by Mr. Healy, the motion passed unanimously.
3. NOTICE OF INTENT (NOI) 312-973, 672 Millville Rd., Uxbridge (Map 40, Parcel 1661)
Applicant: D. J. Salmon Lawn and Landscape, Inc. Representative: Andrew Survey & Engineering, Inc.
Project Description: Construction of two new pole barns within 100 feet of bordering vegetated wetlands.
Mr. Potaski rejoined the meeting, no longer having a conflict. Mr. Shaw joined the meeting.
- o Discussion: Steve O'Connell from Andrews Survey & Engineering, Inc., representing the Applicant, after handing the green cards to Mr. Hogan for abutter verification, described the project: location of proposed structures, wetland resource area, 100' buffer, and intermittent stream location on/near parcel; storage for equipment; no storage for fuel; reduction of bituminous surface; proposed containment edging around cement building slabs; construction debris will be cleaned up as part of project; and, no comments received from DEP. Mrs. Black shared site visit observations: proposed erosion controls; slab will have 3"-4" raised lip on edge, excluding doorways; and, proposed rip rap around small area of mulch near driveway entrance to prevent run off into wetlands. Mr. O'Connell and Applicant agreed that proposed rip rap area be included on plan and in motion. The Chair asked if any abutters wished to comment, and no abutters chose to comment or ask questions.
 - o MOTION: I, Mr. Tibedo, move that the Public Hearing be closed for Notice of Intent 312-973. Seconded by Mr. Shaw, the motion passed unanimously.
 - o MOTION: I, Mr. Tibedo, move that the Commission issue a Standard Order of Conditions for the Notice of Intent 312-973 with the following Special Conditions: approval of the final plans by the Commission or it's agent, the work approved includes a paved swale and rip rap to improve the current erosion issues at the entrance of the property, no designated fuel storage in the smaller of the two Proposed Pole Barns shown on the plan, and, the slab flooring on the smaller of the two Proposed Pole Barns shall include a liquid retaining lip on all non-entry way areas. Seconded by Mr. Shaw, the motion passed unanimously.
4. REQUEST FOR DETERMINATION OF APPLICABILITY (RDA), 175 South Street, Uxbridge (Map 55, Parcel 2255)
Applicant: Elías Richardson Representative: Norse Environmental Services Inc.
Project Description: Conversion of a forested berm to expand an existing hayfield and will include timber harvesting and grading within wetland resource areas and buffer zones.
- o Discussion: The Applicant was present to speak to the project work, but preferred that Mrs. Black share site visit observations and explain necessary acronyms. Mrs. Black stated she has exchanged emails with Norse Environmental Services, Inc.; RDA is exempt as land maintenance in agricultural zone; and, she reached out to Maryann DiPinto (DEP). Mr. Richardson explained this is a transition of land to hayfield to feed 30 head of cattle and sell hay for profit. Discussion continued between Commission and Applicant: location of site, wetlands, cart path, and, berm; 200+ acre farm in both MA and RI; proposed grade lines on parcel; explanation of forest cutting plan as continuation of farmland improvement; existing priority habitat, covered under agricultural exemption; adherence to agricultural erosion control plans; length of project; gravel removal on site; continuation for appropriate review time for additional newly introduced documentation; Applicant approval of

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Conservation Commission Minutes Continued - Monday, July 7, 2014

continuation, per MACC; and, request for citing of clause(s) of CMR for exemption. Mr. Hogan stated need for input from MA DEP to confirm exemption, based on unfamiliarity with this type of request. Chair explained to Applicant that Commission believes that Wetlands Protection Plan applies to this project. The Applicant must decide how he wishes to proceed.

- MOTION: I, Mr. Tibedo, move that the Commission grant a positive determination for RDA for 175 South Street. Seconded by Mr. Hogan, the motion passed; Mr. Potaski nay, Mr. Healy abstained (4-1-1).

- 5. 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: Mrs. Black stated that progress is being made, and should hear something soon.
 - MOTION: I, Mr. Hogan, move that the Commission continue the Public Hearing for the NOI for 79 River Road to the next regularly scheduled meeting. Seconded by Mr. Shaw, the motion passed unanimously.

MOTION: I, Mr. Tibedo, move that the Commission discuss 221 Mill Street. Seconded by Mr. Potaski, the motion passed unanimously.

- ENFORCEMENT ORDER (EO), 221 Mill Street
Owner Bill Burr was present, updated the Commission on action taken as required by the EO, and provided a new plan including wetlands. Mr. Healy suggested that old wetland delineation be used for proposed work as a cost saving measure to the Owner. Discussion included: proposed bridge crossing wetlands; manure storage; horse storage away from wetlands; necessity of new wetland delineation to determine amount of restoration needed and placement of horse fencing; soil disturbance on parcel; ability to remove 1 dead tree now for safety; and, necessity of NOI. Mr. Burr asked about next steps after wetlands delineation. Mr. Tibedo recommended that once the wetlands are flagged that the Commission conduct a site visit to view trees, location of crossing prior to movement, and fence determination location. The Chair requested that the Owner keep the Commission in the loop, anticipating that the delineation be done within 2 months.
MOTION: I, Mr. Tibedo, move that the Commission grant administrative approval to remove the dead oak tree as described and discussed at 221 Mill Street. Seconded by Mr. Potaski, the motion passed unanimously.

WETLAND UPDATES/ISSUES

1. Hammond Estates
 - Mrs. Black stated filing is not done yet; review of Graves Engineering letter; applicability of an RDA vs. previous recommendation by Commission of NOI; no cost of NOI as Town is the Applicant, and therefore exempt; relevancy of notifying abutters; original NOI has expired; and, project includes paving, fixing some curbing, and wetlands replanting. Commission agreed that RDA is appropriate. No motion needed.

2. Reported Violation, 4 Albee Road
 - Mrs. Black stated that several calls have been received about the multiple well hole drilling on the parcel. MASS DOT will be filing after-the-fact NOI for the connection of the well to the house; Mrs. Black to follow-up on. Mr. Hogan expressed concern over not receiving advance notification prior to test hole drilling from MA DEP. Mrs. Black stated that test well water was running down the driveway then into wetlands; concern of contaminated water as drinking water (high chloride levels); MASS DOT is not concerned about contamination of wetlands; and, removal of fine silts from drilling.

confirm its actions are not contaminating wetlands

PROCESSING

- Site Visit Update
 - Interstate Reliability Project: Mrs. Black stated site visit observations; impeccable erosion control; and, new VanderZicht violation activity.

Conservation Commission Minutes Continued - Monday, July 7, 2014

- Documents to be Considered for Signature: Meeting Minutes
 - None to be reviewed and endorsed. The Chair stated the urgency of getting the minutes done. Discussion including the ability to access the archived meetings online at www.uxbridgetv.org.
- Report on Conservation Funds
 - Mr. Tibedo requested that Conservation Funds be used to reimburse Mr. Healy and himself for their attendance at a wetlands plant identification course (\$95 each).
MOTION: I, Mr. Potaski, move that the Commission authorize that WPA funds be used to reimburse Mr. Healy and Mr. Tibedo for their attendance at a wetlands plant identification seminar. Seconded by Mr. Healy, the motion passed unanimously.
 - Mrs. Black suggested that members sign up and pay for their own MACC electronic book and submit a request for reimbursement. Mr. Hogan asked Mrs. Black look into his status, as MACC doesn't consider him active in Uxbridge.
 - Mrs. Black brought up concerns with doing site visits in addition to administrative requirements in 19 hours/week; if funds were diverted for Beth Pitman for Fiscal Year 14; suggested a meeting with David and Jim to discuss funds and staffing.
 - Mr. Healy stated that he met with the Town Manager and confirmed that the Commission does have the ability to issue a fine, without the involvement of a judge. Mr. Potaski asked what the appeal process is; he will get a petition signed by residents to prevent this. Mr. Healy felt that a small monetary fine would be appropriate and send a better message to violators than asking Applicant to provide a large parcel plan, and the money would go into a fund to be used for positive Conservation community outreach projects. The Chair asked Mr. Healy to write up a plan, detailing this proposal. Mr. Hogan stated that a fine is allowable by MA DEP. Mr. Tibedo stated that this fining would apply to the egregious repeat violators that don't take their violations and enforcement orders seriously.

CONSERVATION LAND

- Pout Pond
 - Mrs. Black stated that the treatment was done, visited the site, recorded the DEP number, and is waiting for the report.
- Schedule annual walk of Conservation Land in town
 - The Chair put together a schedule of Tuesdays and Thursdays during the morning, prioritizing sites with Conservation restrictions on them. Mr. Tibedo suggested that the visits be added to Google calendar and extend invites to members. The Chair stated that is the next step, and the schedule is only a proposal. The members asked that BJ's and Legg Farm be moved to a Saturday.
 - Mr. Healy shared that he has been cleared to speak about Cobbler's Knoll as a Conservation member, but wants to speak to the Town Manager before actually doing so. He did request to speak to Conservation as a resident about Cobbler's Knoll. The Chair stated that it's allowable under no other business which may lawfully come before the Commission. Mrs. Black stated there is no open issue with Conservation. Mr. Tibedo stated that he'd feel more comfortable if it were an agenda item before Mr. Healy spoke about Cobbler's Knoll as a resident and abutter.

The Chair stated that Mr. Healy was recusing him from the Commission so that he can provide information to the Commission as a member of the general public.

ANY OTHER BUSINESS WHICH MAY LAWFULLY COME BEFORE THE CONSERVATION COMMISSION

- Cobbler's Knoll: Mr. Healy gave copies of plans and his questions brought before the Planning Board with the Commission. Mr. Healy stated this is an opportunity for good things to happen; a lot of Conservation land is at stake with this project; concerned about wetlands delineation on the Yield Plan; opportunity for Boards to work together; Existing Conditions plan showing buildable/not buildable lots; cited wetlands bylaw; questioned peer review by Graves; permitting process; nitrogen loading restrictions on land; proposed taxes on parcels; not opposing project, but wants Commission involved; and, Planning Board isn't working with Conservation; Mrs. Black shared invitation to Chair and herself to the next site visit with the Planning Board, and need for data sheets of delineation. She stated that she's not a wetlands scientist; proposed third party to confirm wetlands delineation considering staffing and project acreage; wants Commission more involved in the process; suggested Commission write a letter expressing interest in holding the space. Mr. Tibedo requested to see the delineation paperwork.

Conservation Commission Minutes Continued - Monday, July 7, 2014

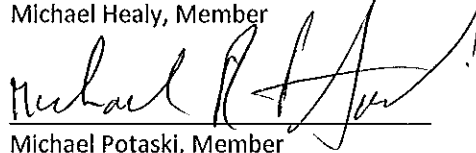
At approximately 10:38pm, MOTION by Mr. Tibedo to adjourn the meeting. Seconded by Mr. Shaw, the motion carried unanimously.

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

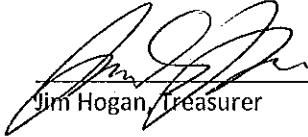


Russell Holden, Chairman

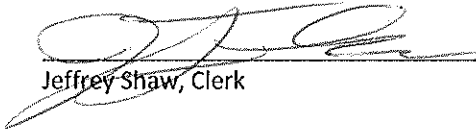
Michael Healy, Member



Michael Potaski, Member



Jim Hogan, Treasurer



Jeffrey Shaw, Clerk



Tracy Tibedo, Member

15 September 2014

Date