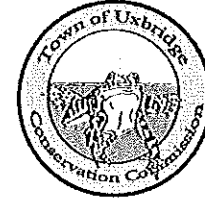


Town of Uxbridge  
Conservation Commission  
21 South Main Street  
Uxbridge, Massachusetts, 01569  
508-278-8600 x 2020

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Conservation Commission Minutes  
Monday, July 21st, 2014  
Board of Selectmen Meeting Room, Uxbridge Town Hall

ORIGINAL

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

**Present:** Chair Russell Holden, Treasurer Jim Hogan (joined meeting at approximately 7:30p), Clerk Jeffrey Shaw, Members Michael Healy and Mike Potaski, and Administrator Kristin Black.

**Absent:** Member Tracy Tivedo.

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**

The Chair informed the Commission that a member must recuse himself from NOI 312-972, and with the late arrival of another member, the Commission does not have a quorum to discuss that agenda item yet.

**MOTION:** I, Mr. Potaski, move that the Commission table NOI 312-972 discussion until a quorum is present. Seconded by Mr. Shaw, the motion passed unanimously.

2. REQUEST FOR DETERMINATION OF APPLICABILITY FY15-02, Waterman Way – Hammond Estates

Applicant: Town of Uxbridge

Project Description: Minor roadway repairs, crack sealing, resetting sloped granite edging, detention basin maintenance, top course paving, ROW landscaping, and wetland replication plantings within wetland Resource Areas and buffer zones.

- o Discussion: Benn Sherman, Town DPW Director, provided brief history of subdivision history, including bond negotiations of transferring responsibility to the Town. An RFP was issued in January 2014, and since then a settlement has since been reached. General discussion occurred regarding number of lots not built upon to date, a planting plan, soil replacement, additional work beyond this project, Town bearing financial burden for hiring wetland scientist, and new MA-DEP signage needed. By reviewing this as an RDA, the Commission is authorizing the limited work to occur. Once this specific work is completed, the goal for the Town is to seek the COC, which cannot be done under the original order as it's expired. The Chair asked for public comment, of which there was none.
- o **MOTION:** I, Mr. Potaski, move that the Commission grant a negative determination for the Request for Determination Applicability FY15-02 for Waterman Way. Seconded by Mr. Shaw, the motion passed unanimously.

The Chair informed the Commission that a member must recuse himself from NOI 312-975, and with the late arrival of another member, the Commission does not have a quorum to discuss that agenda item yet.

**MOTION:** I, Mr. Shaw, move that the Commission table NOI 312-975 discussion until a quorum is present. Seconded by Mr. Potaski, the motion passed unanimously.

4. NOTICE OF INTENT (NOI) 312-974, Off River Road, Uxbridge (Map 45, Parcel 1487)

Applicant: Algonquin Gas Transmission, LLC

Representative: TRC Environmental

Project Description: Installation of a ground bed (anodes and cables) to provide additional cathodic protection required along a portion of the existing, natural gas mainline pipeline. The project will result in 4,268 sq. ft. of temporary wetland alteration and 15-linear feet of temporary disturbance to inland bank associated with an intermittent stream.

- o Discussion: Dennis Blay of TRC Environmental provided a brief history of subdivision history, including prior approval by Town of Uxbridge Conservation Commission. General discussion included location

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of proposed project, explanation of cathodic protection system, construction equipment used for project, description of wetland mitigation and follow up, project precautions and timeline, location of critical habitat, original special conditions, amount of pipe, and work conducted during low flow season. Mr. Blay proposed post project reporting is a site visit after the next growing season and will submit a short report. Standard Town special conditions with wetlands replication were read by Mrs. Black.

- **MOTION: I, Mr. Potaski, move that the Commission issue a Standard Order of Conditions for the Notice of Intent 312-974. Seconded by Mr. Shaw, the motion passed unanimously.**

5. REQUEST FOR A CERTIFICATE OF COMPLIANCE, 312-478, 340 Richardson St (Map 34, Parcel 2388)

Applicant: Kent Andrews

Representative: Andrews Survey &

Engineering

Project description: Construction of house, septic system, well and related grading within the 100' buffer to a BVW.

Discussion: Mr. Shaw did a site visit, confirmed everything looked pretty good. Took a measurement from the standing well head to the wetland area of approximately 20' out has been being mowed. Plan is from 1998. Ms. Black suggested doing a Certificate of Compliance with ongoing conditions, and could insert no mowing within 25' of the wetlands. Mr. Potaski asked if an enforcement order would be more appropriate. The Chair noted and questioned a cleared area on the parcel, and asked about area being mowed. Mr. Shaw noted 2 sheds on the parcel, and that the area was simply being mowed, not used for hay. Mr. Potaski noted that the applicant is in compliance with original Order, but would issue Enforcement Order as they are out of date with current policies. The Chair said that current owners and new owners need to be aware of the setback. Mrs. Black will add no mowing within 25' of wetlands to the follow-up violations list.

- **MOTION: I, Mr. Potaski, move that the Commission grant a Certificate of Compliance for 312-478 340 Richardson Street. Seconded by Mr. Healy, the motion 4-0-1. Mr. Hogan abstained as he joined the meeting after the discussion was concluded.**

The Chair noted that a quorum is now available if a member needs to exclude themselves from the conversation. He inquired if audience members were in attendance for specific agenda items.

**MOTION: I, Mr. Potaski, move that the Commission address NOI 312-972 as a quorum is present. Seconded by Mr. Shaw, the motion passed unanimously. Mr. Potaski recused himself.**

1. NOTICE OF INTENT (NOI) 312-972, Hartford Ave (near 104 Hartford Avenue East) - *Continued from 7/7*

Applicant: Town of Uxbridge

Representative: Beta Group, Inc.

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

- Discussion: Mrs. Black reminded the Commission that there was an outstanding issue with abutter notification. The Chair read the three special conditions from Mrs. Black's email dated July 21, 2014. The Representative agreed to those conditions, and noted that they would leave the dewatering plan to the contractor to come up with the details of the means and methods. The Representative submitted the new abutter list and certified mail receipts, and noted that there was a difference in the query that the Assessor's office ran with different results. Beta Group will discuss the construction plan with the DPW Director.
- **MOTION: I, Mr. Healy, move that the Public Hearing be closed for Notice of Intent 312-972. Seconded by Mr. Shaw, the motion passed unanimously.**
- **MOTION: I, Mr. Healy, move that the Commission issue a Standard Order of Conditions that includes the three (3) aforementioned conditions for the Notice of Intent 312-972. Seconded by Mr. Hogan, the motion passed unanimously.**

**MOTION: I, Mr. Shaw, move that the Commission address NOI 312-975 as a quorum is present. Seconded by Mr. Hogan, the motion passed unanimously.**

3. NOTICE OF INTENT (NOI) 312-975, 99 East Hartford Ave, Uxbridge (Map 12A, Parcel 2275) - *Continued from 7/7*

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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.

- Discussion: Mr. Harry Romasco, representing the Applicant, handed in additional green cards that have been received. Mr. Romasco asked questions about the confirmation letter received from MA-DEP, and questioned if the Commission hasn't already received the requested information. Mrs. Black read the "Note" and "Additional Requirements" from the MA-DEP filing number letter to Uxbridge Housing Association, Inc. dated July 16, 2014. The Chair commented that the request is not a requirement of the application, and perhaps the marking on the map was not seen by the DEP. Mrs. Black agreed to meet with Mr. Romasco to address DEP questions, and provide a Google map. One special Condition was applied – see motion.
- **MOTION: I, Mr. Healy, move that the Commission issue a Standard Order of Conditions for the Notice of Intent 312-975 with the following Special Condition: All staging/storage areas and heavy equipment will be restricted to the lawn area. Seconded by Mr. Shaw, the motion passed unanimously.**
- **MOTION: I, Mr. Hogan, move that the Commission close the Public Hearing for the Notice of Intent 312-975. Seconded by Mr. Shaw, the motion passed unanimously.**

6. NOTICE OF INTENT (NOI), 312-976, 320 East St. – Lot 1 (Map 36, Parcel 3895)

Applicant: Omega Financial Services, Inc.

Representative: Andrews Survey & Engineering

Project Description: Construction of a single family home, septic system, and associated site work within the 100' buffer zone of bordering vegetated wetlands (BVW).

- Discussion: Steve O'Connell of Andrews Survey & Engineering, representing the Applicant, stated that this property will be a single family home with municipal water and onsite septic system, which already has BOH approval. Property is not located within endangered species habitat or the flood hazard zone. Erosion control plans are detailed on the submitted plan. There was discussion on the wetland delineation change over the years, the zoning of the lot (Residential C), location of the house on the parcel, deep hole testing, proposed signage along work line near/within buffer, and verification of address as 340 East Street.
- **MOTION: I, Mr. Healy, move that the Commission issue a Standard Order of Conditions for the Notice of Intent 312-976 with the following Special Condition: The Conservation markers shall be installed every fifty (50) feet along the limit of work line in the one hundred (100) foot buffer zone on the site. Seconded by Mr. Potaski, the motion passed unanimously.**

7. NOTICE OF INTENT (NOI), 312-977, 320 East St. - Lot 2 (Map 36, Parcel 3895)

Applicant: Omega Financial Services, Inc.

Representative: Andrews Survey & Engineering

Project Description: Construction of a single family home, septic system, and associated site work within the 100' buffer zone of BVW.

- Discussion: Steve O'Connell of Andrews Survey & Engineering, representing the Applicant, stated that this property will be a slightly smaller single family home with municipal water and onsite septic system, following the topography of the lot. Property is also not located within endangered species habitat or the flood hazard zone. There was discussion on the twenty-five (25) foot buffer line not shown on the plan, soil and vegetation surveys, use of Lot 1 Special Condition for Lot 2, erosion control plan, and verification of address as 340 East Street.
- **MOTION: I, Mr. Potaski, move that the Commission issue a Standard Order of Conditions for the Notice of Intent 312-977 with the following Special Condition: The Conservation markers shall be installed every fifty (50) feet along the limit of work line in the one hundred (100) foot buffer zone on the site. Seconded by Mr. Hogan, the motion passed unanimously.**

8. NOTICE OF INTENT (NOI), 312-9xx, 79 River Rd (Map 45, Parcel 1345) - *Continued awaiting comments from MA-DEP*

Applicant: Bedrock Crossing LLC

Representative: Andrews Survey & Engineering

Project description: Fill ILSF, grade and create gravel lot.

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- Discussion: Steve O'Connell of Andrews Survey & Engineering, representing the Applicant, provided update that had contacted MA-DEP, but hasn't heard back yet. Checks have not been cashed according to the Applicant, and have probably expired now. MA-DEP Enforcement Order has since been filed.

### WETLAND UPDATES/ISSUES

1. Introduction on two upcoming NOIs for Town of Uxbridge, Department of Public Works (Hecla Street Bridge and Route 122 Water Main) by representative Tata & Howard, Inc.
  - Hecla Street Bridge: Matthew Barry from Tata & Howard, representing the Town of Uxbridge, is working with DPW Director Benn Sherman on this project. DOT has not agreed to fix it. Work is within the buffer zones. Mr. Barry described the trenchless technology of directional drilling that will be used for this project. Discussion of buffer zones, delineation of wetlands, proposed materials used for protecting wetlands (preference of mulch sock with silk fence), scan and email abutters list and green cards to Mrs. Black.
  - Route 122 Water Main: Matthew Barry from Tata & Howard, representing the Town of Uxbridge, stated that the majority of Route 122 is owned by DOT, project will replace existing pipeline, and commence at 418 Millville Road, outside 200' riverfront of West River. Project will be typical open trench line digging, no directional drilling will be used, with 3 wetland crossings in total. Mulch sock and silk fence will be used along buffer zone. Discussion of wetland delineation, fire hydrant location near Susan Parkway, working around intermittent streams, recent and proposed paving of portions of Route 122, construction could start as soon as this year, erosion controls, approximately 17, 500 linear feet installed, and replacement of existing water main in existing trench with temporary bypass piping system laid against road curbing.
2. Informal request to Amend Order of Conditions for 312-733, Lot 7 Glen Street
  - Applicant was not present, Mrs. Black stated that original Order of Conditions were issued December 17, 2003, extended in 2006, 2009, 2012, and with Permitting Extension Act, is now valid thru 2016. Applicant is looking to build now and wants to bump out the erosion control line. Commission could issue new Order of Conditions, allow for Amendment of Existing Conditions with revised plan and slight modifications and required abutter notification, or ask for new Notice of Intent. Mrs. Black required guidance from Commission: discussion on wetland changes, 2009 septic system law. Commission recommendation to Applicant is to stick to the existing line, otherwise a new NOI is required with new wetlands delineation.

### PROCESSING

- Site Visit Update
  - Cobbler's Knoll: The Chair and Mrs. Black joined the Planning Board on the second walk of the site with soil testing equipment. Possible expansion of the wetlands lines at the rear of the property, not to affect a house. Most of the line looked good, excluding a few areas that were walked to. Steve O'Connell from Andrews Survey & Engineering on behalf of the Applicant stated that there were no new areas of wetlands identified during the walk, has informed Planning Board that hearing will be continued, an ANRAD will be filed for both sides of property, consultant selection process, and wetland review process. Mr. Healy questioned if the entire property is being reviewed. Mr. O'Connell confirmed difference between Open Space and Conservation land, and the ANRAD will confirm what is needed per Open Space bylaw. Mrs. Black recommended EcoTech and LEC, both out of Worcester. Mr. O'Connell confirmed a conflict with EcoTech. She will reach out to Goddard and LEC, and confirm the correct process with the Town Manager.
- Coordinated Plan for Meeting Minutes
  - Mr. Shaw stated that he has a working template, but asked for help with writing the motions. Plans were made for Mr. Shaw to work with Mrs. Black on Thursday.
- Consideration for letter to Planning Board regarding interest in holding CR for Cobbler's Knoll
  - Mrs. Black drafted letter of interest for Conservation to hold the open space land. Letter is on file with the department. The Commission discussed potential future use of land and modification of verbiage of conveyance.

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- o MOTION: I, Mr. Hogan, move that the Commission support the letter of interest in holding the Conservation Restriction for Cobbler's Knoll, as amended. Seconded by Mr. Potaski, the motion passed unanimously.
- Conservation Staffing for Kristin Black's leave of absence and additional wetland filing assistance
  - o Mrs. Black distributed the job posting, read it aloud, shared concern for time to cross-train, and drafted a letter of recommendation on behalf of the Commission for Donna Hardy. Mr. Potaski volunteered to come into the office and check in with Donna during the week, seeing what needs to be done.
  - o MOTION: I, Mr. Potaski, move that the Chair sign the letter of endorsement for Donna Hardy on behalf of the Commission. Seconded by Mr. Hogan, the motion passed unanimously.

ANY OTHER BUSINESS WHICH MAY LAWFULLY COME BEFORE THE CONSERVATION COMMISSION

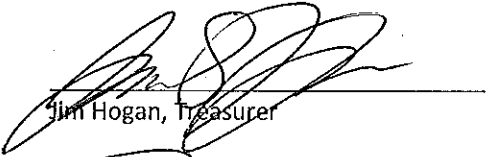
- o 170 Hecla Street: The Chair mentioned that the timeframe has passed for limitations placed on 170 Hecla Street. For the next meeting, under Violations, add an agenda item to discuss the revocation of the permit.
- o MA-DEP 312-973 (DJ Salmon): Mrs. Black asked the Commission to endorse a new signature page: motion has already happened, original is misplaced/lost.
- o METACOMET Site Visit, 300 Quaker Highway: Mrs. Black shared that this will happen with Benn Sherman this Thursday with the Chair.
- o 175 South Street (Eli Richardson): Mrs. Black shared an update and recommended a site visit by the Commission.

At approximately 10:35pm, MOTION by Mr. Hogan to adjourn the meeting. Seconded by Mr. Shaw, the motion carried unanimously.

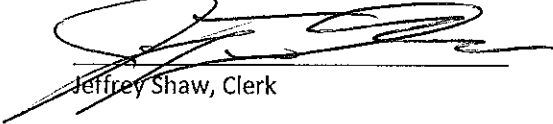
Respectfully submitted,  
Beth A Pitman  
Planning/Zoning/Conservation Assistant



Russell Holden, Chairman



Jim Hogan, Treasurer



Jeffrey Shaw, Clerk



Date

Michael Healy, Member



Michael Potaski, Member



Tracy Tibedo, Member