

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



SEP 16 '14 AM 9:58

ORIGINAL

Conservation Commission Minutes
Tuesday, September 2, 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, Member Mike Potaski and Tracy Tibedo, and Temporary Administrator Beth Pitman.

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.

PUBLIC HEARINGS

1. NOTICE OF INTENT (NOI), 312-981, Route 122 from 418 Millville Rd. to the Northbridge town line – *continued from 8/4/14*

Applicant: Town of Uxbridge DPW

Representative: Tata & Howard, Inc.

Project description: construction of ~17,500 linear feet of 12" diameter water main along Route 122. The proposed work occurs within Riverfront area and buffer zones of BVW.

- o Discussion: The Commission discussed receipt of the MA DEP number (981) from the DPW Director and two (2) Special Conditions for the Order of Conditions as follows: 1) Prior to the commencement of work, Representative will email a detailed drawing of the work area near Drabble Tail Brook to the Commission, and 2) Representative will provide a narrative check-in with the Commission once the culvert for Drabble Tail Brook is known and work has begun.
- o MOTION: I, Mr. Tibedo, move that the Public Hearing for NOI 312-981 be closed. Seconded by Mr. Potaski, the motion passed unanimously.
- o MOTION: I, Mr. Tibedo, move that the Commission grant the standard Order of Conditions with the two (2) Special Conditions as stated above for the Notice of Intent 312-791. Seconded by Mr. Potaski, the motion passed unanimously.

1. NOTICE OF INTENT (NOI), 312-982, 49 Easy Street (Map 14, Parcel 2663)

Applicant: Joel Guadagnoli

Representative: Andrews Survey & Engineering, Inc.

Project description: Removal of trees around the home/yard, minor grading and garden/tree/shrub plantings, and construction of new fieldstone wall within the 100' buffer zone of bordering vegetated wetlands (BVW).

- o Discussion: Steve O'Connell of Andrews Survey & Engineering, Inc., representing the Applicant was present. Mr. O'Connell gave the Commission updated plans that denoted: clarification of where/how water is flowing, additional plants/shrubs within 25' wetland buffer; future grass area for lawn and garden; project year for specific actions (i.e., tree removal, plantings, etc.); and, flood elevation. Commission with the Applicant and Representative included: DEP definition of a river front; Applicant removal of the footbridge; shading, forage, erosion control and undergrowth of trees and impact of those if trees are removed; imminent danger of bending trees; necessity/applicability of arborist opinion or EcoTech; new field stone wall installation; another site visit. The Chair will call the DEP to confirm that the Commission is doing the right thing in regard to a pond vs. river front. The Chair insisted the Applicant demonstrate no adverse impact on the wetlands by providing metrics that support when removing trees and replacing them with shrubs that there is not a negative impact when done within the 25' wetlands buffer. A Saturday morning site visit was scheduled with the Applicant.
- o MOTION: I, Mr. Potaski, move that the Public Hearing for NOI 312-982 be continued to the next regularly scheduled meeting on September 15, 2014. Seconded by Mr. Shaw, the motion passed unanimously.

2. A NOTICE OF INTENT (NOI), 312-983, 24 Donna Court (Lot 2) (Map 8, Parcel 4234)
Applicant: Stephen Benoit for property owner Fred Hutnak Development Corporation
Representative: Andrews Survey & Engineering, Inc.
Project description: Construction of a single family house and driveway with requisite grading and utilities along with the placement of loam and seed to create lawn area which will restore a previously disturbed riverfront area.
 - o Discussion: Steve O'Connell of Andrews Survey & Engineering, Inc., representing the Applicant, spoke to the history of the parcel as an earth removal gravel pit; loaming, planting and seeding up to the endangered species line will be a benefit; existence of lot before 1996, making it exempt. Discussion with the Representative included road construction delay by the Town; well test holes drilled at the end of the cul de sac; no DEP # (at time of meeting); and, closing out Public Hearing without the DEP #.
 - o MOTION: I, Mr. Tibedo, move that the Public Hearing for the Notice of Intent for the project located at 24 Donna Court (Lot 2) be continued to the next regularly scheduled meeting on September 15, 2014. Seconded by Mr. Shaw, the motion passed unanimously.

ACTIVE WETLAND CASES

1. ABBREVIATED NOTICE OF RESOURCE AREA DELINEATION (ANRAD), 230 & 255 Chocolog Rd. (Assessor's Map 39 & 44, Parcel 4254 & 345) – *continued from 8/18 meeting*
Applicant: FIKOW, LLC. Representative: Andrews Survey & Engineering, Inc.
Project description: Verification of delineated BVW and Bank.
 - o Discussion: Steve O'Connell of Andrews Survey & Engineering, Inc., representing the Applicant, stated that the wetland scientist from Goddard Consulting and the Town's wetland scientist walked the site together that day. Mr. O'Connell estimated that half a dozen or so flags were moved, but not a significant change to the previous ANRAD flagging; on the parcel across the street and on neighbor's property; flags were not placed on neighbor's property; and, waiting for the final report to submit to the Commission.
2. NOTICE OF INTENT (NOI), 312-9xx, 79 River Rd (Map 45, Parcel 1345), cont'd awaiting comments from MA-DEP
Applicant: Bedrock Crossing LLC Representative: Andrews Survey & Engineering
Project description: Fill ILSF, grade and create gravel lot.
 - o Discussion: Mr. O'Connell confirmed a submission to MA DEP, and is hoping for a filing number soon to allow the Commission to take the necessary action.**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 on September 15, 2014. Seconded by Mr. Potaski, the motion passed unanimously**

The Chair noted building permit Applicants for 629 Hartford Avenue East in the audience.

MOTION: I, Mr. Tibedo, move that the Commission take out of order the concerns of 629 Hartford Avenue East building permit applicants. Seconded by Mr. Shaw, the motion passed unanimously.

- 629 Hartford Avenue East – Steve O'Connell of Andrews Survey & Engineering spoke on behalf of the Applicant Gerald Skeean, who is seeking Commission approval of his building permit with the Town. Mr. O'Connell stated that the erosion control area and the septic area will be staked. The Chair expressed concern that the wetland hasn't been flagged on the opposite, bordering a wetland; and, he would visit the site between 3-5p tomorrow (September 3) and advise the Agent of his findings and approval/denial to sign the building permit.

The Chair noted Request for Determination of Applicability (RDA) Applicant for 36 South Main Street (Uxbridge Senior Center) in the audience.

MOTION: I, Mr. Potaski, move that the Commission take out of order the review of the RDA for 36 South Main Street. Seconded by Mr. Shaw, the motion passed unanimously.

- REQUEST FOR DETERMINATION OF APPLICABILITY (RDA), FY15-xx, 36 South Main Street (Map 25, Parcel 946)
Applicant: Ken Tavares on behalf of Uxbridge Senior Center Director Marsha Petrillo
Project description: Clearing of debris, minor wooded shrubs. Level surface are with screen loam. Planting of grass, flowers, and shrubs. Install benches for seating. Grass/Wooded area approximately 20 feet from rear side of building.
 - o Discussion: Mr. Tavares is proposing a beautification to the back side of the Senior Center on space that currently isn't being utilized; supported by Senior Center Director and Town Manager. Discussion included calculation of

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usable space, given railroad track delineation line; no wetlands to be concerned with; and, chemical vs. herbicide treatment for poison ivy. Post meeting RDA number issued FY15-03.

- o **MOTION: I, Mr. Tibedo, move that the Commission grant a negative determination for the Request for Determination Applicability FY15-xx for 36 South Main Street. Seconded by Mr. Potaski, the motion passed unanimously.**

WETLAND UPDATES/ISSUES

POTENTIAL VIOLATIONS

1. 87 Chapin Street

- o The Commission discussed actions to take, referring to August 4, 2014 meeting minutes. It was decided that Administrator is to draft a letter of potential violation for 87 Chapin Street for the path crossing the wetlands, allowing access to the upland part of the property.

OTHER

- **170 Hecla Street:** Having received the Final Decision on OADR Docket No. WET-2014-008, the Commission discussed the potential need to revisit the site; agreed to Friday September 5, 2014 at 5p. Administrator to contact Uxbridge Police Chief to arrange for police escort on the approximately 30 minute site visit.
- **Dutch Hill Road:** Administrator read an email update to the Commission. No action needed by Commission now.
- **Amber Trust Realty, 21 Summerfield Drive:** The Chair phoned the Applicant, and left his contact information. As of this meeting, the Chair has not received a response. The Chair will reach out to the Applicant again.

PROCESSING

- **Site Visit Update**
 - o **175 South Street:** The Commission determined that the burden was left with the Applicant to return with an NOI, but nothing had come forward yet. No further action by the Commission is needed at this time.
 - o **100 Acre Lot:** The Town Manager is having discussions with National Grid of a potential solar farm. No further action by the Commission is needed at this time.
 - o **300 Quaker Highway (new Uxbridge High School):** The Commission discussed the Conservation Restriction to be held by the Town of approximately 30 acres; Commission cannot hold it. The Chair shared that Metacomet Land Trust agreed to take the parcel, but didn't meet in August. It will be discussed at September meeting, including who will fund yearly visits, upkeep, etc.
 - o **81 Eber Taft Road:** The Chair spoke to Matt Kennedy, who stated the trailers are now gone. The Chair suggested that Mr. Kennedy come to the next meeting. Mr. Tibedo asked if a violation letter should be sent; the Chair stated that's the next step if Mr. Kennedy doesn't attend the next meeting.
- **Meeting Minutes**
 - o **08/18/14 Meeting Minutes:** After discussion, **MOTION: I, Mr. Hogan, move that the Commission approve the 08/18/14 Meeting Minutes as amended. Seconded by Mr. Shaw, the motion carried 4-0-1. Mr. Tibedo abstained.**
 - o **08/04/14 Meeting Minutes:** After discussion, **MOTION: I, Mr. Tibedo, move that the Commission approve the 08/4/14 Meeting Minutes as amended. Seconded by Mr. Potaski, the motion carried 4-0-1. Mr. Shaw abstained.**
 - o **07/21/14 Meeting Minutes:** After discussion, **MOTION: I, Mr. Tibedo, move that the Commission approve the 07/21/14 Meeting Minutes as amended. Seconded by Mr. Hogan, the motion carried 4-0-1. Mr. Tibedo abstained.**

ANY OTHER BUSINESS WHICH MAY LAWFULLY COME BEFORE THE CONSERVATION COMMISSION

- The Commission agreed that the following be added to the next meeting agenda: Lot 7 Glen Street MA DEP #312-733 and 140 Sutton Street (seeking a Certificate of Compliance; answer needed from engineer).
- The Commission had brief discussion on the need for a calendar to track the expiration date of Certificates, NOIs, et cetera, so the Commission can be more proactive. The Administrator will look into Google calendar as a solution to start using now.

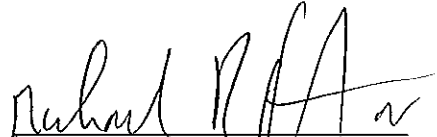
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At approximately 9:08pm, MOTION by Mr. Tibedo to adjourn the meeting. Seconded by Mr. Shaw, the motion carried unanimously.

Respectfully submitted,
Beth A Pitman
Temporary Conservation Administrator



Russell Holden, Chairman

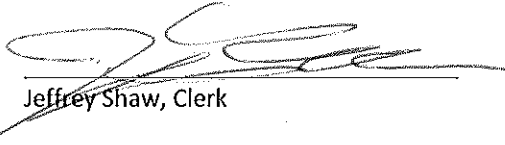


Michael Potaski, Member



Jim Hogan, Treasurer

Tracy Tibedo, Member



Jeffrey Shaw, Clerk

15 September 14
Date