



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



**Conservation Commission Meeting Minutes  
Monday, November 3, 2014  
Board of Selectmen Meeting Room, Uxbridge Town Hall**

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

**Present:** Chair Russell Holden, Treasurer Jim Hogan, Clerk Jeffrey Shaw, Members Patrick Hannon and Mike Potaski and Kristin Black (KB), Conservation Administrator

**Absent:** Member Tracy Tibedo

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), 312-984, Mountainview Road (Map 41, Parcels 1827, 1832, 1858, 1876, 1895, 1941, 1977), *continued from 10/06/14*  
Applicant: Applicant Lawrence Hill of Hill Financial Company, Inc.  
Owner: Albee Realty Trust  
Representative: Goddard Consulting LLC  
Project description: Completion of the partially constructed private roadway, Mountainview Road
  - o Discussion: Rachel Watsky, Goddard Consulting presented answers to questions from last week. Additional green cards submitted. Joe Bellino, DEP, received the requested information. Homeowners association is on record and will include road maintenance agreement that includes section on stormwater and drainage utilities. The documents note inspection of stormwater utilities four times per year. Discussion continued on technicalities and the funding mechanisms for inspections of the stormwater and drainage facilities and concerns of the technicality of the Hill Private Road Agreement and the Operation and Maintenance document. CC concerned that changes to these documents be reviewed by the CC. Mike Potaski would like to see a copy of the Homeowners document. The representative agreed to submit this document to the commission for review. Kristin Black will forward these documents to Benn Sherman (DPW) for comment when submitted by representative.
  - o **MOTION: I, Mr. Potaski, move that the Public Hearing be continue in agreement with representative until the next regularly scheduled meeting. Seconded by Mr. Hogan, the motion carried 5-0-0.**
  
2. NOTICE OF INTENT (NOI), 312-986, 26 Bentley Drive, Lot 5 (Map 25, Parcel 1454)  
NOTICE OF INTENT (NOI), 312-987, 30 Bentley Drive, Lot 6 (Map 25, Parcel 1454)  
NOTICE OF INTENT (NOI), 312-988, 38 Bentley Drive, Lot 7 (Map 25, Parcel 1454)  
Applicant/Owner: TTK Real Estate, LLC Representative: Andrews Survey & Engineering, Inc.  
Project description: Construction of single family home and associated site work.  
*Continued from 10/20*
  - o Discussion: Steve O'Connell of Andrews Survey & Engineering, Inc., on behalf of the Applicant, presented. Agreed to discuss all three notices simultaneously. Lack of DEP number was reason for continuance. DEP numbers were submitted to Beth Pittman last week. Patrick Hannon visited the site and noted it was straight forward and had no other comments. Kristin Black noted that the subdivision OOC (312-964) has a special condition on the signage. Proposed special condition to mirror special condition in Order of Condition for Hecla Village, DEP 312-964. Suggested language "A conservation marker shall be permanently installed on the lot and be centrally located along the edge of the approved lawn area on the back of the lot. The specifications of the marker shall be approved by the Conservation Commission or its agent. The marker shall remain in place during and after construction, in perpetuity, and this requirement shall be noted as a continuing condition on the Certificate of Compliance. The marker shall be shown on the as-built plan submitted with the Certificate of Compliance."

- **MOTION: I, Mr. Potaski, move to close the public hearing and issue an OOC on all three projects (DEP #312-986, -987 and -988) with the standard conditions and a special condition on signage as discussed. Seconded by Mr. Hogan, the motion carried 5-0-0.**

#### ACTIVE WETLAND CASES

1. 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.
  - Discussion: Steve O'Connell of Andrews Survey & Engineering, Inc., on behalf of the Applicant, stated no new updates to share with the Commission. Mr. O'Connell felt they have complied with everything and just waiting for DEP to issue a file number/deem file complete. The silt fences are still in place.
  - **MOTION: I, Mr. Shaw, move that the Commission continue the Public Hearing for the NOI for 79 River Road to the next regularly scheduled meeting. Seconded by Mr. Potaski, the motion carried 5-0-0.**

#### WETLAND UPDATES/ISSUES

Pout Pond RDA FY15-05. Mr. Holden noted that the scout that applied for the project has withdrawn the application at this time.

#### POTENTIAL VIOLATIONS

1. 135 Ironstone Street, DEP #312-936. This is the indoor ballfield. Kristin Black was on the site with Doug Scott, Building Inspector. Waiting for Mike Yerka to attend appear around 8pm. On Friday, Mr. Hannon received a call from the building inspector who felt work may not be authorized. Mr. Hannon noted there are some definite issues again.
  - Mr. Potaski motioned to table discussion until engineer present. Seconded by Mr. Hogan, the motion carried 5-0-0. [see Other Item #4 for continuation]

#### OTHER

1. 300 Quaker Highway, Conservation Restriction to be held by Metacomet Land Trust
  - Russ is working on this with an ecologist so this discussion is postponed. Russ will speak to David Genereux about recording and budget to maintaining.
2. Personal Protection Equipment and Health and Safety Plan: Mr. Hannon discussed need to consider safety and develop a standard operating procedure (SOP). Mr. Holden noted that a SOP exists but doesn't address safety. Previously, safety vests were purchased by Conservation Commission. Kristin will work to have badges printed and look into orange reflective safety vests if not already available with DPW. Additionally will look into printing baseball caps or another article of clothing to identify members of the commission in the field.
3. Conservation Sign off on Building Inspection Forms: Discussion on the sign off process and Mr. Hannon's recent experience of visiting several building inspection sites where work already started. Mr. Holden wants to keep this conversation open.
4. 135 Ironstone Street, Potential Violation associated with DEP #312-936.
  - Motion to reopen discussion by Mr. Postaksi. Seconded by Mr. Shaw; 5-0-0.
  - Mike Yerka, Civil Site Engineering, presented on behalf of owner. He recommended staking out all erosion controls as step 1. The area by the street that was disturbed will be stabilized with erosion controls (silt fence, wattles) and regraded. He propose to remove the sand that accumulates at the bridge. This may not be from the site but it does wash into the stream.
  - Mr. Hannon was called by building inspector to go out and take a look. Mr. Hannon was there on Friday and contractor was out there installing erosion controls but they were not properly controlled. Mr. Hannon said there was lots of silt in the stream. The site is wide open, all cleared. The OOC was recorded on 10/31 (Thursday) which was after the start of activities. There is untreated stormwater from roof discharged on the site. There was discussion on if variance/special permit was recorded. The OOC was issued on March 5, 2012. The town issued a Cease and Desist by building inspector but it did not limit work to address erosion/wetland issues.
  - Richard Finacchiaro, a builder and friend of owner presented his recent involvement and interactions with building inspector. He stated he is working to correct issues including getting building permit and working with the fire department. The previous contractor was negligent with these compliance issues.

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- A site visit was scheduled for Thursday at 2pm. The urgent issues that will be corrected in time for the site visit include staking the approved silt fence line. Additional actions may be required and could include removing sediments from road and additional erosion controls. Patrick Hannon recommended that the silt fence should be extended beyond the bridge.
  - The owner apologized for the errors to date and wants to make it right.
5. 403 Elmwood Avenue
- Motion by Mr. Potaski to take this out of order. Seconded by Mr. Shaw; 5-0-0.
  - Potential buyer needs to remove a tree right against the house. It is an unoccupied house. The tree is in lawn area. The tree needs to be moved. It is a cedar of approximately 25' right against the house.
  - It was noted that the property is within Estimated Habitat and regulated by Massachusetts Endangered Species Act.
  - The tree in need of removal appears at least 50' feet away and taking out one tree. Proposal is to flush cut this one tree. Tree is in lawn area. Mr. Holden does not see or hear any reservations from members of the commission.

## PROCESSING

1. Site Visit Update
  - 171 Eric Drive. Tracy Tibedo's property. Russ Holden had agreed to drive by and look at it but hasn't had a chance. There was a discussion on policy of tree removal. How do we handle removal of a hazard tree? It was agreed that Mr. Tibedo should have a written report from an arborist or other professional to certify that the tree is hazardous and should be cut down. General discussion on drafting criteria on allowing hazard tree removal. Mr. Hannon will research tree bylaw language and bring to next meeting to share with everyone. Consider researching definition of a hazard tree. Criteria such as no soil disturbance should be considered.
  - Interstate Reliability. Kristin Black is scheduling a site visit with Lee Curtis for this Thursday. Kristin Black will invite the members when date/time set.
  - NSTAR Millville Road: Pat Hannon visited. He stated work is occurring and no signs of erosion control. They are putting new poles. As requested the SWPPP was submitted. Mr. Hannon was concerned over disturbances on the site and impacts to wetlands. Issues were corrected.
2. Potential Violation: 229 Quaker Highway, DEP 312-922
  - Pat Hannon observed potential violation on the site at Flagg RV. They are working at back of property by Ironstone Reservoir. KB will try to schedule a site walk for this Thursday if possible to review site.
3. Meeting Minutes
  - 03/18/14 Meeting Minutes: After reviewing, **MOTION: I, Mr. Potaski, move that the Commission approve the 03/18/14 Meeting Minutes as written with corrections as noted. Seconded by Mr. Hogan, the motion carried 4-0-1, Mr. Hannon abstained.**
  - 04/07/14 Meeting Minutes: After reviewing, **MOTION: I, Mr. Potaski, move that the Commission approve the 04/07/14 Meeting Minutes as written. Seconded by Mr. Hogan, the motion carried 4-0-1, Mr. Hannon abstained.**
  - 10/20/14 Meeting Minutes: After reviewing, **MOTION: I, Mr. Shaw, move that the Commission approve the 10/20/14 Meeting Minutes as written. Seconded by Mr. Potaski, the motion carried 4-0-1, Mr. Hannon abstained.**
4. Endorse Order of Condition 312-985, 1025 and 1045 Quaker Highway
5. Endorse Order of Condition 312-982, 49 Easy Street

## ANY OTHER BUSINESS WHICH MAY LAWFULLY COME BEFORE THE CONSERVATION COMMISSION

Jim Hogan provided a brief summary of budget provided by Town Account. There are 5 accounts: 3 are for Pout Pond, one for Peer Review at \$10,923 and Wetland Protection Act Fund at \$45,350. KB will inquire on Peer Review account.

At approximately 9:01pm, MOTION by Mr. Hogan that the Commission adjourn the meeting and enter into Executive Session. Seconded by Mr. Potaski, the motion carried unanimously by roll call vote, Hogan - aye, Potaski - aye, Shaw - aye, Hannon - aye, Holden - aye.

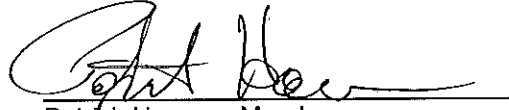
EXECUTIVE SESSION

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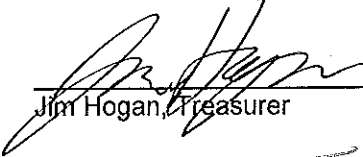
Respectfully submitted,  
Kristin Black



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Russell Holden, Chairman

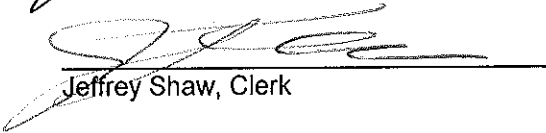


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Patrick Hannon, Member



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Jim Hogan, Treasurer

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Michael Potaski, Member



\_\_\_\_\_  
Jeffrey Shaw, Clerk

\_\_\_\_\_  
Date