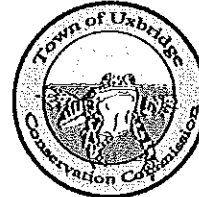


Town of Uxbridge  
Conservation Commission  
21 South Main Street  
Uxbridge, MA 01569  
508-278-8600 x 2020

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Conservation Commission Meeting Minutes  
Monday, December 15, 2014 – 6:30PM  
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 Mike Potaski and Patrick Hannon. Also present Conservation Administrator, Kristin Black

**Absent:** Member Tracy Tibedo

## PUBLIC HEARINGS

1. **Notice of Intent (NOI), 312-991**, 164 Providence St. (Assessor's Map 51, Parcel 2841, 2881, & 2768) continued from December 1, 2014 hearing

Applicant: Clean Energy Collective

Representative: Andrews Survey & Engineering, Inc.

Owner: David E. Bessette

Project description: Construction of a 2.0 MW(ac) large-scale ground mounted solar electric generating facility within Buffer Zone of a Bordering Vegetated Wetland (BVW)

- o Discussion: Steve O'Connell (Andrew Survey & Engineering, Inc.) presented the project and noted that Jonathon Moore, representative from Clean Energy Collective, present. As a follow-up from previous meeting, there are no substantive changes. MassDEP issued a file number. Planning Board approved special permit to divide the property into two parcels. Jim Hogan asked if there was a concern with a solar field being so close to 146. Mr. O'Connell said no as solar fields approved by FAA and other solar fields are close to major roads/highways. Vegetation Management Plan was discussed and there was agreement to remove spring maintenance activities from the spring. Kristin Black recommended that a special condition reference the Vegetated Management Plan be revised to remove spring management activities with a revision date and that new plan be referenced in the Order of Condition.

- o **MOTION: I, Mr. Jeff Shaw, move close the Public Hearing for NOI 312-991 164 Providence Street and issue a standard Order of Conditions with the Town of Uxbridge special conditions and a special condition requiring vegetation management activities to be performed in accordance with the approved Vegetation Management Plan that was modified to remove spring management activities. Seconded by Mr. Mike Potaski, the motion carried 5-0-0.**

2. **Notice of Intent (NOI), 312-992**, 62 & 74 Commerce Drive (Assessor's Map 40, Parcel 3626, 3681, 3685) continued from December 1, 2014 hearing

Applicant: Clean Energy Collective

Representative: Andrews Survey & Engineering, Inc.

Owner: Clossen Realty Trust

Project description: Construction of a 1.0 MW(ac) large-scale ground mounted solar electric generating facility within Buffer Zone of a BVW

- o Discussion: Steve O'Connell (Andrew Survey & Engineering, Inc.) presented. MassDEP issued a file number since last meeting. Additionally, a drainage channel was added to the plans that were submitted by email one hour ago to Kristin Black. The channel is jurisdictional because it connects pipe outlet and upland wetland to pond but it is not a perennial stream or have any bordering vegetated wetlands or bank. Mr. O'Connell said that bordering vegetated wetlands not present in area of channel so this section was not delineated by a wetland scientist but instead the channel was surveyed and added to the plan. The proposed fence is into 25' buffer to the channel. Additional discussion on the outlet to the pond and it running along to River Road and eventually the Blackstone with several sections being piped. The panels will overhang the 25' buffer to the vegetated wetland. This area was all previously altered and this was a "cow pond" according to Mr. O'Connell. Remediation plantings are included to compensate for loss of a maple on the site. The proposed plantings are detailed in the Vegetation Management Plan. Jim Hogan initiated a discussion on the need to remove the maple. Mr. O'Connell reiterated that the project requires all of the panels and best technology is implemented in the design. Russ Holden mentioned that there is no soil disturbance within 25' per the plan. Steve O'Connell agreed. Jim Hogan questioned that the proposed fence installation would

the soil disturbance. There was additional discussion on the invasive species removal and manual removal, flush cutting and need for herbicide treatments. Steve O'Connell mentioned Autumn Olive and Purple Loosestrife were observed on site would be removed. Steve O'Connell agreed that the large trees to be removed will be identified prior to removal and the Conservation Commission will be notified prior to removal and to give final authorization.

- o **MOTION: I, Mr. Mike Potaski, move close the Public Hearing for NOI 312-992 62 & 74 Commerce Drive and issue a standard Order of Conditions with the Town of Uxbridge special conditions and a special condition requiring vegetation management activities to be performed in accordance with the approved Vegetation Management Plan that is amended to remove spring management activities. Seconded by Mr. Jeff Shaw, the motion carried 5-0-0.**

3. **Notice of Intent (NOI), 312-990, 19 Depot St. (Assessor's Map 25, Parcel 157)**  
*continued from December 1, 2014 hearing at request of applicant*

Applicant: Capron Corporation

Representative: Heritage Design Group

Project description: Installation of building sewers, a sewer pump station and sewer force main within Bordering Land Subject to Flooding and Riverfront Area

- o Discussion: Eric Bazzett of Heritage Design presented the project on behalf of the applicant. He stated project is exempt from Riverfront regulations as this is a historic mill. The performance standards for the floodplain relate changes to flood storage. There are no proposed changes to flood storage. Haybales proposed around catch basins. The work area is all previously disturbed and paved areas. The old sewer line section extended into the burnt section of the mill and cannot be used. Kristin Black visited the site and suggested silt sock be added to catch basin and noted possible dewatering. Patrick Hannon requested a dewatering plan in advance. Eric Bazzett noted that depending on the time of year dewatering may not be necessary. The area of disturbance is approximately 1,000 square feet. Mike Potaski questioned stockpiling and how catchbasins would be impacted with rain events. Eric Bazzett said could show designed stockpile area and erosion controls around them. Kristin Black recommended compost tubes. Eric Bazzett estimates trenching of a day or so and no more than a week for exposed soils. The green cards were not available at the meeting. Joel Delori (works with Capron Corp) state that catch basins are maintained and have not back up. Patrick Hannon requested more information on the Riverfront exemption and Russ Holden read over online references to exemption. Eric Bazzett stated there may be excess material associated with project and estimated one or two truckloads. He is not aware of any contamination and Joel Delori commented that site has been tested and no contamination. Eric Bazzett proposed check dams with erosion controls for dewatering but prefers that if dewatering is required, the contractor could submit a plan prior to dewatering. Patrick Hannon suggested a condition of no dewatering without a dewatering plan approved by the Commission and cautioned that this may delay the project as the Commission only meets every two weeks. The current dewatering note on the plan should be removed and a new note added to state that a dewatering plan approved by the Commission is required. Plans should be revised to show stockpile area(s) and the plans should be revised to show erosion controls of compost tubes in lieu of haybales and silt socks should be added to catchbasins. Erosion controls should surround catch basins and stockpile areas. The green cards also need to be submitted.

- o **MOTION: I, Mr. Mike Potaski, move to continue the Public Hearing for NOI 312-990, 19 Depot Street to January 5<sup>th</sup>, 2015. Seconded by Mr. Jim Hogan, the motion carried 5-0-0.**

**Request for Determination of Applicability (RDA), FY15-06, 32 South Main St. (Map 25, Parcel 918)**

Applicant: Uxville, LLC

Representative: AC Malone Construction

Project description: Construction of a new, two-story, six unit apartment building within the same footprint of the previously existing building in the Riverfront Area

- o Discussion: Steve O'Connell presented the project on behalf of the applicant. Tony Demelo was also present on behalf of the applicant. This project will be a two-story building, all residential although the plan incorrectly notes a three-story building. There is a paved area at the back of the building that is under different ownership. All activity will occur within the 200' Riverfront. They are proposing a wattle or compost sock on the pavement. Kristin Black noted that the plan submitted with the RDA did not include the Riverfront or buffer zones. The plan presented at the meeting with the Riverfront line was time-stamped today. Steve O'Connell noted that the project is going before the zoning board regarding change in use and the project was already approved by the Historical Commission. Steve O'Connell notes the railroad bed is a raised bed that protects the river. There are no proposed changes to the parking lot; there will only be repair of damaged pavement on the property. Kristin Black noted that this is an RDA and not a NOI and that RDAs are appropriate for BVW but we don't usually see these for Riverfront. Kristin Black noted that procedurally it is difficult to fit this project into responses under RDA. Mike Potaski recommended a negative determination #2. Kristin Black cautioned that in reading #2, by checking that box you are stating that you are not altering the Riverfront area and procedurally, it is difficult response. Russ Holden noted that the project will result in an alteration of the

front area. Therefore, he noted that the Commission would be issuing a negative RDA for practical reasons not legal reasons.

**MOTION: I, Mr. Patrick Hannon, move that we issue a negative determination #2 for 19 Depot Street. Seconded by Mr. Jeff Shaw, the motion carried 4-1-0 (Mr. Russ Holden opposed).**

#### ACTIVE WETLAND CASES

1. **Request for a Certificate of Compliance (Coc), 312-231, Rogerson Crossing (Assessor's Map 12B, 12C; Parcel 4561, 4541, 3784, 3731, 4436, 4434, 3685, 3655, 3638)**  
Applicant: Renaud Companies Representative: Andrews Survey & Engineering, Inc.
    - o **MOTION: I, Mr. Mike Potaski, move to issue a Certificate of Compliance for NOI 312-231. Seconded by Mr. Jim Hogan, the motion carried 5-0-0.**
  2. **Request for a Certificate of Compliance (Coc), 312-700, Rogerson Crossing (Assessor's Map 12B, 12C; Parcel 4561, 4541, 3784, 3731, 4436, 4434, 3685, 3655, 3638)**  
Applicant: Renaud Companies Representative: Andrews Survey & Engineering, Inc.
    - o **MOTION: I, Mr. Mike Potaski, move to issue a Certificate of Compliance for NOI 312-231. Seconded by Mr. Jim Hogan, the motion carried 5-0-0.**
- 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: Steve O'Connell of Andrews Survey & Engineering, Inc., stated that the checks were cashed by DEP and hoped a file number was available but it is not yet available.
  - o **MOTION: I, Mr. Mike Potaski, 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 carried 5-0-0.**

#### WETLAND UPDATES/ISSUES

**MOTION: I, Mr. Jim Hogan, move to take out of order an update on enforcement order for 836 Aldrich Street. Seconded by Mr. Patrick Hannon, the motion carried 5-0-0.**

Update on Enforcement Order for 836 Aldrich Street

- o Discussion: Russ Holden summarized the history of the violation and asked the owner to appear today on status update on Notice of Intent filing that was due December 1 per the Enforcement Order. Mr. Michael Bretana was present and noted that he signed a contract with Margaret Bacon (Civil Site Engineering) and offered to send a copy of the signed contract to the Conservation Office. Mr. Bratena is not sure of when they will be able to prepare a report. The owner severed the pipe and several other issues are currently under litigation. Patrick Hannon asked that if they continue to fail to act on the Enforcement Order what is the next step. Mr. Hannon asked for the NOI by the January 20<sup>th</sup> meeting. The owner noted that the PVC pipes were severed and only rainwater entering pipes. He stated that animals are now on shavings and shavings are picked up daily in a dumpster on site. There is no more outflow. There only outflow is rainwater and the cows in the paddock area of discharge have been moved. Kristin Black notes that a Notice of Intent may be necessary in the future if other boards require activity but the immediate need is for wetlands restoration. Kristin Black recommends that we require a restoration plan in lieu of the Notice of Intent and Pat Hannon concurs and notes that DEP's Enforcement Manual spells out how to do this. Russ Holden reminds the owner to forward a copy of the contract with Margaret Bacon to the office. Kristin Black will issue a cover letter explaining changes and a new Enforcement Order requesting a restoration plan with a deadline of January 20<sup>th</sup> and include delineated wetlands and buffers.

Update on dewatering at East Hartford Ave, DEP 312-972

- o Mr. Potaski recused himself prior to discussion and noted that he believes there is not an actual conflict.
- o Discussion: Patrick Hannon was on-site and commented that water quality is much better and there is current dewatering. Stockpiled materials were moved off-site. Water testing is occurring frequently. The water main is now connected. Backfilling may be occurring today. The sand bags were not removed yet. Kristin Black mentioned that large builder bags still need to be added prior to dredging. Patrick Hannon mentioned that there is a tree in the sluiceway. Patrick Hannon questioned if there is a plan for the dredging. Patrick Hannon noted that the dredge material needs to be dewatered. Patrick Hannon requests the Kristin Black send an email to the DPW director asking that a plan is submitted prior to dredging. Russ Holden mentioned that if we have any language we should get that to them. The members do not remember any conversation on dredging. Russ Holden noted that when dredging activities begin that should be filtered through the Conservation Commission.

## Conservation Commission Meeting Minutes continued – Monday, December 15, 2014

2. Request for Emergency Certificate for Beaver Dam Removal at 867 Quaker Highway
  - o Mr. Potaski rejoined the meeting after conclusion of discussion on 312-972
  - o Discussion: This request is not being pursued as this was the result of a clogged culvert. No formal filing.
3. Update on Enforcement Order for Flagg RV at 865 Quaker Highway
  - o Discussion: Russ Holden and Patrick Hannon visited the site and saw the iron deposits in the bordering vegetated wetlands. Patrick Hannon noted that the slope is failing and wonders if it is prudent to remove the material. The owner, Steve Flagg, was notified by the Office of Dam Safety that he does not own the dam. Kristin Black noted that the Office of Dam Safety sent a certified letter to King to acknowledge ownership. Given the failing slopes and the issue of ownership, a site visit. The removed material should be moved outside of the resource area. Additionally there are outstanding compliance issues with Flagg RV. Patrick Hannon recommended sending a Notice of Violation to Mr. King. A site visit should be scheduled with all interested parties to discuss removing the material. Patrick Hannon will contact Mr. King directly to organize a site visit. Patrick Hannon will let Kristin Black know about this contact.
5. Pre-filing Consultation: Site Walk for access path to cemetery by BJs facility – preparing Notice of Intent
  - o Discussion: This project is an outstanding obligation associated with the original construction of the site. Kristin Black performed a site walk with Phil Cordeiro and draft plans were submitted. The old wetland flags were flagged on the site by survey prior to the site walk. Kristin Black received a letter of support from the Historical Cemetery Committee. The applicant is asking to use the wetland line associated with the original filing. There is work proposed within the 25' buffer. Additionally a few trees must be removed. Kristin Black noted that large metal objects including a refrigerator is currently in the wetland and she asked Phil Cordeiro to include removal of these items as part of the project. Kristin Black asked if the Commission is ok with the Notice of Intent being submitted with old wetland lines. Russ Holden commented that the old wetland line is likely adequate.

### POTENTIAL VIOLATIONS

1. Reported Violation: 179 West Street (Kathy Trail)
  - o Discussion: DEP sent an email to Conservation. Patrick Hannon visited the site and there is nothing egregious. Kristin Black will try to make process on this prior to next meeting.
2. Reported Violation: 190 Hazel Street.
  - o Discussion: Mike Potaski remembers this site. Kristin Black will review the Conservation databases to see if there are previous filings/violations for this property. There is a shed abutting wetlands and debris/storage in wetland/buffer. Patrick Hannon noticed this site will driving by.
3. Reported Violation: 312-937, 575 Hazel Street
  - o Discussion: Russ Holden will make a phone call to remind the owner/contractor of silt fence maintenance. An Enforcement Order was issued on the site in the past.

### OTHER

1. Request for Recommendation of Chocolog Road as a Scenic Road. This will be continued until next meeting at the request of Michael Healy.
2. Proposal to accept "Wetlands Enforcement Manual: A Guide to Effect Compliance with the Massachusetts Wetlands Protection Act Regulations" (November 2004) requested by Pat Hannon.
  - o **MOTION: I, Mr. Patrick Hannon, move that the Commission formally accept Mass DEP's "Wetlands Enforcement Manual: A Guide to Effect Compliance with the Massachusetts Wetlands Protection Act Regulations" (November 2004). Seconded by Mr. Michael Potaski, the motion carried 5-0-0.**
3. Appointment of Laura Neill, Conservation Administrative Assistant for 10 hours/week. Russ Holden requested a yearly dollar total for the position and the contribution of WPA funds so a motion can be made.
4. Proposed Spending Plan for use of wetland filing fees. Russ Holden requested a Proposed Spending plan to be submitted by the Town so the Commission can make a motion.
5. Discussion on Conservation Commission policies and procedures
  - o Discussion: The Guidelines Governing the Operation and Meetings of the Uxbridge Conservation Commission dated June 4, 2012 were discussed. There was discussion over who is performing site visits (agent verses members) and the notification process to members of upcoming site visits. Moving forward, same day site visits should include a 3-hour lead time notification to members. Members (excluding Mike Potaski) prefer a group text alert while Mike Potaski prefers email or phone or both. For new projects, the site visit should be scheduled at the meeting and the applicant should be reminded that the limits of the construction and the wetland flags should be marked in the field. A site visit record form should be completed

for all site visits and handed in to the office for filing. A copy of the guidelines should be added to each members meeting binder.

**PROCESSING**

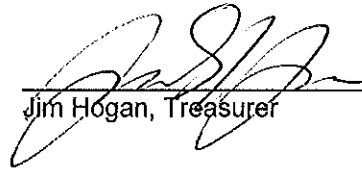
1. Endorse Order of Conditions for Mountainview Estates, 312-984
2. 2015 Hearing/Meeting Schedule and Filing Deadlines
  - o **MOTION: I, Mr. Mike Potaski, move to adopt the 2015 Hearing/Meeting Schedule and Filing Deadlines. Seconded by Mr. Jim Hogan, the motion carried 5-0-0.**

At approximately 10:35pm, MOTION by Mr. Patrick Hannon to adjourn the meeting. Seconded by Mr. Mike Potaski, the motion carried unanimously.

Respectfully submitted,  
Kristin Black  
Conservation Administrator



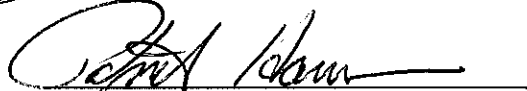
Russell Holden, Chairman



Jim Hogan, Treasurer



Jeffrey Shaw, Clerk



Patrick Hannon, Member

Michael Potaski, Member

January 5, 2015  
Date