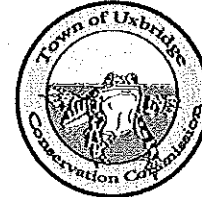


Town of Uxbridge  
Conservation Commission  
21 South Main Street  
Uxbridge, MA 01569  
508-278-8600 x 2020



Conservation Commission Meeting Minutes  
Tuesday, January 20th, 2015 – 6:30PM  
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 Mike Potaski and Patrick Hannon. Also present Conservation Administrator, Kristin Black  
**Absent:** Member Tracy Tibedo

**PUBLIC HEARINGS**

1. **Notice of Intent (NOI), 312-993, 869 Quaker Highway, (Assessor's Map 51, Parcel 2647)**  
Applicant: BJs Uxbridge LLC Representative: Allen & Major Associates, Inc.  
Project description: Construction of a stone dust path for access to historic cemetery onsite within buffer zone of bordering vegetated wetlands
  - o **Discussion:** Philip Cordeiro (Allen & Major Associates, Inc.) presented the project on behalf of the applicant. The project is required per an agreement with the Uxbridge Cemetery Commission from 2005. The installation of the walking path was overlooked during the original submission. This filing is associated with the project but is being filed late as it was overlooked.  
Russ Holden noted that the erosion control notes on the plans (Sheet D-1) were very good and the CC should make note of them for future reference. There are a few birch trees that will need to be stumped to provide clearance for the walking path.  
Patrick Hannon asked if the fence could be moved and also for a work plan. Mr. Hannon would like the work plan is to include the machinery to be used. Phillip Cordeiro stated the fence could not be moved and that the work plan could be done but most likely would need to be done by contractor.  
**Outstanding:** The green card for Lanzetta was not there. The registered mail receipt will need to be submitted. The site is within Estimated Habitat and Natural Heritage has not forwarded a determination letter.  
Russ Holden suggested a possible condition to address the work plan. "A detailed work plan should be submitted one month in advance of commencement of work to allow the commission to comment."  
A site walk is scheduled at 3:30pm on Friday, January 23<sup>rd</sup>.
  - o **MOTION: I, Mr. Patrick Hannon, move to continue the Public Hearing for NOI 312-993, 869 Quaker Highway. Seconded by Mr. Jeff Shaw, 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.
  - o No one was present to discuss. No additional information submitted.
  - o **MOTION: I, Mr. Jeff 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. Jim Hogan, the motion carried 5-0-0.**
2. Request for a **Partial** Certificate of Compliance #312-595, 99 Conestoga Drive (Lot 20)
  - o **Discussion:** Kristin Black provided a summary of the project and noted that she conducted a site visit with member Jim Hogan and contractor Domingos Roda on 1/15. OOC issued on February 11, 2002. The applicant is requesting a Partial Certificate of Compliance. Kristin Black noted there are approximately 9 OOCs associated with Conestoga/Saratoga Drive that require CoCs. Black read a section of the MACC Handbook pertaining to requests. "A partial COC may be issued for a portion or phase of a project, such as individual lots in a subdivision, as long as all work and mitigation for that portion have been

completed. The partial COC should describe in detail exactly what is and is not being released, and list special conditions that still must be met. A partial COC should not be issued where important work such as drainage or compensatory flood storage has not been completed.”

Kristin Black noted that old silt fence needs to be removed. Also, grading on lot is within 100' of bvw according to plans but no erosion control barrier in place. There was no NOI/RDA filed for this lot although grading within 100' of bvw shown on plans. The original OOC included Special Conditions #18-44. The OOC has expired. If additional work is required, a new filing may be necessary. Kristin Black stated that the Certificate of Compliance should reference ongoing conditions noted in the original OOC, Special Condition #34.

There is an outlet at end of Conestoga Drive is discharging into the Stormwater basin and directly into wetland. As noted in Special Condition #43 "The exit swale draining Conestoga Drive into the detention basin shall be heightened and reinforced with an impervious barrier on the outside of the curve to prevent further sediment from entering the wetland." This has not been done.

Domingos Roda and Domenix Afonso presented a plan dated 1/16/2015 by Guerrier & Halnon, Inc. This plan shows a proposed swale modification to address Special Condition #43. Kristin Black noted there is no information in the file regarding the wetlands replication area. It cannot be determined if Special Conditions #35-41 (specific to wetlands replication) were met. Per SC #41, the "replication area shall be monitored and evaluated twice a year for two (2) year by a wetland biologist and the reports submitted to the Commission." No reports are on file.

Russ Holden polled and it was unanimous that the members were not comfortable issuing a partial certificate. Russ Holden suggested filing a RDA to repair the outlet and the work in the 100' buffer on 99 Conestoga. Kristin Black will meet with Benn Sherman on Thursday to discuss and will provide additional feedback to the applicant regarding outstanding items.

- **MOTION: I, Mr. Mike Potaski, move that the Commission continue the hearing for request for a Certificate of Compliance for Conestoga Drive to the February 2nd. Seconded by Mr. Jim Hogan, the motion carried 5-0-0.**

3. Request for a Certificate of Compliance #312-520, 505 Elmwood Ave

- **Discussion:** A site visit was conducted on 1/15 by agent. OOC issued on March 2, 1999. Kristin Black noted that the old silt fence needs to be removed. Eli Richardson was present at the meeting and stated 80% removed but remaining sections are frozen in place. Kristin Black noted that a pipe that was in culvert and used for irrigating a field was removed during the site visit. A small culvert was installed at end of driveway but not shown on plans but per original plan the pipe was not within the BVW.
- **MOTION: I, Mr. Jim Hogan, move that the Commission issue a Certificate of Compliance for 505 Elmwood Ave, 312-520. Seconded by Mr. Mike Potaski, the motion carried 5-0-0.**

#### WETLAND UPDATES/ISSUES

1. 370 Elmwood Ave, Update on Enforcement Order, Restoration Plan submitted

- **Discussion:** Kevin Gallo presented the restoration plan he prepared. Russ Holden stressed that a restoration plan should restore what was there. There were white pines on the site. Kevin offered to add white pines to the plan. Russ Holden asked for more plantings. Russ Holden noted that Aldrich Brook may be a river and a 200' buffer may be appropriate. Kristin Black asked for lawn (weekly mowed areas) to be identified and that the restoration plan should mimic the conditions ban on fertilizer. Kristin Black will send Kevin the text to add. Jim Hogan asked for a delineation of the maintained lawn areas. Photographs showing the previously existing conditions.
- **Outstanding:** Revised plan showing maintained lawn areas, a more random appearance of plantings, more white pine and other pre-existing species, and find a consultant to provide input on restoration plan. Russ Holden asked that to make sure site is stabilized. A new plan will be submitted.

2. Update on Enforcement Order for Flagg RV at 865 Quaker Highway.

- **Discussion:** Patrick Hannon spoke to Mr. King's son and Mr. King. Mr. King states it is his position he does not own the land and if we were to make Flagg take the soil out of the area, he will not object. Therefore, there should be no objection of Flagg removing the property. A new Enforcement should be issued to request removal of material (short-time line) and restoration of the area. Erosion controls shall be maintained until the site is stabilized.
- **MOTION: I, Mr. Jim Hogan, move that the Commission issue and Enforcement Order to Flagg RV requiring removal of material and restoration of the site to original conditions. Seconded by Mr. Patrick Hannon, the motion carried 4-0-1 (Mike Potaski stepped out).**
- Kristin Black will draft the EO for next meeting.

3. NSTAR Yearly Operational Plan Public Notice, Review and Comment
  - o The NSTAR Yearly Operation Plan Notice was sent to the Conservation office and circulated to members of commission during the meeting. This plan is not specific to Uxbridge and may be found online in detail.
  - o Patrick Hannon and Jeff Shaw observed work on River Road and thought it may be a violation. Patrick Hannon spoke to Joe Bellino of MassDEP and understands work is under utility exemption. Patrick Hannon will forward photos and descriptions to agent. Agent will contact NStar and ask if this work fits within the BMPs/VMP as it appears there should be an alternative that could protect the wetlands.

#### REPORTED/POTENTIAL VIOLATIONS

1. 201/209 River Road, DEP#312-956.
  - o **Discussion:** Patrick Hannon, Jeff Shaw, Jim Hogan and Kristin Black observed recent tree clearing on the property in the Riverfront area. A DEP sign was not posted and the Conservation office was not notified. The OOC was recorded. No erosion controls in place at first visit by Patrick Hannon. Patrick Hannon will issue Cease and Desist on Wednesday. Commission will ratify at next meeting.
  - o **MOTION: I, Mr. Jim Hogan, move to issue Cease and Desist for 312-956, 201 & 209 River Road. Seconded by Mr. Jeff Shaw, the motion carried 5-0-0.**
2. Planet Fast Pitch, 135 Ironstone Road, DEP #312-956
  - o **Discussion:** Patrick Hannon inquired to the status of the violation on this property. Kristin Black to follow-up. There are no recent updates.

#### OTHER

1. Proposed Spending Plan for WPA funds in FY 2015 and FY 2016
  - o **Discussion** was led by Jim Hogan. As of Oct 31<sup>st</sup>, 2014, WPA fund had had a balance just over \$45, 000. The original motion proposed by the town manager was amended by Jim Hogan to include a shall not exceed amount. The Commission decided to wait to make any motions on FY 2016 until closer to the new fiscal year.
  - o **MOTION:** "I, Mr. Jim Hogan, move that the Conservation Commission adopts the methodology proposed by the Town Manager, in the memorandum dated December 30<sup>th</sup>, 2014 for the remainder of FY 2015, which will provided that the salary of the Conservation Agent, based on a nineteen-hour work week be paid 50% from the general fund and 50% from the Wetlands Protection Act Fund. Additional hours, if any, worked by the Agent shall be paid exclusively from the Wetland Protection Fund. Furthermore, I move that the Commission accepts up to ten hours per week of administrative staff time, paid from the Town's general fund, retroactive to December 16<sup>th</sup>, 2014, for as long as deemed necessary by the Town Manager. Funds removed from the Wetlands Protect Act fund shall not exceed \$14,100." Seconded by Mr. Mike Potaski, the motion carried 5-0-0.
2. Signup for MACC Annual Environmental Conference, Saturday, February 28<sup>th</sup>, Holy Cross College. Kristin will submit the registration forms. Michael Potaski cannot attend.
3. Review of proposed Site visit expectation matrix for conservation agent.
  - o **Discussion:** Several minor edits made including revising the text in the sixth row to "Cease and Desist Order Issued", Emergency action changed to "Notification provided to commission members within 2 hours" and the last row text was changed to ... "will be voted on at the next meeting." Lastly, the title of the document revised to include "and Conservation Members."
  - o **MOTION:** "I, Patrick Hannon, move to adopt the Site visit expectation matrix for conservation agent and commission members." Second by Mike Potaski, the motion carried 5-0-0.

#### PROCESSING

1. Meeting Minutes – 05JAN15
  - MOTION to approve minutes from 1/5 as amended, made by Jeff Shaw, seconded by Patrick Hannon. The motion carried unanimously (4-0-1). Abstain Mike Potaski.
2. Endorse Order of Conditions for 19 Depot Street, DEP #312-990

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

Request for a *Partial* Certificate of Compliance #312-595, 99 Conestoga Drive (Lot 20). For administrative reasons, Russ Holden suggested that a formal letter of refusal is issued to the applicant. The reasons for the refusal is the outstanding minor violation of unpermitted work on Lot 20 in the buffer zone and failing to meet special condition #34.

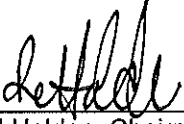
Motion to issue a formal letter of refusal for a request for a partial Certificate of Compliance for 99 Conestoga Drive made by Mike Potaski. Seconded by Jeff Shaw, the motion carried 5-0-0.

Conservation Commission Meeting Minutes continued – Monday, January 20, 2015

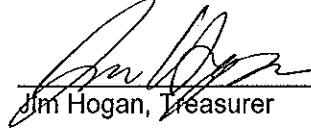
At approximately 10:03pm, MOTION by Mr. Mike Potaski to adjourn the meeting. Seconded by Mr. Patrick Hannon, the motion carried unanimously 5-0-0.

Respectfully submitted,  
Kristin Black  
Conservation Administrator

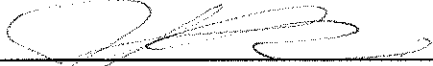
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Russell Holden, Chairman



\_\_\_\_\_  
Jim Hogan, Treasurer



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

\_\_\_\_\_  
Michael Potaski, Member



\_\_\_\_\_  
Patrick Hannon, Member

\_\_\_\_\_  
Date