

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



Conservation Commission Meeting Minutes
Monday, June 15, 2015
Board of Selectmen Meeting Room, Uxbridge Town Hall

NOV 17 '15 AM 9:44

Please note some items may have been taken out of order from the Agenda.

Present: Chair Russell Holden, Vice Chair/Treasurer Jim Hogan, Clerk Jeffrey Shaw, Members Pat Hannon, Michael Potaski and Tracy Tibedo, Administrator Kristin Black

Absent: None

It being approximately 7:00 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), DEP #312-1000, 770 Aldrich Street (Assessor's Map 47 & 48, Parcel 4096 & 3376)

Applicant: Millville Investments, LLC

Representative: Heritage Design Group

Project description: Construction of a single family home and associated grading, utilities and well within the 100' buffer to a Bordering Vegetated Wetland (BVW)

- o Discussion: The Chair opened the Public Hearing. Eric Bazette of Heritage Design Group, representing the Applicant, spoke to plan revisions of markers and erosion control barrier materials.
- o **MOTION by Mr. Tibedo to close the Public Hearing for 312-1000, 700 Aldrich Street, and issue a standard Order of Conditions with the additional condition of permanent signage installation as discussed with the Applicant, using the verbiage approved by the Conservation Commission. Seconded by Mr. Hogan, the motion carried unanimously 6-0-0.**

WETLAND UPDATES/ISSUES

1. Rogerson Crossing (Assessor's Map 12B, Parcel 3768 & 4561)

- o Discussion: Mrs. Black stated that the Public Hearing is scheduled for July 7th, per the request of the Applicant, and proposed scheduling a site walk in advance of July 7th meeting. Commissioners held general discussion; agreed to hear the presentation first, then schedule a site walk.

REPORTED/ONGOING VIOLATIONS

1. 363 Quaker Highway (owner Blue Wave Capital, LLC), Violation FY15-18, DEP #312-955

Present at the meeting were Mr. Steve Campbell of SunEdison, Mr. Eric Ford of Lucas Environmental, Mr. Bob Ingram consultant of Lucas Environmental, Mr. Colin T(?) of ProTech, and Mr. Bill Gaudet of Blue Wave Capital.

a. Review of Remediation Plan

- o Discussion: Present at the meeting were Mr. Steve Campbell of SunEdison, Mr. Eric Ford of Lucas Environmental, Mr. Bob Ingram consultant of Lucas Environmental, Mr. Colin T(?) of ProTech, and Mr. Bill Gaudet of Blue Wave Capital. Mr. Ford spoke to certification of vernal pool, Natural Heritage review of remediation plan, and ProTech's ability to implement remediation plan. Commissioners discussion of concern of wetlands expert ability for oversight of remediation in all 3 areas at the same time; requested that plan reflect work will be done in phases, beginning with first area; DEP request that work not begin sooner than July 13 and site visit tentatively scheduled for July 9. Mr. Ford emailed his resume and Mr. Ingram's resume to Mrs. Black for the Commission.
- o **MOTION by Mr. Tibedo to approve the Remediation Plan, as edited. Seconded by Mr. Shaw, the motion carried 5-0-1. Mr. Hogan abstained as he left the meeting for part of the conversation.**

b. Third Party Review of Stormwater Report

- Discussion: Mr. Campbell stated that third party review is ongoing, requested that Meridien not attend the meeting, and anticipates review/approval from Graves Engineering, Inc. for the next meeting.

c. Update on Recent Site Stabilization Activities

- Discussion: Mr. Campbell stated that entire eastern array has been hydro seeded, entrance road cleaned-up and installed, temporary basin berm has been hydro seeded, mulch spread outside of the fence, blanketing installed, straw wattles placed, western side activity is weather dependent. Commissioners discussed lack of installation of loam and buffalo grass as committed to by Owner in previous meetings; request alternatives analysis from Graves. Mr. Campbell stated site is now stable; was not stable when appeared before Commission on March 19, sediment was being discharged into wetlands and vernal pool; working toward building site as it should be built, given changes made in site slope.

d. Proposed Site Stabilization Activities

- Discussion: Mr. Campbell stated that substantial fill was brought in, as a result of site conditions, potentially causing more erosion to site; Meridien is working on Stormwater Management Plan that will be reviewed by Graves; proposed to keep site stable with current bandaids throughout Summer, then address it in the Fall.

e. Update on Use of Water Trucks and Dust

- Discussion: Nothing has been done to water the site. Mr. Campbell stated the road was installed to keep dust down; agreed that Sun Edison is ultimately responsible for mistakes made onsite.

f. Status of Requested Cuts and Fill Plan

- Discussion: Mr. Campbell submitted plan to Commission today, based on information received from Steve O'Connell of Andrews Survey & Engineering, with a net cut of ~4,000 yards. Commission had been told site was a balanced site.

g. Soil Assessment, Areas in Need of Topsoil and Hydroseeding

- Discussion: Mr. Campbell commented the western array needs to be hydro seeded. Commission stated concern that topsoil and loam had not been installed previously, as committed to the Commission; requested that study of soils begin in order to assess needs.
- Mr. Campbell agreed to attend next Commission meeting on Tuesday, July 7, 2015.

2. Reported Violation, 50 Douglas Street

- Discussion: The letter requesting appearance at next Commission meeting was unclaimed and returned to the Commission. Mrs. Black stated she is now playing phone tag with Owner, and will hand deliver letter if need be to request attendance at July 7, 2015 meeting.
- **MOTION by Mr. Tibedo to issue Enforcement Order of a violation on the site to be discussed at next regularly scheduled meeting, if Owner is unresponsive to Administrator. Seconded by Mr. Hogan, the motion carried unanimously 6-0-0.**

PROCESSING

The Chair explained initial intent of "Processing" is to discuss Commission wins, loses, things to repeat, etc. Short discussion included MA DEP fees for Blue Wave, and their process underway.

OTHER

1. Reorganization

- Discussion: The Chair reiterated current positions held, asked for nominations.
- **MOTION by Mr. Potaski to nominate Pat Hannon as Chair. Seconded by Mr. Shaw, the nomination was accepted by Mr. Hannon. After brief discussion, the motion carried 4-2-0. Mr. Tibedo and Holden voted nay.**
- **MOTION by Mr. Tibedo to nominate Russell Holden as Chair. Seconded by Mr. Hogan, the nomination was accepted by Mr. Holden. After brief discussion, the motion did not carry 2-4-0. Mr. Hannon, Hogan, Potaski, and Shaw voted nay.**
- **MOTION by Mr. Hannon to nominate Jeff Shaw as Secretary. Seconded by Mr. Tibedo, the nomination was accepted by Mr. Shaw. The motion carried unanimously 6-0-0.**
- **MOTION by Mr. Tibedo that Jim Hogan remains Vice Chair and Treasurer. Seconded by Mr. Hannon, the nomination was accepted by Mr. Hogan. The motion carried unanimously 6-0-0.**

2. Funding options for administrative assistance position for Conservation

- Discussion: Commission discussed Town Manager's commitment to fund position in the future, possibly Fiscal Year 2017-2018 (FY17-18); potential impact on funding the Administrator position for FY17-18; avenues for generating revenue, such as site visit fees, as a fee schedule (drafted by Mr. Hogan); creation/submission of a bylaw (drafted by Mr. Hogan); how to allocate funds from MA DEP penalties; fees could include fine for non-compliance of violation, or request for an after-the-fact NOI; current fees follow

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those set by State, no additional fee is added by Town at this time; is 19 hour/week admin position sustainable; potential analysis of proposed fee structure to gauge future incoming fees, based on prior annual report; review/discussion will continue. Mrs. Black to add admin and bylaw discussion to next meeting agenda.

3. Proposed Summer Conservation Office Hours: Monday and Wednesday 10AM-1PM

- o Discussion: Mrs. Black requested change, after speaking to Town Manager, week of July 13 thru end of August, as a result of daycare conflict.
- o **MOTION by Mr. Tibedo to approve summer Conservation office hours as proposed. Seconded by Mr. Shaw, the motion carried 6-0-0.**

4. Establish criteria for requiring hiring of consultants under Chapter 44 Section 53G

- o Discussion: Mr. Hannon stated interest in Commission putting RFQ on website to establish a list of consulting companies. Commission does not currently have criteria to meet for consultant hiring; Mr. Holden volunteered to draft.

5. Site Visit Update

- o **1045 Quaker Highway**, requesting Conservation signoff of Building Department occupancy permit: Significant amount of silt fence was down, collapsed on property. Commissioners gave individual on site paperwork, requesting appearance at next regularly scheduled meeting; silt fence to be repaired and inspected prior to signoff being granted.
- o **656 Millville Road**: Straw wattle not staked in; confusion if it was straw wattle or blown-in compost/mulch sock (which is not staked).
- o **454 Quaker Highway**: Contractor was hired for proper fence installation; take picture of installation to demonstrate how it should be done, if/when asked; create list of contractors to provide if/when asked.
- o **4 Aldrich Street**: Dead tree sitting on erosion control for lower driveway; stockpile of covered paint cans; Commissioners asked that both be removed.
- o **99 Conestoga Drive**: Certificate of Compliance (COC) had been requested by Owner in order to sell property, which was not issued due to violations; Mrs. Black drafted Enforcement Order to cease and desist any activity affecting BVW or wetland resource area and complete attached NOI and submit to office on or before July 2, 2015.
- o **MOTION by Mr. Tibedo that Commission issue an Enforcement Violation for 99 Conestoga as drafted. Seconded by Mr. Hogan, the motion carried 6-0-0.**
- o **320 East Street**: COC had been requested once a few weeks prior; silt fence grade survey stake was broken off; DEP #312-976; Mrs. Black will request revised/updated as-built plans.

6. Notice of Revised Tier Classification, Former Mill Building, 2 West River Road

- o Discussion: Mrs. Black shared report with Commission as FYI; no action needed/taken at this time.

7. Workshop Reminder

- o Judy Schmitz, MassDEP CERO Wetlands Circuit Rider, will lead Stormwater workshop on Monday, June 29, 2015, starting at 4pm.

8. 12 Douglas Street, Appeal of Denial

- o Discussion: Mrs. Black provided Commissioners with appeal letter.
- o **MOTION by Mr. Hannon that letter be issued to Section Chief that appeal is frivolous, noting Commission vote to do so. Seconded by Mr. Potaski, the motion carried 5-0-1. Mr. Tibedo abstained.**

9. Move Commission Meeting Time Forward to 6:30p

- o Discussion: Commissioners agreed to move meeting time to 6:30p, beginning with July 7, 2015 meeting.

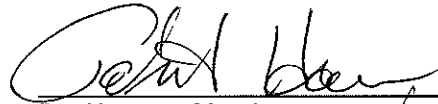
At approximately 9:40 pm, MOTION by Mr. Hannon to adjourn the meeting. Seconded by Mr. Shaw, the motion carried unanimously 6-0-0.

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Respectfully submitted,
Beth A Pitman
Conservation Recording Clerk



Russell Holden, Chair



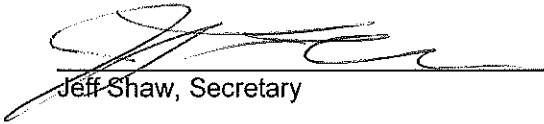
Pat Hannon, Member



Jim Hogan, Vice Chair/Treasurer



Michael Potaski, Member



Jeff Shaw, Secretary

Tracey Tibedo, Member

November 16, 2015

Date