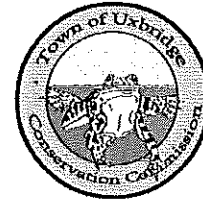


Town of Uxbridge  
Conservation Commission  
21 South Main Street  
Uxbridge, MA 01569  
508-278-8600 x 2020



Conservation Commission Meeting Minutes  
Tuesday, July 7, 2015  
Board of Selectmen Meeting Room, Uxbridge Town Hall

NOV 17 '15 AM 9:43

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

**Present:** Chair Pat Hannon, Vice Chair/Treasurer Jim Hogan, Clerk Jeffrey Shaw, Member Michael Potaski, Administrator Kristin Black

**Absent:** Members Russell Holden and Tracy Tibedo

It being approximately 6:30 pm, the meeting being properly posted, duly called and a quorum being present, the meeting was called to order by the Chair and begun with the Pledge of Allegiance.

#### PUBLIC HEARINGS

**1. Notice of Intent (NOI), 312-1001, 28 Kathy Trail (Assessor's Map 27, Parcel 492)**

Applicant: Fred Hutnak Development Corp.

Representative: Andrews Survey & Engineering, Inc.

Project description: Construction of a storm drain discharge within the 100' buffer to a Bordering Vegetated Wetland (BVW)

- o Discussion: The Chair opened the Public Hearing for DEP 312-1001. Mr. Stephen O'Connell of Andrews Survey & Engineering, Inc., representing the Applicant, submitting the after-the-fact NOI for violation of work in BVW; plans given to Commission show limit of disturbance (work performed between 100' - 50' buffer zone), proposed grading and erosion controls to be installed, 4 home cul-de-sac doesn't require stormwater report. All green cards have been received. Site visit scheduled for Monday, July 13 at 4pm; Mr. O'Connell will visit site prior to July 13, and provide seed mix to Commission at site visit.
- o **MOTION by Mr. Potaski to continue the Public Hearing for 312-1001, 28 Kathy Trail, to next scheduled meeting, Monday, July 20, 2015, meeting at 28 Kathy Trail. Seconded by Mr. Hogan, the motion carried unanimously 4-0-0.**

**2. Notice of Intent (NOI), 312-xxxx, Off Rogerson Crossing (Assessor's Map 12B, Parcel 3768)**

Applicant: Rogerson Crossing Realty Trust

Representative: Andrews Survey & Engineering, Inc.

Project description: Construction of a subdivision road consisting of a bridge over the Mumford River and work within Bordering Land Subject to Flooding, Riverfront Area and BVW

- o Discussion: The Chair spoke to the necessity of completeness of applications in order to post and conduct Public Hearings, specifically in regard to NOI, 312-xxxx, Off Rogerson Crossing. Material missing from the original application: electronic copy of application as required by Town of Uxbridge, updated fee transmittal form, DEP field datasheets to reflect re-flagging/wetlands delineation, and updated stormwater checklist as an outdated form was used. Mr. Stephen O'Connell of Andrews Survey & Engineering, Inc., representing the Applicant, spoke to the application, previous denial of NOI by the Commissions. Green cards must be fully gathered and provided to Office. Commission will consider a peer review of the completed application. A site visit was scheduled for Wednesday, July 15, 2015 at 4:00 pm, meeting at gate on North Garden Street.
- o **MOTION by Mr. Shaw that the above-mentioned Notice of Intent, Rogerson Crossing, is incomplete at this time and will be taken up at the next scheduled meeting, Monday, July 20, 2015. Seconded by Mr. Potaski, the motion carried unanimously 4-0-0.**

**MOTION by Mr. Hogan to table Public Hearings agenda item #3, 8 Arapaho Lane, to later in the meeting, as a representative is not currently present. Seconded by Mr. Shaw, the motion carried unanimously 4-0-0.**

## WETLAND UPDATES/ISSUES

### 1. Proposed drainage basin repairs, Conestoga and Saratoga Drive, related to DEP #312-595

- Discussion: Mr. Bruce Williams of Guerriere & Halnon, Inc., representing the Developer Mr. Alfonso, is seeking Certificate of Compliance (COC) as previous request was denied by Commission: updated plans submitted to Office with volume calculations for repairs, including missing as-built fill area for wetland replication (flagged by EcoTech within past month), proposal to fix drainage basin breach of berm on Lot 20, and proposed repair to pipe with slow drain, ending on Conestoga Drive. Design was approved by Commission, and constructed in approximately 2001. Maintenance work occurring now to be in compliance to apply for and receive COC, Mr. Williams is requesting an Enforcement Order as NOI has expired. Mr. Williams, on behalf of Mr. Alfonso, agreed to peer review by Graves Engineering, Inc. Second basin, off Saratoga Drive next to 8 Arapaho Drive, designed and constructed in late 1980's, non-conforming to 2001 Order of Conditions (OOC) to lower bottom of basin by 2 feet to provide additional stormwater treatment, is now a protected wetland: proposal to be in compliance is installation of 2 water treatment areas, and cover concrete opening, per DPW Director's request. Commissioners discussed Lot 13A, bordering the manmade basin, may require an RDA or after-the-fact NOI for work already done. Office to complete scope of services to send to Graves for third party review, and committed to having work initiated, once payment is received, and will be in touch with Mr. Williams.
- **MOTION by Mr. Hogan to request a third party review for the retention basins and associated work associated with 99 Conestoga Drive and 35 Saratoga Drive. Seconded by Mr. Shaw, the motion carried unanimously 4-0-0.**

## REPORTED/ONGOING VIOLATIONS

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

- Discussion: Commissioners briefly discussed lack of time to review report from Graves, commentary from DEP, commentary from Owner/Representative/Applicant. After the motion, the Chair stated that materials must be submitted 7 days in advance of a meeting, confirmed the Office has been instructed of this requirement. Site visit is scheduled for Monday, July 13 at 10:30am, with Joe Bolino of DEP.
- **MOTION by Mr. Hogan to table discussion of Reported/Ongoing Violation at 363 Quaker Highway, Violation FY15-18, DEP #312-955. Seconded by Mr. Shaw, the motion carried unanimously 4-0-0.**

### 2. Reported Violation, 50 Douglas Street

- Discussion: Mr. Stephen O'Connell of Andrews Survey & Engineering, Inc., on behalf of the Property Owner, responding to violation of recently paved area: completed as-built survey to include paved area, noted restoration plans of waterfront area will be proposed. Mr. O'Connell agreed to provide narrative, if appropriate, 7 days in advance of meeting.
- **MOTION by Mr. Shaw to request a return to appear before the Commission on Monday, August 3, 2015, to provide a project update. Seconded by Mr. Hogan, the motion carried unanimously 4-0-0.**

**MOTION by Mr. Shaw to un-table the agenda item 8 Arapaho Lane. Seconded by Mr. Potaski, the motion carried unanimously 4-0-0.**

## PUBLIC HEARINGS

### 3. Notice of Intent (NOI), 312-xxxx, 8 Arapaho Lane (Assessor's Map 41, Parcel 3017)

Applicant: AFCO Land & Development Corp.

Representative: Guerriere & Halnon, Inc.

Project description: Construction of a single family home, utilities, and associated grading with the 100' buffer of a BVW

- Discussion: No discussion occurred, as no one appeared to speak to the NOI.
- **MOTION by Mr. Shaw to continue 8 Arapaho Lane to the next scheduled meeting. Seconded by Mr. Potaski, the motion carried unanimously 4-0-0.**

*The Chair updated the Commission on previously Reported/Ongoing Violation at Aldrich Street Kennels that things have improved in regard to odor, pipes, and discharge into the wetlands, but remain not in compliance with Enforcement Order, and issued an offer to attend the meeting. The Office mailed a packet of all correspondence, via first class mail, to the Bretanas. The Town revoked the kennel license.*

**OTHER BUSINESS**

**1. Violation Issued to 19 Waterman Way**

- o Discussion: Violation delivered by Chair, issued to Owners Nicholas & Catherine Reuter, for unauthorized dumping in the wetland, requesting the Owners attend this meeting. Mrs. Black stated she would stop by make contact with the Reuters, and add it to the next meeting agenda to try to avoid issuing an Enforcement Order at the next meeting.

*Michael Hassett of Guerriere & Halnon joined the meeting, requesting a continuance for 8 Arapaho Lane. Mrs. Black stated it was already continued to the next regularly scheduled meeting on Monday, July 20, 2015, confirmed to the Chair that the application received is complete, and requested that the green cards be brought to the office prior to meeting, if possible.*

**OTHER BUSINESS**

**2. Waterman Way, Request for COC by DPW Director**

- o Discussion: Mrs. Black will contact DPW Director Benn Sherman to schedule a site visit to inspect the wetland replication planting, per the Notice of Intent (NOI).

**3. Flagg RV**

- o Discussion: Previously disputed dam ownership has been resolved by Ed Hughes, Office of Dam Safety, who contacted Mr. King via certified mail, as the rightful owner, asking him to claim ownership, and maintain, the dam. The Chair spoke to Mr. King, who did not have an issue authorizing Flagg to do work on the dam. The Office of Dam Safety will require a permit for the work to be done. Photos taken by the Commission show additional RV's parked near wetland violation, requiring a new Enforcement Order, which will be drafted by the Chair.

**4. Stormwater Report of Mountainview Road, prepared by Goddard Consulting, LLC, DEP #312-984**

- o Discussion: Pictures from the report were viewed and discussed in relation to more current pictures taken by the Chair, showing non-compliance with Order of Conditions. Commissioners agreed Goddard should be invited to attend next regularly scheduled meeting: Mrs. Black to facilitate.

**5. Outstanding Enforcement Order, Fast Pitch, 135 Ironstone Road**

- o Discussion: The Chair noted the site shows no activity to replicate the wetlands, the Owners are invited to attend the next regularly scheduled meeting to provide an update: Mrs. Black to facilitate.

**6. Outstanding Enforcement Order, XXX Ironstone Road**

- o Discussion: Mrs. Black spoke to the Owner, who did not have an update on wetland delineation. The Owner is invited to attend the next regularly scheduled meeting to provide an update: Mrs. Black to facilitate with a letter stating Enforcement Order will be recorded if she does not appear and/or provide an update.

**7. Communication with Consultants**

- o Discussion: Going forward, communication from Consultants hired by the Commission to review a project should be sent through Office, not sent directly to Applicant/Representative.

**8. 363 Quaker Highway (Owner: Blue Wave Capital, LLC), Violation FY15-18, DEP #312-955**

- o Discussion: Use Graves peer review report by Graves to issue a second Enforcement Order, violations of buffer zone: Mrs. Black to facilitate.

**9. Approval of FY16 Expenditure of Wetland Protection Funds**

- o Discussion: Mr. Hogan summarized his report to the Commission.
- o **MOTION by Mr. Hogan to approve the expenditure from the Wetland Filing Fee account to cover the Agent and Recording Clerk (salaries) to a total amount not to exceed \$16,000 for the fiscal year 2016. Seconded by Mr. Potaski, the motion carried unanimously 4-0-0.**

**10. Recording Clerk**

- o Discussion: The Chair proposed hiring an individual responsible for recording of meeting minutes and drafting of agendas, similar to Rutland position, as a stipend position funded by WPA funds. Approval given in FY16 Wetland Protection Funds motion.

**11. Proposed Bylaw, Wetland Filing Fee Schedule**

- o Discussion: Commissioners had general discussion of proposed bylaw, including annual fee setting. Mrs. Black to consult with Town Manager on ability to assess an administrative fee for after-the-fact filings.

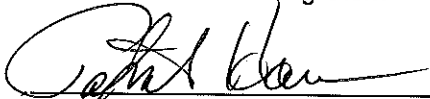
**12. Compliance Letter to Exxon for Peer Review**

- o Mrs. Black has not sent it yet.

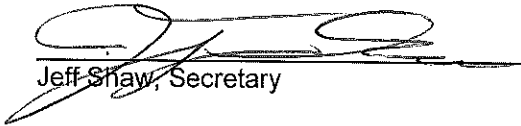
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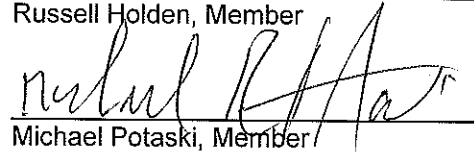
At approximately 9:05 pm, MOTION by Mr. Potaski to adjourn the meeting. Seconded by Mr. Hogan, the motion carried unanimously 4-0-0.

Respectfully submitted,  
Beth A Pitman  
Conservation Recording Clerk

  
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Patrick Hannon, Chair

  
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Jim Hogan, Vice Chair/Treasurer

  
\_\_\_\_\_  
Jeff Shaw, Secretary

\_\_\_\_\_  
Russell Holden, Member  
  
\_\_\_\_\_  
Michael Potaski, Member

\_\_\_\_\_  
Tracey Tibedo, Member

November 16, 2015  
Date