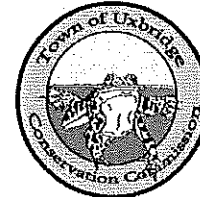


Town of Uxbridge
 Conservation Commission
 21 South Main Street
 Uxbridge, MA 01569
 508-278-8600 x 2020



Conservation Commission Meeting Minutes
 Monday, November 16, 2015
 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: Chairman Patrick Hannon, Treasure/Vice Chair Jim Hogan, Clerk Jeffrey Shaw, Members Russell Holden and Mike Potaski and Melissa Dillon, Conservation Administrator

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), DEP #312-1007**, 12 Douglas Street (Map 24A, Parcel 847, 762, 768)
 Applicant: 3P Properties LLC Representative: Land Planning, Inc.
 Project Description: Replacement and relocation of an existing culvert and filling of the old culvert within the 200' Riverfront Area buffer zone.
 - o Discussion: Norman Hill from Land Planning, Inc., on behalf of the Applicant, accompanied by one of the owners Dirk Koopman, explained that they expected to do the work next July or August when the stream is as dry as it can be. Since it is a perennial stream they may have to work on the culvert in sections and will have to dam and pump the stream if it is running. This will prevent erosion and sediment from running downstream. There has been no changes in the plans since the last time they came before the Commission. The Applicant and Representative is willing to submit the plan to Graves Engineering for a peer review in order to move forward with the Commission. The Peer Review will be to make sure that the plans comply with the Wetlands Protection Act. DEP would like that the Commission and the Applicant work it out since they have had many cuts recent. DEP also agreed to waive all filling fees. The Commission and the Applicant agreed to do a peer review and a check in the amount of \$2,000 was given the Commission.
 - o **MOTION: I, Mr. Hogan, move that the Public Hearing be continued in agreement with the representative until the scheduled meeting on December 21, 2015. Seconded by Mr. Shaw, the motion carried 4-0-0. Mr. Holden abstained from the vote.**

2. **NOTICE OF INTENT (NOI), DEP #312-1004**, Off Rogerson Crossing (Map 12B, Parcel 3768) *Continued from 11/02/2015*
 Applicant: Rogerson Crossing Realty Trust Representative: Andrews Survey & Engineering
 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 Bordering Vegetated Wetlands (BVW)
 - o Discussion: Stephen O'Connell, Andrews Survey & Engineering, Inc., on behalf of the Applicant, will give the revised plans to Graves now that the engineer is back from vacation and will hopefully have more for the next meeting.
 - o **MOTION: I, Mr. Hogan, move that the Public Hearing be continue in agreement with the representative until the next regularly scheduled meeting. Seconded by Mr. Potaski, the motion carried 5-0-0.**

3. **NOTICE OF INTENT (NOI), DEP #312-1003**, 189 Mendon St. (Assessor's Map 19, Parcel 3753) *Continued from 11/02/2015*
 Applicant: Clean Energy Collective Representative: Andrews Survey & Engineering, Inc.
 Project Description: Construction of 1.1 MW(ac) large-scale ground mounted solar electric generating facility within the 100' buffer to a BVW
 - o Discussion: Stephen O'Connell, Andrews Survey & Engineering, Inc., on behalf of the Applicant, received the new soil sample testing results and had forwarded to the Commission prior to the meeting. Results show that subsequent testing finds that the chromium levels of all kinds are below reporting levels.

Conservation Commission Meeting Minutes continued - Monday, November 16, 2015

Planning Board has approved the plans and Joe Bellino from DEP has told Mr. O'Connell that there is nothing that should be holding the Commission back from issuing a new Order of Conditions. Certificate of Compliance for 312-842 from DEP is currently in the process and awaiting a response. Certificate of Compliance from 312-592 was never recorded but thought to have been issued.

- **MOTION: I, Mr. Hogan, move that the Conservation Commission order an Order of Conditions with Uxbridge Standard Special Conditions. Seconded by Mr. Potaski, the motion carried 5-0-0.**

4. **NOTICE OF INTENT (NOI), DEP #312-1005, 79 River Rd. (Assessor's Map 45, Parcel 1345) Continued from 11/02/2015**

Applicant: Bedrock Crossing, LLC

Representative: Andrews Survey & Engineering, Inc.

Project Description: Proposed expansion of outside storage area and associated work within isolated land subject to flooding

- Discussion: Stephen O'Connell, Andrews Survey & Engineering, Inc., on behalf of the Applicant, stated that he tried to make contact with Gary Dulmaine from DEP to address his concerns about the property and to conduct a site visit. Mr. Dulmaine told the Commission and Mr. O'Connell that DEP was not going to conduct a site walk and the Commission could go ahead as they saw fit. DEP could appeal if they did not agree with the Commission's decision. The Commission has never seen the flow that the pictures from Mr. Dulmaine show. The Commission and Mr. O'Connell believe that the water flow shown may be from the road opposite the site. If the wetland was connected to the 'intermittent stream' then it would change from the Isolated Wetlands and would then contain a buffer zone. This would cause DEP to require many things with the pipe and the buffer zones. Since the DEP will not come out to do a site visit the Commission believes that ordering an Order of Conditions is the right path to take since they do not believe that it is an intermittent stream. If DEP does not approve then they will issue an appeal and will do a site walk if an appeal is issued.
- **MOTION: I, Mr. Potaski, move that the Conservation Commission order an Order of Conditions with Uxbridge Standard Special Conditions. Seconded by Mr. Hogan, the motion carried 5-0-0.**

WETLAND UPDATES/ISSUES

1. Request for Extension of Order of Conditions (DEP #312-945)

- Blackstone River Greenway Project, Phase 1
- Discussion: Has not expired and is within the 30 days necessary to issue an extension.
- **MOTION: I, Mr. Potaski, move that the Conservation Commission issue a 3 year Extension of Order of Conditions. Seconded by Mr. Shaw, the motion carried 5-0-0.**

2. Beaver Issue-removal of the dam

- 105 Blackstone Street
- Discussion: DPW has found a beaver dam on Blackstone Street. Board of Health issued a special permit to remove the beavers. DPW is concerned with how much water is being held upstream and will probably have to wait until the water and ground has frozen.

3. Request for Certificate of Compliance (DEP #312-987)

- 30 Bentley Drive (Lot 6)
- Discussion: Pat Hannon did a site visit and saw that the grass has grown in. Mr. Hogan had done a previous site visit and the grass had not been grown in.
- **MOTION: I, Mr. Shaw, move that the Conservation Commission issue a Certificate of Compliance. Seconded by Mr. Hogan, the motion carried 5-0-0.**

4. Inspection Report (DEP #312-984)

- Discussion: Mr. Holden stated that there is a lot of water that is flowing at the site and down the road. A homeowner says that there is more water flowing more than there was previous to any work and floods the owner across the street. A Certificate of Compliance has been issued for the house but not the road. The hay bales around the drainage are prohibiting the water from getting to the drains and thus creating the excess water. Mr. Hannon expressed interest in having the engineer attend the next meeting to explain their schedule and when they would be asking for a Certificate of Compliance since they have received a complaint of the flooding in a neighboring home.

5. Discussion of Peer Review for Conestoga and Saratoga Dr.

- Discussion: Enforcement Order has not been issued since that is what the Commission decided to do in order to complete the work. The Commission is waiting on comments from DPW on if they can comply with the Operation and Maintenance Plan

REPORTED/ONGOING VIOLATIONS

1. Fast Pitch continuing violations (DEP #312-936)

Conservation Commission Meeting Minutes continued - Monday, November 16, 2015

- Discussion: Decided to table the discussion as the engineer was not present.
- 2. 28 Ironstone Rd. continuing violations
 - Discussion: Owner wanted to know if they could take the stone wall down. The Commission agreed that the stone wall should stay because it is holding back sedimentation and that they should only be taking out debris and seeding the property to stabilize the property.
- 3. Providence and Worcester Rail Road continuing violations
 - Discussion: No update
- 4. 50 Douglas Street-new driveway paved
 - Discussion: The pavement is connected by a small walkway between the two properties. Mr. Hannon saw someone parking at the house and walk over to the other property because of the full parking lot. Enforcement Order that was issued at last meeting will be sent out and ratified at the next meeting for 40 Douglas for the contiguous paving into 50 Douglas, thus in violation.
- 5. 836 Aldrich Street
 - Discussion: Commissioners met with the engineers on the previous Saturday for a site visit. Engineers decided to do extra wetlands delineation and clean up to create a better plan. Removal of the trash and debris will be the most costly part of the project. Mr. Hannon proposes that there may be a part on her land out of the buffer zone where she can relocate the material if they take the trash out of it.
- 6. 4 Albee Road (DEP #312-971)
 - Discussion: Mr. Sanchez called again about the silt fence. DCR is not responding to e-mails sent by the Administrator. Silt fences are technically not supposed to be down because there is no Certificate of Compliance for the project. The silt fence was put in when they did exploratory boring holes. Mr. Hogan proposed that we reach out to the owner of the house to remove the silt fence if possible without going onto the neighboring property. The Commission has decided to reach out to the owner and see if the work is completed and a Certificate of Compliance can be requested so the silt fence can come down.
- 7. Return conversation to Fast Pitch
 - Mike Yerka, the Civil Site Engineer, is representing the owners for the property. The engineer believes that the Permit Extension Act extends to the Notice of Intent and Order of Conditions, allowing it to be extended another 4 years starting in March 2015. The Commission will look into if it applies to this case. The silt fences on the property are falling down and DCR has come to the Commission asking for plans to see if they had cut into state land. During excavation they did use some of the state's land, but nothing was destroyed and they are not building into the property. Mr. Hannon brought up that he believed there used to be an issue with the number of trees cut down and the limit of work. When the owners are ready to start work then contact the Commission so that they can conduct a site visit. The Commission is concerned with the sedimentation that is coming down the street and overloading the erosion controls.
- 8. Pout Pond
 - Discussion: A site walk was conducted by Mr. Hannon, Mr. Hogan, and Mr. Shaw and was able to look at the building. It did not look as bad as expected but brings up the question who would pay for the repairs. The roof looks as if it is going to fall down and the porch is rotted but the inside has been redone recently. Mr. Hannon expressed that it could be dangerous to get it on the Historical list with repairs since you need to use the same materials on the outside of the building. Instead of making it a place to rent it could be used as a meeting place and it require less work. The Recreation Committee needs to inform the Conservation Commission about their plans with the building.
- 9. 201 & 209 River Road
 - The Commission left off on how to word the Enforcement Order and submit a Restoration Plan. Judy Schmitz left advice on how to proceed forward with an Enforcement Order. Mr. Hannon found that some of the trees that were cut down may have been on town property.

PROCESSING

- 1. Endorse Meeting Minutes- 6/15, 7/7, 7/20, 8/3, 10/5, 10/19, 11/2
 - **MOTION: I, Mr. Potaski, move that the Conservation Commission approve the June 15, 2015 meeting minutes. Seconded by Mr. Hogan, the motion carried 5-0-0.**
 - **MOTION: I, Mr. Potaski, move that the Conservation Commission approve the June 29, 2015, 2015 meeting minutes. Seconded by Mr. Hogan, the motion carried 5-0-0.**
 - **MOTION: I, Mr. Potaski, move that the Conservation Commission approve the July 7, 2015 meeting minutes. Seconded by Mr. Holden, the motion carried 5-0-0.**
 - **MOTION: I, Mr. Potaski, move that the Conservation Commission approve the July 20, 2015 meeting minutes. Seconded by Mr. Hogan, the motion carried 5-0-0.**
 - **MOTION: I, Mr. Potaski, move that the Conservation Commission approve the August 3, 2015 meeting minutes. Seconded by Mr. Shaw, the motion carried 5-0-0.**

Conservation Commission Meeting Minutes continued - Monday, November 16, 2015

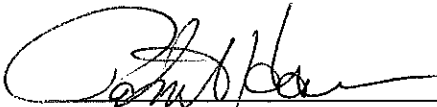
- MOTION: I, Mr. Potaski, move that the Conservation Commission approve the October 5, 2015 meeting minutes. Seconded by Mr. Shaw, the motion carried 5-0-0.
 - MOTION: I, Mr. Potaski, move that the Conservation Commission approve the October 19, 2015 meeting minutes. Seconded by Mr. Shaw, the motion carried 5-0-0.
 - MOTION: I, Mr. Potaski, move that the Conservation Commission approve the November 2, 2015 meeting minutes. Seconded by Mr. Shaw, the motion carried 5-0-0.
2. Endorse new copy of Extension of Order of Conditions for Rod & Gun Club
- Mr. Potaski abstained
3. 12 Douglas
- DEP waived fees because DEP wanted the applicant to work with the Commission to move forward. The Commission wants the engineer to send the plans to the engineer himself and to get written proof that fees are waived.

ANY OTHER BUSINESS WHICH MAY LAWFULLY COME BEFORE THE CONSERVATION COMMISSION

1. Mr. Hannon brought up the varying cut zones within this town and surrounding towns. Mr. Hanon believes that maybe a bigger setback would be beneficial. Mr. Hogan is worried that we cannot enforcement that without a wetland bylaw.

At approximately 8:20 pm, MOTION by Mr. Holden that the Commission adjourn the meeting and enter into Executive Session. Seconded by Mr. Potaski, the motion carried unanimously by roll call vote, Potaski – aye, Holden – aye, Hannon – aye.

Respectfully submitted,
Melissa Dillon



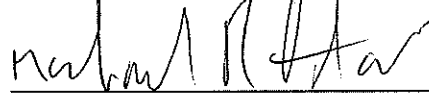
Patrick Hannon, Chairman



Jim Hogan, Vice Chair/Treasurer



Russell Holden, Member



Michael Potaski, Member

Jeffrey Shaw, Clerk

January 4, 2016

Date