

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



Conservation Commission Meeting Minutes  
 Monday, April 4, 2016  
 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, Treasurer/Vice Chair Jim Hogan, Secretary Jeff Shaw, Members Russell Holden, Lauren Steele, Dale Bangma and Melissa Dillon-Conservation Administrator

It being 6:40 pm, the meeting being properly posted, duly called and a quorum being present, the meeting was called to order by the Chair.

The Commission would like to welcome their new member Dale Bangma.

## PUBLIC HEARINGS

1. **Notice of Intent (NOI), DEP #312-10XX**, 500 East Hartford Ave (Map 7, Parcel 2424)  
 Applicant: Stephen P. Benoit Representative: Andrews Survey & Engineering  
 Project Description: Construction of a single family home with associated earthwork, paving, and utilities including a septic system within the 100' Buffer Zone to a Bordering Vegetated Wetland.
  - o Discussion: Steve O'Connell, on behalf of the applicant, discussed the location and present state of the lot. It is an undeveloped lot which contains a Bordering Vegetated Wetland in the southwestern corner of the lot and an Isolated Wetlands towards the north that does not contain a Buffer Zone. The septic and majority of the driveway will be in the Buffer Zone. The septic system will be completely in the ground, which allows no excess grading. Plans showing the erosion controls were submitted to the Commission as previous plan did not show them. No DEP file number has issued and have not heard from MESA about the endangered species. The driveway will create no new disturbance within the Buffer Zone as there is an existing path. Mr. Holden asked why the septic cannot be moved out of the Buffer. It is stated that the location of the septic is the most conducive based off of the topography.
  - o **MOTION: I, Mr. Hogan, move that we continue the Public Hearing until the next scheduled meeting. Seconded by Mr. Shaw, the motion carried 6-0-0.**
  
2. **Request for Determination of Applicability (RDA)**, 374 Chestnut Street (Map 50, Parcel 1039)  
 Applicant: Shawn Sokoloski Representative: Andrews Survey & Engineering  
 Project Description: Addition to an existing dwelling within the 100' Buffer Zone.
  - o Discussion: Steve O'Connell, on behalf of the applicant, discusses the aerial map of the property. None of the cars and debris shown in the picture of there currently. All of the work will occur within established lawn and no extra disturbance will occur. The Commission would like the limit of work to be outlined and the erosion control barrier to in front of the large boulder. No stockpiling shall occur within the Buffer Zone and will be placed in the front yard. The Commission would like to inspect the erosion controls before and after the work is completed.
  - o **MOTION: I, Mr. Shaw, move that we issue a Negative Determination with the conditions of 1. A 12" compost tube will be placed in front of the rock around the limit of work 2. Erosion controls will be inspected prior to construction 3. A final inspection will occur after work has been completed 4. No additional vegetation is to be disturbed 5. No stockpiling within the Buffer Zone 6. Limit of work is as discussed. Seconded by Mr. Hogan, the motion carried 6-0-0.**
  
3. **Request for Determination of Applicability (RDA)**, P&W Right-of-Way  
 Applicant: TEC Associates  
 Project Description: Vegetation control along the right-of-way in accordance with the guidelines set forth in the Massachusetts Rights-of-Way Management Regulations.

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- Discussion: No update from Representative and no one present at meeting. Waiting on update for site visit.
- **MOTION: I, Mr. Hogan, move that we continue the Public Hearing until the next regularly scheduled meeting to conduct a site visit. Seconded by Mr. Shaw, the motion carried 6-0-0.**

**\*\*\*MOTION: I, Mr. Hogan, move that we take Update from Pout Pond out of order to be discussed now. Seconded by Mr. Shaw, the motion carried 6-0-0.**

1. Update from Pout Pond Committee

- Discussion: A brief overview of on goings at Pout Pond was given to the Commission. Pout Pond is looking to get a Work Camper for the summer in order to help with the upkeep of the Pond, beach, bathrooms, and trails along with being a constant presence if there is an issue. They are looking to seek approval from the Town Manager for this Work Camper and that they are covered by the town's insurance. Last year the Committee charged a fee for both walk-ins and parking as people were parking on the street and walking in to avoid the fee. An issue that the Committee brought up is the extensive ATV use on Legg Farm and would like to try and have this issue addressed. The cottage was brought up as something needs to be done to address the deteriorating structure. The Commission would like to have the Building Inspector to come out and look at the cottage and the foundation. A plan for the parking lot needs to be submitted to the Commission with the complete layout of work in order to move forward with re-paving the parking lot. Washed sand should be placed on the beach instead of others so that when it washes it way it does not cause future contamination. The Commission would like to be included on future issues and decisions regarding Pout Pond as the Commission is ultimately in charge of Pout Pond.

**\*\*\*The Commission resumed the Public Hearings.**

4. **Notice of Intent (NOI), DEP #312-1012, Rogerson Commons (21B/C, Parcel 3768 & 4455)**

Applicant: Rogerson Crossing Realty Trust

Representative: Andrews Survey & Engineering

Project Description: Construction of 66 Townhouse units previously approved to duplex-style units within the Buffer Zone to Bordering Vegetated Wetlands and associated waterways.

- Discussion: Steve O'Connell, on behalf of the applicant, discusses the peer review letter from Ecotec regarding the degraded Riverfront. Mr. O'Connell does not agree with the statement that there is a significant amount of topsoil which indicates that the area is not degraded. The test pits that were taken for the review were taken next to the tree line and relatively close together. Mr. O'Connell does not feel like it was a fair evaluation of the site to determine the degradation of the Riverfront. Mr. Hannon also disagrees with Ecotec's evaluation of the topsoil. More ground control is needed around the site so that the contractors know where the Buffer Zone lies and where not to work. Work was conducted in a small corner of the 100' Buffer. A stockpile was placed with erosion controls around it within the Buffer and the contractor ceased work when it was noted they were within the Buffer. Signs will be placed around the property in order to make anyone aware of the resource areas in order to prevent pollution. Mr. Holden believes that the site is more of a mix of degraded areas and areas with viable topsoil. The Commission would like to walk the site and look at soil samples to determine degradation. A site visit was set for Wednesday April 13<sup>th</sup> at 5pm.
- **MOTION: I, Mr. Hogan, move that we continue the Public Hearing until the regularly scheduled meeting. Seconded by Mr. Bangma, the motion carried 6-0-0.**

5. **Notice of Intent (NOI), DEP#312-1013, 255 Chocolog Road-Cobbler's Knoll (Map 39, Parcel 4254)**

Applicant: FIKOW, LLC

Representative: Andrews Survey & Engineering

Project Description: Construction of 52 single-family residential building lots and associated grading within the Buffer Zone of Bordering Vegetated Wetlands.

- Discussion: Steve O'Connell, on behalf of the applicant, discusses with the Commission about the new proposed plan with the address of an emergency exit using a compacted gravel road and breakaway gate. The fire chief did discuss at the Planning Board meeting about the new plan and could agree to this with the access road and additional cistern. The adjacent wetlands off the property are not within the 100' of the work being done on the site. Most of the comments given from DEP seem irrelevant to this project because of the plan change or are being done separately. Mr. Healy, an abutter to the property, talks about how himself and his neighbors approve of the new plan. Mr. Healy addresses his want for a Homeowner's Association to deal with the oil separators and upkeep of trails. When the project was

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initially proposed the Commission or its agent expressed interest in taking controls of the conservation land on the property as stated in a letter from Kristin Black. Andrews will be proposing their new plans to the Planning Board at the next meeting but the owner is not interested in a Homeowner's Association but could possibly create a start-up fund to take care of the separator units.

- **MOTION: I, Mr. Hogan, move that we continue the Public Hearing until the next regularly scheduled meeting. Seconded by Mr. Shaw, the motion carried 6-0-0.**

6. **Notice of Intent (NOI), DEP #312-100X, 68 Henry Street (Map 20, Parcel 2517)**

Applicant: Countryside Associates, LLC

Representative: Andrews Survey & Engineering

Project Description: Construction of 12 townhouses with associated paving, landscaping, utilities, and earthwork within the 200' Riverfront Buffer Zone

- Discussion: Mr. O'Connell, on behalf of the applicant, would like to continue to the next meeting in order to procure the wetland filing fees. The checks arrived at Andrews on Friday and will disperse the money when the checks are cleared and made.
- **MOTION: I, Mr. Hogan move that we continue the Public Hearing until the next regularly scheduled meeting. Seconded by Mr. Shaw, the motion carried 6-0-0.**

7. **Notice of Intent (NOI), DEP #312-1006 Flagg RV-865 Quaker Highway (Map 50, Parcel 4024)**

Applicant: Steve Flagg

Representative: Heritage Design Group

Project Description: Completion of the Stormwater management system for a commercial RV sales facility within a Buffer Zone

- Discussion: Lance Anderson, on behalf of the applicant, submitted the newest as-built that showed the whole site and to the same scale as the approved plan. As discussed previously the site was built larger than approved by a matter of about 1.5 acres. Mr. Anderson needs the advice of the Commission on how to move forward because the stormwater system proposed does not capture all the new water that is to be dealt with on the site. There are still campers parked within the Buffer and stockpiles that were supposed to be removed. The Commission considers denying the Notice of Intent because of the extent of building and pavement that is now on the site and the previous Order of Conditions being violated and still open. A site walk of the whole property will be done in order to determine how to move forward
- **MOTION: I, Mr. Holden, move that we deny the Notice of Intent due to a previous and open Order of Conditions that was not built in compliance with excessive impervious surfaces and additional structures. Seconded by Mr. Hogan, the motion carried 6-0-0.**

**WETLAND UPDATES/ISSUES**

1. Tyvek Suits

- Discussion: Mr. Hannon is going to look into possibly getting Tyvek suits to help with ticks. The Commission will look further into possibly getting some.

2. 290 Millville Road

- Discussion: The town is helping out the new owner of the property in dealing with the violations that the previous owner is still committing. Mr. Hannon and Mr. Shaw went to the site to evaluate and found that it was not as bad as others say. There is no hazardous waste that is leaking into the river.

3. 142 South Street

- Discussion: The owner of the property is said to be running a commercial compost business next to Bacon Brooke. A letter will be sent to the owner asking them to come to the next meeting to talk about the violations.

4. Balm of Life Road

- Discussion: Mr. Marchand is said to be burying shingles on the property along with other violations. A letter will be sent to the owner asking them to come to the next meeting to talk about the violations.

5. Kevin Gallo's Property

- Discussion: Has not completed the restoration plan that was submitted and approved by the Commission. A letter will be sent to the owner asking them to come to the next meeting to talk about the restoration plan.

6. Wood Chips

- Discussion: There are several properties around town, including one on Mill Street that has an abundance of wood chips.

7. Tree Cutting at 77 Albee Road

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- Discussion: Anonymous compliant to Mr. Holden that there were tree cuttings on 77 Albee in a potential wetland. There does not appear to be any wetlands on or near the property. There was no disturbance and all soil is cleaned up. The Commission could take another look but it does not appear to be a violation.
- 8. Request for CoC 283 Aldrich
  - Discussion: Paul Hutnak, on behalf of the applicant, submitted a letter certifying that the section of driveway within the Buffer Zone is and approved by the Commission was built in substantial compliance. The Commission will do a site visit to confirm for their records that everything was built in accordance to the Order of Conditions.
- 9. Erosion Control Inspection-8 Arapaho Lane
  - Discussion: Mr. Hannon and the administrator will conduct a site visit when 283 Aldrich is done and report back to the Commission.
- 10. Mountainview Road
  - Discussion: Erosion controls have been fixed and the plunge pool is currently filled with silt.

**REPORTED/ONGOING VIOLATIONS**

- 1. Beaver Dam-Amy Lane
  - Discussion: Mr. Shaw went past the property and found that there was a beaver dam, and the water did seem to have risen but it has not caused any damage to the property. The administrator will contact the owner to state that there is nothing the Commission can do as it is not endangering the wetlands.
- 2. Forest Cutting Plan-High Street
  - Discussion: The administrator will contact Guy LaChance about questions regarding additional resource areas and that the parcel is technically two lots.

**PROCESSING**

- 1. Meeting Minutes-3/21
  - **MOTION: I, Mr. Shaw, move to approve the minutes as written. Seconded by Mr. Hogan, the motion carried 5-0-0. Mr. Bangma abstained.**


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

At approximately 10:00 pm, MOTION by Mr. Hogan that the Commission adjourn the meeting. Seconded by Mr. Shaw, the motion carried 6-0-0.

Respectfully submitted,  
Melissa Dillon


  
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Patrick Hannon, Chairman

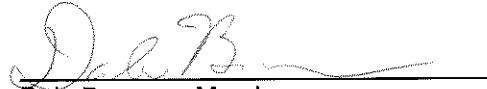
  
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Jim Hogan, Vice Chair/Treasurer

  
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Jeffrey Shaw, Clerk

April 19, 2016  
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Date

  
\_\_\_\_\_  
Russell Holden, Member

  
\_\_\_\_\_  
Lauren Steele, Member

  
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Dale Bangma, Member