

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

AUG 22 '16 AM 11:13



Received by
 Uxbridge
 Town Clerk

Conservation Commission Meeting Minutes
 Monday, August 1, 2016
 Board of Selectman's Room, Uxbridge Town Hall

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 Lauren Steele, Russ Holden, Dale Bangma & Andrew Gorman and Melissa Dillon-Conservation Administrator

Absent: None

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

****I, Mr. Hogan, move that we take 0 Old Elmdale out of order and be heard now. Seconded by Mr. Shaw, the motion carried 7-0-0.****

1. **Notice of Intent (NOI), 0 Old Elmdale Road (Map 25, Parcel 3979)**
 Applicant: Aris Group, LLC Representative: Andrews Survey & Engineering
 Project Description: Construction of an access road to the site off an existing gravel road and earth removal within Riverfront Area
 - o Discussion: Applicant wishes to continue as no information can be presented
 - o **MOTION: I, Mr. Hogan, move that we continue the Public Hearing to the next scheduled meeting. Seconded by Mr. Shaw, the motion carried 7-0-0.**

2. **Request for Determination of Applicability (RDA), 26 Maple Street (Map 12D, Parcel 1152)**
 Applicant: Christine Karter
 Project Description: Replacement of existing deck and addition of surrounding screen house within 100' to James Whitin Pond
 - o Discussion: All work will be done in existing lawn area with the new deck extending a couple feet farther than the existing one. The deck will still be behind the end of the house and existing sonotubes will remain. The Commission requests that all stockpiles will be placed in the driveway on the tar and it covered with a tarp by the end of the day. A compost sok is to be placed in a horseshoe around the work and back of the house and inspected prior to work beginning.
 - o **MOTION: I, Mr. Holden, move that we issue a Negative Determination with the special conditions of 1. Existing sonotubes remain in place 2. Soil stockpiles are to be placed on the driveway on the tar and covered by the end of the day 3. A 6" compost sock is to be placed in the approved location and 4. Erosion controls are to be inspected prior to work. Seconded by Mr. Shaw, the motion carried 7-0-0.**

3. **Request for Determination of Applicability (RDA), 70 West River Road (Map 13, Parcel 4877)**
 Applicant: Pout Pond Recreation Committee
 Project Description: Placement of an underground electrical line to provide power for entertainment purposes
 - o Discussion: An after the fact RDA to determine if the electrical line placed is within the jurisdiction of the Commission. A 4" wide trench was dug to place the line and work has already been completed.
 - o **MOTION: I, Mr. Shaw, move that we issue a Negative Determination. Seconded by Mr. Hogan, the motion carried 6-0-0. Mr. Holden abstained.**

4. **Amended Notice of Intent (NOI), 12 Douglas Street (Map 24A, Parcels 847, 762, 768)**
 Applicant: Dirk Koopman

Conservation Commission Meeting Minutes continued – Monday, August 1, 2016

- Project Description: Repairing parts of the failed culvert by using gunite and the previously approved de-watering plan
- o Discussion: Andy Leonard explains of how they will be spraying the gunite on the inside of the culvert as it is much less intrusive than the previously approved plan. They will be using the dewatering plan that was approved for the little water that is running through the culvert. The Commission expressed concern with the dry material getting on the ground and then into the waterway once the water flows through again. It was requested that some sort of tarp or material is laid on the ground in order to gather any fallen material instead of it being handpicked out of the rubble. The Commission would like to see the pH and MSDS for the material that will be sprayed in the culvert.
 - o **MOTION: I, Mr. Hogan, move that we continue the Public Hearing until the next scheduled meeting for more information. Seconded by Mr. Shaw, the motion carried 7-0-0.**

Mr. Hannon recused himself from the meeting

5. **Request for Determination of Applicability (RDA)**, 183 & 197 Providence Street (Map 51, Parcels 2052 & 1244)
Applicant: ZPT Energy Solutions, LLC Representative: LEC Environmental Consultants
Project Description: Construction of a 3-megawatt photo-voltaic solar array and associated infrastructure
- o Discussion: A brief overview was given of the project and condition of the site along with other projects also being conducted. Commissioners visited the site on July 29th and saw the narrow BVW and intermittent stream and work is around or more than 112 feet away from the resource area. No work will occur within the resource area and buffer zones. Mr. Holden questions if there is an additional wetland that may be jurisdictional by the second array but Commissioners found no such presence at the site visit and on any GIS maps. A compost sock was determined not to be necessary as there is a thick forested area and erosion controls will be installed around the limit of work.
 - o **MOTION: I, Mr. Holden, move that we issue a Negative Determination. Seconded by Mr. Shaw, the motion carried 6-0-0.**

Mr. Hannon rejoined the meeting

6. **Notice of Intent (NOI)**, 350 North Main Street (Map 12D, Parcel 1174)
Applicant: Dokkum Realty, Inc. Representative: Heritage Design Group
Project Description: Demolition of two existing structures and foundation with regrading using compacted gravel within the Riverfront
- o Discussion: Mr. Bazzett, on behalf of the applicant, gives a brief overview of the project and condition of the site. This project is to remove the existing foundations and regrade the site. There will be no grade change on the site and material on site will be used to fill in excavated holes. If necessary compacted gravel will be trucked in to provide extra material. The wetlands were said to have been flagged last in 2002. The Commission agreed that the wetlands should be reflagged. There are two NOIs filed to address the Enforcement Orders and violations. The basement is said to be fieldstone and Mr. Holden questions why they will be removing them. If the foundations are fieldstone, then they may just be filled in instead of completely removed. A site visit is set for August 12th at 6pm.
 - o **MOTION: I, Mr. Hogan, move that we continue the Public Hearing until the next scheduled meeting. Seconded by Mr. Shaw, the motion carried 7-0-0.**
7. **Notice of Intent (NOI)**, 410 & 350 North Main Street (Map 12D, Parcels 1174 & 0281)
Applicant: Dokkum Realty Representative: Heritage Design Group
Project Description: Removal of debris and fill from Buffer Zone and Riverfront Area to restore the resource areas and associated buffers
- o Discussion: Mr. Bazzett, explains the nature of the project and how they will be removing the debris. They will be handpicking debris out of the resource areas. There seems to be mostly construction debris and general material that has gathered over time.
 - o **MOTION: I, Mr. Hogan, move that we continue the Public Hearing until the next scheduled meeting. Seconded by Mr. Gorman, the motion carried 7-0-0.**

Mr. Bangma recused himself from the meeting

8. **Notice of Intent (NOI)**, 748 West Street (Map 37, Parcel APO 4382)
Applicant: Keith Bangma-Quarry Hill Development Representative: Andrews Survey & Engineering

Conservation Commission Meeting Minutes continued – Monday, August 1, 2016

Project Description: Construction of a single family home with associated septic system, utilities, earthwork, and landscaping within the Buffer Zone to a Bordering Vegetated Wetland

- o Discussion: Mr. O'Connell, on behalf of the applicant, gives a brief overview of the project and asks for any additional questions from the Commission. A site walk was conducted on the property and questions were raised about wetland flags 33 & 34 and it was determined that those flags were placed by a soil determination. Another question was raised about the asterisks, which was explained to be a wetland indicator, not a dominant plant.
- o **MOTION: I, Mr. Hogan, move that we close the Public Hearing. Seconded by Mr. Shaw, the motion carried 7-0-0.**
- o **MOTION: I, Mr. Hogan, move that we issue an Order of Conditions with the Uxbridge Standard Special Conditions with the addition of construction fence as noted. Seconded by Mr. Gorman, the motion carried 7-0-0.**

Mr. Bangma rejoined the meeting

9. **Notice of Intent (NOI), 0 & 404 Douglas Street-Forest Glen Estates (Map 23, Parcels 3829, 4435 & 4793)**

Applicant: Louis Desruisseau

Representative: Andrews Survey & Engineering

Project Description: Construction of 44-unit age-restricted residential development, including the construction of roads, drives, dwelling units, utilities, and grading

- o Discussion: Mr. O'Connell, on behalf of the applicant, gives a brief background on the project. This is a previously approved project and has since expired without a request for renewal. A site walk was conducted with the Commissioners and no questions were raised. An old review from Graves Engineering was given to the Commissioners acknowledging all change requests were made and that it should meet Stormwater Standards. A DEP file number has not yet been issued. Mr. Holden requests the Uxbridge Standard Conditions relating to the replication area-Mr. O'Connell agrees that these standards can be met at this time. Mr. Holden questions the erosion controls around the site; Mr. O'Connell explains the use of silt fences and waddles at different areas on the site. The Commission and applicant would like to continue Public Hearing until the next meeting to wait for DEP number and any comments.
- o **MOTION: I, Mr. Holden, move that we continue the Public Hearing until the next scheduled meeting. Seconded by Mr. Hogan, the motion carried 7-0-0.**

10. **Notice of Intent (NOI), DEP #312-1019, 424 Mendon Street (Map 14, Parcel 4215)**

Applicant: SAJO Realty Nominee Trust

Representative: Andrews Survey & Engineering

Project Description: Construction of a ground mounted solar generating facility with associated grading within the Riverfront Area

- o Discussion: Mr. O'Connell, on behalf of the applicant, gives a brief overview of the project. Mr. O'Connell explains why trees are cut to the extent planned. There have been many privacy berms and shrubbery to help create a visual buffer to the panels on adjacent streets and those driving on the road. The Commission has not been given an updated plan and will be submitted prior to the next meeting. Mr. Holden requests an explanation on how they will not exceed the 10% disturbance of the Riverfront Area (stated that Riverfront Area on the property is 190,072 square feet, they are only disturbing 16,170 square feet which is only 8.5% and all work is outside the 100 ft buffer. The Commission is concerned about the amount of tree cutting and work within the Riverfront (Mr. O'Connell rebuts that tree cutting in the Riverfront is minimal). Mr. Gorman states that the tree line has been consistent in historical issues and that the trees being cut down will be of older age and wider trunks. An alternatives analysis was done for the project and will be submitted with the updated plans. Paula Jones, an abutter, is concerned with the visual aspect as she will see the solar panels from her property. There is also a concern that while the white pines will help with visual they will grow without care and eventually will not obstruct the view. Ed Evers, an abutter, is concerned about the amount of land disturbed and what will happen to the recreation on the river by the site. The Commission will continue until the next meeting in order to receive updated plans and the alternative analysis. Mr. Shaw questions what else could be planted to help visual screening in the future when they grow. Mr. O'Connell visualizes and explains what parts of the property will be vegetated once the project is complete. Mr. O'Connell explains how there is a net decrease in runoff on the site because they are taking out the impervious pavement after Ms. Steele questions how the calculations were made for stormwater runoff. Mr. Evers questions how water will run off the panels (Mr. O'Connell explains that water runs in between the modules and beneath them and they are taken into account on the stormwater calculations as unconnected impervious surfaces).
- o **MOTION: I, Mr. Hogan, move that we continue the Public Hearing until the next scheduled meeting. Seconded by Mr. Shaw, the motion carried 7-0-0.**

****I, Mr. Shaw move that we take Mountainview Estates out of order. Seconded by Mr. Hogan, the motion carried 7-0-0.****

Mountainview Estates

- Scott Goddard, from Goddard Consulting, is here as request to provide an update to the status of things. Mr. Hannon states that he does not agree with the stormwater report and that conditions on the site are much worse than reported. Erosion controls have been flattened out, silt and sediment has washed out the road and across the street on the abutters yard. Mr. Labonte, an abutter, has been impacted by this project since it has started. He expresses his concerns about how the retention pond is not retaining water and is instead flooding his yard and how nothing has been done to fix the issue. Mr. Hannon states that it used to be thought that the final coat on the road would fix all the water issues and they have done many of the things that DEP has requested. Since the final coat has been placed on the road the water seems to have gotten worse and his yard is still being impacted by the stormwater. Mr. Goddard is unsure how the Commission is finding discrepancies as they are not hiding anything in their reports. A meeting was set for August 9th at 6:30pm to meet with the homeowner and the Commission and will report back at the next meeting.

****The Commission resumed the Public Hearings****

11. Notice of Intent (NOI), DEP #312-1016, 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, gives a brief overview of the property. DEP submitted additional comments to the Commission and that only exempt portions of the Riverfront are the portions that lie within the historic mill district. NHESP sent out their letter stating that the project would not result in a take of habitat or species. Mr. O'Connell states that he disagrees with DEP's comments and believes that the project qualifies as the historic mill district. Mr. Gorman will review the historical images to see the changes at the site to locate or see if there was a parking lot. Mr. Holden requests the alternative analysis done for 68 Henry (Mr. O'Connell states that he will submit it to the Commission).
- **MOTION: I, Mr. Hogan, move that we continue the Public Hearing until the next scheduled meeting for more information. Seconded by Mr. Shaw, the motion carried 7-0-0.**

****Mr. Hannon recused himself from the meeting****

12. Notice of Intent (NOI), DEP #312-1017, 70 Richardson Street (Map 29, Parcel APO 1355)

Applicant: TTK Real Estate, LLC

Representative: Andrews Survey & Engineering

Project Description: Proposed 15 lot Residential Subdivision with associated grading, drainage, and utilities that has portions within the Buffer Zone of a Bordering Vegetated Wetland

- Discussion: Mr. O'Connell, on behalf of the applicant, distributed the final plans for the project to the Commission and seeks the Commission's approval of the project. Graves Engineering agrees that the stormwater handbook does not use tributary or watershed and therefore will not impact the coldwater fishery. Mr. Gorman questions the amount of vegetation loss by the roadway and house lots as StreamStats has the basin listed at 61% forested. Mr. Gorman expresses his concern that clearing has been done prior to gaining permission from the Commission (Mr. O'Connell states that all the clearing is out of jurisdictional areas) and that habitat studies can now no longer be done as previously discussed because that clearing has already happened. Mr. Holden requests that the Commission agree on if this area is contributing or leading to the coldwater fishery based on Graves' response and information provided. Mr. Bangma and Hogan express their concern that they are moving backwards when they believed they were close to approving the project. Mr. Smith, applicant, states that the only change that will occur is the amount of suspended solids that will be removed depending on the coldwater fishery. Mr. O'Connell states that in the Stormwater handbook it gives the definition of 'to' as 50 feet away. Mr. Holden found reference that 'to' is direct discharge and 'near' is potentially having a significant impact. Mr. O'Connell states that it exceeds the 80% TSS removal necessary as it leaves the basin. Mr. Hogan states that he believes it does not discharge to the coldwater fishery, and the 'near' statute does not apply and agrees with Graves final recommendation that it does not need the additional pre-treatment system. Erosion controls will be installed after the clearing and tree stumps are removed outside of the Buffer Zone so that they are not destroyed. Mr. Holden concludes discussion and agrees with Graves final opinion.
- **MOTION: I, Mr. Holden, move that we issue an Order of Conditions with the Uxbridge Standard Conditions for DEP #312-1017. Seconded by Mr. Gorman, the motion carried 5-0-1. Mr. Shaw-nay.**

- **MOTION: I, Mr. Gorman, move that we lift the Enforcement Order at 70 Richardson Street. Seconded by Mr. Bangma, the motion carried 6-0-0.**

Mr. Hannon rejoined the meeting

WETLAND UPDATES/ISSUES

1. Hyde Park Circle
 - Discussion: Scott Goddard, on behalf of Faford & Guerriere & Halnon, would like to address the issues with the Building Permits and the Enforcement Orders. Questions were raised about the status of the stream and jurisdictional areas. Mr. Hannon talked with the construction supervisor, Mike, who stated that there was a Notice of Intent for this project 10 years ago. Mr. Hannon stated if this is so then it is long past expired. Mr. Hannon states that a new Notice of Intent needs to be submitted and approved if they are working in jurisdictional areas, which it is believed to be in. Faford continued to work even after the stop work order was issued and handed to them. Mr. Goddard states that if they are working under an expired Order of Conditions then it will be rectified and researched. This site and project has a history of disregarding sites and not following plans accurately. The Commission requests that a Notice of Intent is submitted to address the projects that have been expired and for any new work in jurisdictional areas. National Grid has been notified that excavation has been happening in the power lines.
 - **MOTION: I, Mr. Hogan, move that we ratify the Enforcement Order for Hyde Park Circle as a stop work Order. Seconded by Mr. Shaw, the motion carried 7-0-0.**
2. 4 Albee Road
 - Discussion: Mr. Hogan drove past the property and saw that the erosion controls have been removed.

REPORTED/ONGOING VIOLATIONS

1. 154 Pond Street
 - Discussion: Mr. Gorman and the Administrator conducted a site visit after a stop order was issued after tree clearing was reported by a neighbor. It was found that there are wetlands on the property and offsite but none of the clearing is within jurisdictional areas. It was found that there was no violation but in the future they should file an RDA and the Enforcement Order will not be ratified.
2. 370 Elmwood Ave
 - Discussion: The administrator did not find any stipulations of waiting periods that the trees needed to find. The Commission agrees with the findings.
 - **MOTION: I, Mr. Hogan, move that 370 Elmwood Ave is in substantial compliance with the Enforcement and therefore is lifted. Seconded by Mr. Shaw, the motion carried 7-0-0.**
3. 58 Rivulet Street
 - Discussion: No update from DEP or landowner. There was a bonfire happening on the property and equipment in the Buffer Zone as reported by Mr. Hogan.
4. 32 Church Street
 - Discussion: Owner has been unresponsive in coming in. Mr. Hogan drove by the site and saw concrete blocks on the edge of the wetland.
5. 142 South Street
 - Discussion: No update from DEP.
6. 9 Balm of Life Spring Road
 - Discussion: No update from DEP.

PROCESSING

1. Approve Fundamental Training expenditure
 - Discussion: Ms. Steele would like to take more classes to help complete her certificate.
 - **MOTION: I, Mr. Holden, move that we appropriate \$220 from the Wetland Filing Fees for training. Seconded by Mr. Hogan, the motion carried 6-0-0. Ms. Steele abstained.**
 - **MOTION: I, Mr. Holden, move that we appropriate \$95/person who signs up for the fall conference to be taken from the filing fees. Seconded by Mr. Hogan, the motion carried 7-0-0.**
2. Endorse Meeting Minutes 7/18
 - Discussion: Mr. Holden requests that the near or to discussion is added to the minutes on 70 Richardson Street and an opinion from Graves is requested.
 - **MOTION: I, Mr. Holden, move that we approved the meeting minutes as amended for July 18, 2016. Seconded by Mr. Shaw, the motion carried 6-0-0. Mr. Hogan abstained.**

ANY OTHER BUSINESS WHICH MAY LAWFULLY COME BEFORE THE CONSERVATION COMMISSION

1. Open Space & Recreation Plan/Committee
 - o Discussion: No update; work in progress.
2. Bylaw
 - o Discussion: Ms. Steels has made a draft of the bylaw with comments in red for the Commissioners to review before the scheduled meeting on August 29th.
3. Yearly Reorganization
 - o Discussion: Mr. Shaw nominates Jim Hogan as chair (who accepts). Mr. Holden nominates Andrew Gorman as vice-chair (who accepts). Mr. Hogan nominates Jeff Shaw as Treasure (who accepts). Mr. Hogan nominates Lauren Steele as clerk (who accepts).
 - o **MOTION: I, Mr. Shaw, nominate Jim Hogan as chair. Seconded by Mr. Hannon, the motion carried 7-0-0.**
 - o **MOTION: I, Mr. Hannon nominate Andrew Gorman as vice-chair. Seconded by Mr. Shaw, the motion carried 7-0-0.**
 - o **MOTION: I, Mr. Hogan, nominate Jeff Shaw as Treasurer. Seconded by Mr. Hannon, the motion carried 7-0-0.**
 - o **MOTION: I, Mr. Hogan, nominate Lauren Steele as Clerk. Seconded by Mr. Shaw, the motion carried 7-0-0.**

MOTION: I, Mr. Hogan, move that we adjourn. Seconded by Mr. Shaw, the motion carried 7-0-0.

ADJOURNMENT-NEXT MEETING SCHEDULED FOR MONDAY AUGUST 15, 2016


Respectfully submitted,
Melissa Dillon



Jim Hogan, Chairman

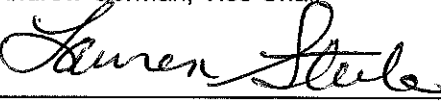


Patrick Hannon, Member



Andrew Gorman, Vice Chair

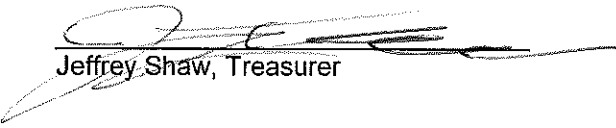
Russell Holden, Member



Lauren Steele, Clerk



Date Bangma, Member



Jeffrey Shaw, Treasurer

8/15/2016

Date