

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



Conservation Commission Meeting Minutes
 Monday, November 7, 2016
 Board of Selectman's Room, Uxbridge Town Hall

Received by
 Uxbridge
 Town Clerk

Please note some items may have been taken out of agenda order.

Present: Vice Chair Andrew Gorman, Treasurer Jeff Shaw, Clerk Lauren Steele, Members Patrick Hannon, Dale Bangma & Russ Holden, Agent Melissa Dillon

Absent: Chairman Jim Hogan

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.

1. **Notice of Intent (NOI)**, 430 Pond Street (Map 39, Parcel 499)
 Applicant: David Cavazza Representative: Land Planning, Inc.
 Project Description: Replacement of cesspool with new septic system within the Buffer Zone to a BVW and 200' Riverfront Area.
 - o Discussion: Bill Helsing provided the revised plans per the BOH recommendations for an elevation change.
 - o **MOTION: I, Mr. Hannon, move that we issue an Order of Conditions for DEP #312-1026 with the Uxbridge Standard Special Conditions. Seconded by Ms. Steele the motion carried 6-0-0.**

2. **Request for Determination of Applicability (RDA)**, Hyde Park Circle/Tea Party Drive (Map 29, Parcels 3053, 3099 & 3987)
 Applicant: Fafard Real Estate Representative: Goddard Consulting LLC
 Project Description: Determination if regrading and clearing of land for Tea Party Drive is subject to the Wetlands Protection Act
 - o Discussion: Mark Arnold with Goddard Consulting on behalf of Fafard Development provided commission members with the stamped As-Built Plan for Tea Party Drive and indicated there was no changes to the limit of work which is outside the buffer zone. He also provided photos of the detention pond showing the work done to address the concerns of the commission. There was a discussion about the erosion controls for the length of Tea Party Dr. and whether there was a Storm Water Pollution Protection Plan (SWPPP) for the site. On Oct 22. a major rain event occurred in Uxbridge and a large amount of silt and water from a berm that burst at the site ran the stream and was deposited into the bordering vegetated wetlands. Mr. Harold Klei provided photographs of the aftermath to commission members and spoke at the meeting about this event as well as past problems and violations encountered with Fafard Development. Mr. Arnold did acknowledge that upland silt reached the stream and that some cleanup is required but that he didn't feel that cleanup required Notice of Intent. The commission referenced Wetlands Protection Act CMR 10.02 (2) (d) which states in short... activities undertaken outside the area are not subject to regulation unless and until that activity alters an area subject to protection. The commission requires more information (SWPPP, clean up details, etc) prior to making a ruling on this RDA
 - o **MOTION: I, Mr. Hannon, move that we continue the RDA for further information until the next regularly scheduled meeting. Seconded by Mr. Shaw, the motion carried 6-0-0.**

WETLAND UPDATES/ISSUES

1. 95 Buffum
 - o Discussion: Mark and Lynn Brundage are seeking permission to cut down approximately 6 trees on their property within the 50' buffer zone of a wetland to install a power line right away to the house. Mr. Shaw & Mr. Hannon visited the site and noted the trees to be cut are on the edge of an extensive wetland, they are common type, fairly immature trees and did not see any reason permission should not be granted. Consideration to underground power was also explored and determined to be more intrusive and not a valid option.

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- **MOTION: I, Mr. Hannon move that the Commission authorizes the Conservation Agent to issue a tree permit. Seconded by Mr. Shaw, the motion carried 6-0-0.**
2. Mountainview Lot – 4
- Discussion: Mark Arnold, Goddard Consulting, came before the commission, as a requirement of the approved Order of Conditions, formally requesting permission to work on the culvert while the stream is dry – they are out of the construction time frame which is why he requires permission. Before further discussing Lot 4, Mr. Hannon asked about wetland violations and ongoing issues on Mountain View Lot 7. There was a breach of the erosion control and the plunge pool during the 10/22 rain event. There was some debate as to whether the current plunge pool is effective in managing the storm water. Mr. Arnold will take another look at the design week with the contractor and engineer and make recommendation. Mr. Arnold reviewed the plans of the work they would like to do right now on Lot 4 but did not have a timeline and construction detail, equipment being used.
 - **MOTION: I, Mr. Hannon, move we continue to the next meeting until more information and detail is provided. Seconded by Mr. Bangma, the motion carried 6-0-0.**
3. Cobbler's Knoll
- Discussion: Ms. Dillon attended a pre-construction meeting on 11/7. Trees have been cut and road cut in. Related to conservation, Ms. Dillon requested the dep sign be moved closer to the street, erosion controls fixed and inspected by the commission, and contact information for everyone doing the work be provided to the commission. The plan is that the agent will inspect once installed

REPORTED/ONGOING VIOLATIONS

1. Rogerson Crossing
- Discussion: Representatives Stephen O'Connell, Andrews Survey and Engineering, on behalf of Rogerson Crossing Realty Trust, David Crossman, B&C Associates Wetlands Scientist, and Chad Boardman, Eastman Partners attended to discuss Enforcement Orders issued on site. During the rain event on 10/22 several areas were in Violation of the Order of Conditions. Commission members and the Conservation Agent have been to the site and are being kept informed and involved in clean-up efforts. First was a breach of a silt barrier by the bridge abutment and sediment was carried down into the Mumford River. Another problem was a large stock pile of topsoil that led to a breach of erosion barriers along the slope. There was also an issue at the railroad crossing where work was being completed on the water line. Mr. O'Connell described the clean-up and remediation efforts in all areas. Additionally, Mr. O'Connell requested approval from the commission to install measures taken to prevent happening again. Mr. Hannon requested weekly erosion control inspection update to our Agent. Mr. Boardman and Mr. Crossman also summarized the issues and provided updates from their perspective standpoints.
 - **MOTION: I, Mr. Hannon, make a motion to ratify the Enforcement Orders for the restoration work dated 10/26/2016. Seconded by Mr. Shaw, the motion carried 6-0-0**
 - **MOTION II: I Mr. Hannon, make a motion to not ratify the Enforcement Order for the erosion controls issued 10/31/2016. Seconded by Mr. Shaw, the motion carried 6-0-0.**
 - **MOTION III: I, Mr. Hannon move to approve the installation of a 12' filter sock. Seconded by Mr. Shaw, the motion carried 6-0-0.**
 - **MOTION IV: I, Mr. Hannon, move that the contractor contract the agent with plans to remove tree. Seconded by Mr. Shaw, the motion carried 6-0-0.**
2. Crownshield (Hyde Park)
- Discussion: The commission discussed Enforcement Action options such as, Administrative Search Warrants, Criminal Wetlands Act Complaints as options on dealing with violations. There was a discussion about problems at this site after the 10/22 rain event. Mr. Klei provided some additional information on past violations and NOIs.
3. 836 Aldrich Street
- Discussion: Mr. Hannon attended pre-construction meeting. DJ Salmon is the contractor. Looks like everything is under control. Work has already started and the wetlands scientist will be on site.
4. 44 Depot Street
- Question about the National Grid vehicles. Ms. Dillon will visit this week and contact the contractor.

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5. 142 South Street

- Discussion: Operators are taking in commercial yard waste for a disposal there. Mr. Hannon was provided with photographs of new violations and submitted them to Ms. Dillon. The photos can be used as part of an administrative search warrant application. If a warrant is obtained and violations can be defined and an enforcement order can be issued. If they don't do the work, then you can go back to the court with a criminal complaint. The more recent the violation the better the chance of getting the warrant. Mr. Hannon updated the commission on the process and DEP's involvement. It would be beneficial to combine w/ Balm of Springs Life.

6. 9 Balm of Life Spring Road

- Discussion: Going up for tax auction in November because taxes have not been paid. Ideal situation would be that the site gets cleaned up and the gate gets locked up and no one gets into it. This property will be part of administrative search warrant application referenced above.

PROCESSING

1. 10/17 Bylaw Minutes Review

- **MOTION: Mr. Hannon moves we approve the minutes from the 10/17/2016 Conservation Commission by-law review and Q&A session. Seconded by Mr. Holden, the motion carried 6-0-0**

2. 10/17 Scheduled Meeting Minutes Review.

- **MOTION: Mr. Hannon moves we approve the amended minutes from the 10/17/2016 Scheduled meeting of the Conservation Commission. Seconded by Ms. Steele, the motion carried 6-0-0**

ANY OTHER BUSINESS WHICH MAY LAWFULLY COME BEFORE THE CONSERVATION COMMISSION

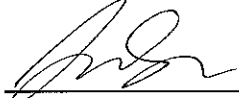
- Wetlands Setback Policy: Mr. Hannon sent the commission members suggested changes to the Wetlands Setback Policy as an avenue to add an extra 25' to the buffer zone/setbacks. A few Commission members expressed concern for homeowner pushback since the Wetlands By-law was voted down. The Commission agreed to further review and research before voting.

MOTION: I, Mr. Hannon move that we adjourn. Seconded by Mr. Shaw, the motion carried 6-0-0.

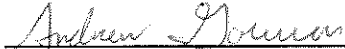
ADJOURNMENT—NEXT MEETING SCHEDULED FOR MONDAY, November 21, 2016.

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Respectfully submitted,
Melissa Shelley



Jim Hogan, Chairman



Andrew Gorman, Vice Chair

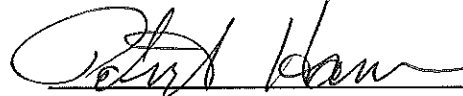


Lauren Steele, Clerk

Jeffrey Shaw, Treasurer



Date



Patrick Hannon, Member



Russell Holden, Member

Dale Bangma, Member