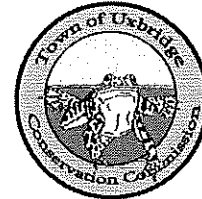


Town of Uxbridge
 Conservation Commission
 21 South Main Street
 Uxbridge, MA 01569
 508-278-8600 x 2020



Conservation Commission Meeting Minutes
 Monday, November 21, 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: Chair Jim Hogan, Vice Chair, Andrew Gorman, Treasurer Jeff Shaw, Members, Dale Bangma, Russell Holden, and Pat Hannon, and Conservation Agent, Melissa Dillon

Absent: Clerk, Lauren Steele

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. Request for Determination of Applicability (RDA), 287 North Main St. (Map 12C, Parcel 3593)

Applicant: Uxbridge Properties, Inc.

Project Description: Placement of a new waterline and digging of a trench approximately 120 feet in length and 2 feet wide, within 100 feet of a Rivulet Brook

- o Discussion: Mr. Henry Lane, representing the applicant attended and reviewed the plans for the water line. Most members agreed it was not in jurisdiction because the stream is channelized underground. Mr. Hogan recalled jurisdiction ends at the plain where the stream enters or exits.
- o Mr. Holden raised the question why this came before the board as an RDA rather than a potential violation - work had already begun before the commission was notified. Several members indicated, because the work was stopped before encroaching the resource area it was not a potential violation and that the correct course of action was taken.
- o **MOTION: I, Pat Hannon move to make a negative determination for the RDA for 287 N. Main Street, seconded by Mr. Shaw. * After further discussion, this motion was amended and later withdrawn.**
- o **MOTION: I, Mr. Gorman, move to make a negative determination of applicability for 287 N. Main Street because the work being proposed presents negligible impact to the nearby resource areas. Mr. Hannon seconded the motion passed 5-0-1.**

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, Goddard Consulting, provided the commission with a report and photographs documenting the restoration/cleanup of the area after berm breach during the 10/22 rain event. Additionally, Mr. Arnold walked the area with the Ms. Dillon to display how everything was cleaned up. Ms. Dillon confirmed the site looked good, both sides were checked, they were able to remove a lot silt without disturbing anything. Mr. Arnold asked the commission to review the photographs, provide confirmation that the work was done, and approve further restoration of raking leaf cover over the areas. Mr. Hannon expressed concern that the commission was not notified of the issues that arose after the rain event nor were they provided with plans to clean up the area afterwards. In response, Mr. Arnold indicated that because there was no Order of Conditions on the property no notification was required in that case. Once they became aware of what occurred they addressed the client and they provided a report detailing the impacts to the resource area in response to request from the commission. They consider the matter to have been addressed as needed and in the interest of the wetlands. In regards to jurisdiction, Mr. Holden 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. Mr. Gorman confirmed this in a discussion with Megan Selby with Mass DEP.

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- **MOTION: I, Mr. Hannon, move that we make a positive determination applicability for Hyde Park Circle/Tea Party Drive (Map 29, Parcels 3053, 3099 & 3987). Seconded by Mr. Shaw, the motion carried 6-0-0.**
- **Comments:** Mr. Scott Goddard, Goddard Consulting requested comments during the motion. He reiterated they are not proposing, at this point in time, any additional work that would be a jurisdictional matter. He also stated the actions to clean up the silt have been completed so an order of conditions would only be required if there was going to be further work that required conditioning in a wetland resource or it's buffer zone. Based on the information from DEP and the fact that sediment and material from this project has already directly impacted the resource area the commission disagreed. Mr. Goddard asked for confirmation as to what they would do after a positive determination is made. The commission responded that they would be seeking a set of plans demonstrating how this type of erosion, given the types of soils and slopes, would be prevented in the future.

WETLAND UPDATES/ISSUES

1. Certificate of Compliance–Evergreen Center #312-976 Chapin Street
 - Discussion: The actual DEP # is 312-967. Michael Hassett, is looking for Certificate of Compliance (COC). Ms. Dillon observed the site and the grass has not grown in substantially enough for compliance. The slopes appear to be stable but not vegetated. The commission recommended utilizing mats pinned to the ground to ensure slope stability through the winter and until the grass fills in.
 - **MOTION: I, Mr. Holden, move to postpone issuing a COC until the soil is stabilized with vegetation. Seconded by Mr. Shaw. The motion carried 6-0-0.**
2. Mountainview Lot – 4
 - Discussion: Mr. Arnold, on behalf of the applicant requested that this discussion be continued until there is an adequate time frame for when they can do the work - the culvert is not yet on site and the stream is flowing at this time.
 - **MOTION: I, Mr. Gorman, move to continue discussion on Mountain View, Lot 4. Seconded by Mr. Hannon. The motion carried 6-0-0.**
3. 164 Providence St - Release Bond
 - Discussion: Ms. Dillon observed the site and the grass has grown in substantially and there were no issues or erosion resulting from the rain event.
 - **MOTION: I, Mr. Shaw, move to release the bond being held for 164 Providence St. Seconded by Mr. Holden. The motion carried 6-0-0.**

REPORTED/ONGOING VIOLATIONS

1. Crownshield (Hyde Park)
 - Discussion: Mr. Arnold, Goddard Consulting, provided updates regarding two areas at this site within the buffer zone (also outlined in 11/14 report provided to the commission). Boulders that were placed in the buffer zone several years ago were removed and the area was stabilized. Additionally, they removed cleanup material from the roadway that was also placed in the buffer zone. Ms. Dillon visited the site. At this time there is no work being done w/in the buffer zone and Mr. Arnold indicated that they would come before the commission before any additional work is done.
2. 836 Aldrich Street
 - Discussion: On 11/21 Ms. Dillon observed the machines pulling material out but no one was on site actively working. She contacted the engineer and is awaiting updates on the progress. Mr. Hannon noted another job to be looked at on Aldrich by Waterman Way and Fast Bridge.
3. 44 Depot Street
 - Discussion: Ms. Dillon indicated that all the work had been done, the pipe was filled w/ cement so water will no longer flow and he removed the pile.
 - **MOTION: I, Mr. Gorman, move to lift the enforcement order on 44 Depot Street. Seconded by Mr. Hannon. The motion carried 6-0-0.**

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4. 142 South Street

- Discussion: Illegal dumping continues at the site. Mr. Gorman observed that some vehicles have been moved around on the site. A new complaint about the site was sent to the commission via email on 11/21. Mr. Gorman submitted correspondence with the Health Agent and Building Inspector. Both will be added to the evidence being compiled and organized to be submitted to DEP. The ultimate result would be DEP comes in w/ an emergency response contractor that cleans the site and locks the gate and the AG recover the funds.

5. 9 Balm of Life Spring Road

- Discussion: See 142 South St. The ideal result at this site would be for DEP to come in w/ an emergency response contractor that cleans the site and locks the gate and the AG recover the funds to cover the cleanup cost.

6. 74 Hartford Ave East

- Discussion: Commission received a message over the weekend of 11/17 potential violation on the property. Mr. Hogan observed an excavator behind the house, which is still standing, but sheds are gone from what was on the maps.
- **MOTION: I, Mr. Hannon move to notify them the owner there may be a potential violation. Seconded Mr. Hogan. The motion carried 6-0-0.**

PROCESSING

1. 11/7 Meeting Minutes Review

- **MOTION: Mr. Hogan moves we pass over the minutes from the 11/7/16 Conservation Commission Meeting Minutes to incorporate changes identified during review. Seconded by Mr. Hannon.**

ANY OTHER BUSINESS WHICH MAY LAWFULLY COME BEFORE THE CONSERVATION COMMISSION

1. Wetlands Setback Policy

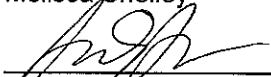
- Discussion: The commission discussed the benefits and implications of modifying the existing Wetlands Setback Policy to increase the setback from 25' to 50' of wetland resource area. All commission members agree that, from a wetlands perspective, a 50' setback is superior particularly due to the local topography and the size and strength of recent storms. However, they also recognize and respect concerns homeowners have expressed regarding restrictions, loss of property and voting down the bylaw. They discussed the need for strong rationale including real life examples before any changes are made. Additionally, it is important to communicate to residents that policy is meant to be proactive not prohibitive and the commission has *rarely* denied a homeowner a project and they always work together with applicants to find the best solution. This change in policy is mostly required with the rare contractor that is not willing to work with the commission, problems occur and abutters are effected. It's important to note that within the Jurisdictional section of the Wetlands Protection Act 50' occurs often. Several towns policies were discussed and Uxbridge appears to be fairly conservative. Mr. Hogan any changes be done before the end of February with an effective date in the future so local engineers and planners have time to prepare also a safety valve for pre-existing. Members will continue to build rationale and collect examples and further discuss at next meeting.

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

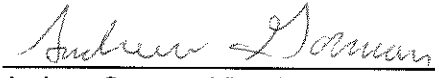
ADJOURNMENT—NEXT MEETING SCHEDULED FOR MONDAY, December 5, 2016.

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Respectfully submitted,
Melissa Shelley



Jim Hogart, Chairman




Andrew Gorman, Vice Chair


Lauren Steele, Clerk

Jeffrey Shaw, Treasurer

December 5, 2016
Date



Patrick Hannon, Member



Russell Holden, Member

Dale Bangma, Member