



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



Conservation Commission Meeting Minutes
Monday March 20, 2017
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, Clerk Lauren Steele, Members Pat Hannon, Dale Bangma, Jeff Shaw, Russell Holden

Absent: Agent Melissa Dillon

It being 6:30 pm, the meeting being properly posted, duly called and a quorum being present, the Chair called the meeting to order.

PUBLIC HEARINGS

1. **Notice of Intent (NOI)**, 629 Hartford Avenue East (Map 8, Parcel 3533)
Applicant: David Craig Representative: Andrews Survey & Engineering, Inc.
Project Description: Construction of a single-family home with associated earthwork, utility, and landscaping within the Riverfront Area

Discussion: DEP #312-1032 was assigned 3/17/17 with comments from Megan Selby, DEP. Paul Hutnak, Andrews Survey & Engineering, on behalf of the applicant, responded to the issues in Ms. Selby's report. There was a discrepancy on whether certain upland areas should be part of the riverfront calculations. Mr. Hutnak stated that the upland areas in question are clearly higher than mean annual high water line of the stream and should be included. His determination was based on GIS data & visual observation and not through a land survey. Mr. Holden expressed concern that the calculations were not based on empirical evidence. The second issue brought up in the report was in reference to the formerly degraded riverfront area, which is the existing paved driveway. Mr. Hutnak confirmed they are using the existing driveway; no work is being done in this area and therefore does not add on to the amount of disturbance. The last comment was to add the datum conversion on the flood plain. He also confirmed all calculations pertain to lot 2.

The plan approved by Natural Heritage shows a proposed level of disturbance that allows for a narrow lawn – roughly 30' on each side. Mr. Holden asked whether adjustments were made to the plans to include a yard area that was discussed at the site visit with the buyer and developer. Mr. Hutnak stated no changes were made and the homeowner's intention is just to maintain the previously mowed areas. Mr. Holden expressed concerns regarding the existing meadow being converted into a mowed lawn and that the buyers and developers are aware that the plan specifies the current limit of disturbance and any work beyond that would be considered an alteration of the resource area and handled accordingly. He also recommended adding a condition that there would be no mowed lawn areas except for some yearly maintenance of the meadow. There was further discussion of possible conditions and marking the limit of the lawn to ensure compliance.

MOTION: Mr. Hannon moved to close the public hearing for NOI 629 Hartford Avenue East. Mr. Shaw seconded and the motion passed 6-0-1.

MOTION II: Mr. Hannon moved to approve DEP #312-1032 as presented to the Conservation Commission and Natural Heritage, with the Standard Order of Conditions and Uxbridge Standard Special Order of Conditions and one other condition that the property owner was advised that is a riverfront area and priority habitat and that any deviations from the presented plans require approval. Mr. Gorman seconded and the motion passed 5-2-0.

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2. **Notice of Intent (NOI), DEP #312-1031** 434 Sutton Street (Map 4, Parcel 2976)
Applicant: James Tetreau, JLT Development, LLC Representative: Guerriere & Halnon, Inc.
Project Description: Proposed 12-lot single-family residential conservation subdivision with associated site work within the Buffer Zone of a BVW.

Discussion: Applicant formally requested a continuance to the April 3, 2017 meeting of the Conservation Commission.

MOTION: Mr. Hannon moved to continue DEP #312-1031 to the April 3, 2017 meeting of the Conservation Commission. Mr. Shaw seconded and the motion passed 7-0-0

3. **Abbreviated Notice of Resource Area Delineation (ANRAD), DEP #312-1028**, Crownshield Avenue, Hyde Park Circle, Tea Party Drive (Map 29, Parcels 3126, 3117, 3053, 3084, 2965, 3866, 3099, 3987, 3895, 3825, 4682, 3162, 696, 4693, 4745, 4858, 4829, 4884)
Applicant: Rick Terrill, Uxbridge Multi Family Representative: Goddard Consulting LLC
Project Description: Request to verify the wetland delineations are correct at the listed parcels.

Discussion: Applicant formally requested a continuance to the April 3, 2017 meeting of the Conservation Commission.

MOTION: Mr. Gorman moved to continue ANRAD #312-1028 to the April 3, 2017 meeting of the Conservation Commission. Mr. Bangma seconded and the motion passed 7-0-0.

WETLAND UPDATES/ISSUES

1. Certificate of Compliance-LW Tank; 312-822
 - Mark Anderson, Heritage Design, on behalf of the applicant Brent Wiersma, attended to request a Certificate of Compliance (COC) for the original order of conditions for the building expansion that was done a number of years ago. A prior request had been denied due to a violation on the property that has now been addressed.
 - **MOTION: Mr. Hannon moved to issue a Certificate of Compliance. Mr. Bangma seconded and the motion passed 7-0-0.**
 - There was a break in the water line at 410 N. Main St. Ms. Dillon was notified and Mr. Hogan went to the site. He recommended a silt sock be laid down during the repair, which was verbally agreed to. After discussion Commission members determined that an "after the fact" NOI is not necessary because it could be defined as an emergency related to public health – no water at a place of business. Mr. Holden confirmed they are only required to complete an Emergency Certification form that describes the work and complete a site inspection and file the form with DEP.

MOTION: Mr. Gorman moved to approve the Emergency Certification form for N 410 N. Main St. to replace the water line. Mr. Shaw seconded 7-0-0.
2. Permit Extension-135 East Street; 312-829
 - *Mr. Bangma recused himself because he did the site work.*
 - Roger Manser, the homeowner, summarized his project. The house is up, roughed in, and all site work is done except final seeding and grading. His current permit is set to expire in May.
 - **MOTION: Mr. Hannon moved to approve the permit extension for 135 East Street DEP #312-829. Ms. Steele seconded and the motion passed 6-0-0.**
 - Discussion: Original permit was issued 11 years ago. Mr. Manser confirmed there is a seasonal stream on the left side and all excavation is complete, the septic system is installed and rough graded and no other changes are proposed. The order of conditions is to cover the establishment of the lawn.

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MOTION: Mr. Gorman moved to take the agenda out of order and hear new business. Mr. Hannon seconded and the motion passed 6-0-0.

Mr. Bangma returned to the meeting.

- 46 Pinecrest
 - Robert Finnegan, representing the owners of 46 Pine Crest, attended to request a Certificate of Compliance on an Order of Conditions dated March 1988. This arose because of a title search for a closing on 3/24/17. Mr. Finnegan provided a summary and timeline; the Order of Conditions (OoC) was issued in 3/1988, the road was completed in 1991 and accepted by the town in 1994, his clients moved in in 1997, and now are selling the home. It appears that the OoC was for the road, for which the town is now responsible.

REPORTED/ONGOING VIOLATIONS

1. Cumberland Farms
 - **MOTION: Mr. Gorman moved to lift the Enforcement Order for Cumberland Farms as the soil has been removed offsite satisfactorily. Mr. Shaw seconded and the motion passed 7-0-0.**
2. Crownshield (Hyde Park)
 - Mr. Hogan, Ms. Dillon and Mr. Lench completed a site visit identified a few issues (rocks to be pulled back and a few erosion control barriers in need repair). A second site visit confirmed those issues were corrected. Commission members agreed to remove the property from the agenda and keep a close eye, especially until the ANRAD is complete.
3. 142 South Street
 - None
4. 9 Balm of Life Spring Road
 - Mr. Hannon asked about having an executive session for the above property and possibly all of the violations to protect the privacy of the owner. Mr. Hogan agreed to investigate to ensure it is appropriate and within open meeting law. It was noted that Executive Session cannot be a recurring agenda item. Most members agreed entire enforcement process should be confidential until it's resolved.

PROCESSING

1. 2/21 & 3/6 Meeting Minutes

MOTION: Mr. Gorman moved to accept the minutes as amended for the March 6th meeting of the Conservation Commission. Mr. Hannon seconded and the motion passed 4-0-3. Mr. Holden, Mr. Bangma, and Ms. Steele abstained.

MOTION: Mr. Gorman moved to accept the minutes as is for the February 21st meeting of the Conservation Commission. Mr. Hannon seconded and the motion passed 5-0-2. Mr. Hogan and Mr. Bangma abstained.

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

- Dumpster at Pout Pond
 - Cindy Scott, chair of Pout Pond Recreation Committee, contacted Mr. Hannon to request permission to have a dumpster at Pout Pond. It will be maintained by the rec. committee, located on the paved part of the lot, and emptied weekly. They are also looking into vending machines to be kept inside the snack shack.
 - **MOTION: Mr. Hannon moved to allow the dumpster to be placed by the woodchip area on the pavement. Mr. Shaw seconded and the motion passed. 7-0-0.**
- Conservation pamphlet
 - **MOTION: Mr. Hannon approved the changes of Conservation pamphlet. Mr. Gorman seconded and the motion passed 7-0-0.**
- Earth Day Activities
 - Ms. Dillon is coordinating an Earth Day Poster Contest with the local schools.

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- Mr. Shaw is coordinating with the Blackstone Heritage for a Town Clean Up scheduled for 4/1/17.
- Discussion on the Uxbridge Standard Special Conditions
 - Mr. Gorman updated the document with the recommendations from the 3/6 meeting. Members agreed to add information regarding a signed Certificate of Understanding. Mr. Gorman will make the final changes and send out for final review.

MOTION: Mr. Hannon moved to issue a full Certificate of Compliance for DEP #312-108. Mr. Shaw seconded and the motion passed 6-1-0.

Discussion: Mr. Holden recommended issuing a partial COC, completing a drive by to view the road, and to keep it on the agenda for the next meeting before issuing the full COC.

ADJOURNMENT-NEXT MEETING SCHEDULED FOR MONDAY, APRIL 3, 2017

MOTION: Mr. Hannon moved to adjourn the meeting. Ms. Steele seconded and the motion passed 7-0-0.

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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