



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



Received by  
Uxbridge  
Town Clerk

**Conservation Commission Meeting Minutes  
Monday July 17, 2017  
Board of Selectman's Room, Uxbridge Town Hall**

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

**Present:** Vice Chair, Andrew Gorman, Clerk Lauren Steele, Treasurer, Jeff Shaw, Member Dale Bangma, Conservation Agent, Melissa Dillon

**Absent:** Chair Jim Hogan, Member Russell Holden

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

**PUBLIC HEARINGS**

1. **Notice of Intent (NOI), DEP #312-1047** Lot 8C Hyde Park Circle (Map 29, Parcel 3117)  
Applicant: Uxbridge Multi Family Realty, LLC Representative: Guerriere & Halnon, Inc.  
Project Description: Construction of 8 single family units, condo style, with associated driveways, utilities, and associated grading.

Michael Hassett, Guerriere & Halnon, attended on behalf of the applicant. Mr. Hassett provided color copies of the site plan and reviewed the key features, the wetland delineations, & the ECB. Areas designated for stockpiling materials are not shown on the plan but are noted on the construction sequence. Members discussed options for conditions to ensure materials are stored outside 100' of the resource area and protected by erosion controls. They also discussed changing the timeframe that slopes may be open from 30 to 14 days on the construction sequence. Members agreed a site visit is not necessary and no abutters spoke to the application.

**MOTION:** Ms. Steele moved to close public hearing for DEP #312-1047 NOI for Lot 8C Hyde Park Circle. Mr. Bangma seconded and the motion passed 4-0-0.

**MOTION II:** Ms. Steele moved to approve DEP #312-1047 with the Uxbridge Standard Special Conditions and the following added conditions (i) soil stockpiles are to be placed in designated areas on the plan and outside of the 100' buffer zone and protected by ECBs; (ii) the Construction Sequencing Plan, letter H shall be changed so that slopes that are open for more than **14 days** shall be loamed and seeded as to follow the Construction General Permit. Mr. Bangma seconded and the motion passed 4-0-0.

2. **Notice of Intent (NOI), DEP #312-1046** Lot 8B Hyde Park Circle (Map 29, Parcel 3117)  
Applicant: Uxbridge Multi Family Realty, LLC Representative: Guerriere & Halnon, Inc.  
Project Description: Construction of 8 single family units, condo style, with associated driveways, utilities, and associated grading.

Michael Hassett, Guerriere & Halnon, attended on behalf of the applicant and described the project. Wetlands are located on the SW portion of the lot. Silt sock will be used for erosion control. Ms. Steele asked if the applicant would consider removing the old orange construction fencing. Members discussed options for either decreasing or stabilizing the slope (approximately 30' in length – 50% (2:1 slope) also an area with 33 % (3:1 slope)) Mr. Hassett thought the applicant would be open to a stabilization mat. It was mentioned that a condominium association will be managing the area. No abutters spoke to the application.

**MOTION:** Mr. Shaw moved to close public hearing for DEP #312-1046 NOI for Lot 8B Hyde Park Circle. Mr. Bangma seconded and the motion passed 4-0-0.

**MOTION II:** Mr. Shaw moved to approve NOI DEP #312-1046 with the Uxbridge Standard Special Conditions and the added conditions (i) soil stockpiles are to be placed in designated areas on the plan and outside of the 100' buffer zone and protected by ECBs; (ii) the Construction Sequencing Plan, letter H shall be changed so that slopes that are open for more than **14 days** shall be loamed and seeded as to follow the Construction General

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Permit (iii) old or unused construction fence shall be cleaned up along the perimeter of the basin on site (iv) the slope in the rear yard shall be stabilized with seed & loam immediately when section is completed and winterized as deemed appropriate by the Commission or their agent to prevent erosion. Ms. Steele seconded and the motion passed 4-0-0.

3. **Amended Notice of Intent (NOI), DEP #312-1037**, 31 Mill Street-previously Lot 1, 219 Quaker Highway (Map 35, Parcel 1887)

Applicant: David Lavallee

Representative: Andrews Survey & Engineering, Inc.

Project Description: The amendment is for consideration of alternate construction material for the crossing area.

JP Connolly, Andrews Survey and Engineering, attended on behalf of the applicant and provided 11x17 updated plans to the members. The applicant requested substituting the pipe material from 72" HTP plastic to corrugated metal because 72" plastic is difficult to source. Mr. Connolly stated the steel would have same structure and integrity with possibly a little less of a life span. Mr. Connolly also requested permission for ability to change the materials of the retaining wall at the culvert from boulder rock wall to a segmented concrete wall if they encounter a problem during construction - pushing the limits and grading. The segmented wall will require less disturbance so the plan shows worst-case scenario. Members did not have reservations with the changes, which do not affect the wetlands. No abutters

**MOTION:** Mr. Bangma moved to close the Public Hearing for DEP #312-1037 Amended NOI for 31 Mill Street. Mr. Shaw seconded and the motion passed 4-0-0.

**MOTION:** Mr. Shaw moved to approve the amendment for DEP #312-1037 revision dated 7/14/2017 for 31 Mill Street. Seconded by Ms. Steele the motion passed 4-0-0.

4. **Notice of Intent (NOI), DEP #312-1038** 45 Mountainview Road (Map 41, Parcel 1832)

Applicant: Hill Financial Company, Inc.

Representative: Goddard Consulting, Inc.

Project Description: Construction of a single family house with associated driveway, grading, and yard within the buffer zone to a BVW and wetland crossing and associated replication for the access to the home.

Applicant requested to continue to the next meeting.

**MOTION:** Ms. Steele moved to continue DEP#312-1038 to the next regularly scheduled meeting of the Conservation Commission. Mr. Shaw Seconded and the motion passed 3-0-1.

5. **Notice of Intent (NOI), DEP#312-1039** 620 Aldrich Street (Map 48, Parcel 4524)

Applicant: Jonathan E. Tibbetts

Representative: Andrews Survey & Engineering, Inc.

Project Description: Construction of a single-family home with associated septic system, earthwork, landscaping with a wetland crossing to construct a driveway.

JP Connolly, Andrews Survey and Engineering, attended on behalf of the applicant. Peer review comments from Arthur Allen, EcoTech, Inc. dated 7.13.17 were reviewed and discussed by Members and the representative. Key points include concerns about the wetland flagging and plan location; a possible "created hardship" as the lot was divided in 2003 when the WPA was in effect; the replication area is separated by an intermittent stream that will need to be crossed during construction and there is no upland access to it; construction ECBs must defined and documented ensure the wetlands are protected during construction. Mr. Connolly will prepare an "official" response that addresses each of the comments.

**MOTION:** Ms. Steele moved to continue public hearing DEP#312-1039 to the next regularly scheduled meeting of the Conservation Commission. Seconded by Mr. Bangma the motion passed 4-0-0.

6. **Notice of Intent (NOI), DEP #312-1042**, 21 Constitution Way (Map 11, Parcel 4652)

Applicant: Westwood Associates Inc.

Representative: Heritage Design Group

Project Description: Construction of a single-family home with associated earthwork, utilities, and paving within the buffer zone to a BVW.

Lance Anderson, Heritage Design Group, attended on behalf of the applicant and reviewed the revisions to the plan for LOT 5 per the discussion at the last meeting.

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**MOTION:** Ms. Steele moved to close Public Hearing DEP #312-1042, 21 Constitution Way. Mr. Bangma seconded and the motion passed 4-0-0.

**MOTION II:** Ms. Steele moved to approve NOI for DEP #312-1042 with the Uxbridge Standard Special Conditions and the added condition that temporary disturbance within the 25' buffer zone will be left to revegetate naturally after the completion of the project. Mr. Shaw seconded and the motion passed 4-0-0.

### WETLAND UPDATES/ISSUES

- The BOS approved the use of Town Council for advice to the best way to proceed with two long-standing violations. Members agreed to present their questions in written format to ensure accuracy and agreed submit questions to Ms. Dillon *individually* and discuss at the next meeting. Additionally, Ms. Dillon will submit a letter to the BOS seeking autonomy in the enforcement process.
- 44 Depot Street – Homeowner Request to Review a Removal of Drain
  - During a site visit to the sub-station Conservation Members noted an existing box type drain collecting crushed and loose asphalt and draining directly into the Mumford River. As part of a larger stop work order, the homeowner was asked to stop discharging without a permit and he filled the box drain in to comply. He responded to the Commission with concerns that heavy rainfall would cause flooding to his property.
  - Mr. Shaw stated the way to handle it would be a put a proper drain at the end of the driveway. Members discussed what would be required for Conservation compliance and the possibility it could it be an RDA since it is an existing disturbed area and no more riverfront disturbance. They agreed to respond explaining he should consider his options and pursue a permit in the form of a RDA or NOI.

### REPORTED/ONGOING VIOLATIONS

1. 64 Balm of Life Spring Road – Mr. Gorman received a phone call from a concerned resident regarding vegetation removal
  - Mr. Gorman viewed the site from the road and provided recent and historical pictures of vegetation and a soil stockpile. A Special Permit from the ZBA was recently issued to allow for the operation of a contractor's yard from the property. The owner was notified during the ZBA hearing of the brook onsite and that any work within a certain distance would require Conservation approval. Members agreed to send a letter requesting they attend the next meeting to discuss.
2. 290 Millville Road
  - Passed over awaiting site visit.
3. 142 South Street
  - Passed over – will seek advice regarding discussing under Executive Session.
4. 9 Balm of Life Spring Road
  - Passed over

### PROCESSING

1. 7/3/17 Meeting Minutes
  - Passed over due to lack of quorum.

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

- Reorganization
  - Continued for a full board
- Update Guideline Policy for Conservation Commission
  - Continued for a full board
- Open Space Committee
  - Mr. Hogan discussed with Mr. Genereux who recommended establishing it as its own committee and not a sub-committee of Conservation, which would require town approval. Mr. Genereux also committed to helping Ms. Steele prepare to present during the Fall Town Meeting.
- Advice from DEP on water withdrawals
  - This stemmed from a potential violation notice and other questions regarding withdrawing water from local rivers and ponds. DEP opinion was that the Commission does NOT have jurisdiction over the water itself. "As long as the bottom of the stream and the banks are not affected there is no usually no alteration and the withdrawals are not regulated. The water itself is not a resource area under the regulations." So unless there is a direct alteration of the substrate, of the wetland vegetation or the bank Conservation

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cannot regulate. There may be a mechanism in place, possibly via Board of Health, to protect the quality of the water.

- Received email request from BSC Group, pertaining to the substation on Depot Street, to amend their plan. They are worried about safety around the sediment basins and would like to install a temporary guard rail fence within the existing level of disturbance. Mr. Gorman noted and members agreed that that the addition of a wooden guardrail would actually be an improvement because it would mean less foot traffic through the sediment basin.
  - **MOTION:** Mr. Gorman moved they approve the addition of guardrails, as a field change on the stipulation that any soil removed during the installation of the fence is stored w/in the exiting level of disturbance. Ms. Steele seconded and the motion passed 4-0-0.

## **ADJOURNMENT-NEXT MEETING SCHEDULED FOR August 7, 2017**

Mr. Bangma moved to adjourn the 7/17/17 meeting of the Conservation Commission. Seconded by Ms. Steele the motion passed. 4-0-0.

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Respectfully submitted,

Melissa Shelley

**ABSENT**

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Jim Hogan, Chairman

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Andrew Gorman, Vice Chair

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Lauren Steele, Clerk

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Jeffrey Shaw, Treasurer

**ABSENT**

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Russell Holden, Member

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Dale Bangma, Member

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Date August 21, 2017