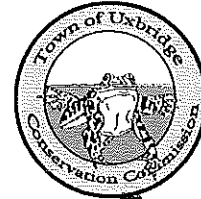


Town of Uxbridge  
Conservation Commission  
21 South Main Street  
Uxbridge, MA 01569  
508-278-8600 x 2020



Received by  
Uxbridge  
Town Clerk

**Conservation Commission Meeting Minutes  
Monday August 7, 2017  
Board of Selectman's Room, Uxbridge Town Hall**

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

**Present:** Chair Jim Hogan, Vice Chair Andrew Gorman, Members Russ Holden and Dale Bangma, and Clerk Lauren Steele

**Absent:** Treasurer Jeff Shaw and Conservation 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

**OTHER:**

1. Uniquely Uxbridge Day-September 2<sup>nd</sup>

Discussion: Jen Lutton, representing the Uniquely Uxbridge Group attended and requested permission to use Pout Pond for the Uniquely Uxbridge Day, a town wide celebration. She provided the Commission with a schedule of events for the day. She noted that the Pout Pond Recreation Committee approved the use during their 7/25/17 meeting and she is on the agenda for the next Public Safety Committee meeting.

**MOTION: Mr. Gorman made a motion to approve the use of Pout Pond for the Uniquely Uxbridge Day event to be held on September 2, 2017. Ms. Steele seconded and the motion passed by vote of 5-0-0.**

**PUBLIC HEARINGS**

1. **Request for Determination of Applicability (RDA), 25 East Street (Map 31, Parcel 1942)**

Applicant: Nancy Marshall

Project Description: Placement of a shed in existing lawn area within the 50' buffer zone to a BVW

Discussion: Nancy Marshall, the homeowner, attended and described her project place a shed on blocks on existing lawn. Mr. Holden explained that she would be exempt from filing with the Commission if the shed could be moved back approximately 10' to 15' as it would be outside 50' from the resource area. Ms. Marshall understood and explained why the location was chosen and that preferred to keep it there. Mr. Gorman noted as long as it is outside the 25' it is consistent with what the Commission has approved for sheds in the past. Ms. Marshall further explained the grade of the lawn changes at the start of the septic and placing the shed outside the 50' mark would put it in the middle of the yard.

**MOTION: Mr. Gorman moved to issue a Negative Determination of Applicability for 25 East Street for the construction of a shed outside the 25' no disturb zone. Ms. Steele seconded and the motion passed by vote of 4-1-0.**

2. **Notice of Intent (NOI), 29 Tucker Hill Road (Map 29, Parcel 1361)**

Applicant: TTK Real Estate, LLC

Representative: Andrews Survey & Engineering, Inc.

Project Description: Construction of a single family house within the approved Tucker Hill subdivision and associated septic, earthwork, utilities, and landscaping within the buffer zone to a BVW.

Discussion: DEP #312-1048 was assigned. Travis Brown, Andrews Survey and Engineering, attended on behalf of the applicant and reviewed the plans for the construction of a house in the Tucker Hill Estates Subdivision that was previously approved by the Planning Board and Conservation Commission. Mr. Brown stated the following key points: the majority of work is outside the 50' buffer zone; all houses, driveways, structures & the septic system are entirely outside 50' and septic has been approved by BOH; the home will use municipal water; the

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erosion controls approved and installed for the subdivision are being maintained; some minor grading was required for the foundation; wetlands were flagged during the summer 2016. The parcel is not depicted in its entirety on this plan because there are 2 active NOI's for the property and part is covered under the subdivision plans. Commissioners discussed concerns for the future homeowner that may arise as a result. Mr. Hogan explained why a layout/plan of the subdivision would also be helpful to the Commission – even if added an additional page and it is covered under another NOI. Mr. Gorman requested they cite the date and author of the delineation so they can attribute responsibility to it. They also discussed adding a note to the plan to place markers to identify the wetlands and suggested a "Feno Spike" type anchored marker be installed where the wetlands where it meets the 25' line).

**MOTION: Mr. Gorman moved to continue DEP#312- 1048 for 29 Tucker Hill Road for updated plans to the next regularly scheduled meeting of the Conservation Commission. Ms. Steele seconded and the motion passed by vote of 5-0-0.**

3. **Notice of Intent (NOI), Lot 8A- 39 & 41 Hyde Park Circle (Map 29, Parcel 3117)**

Applicant: Uxbridge Multi Family

Representative: Guerriere & Halnon, Inc.

Project Description: Construction of a 2-unit condominium building with associated grading, utilities, and driveways within the buffer zone to a BVW.

Discussion: DEP #312-1049 was issued. Michael Hassett with Guerrier & Halnon attended on behalf of the applicant and reviewed the plans for Lot 8A. The structure is a 2-unit condominium building, which appear to be separate but are connected underground with a shared foundation wall making it a single unit. Existing wetlands were recently delineated by Goddard Consulting. Erosion controls (not yet in place) are shown in green and also designate the limit of work and clearing for the property – outside of the 50' buffer zone. Stockpile areas will be surrounded by erosion control barriers. There are a couple foundation drains that enter the 100' buffer and also some minor clearing and grading for lawn. Mr. Gorman asked about the storm water protection – Mr. Hassett believes the original subdivision was designed with this type of unit in mind and the storm water facilities are sized accordingly. Commissioners requested to see something in language as to how this project fits into the storm water regulations exempt because it is a single structure. They also discussed stabilization of slopes once final grading is completed and determined it is in the construction sequencing plan (slope stabilization w/in 14 days) and it will also be a special condition put onto the OoC. No abutters were present to speak to the project.

**MOTION: Mr. Gorman moved to continue DEP #312-1049 to the next regularly scheduled meeting of the Conservation Commission for more information. Mr. Bangma seconded and the motion passed by vote of 5-0-0.**

4. **Notice of Intent (NOI), Lot 10A Hyde Park Circle-120 Crownshield; 5, 7, 9, 11, 15, 19, & 19 Hyde Park (Map 29, Parcel 3117)**

Applicant: Uxbridge Multi Family

Representative: Guerriere & Halnon, Inc.

Project Description: Construction of an 8 unit condominium building with associated grading, utilities, and driveways within the buffer zone to a BVW.

*Ms. Steele recused herself from the hearing because she is an abutter.*

Discussion: DEP #312-1050 assigned. Michael Hassett with Guerrier & Halnon attended on behalf of the applicant and reviewed the plans for Lot 10 is located at the entrance of Hyde Park Circle. Similar to the prior application, the structure is a 2 unit condo with a shared foundation wall; wetlands recently delineated by Goddard Consulting; some of the buildings are inside the 100' buffer but the majority of the grading is cutting; all the units are walkouts; no fill proposed just cuts. Mr. Holden inquired about the rationale for the common foundation. Mr. Hassett explained it had been a source of contention in the town. The developer went to land court which ruled because of the local bylaws at the time they could be considered a single building. This allowed the client to fit more units per lot and obtaining a higher developmental density.

Mr. Holden inquired as to how the site will be worked and how they plan to prevent erosion into the stream during construction. He noted the soil on site which is a very fine silt that when saturated has some interesting characteristics and easily erodes downhill (as seen from the prior violations). Mr. Hassett's understanding is that the clearing will be done all at once for each individual lot if not all the lots once they get approval – but he couldn't say how long it will take to complete the construction. The following suggestions were made: additional ecbs; silt socks that are interspersed on the sloped surface; an erosion monitor on site; possibly staging

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construction so that it is not exposed all at once this entire tract that is on a slope near a cold water fishery. Another consideration discussed was secondary erosion controls after the clear cut inside the main erosion control barrier (jute mats; compost sock – something easy to lay down and move). Mr. Hassett agreed to take the suggestions back to his client. Signage was mentioned as well and whether it should be added into the condominium association document.

Stockpile areas were further discussed – Mr. Hassett said language could be written into the Order stating any additional stockpile areas shall be located outside the 100' buffer and protected as required with erosion control.

**MOTION: Mr. Gorman moved to continue DEP #312-1050 to the next regularly scheduled meeting of the Conservation Commission for more information. Mr. Bangma seconded and the motion passed by vote of 4-0-0.**

5. **Notice of Intent (NOI), Lot 10B Hyde Park Circle- 21, 25, 27, 29, 31, 33, 35 & 37 Hyde Park (Map 29, Parcel 3117)**  
Applicant: Uxbridge Multi Family  
Project Description: Construction of an 8 unit condominium building with associated grading, utilities, and driveways within the buffer zone to a BVW.  
Representative: Guerriere & Halnon, Inc.

*Ms. Steele recused herself from the hearing because she is an abutter.*

Discussion: DEP #312-1051 was issued. Michael Hassett with Guerrier & Halnon attended on behalf of the applicant and reviewed the plans for Lot 10B. The lot is very similar to 10A in its characteristics. The concerns from the two previous applications carry over to this lot (questions about storm water, secondary erosion controls, and possible conditions regarding soil stockpiles. No abutters attended and members agreed to continue the discussion.

**MOTION: Mr. Gorman moved to continue DEP #312-1051 to the next regularly scheduled meeting of the Conservation Commission for more information. Mr. Bangma seconded and the motion passed by vote of 4-0-0.**

6. **Notice of Intent (NOI), DEP #312-1038 45 Mountainview Road (Map 41, Parcel 1832)**  
Applicant: Hill Financial Company, 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.  
Representative: Goddard Consulting, Inc.

Discussion: Applicant formally requested to continue to the next meeting.

**MOTION: Mr. Gorman moved to continue DEP # 312-1038 to the next regularly scheduled meeting of the Conservation Commission. Mr. Holden seconded and the motion passed by vote of 4-0-1.**

- *Mr. Bangma abstained as he is recused from this application/discussion.*

7. **Notice of Intent (NOI), DEP#312-1039 620 Aldrich Street (Map 48, Parcel 4524)**  
Applicant: Jonathan E. Tibbetts  
Project Description: Construction of a single-family home with associated septic system, earthwork, landscaping with a wetland crossing to construct a driveway.  
Representative: Andrews Survey & Engineering, Inc.

Discussion: Applicant requested to continue to the next meeting.

**MOTION: Mr. Holden moved to continue DEP#312-1039 to the next regularly scheduled meeting of the Conservation Commission. Mr. Steele seconded and the motion passed by vote of 5-0-0.**

### WETLAND UPDATES/ISSUES

1. Request to review removal of drain at 44 Depot St by property owner
  - No new information has been received from the property owner. A decision was made at the last meeting that the work should be properly permitted and the owner was informed how to proceed. Mr. Bangma recapped his visit to the site and recommendations.

**REPORTED/ONGOING VIOLATIONS**

*The agenda was taken out of order and 64 Balm of Life Spring was heard first during of the Reported Ongoing Violations portion.*

1. 64 Balm of Life Spring Road, 126 & 148 Ironstone
  - Scott Lanzetta, CEO of DaBaker Realty Corp and owner of Lanzetta Excavating & Matthew Cann on behalf of C&D Land Trust attended in response to letter received from the Commission. Mr. Gorman explained a resident called the Commission and reported a disturbance on the riverfront area. He followed up with a phone call to Mr. Lanzetta, drove by the site and reported some vegetation was cleared (on the Quaker Highway side) and was replaced and stabilized with some kind of riprap and a dual straw waddle. Mr. Bangma also drove by and Mr. Lanzetta showed him the work. He explained there has always been dirt that runs down that roadway toward the Quaker Highway and believed the riprap should keep any silt from getting through. Mr. Lanzetta would also like to place woodchips and plantings there but is waiting for ok from the commission. Mr. Hogan brought up a second concern regarding material stockpile of material next to Bacon Brook. Mr. Gorman noted the natural berm between the yard and the brook and the potential danger if the stockpile becomes higher than the berm and could run over into the brook. Mr. Lanzetta assured the commission there will never be a stockpile as large as the one that is there now – it is from the old yard when they made the move over this new location. He is in the process of removing that stockpile now now. Mr. Lanzetta would also like to put a berm of riprap along the left side of the property where it had been previously paved. To formalize this discussion and allow for work to continue, everyone agreed to issue a friendly enforcement order on the site with the conditions to stabilize via either riprap or woodchips followed up by a planting and when the work is scheduled with the gas company Mr. Lanzetta follows up with the Agent.

**MOTION: Mr. Gorman made a motion that the Commission issue an Enforcement Order for 64 Balm of Life Spring Road, 126 & 148 Ironstone to have the property owner stabilize the disturbed areas on lot 835 that are within the jurisdiction of the Conservation Commission with woodchips and plantings deemed appropriate by the Commission and to add a riprap berm on the edge of lot 827. Mr. Holden seconded the motion.**

Discussion – Mr. Holden made a recommendation to the owner to include a map to the narrative he provides to the Commission. Mr., Hogan advised to amend the motion to include a condition that the landowner depicts the approximate location of the gas line and the work as set forth in the order. Mr. Gorman amended his motion with the aforementioned comment. Ms. Steel seconded the amendment and the motion passed by vote of 5-0-0.

2. 825 Aldrich Street
  - Anonymous letter stating someone was pushing construction debris into the swamp and the results of the purported disturbance (effects on wildlife). Mr. Hogan recommended having the agent reach out and request permission to walk the swamp border. The town is an abutter to this parcel on 2 sides.
3. 855 Aldrich Street
  - As Mr. Hogan was responding to the complaint for 825 Aldrich, he noticed that this site may also be encroaching on the cedar swamp. He had a conversation with the town manager about the property and found there was a recent court proceeding related to a zoning enforcement that had them vacate the equipment on the abutting town owned property. Mr. Holden noted this area has specific conservation importance. After reviewing the aerial images it appears the sandy area behind the home was created around 2000. Everyone agreed to ask this property owner to attend a meeting to discuss further. Mr. Hogan also noted that it may be beneficial to have the abutting town land be surveyed and flagged if it was not during the proceedings – he will follow up with the Town Manager.
4. 290 Millville Road
  - Enforcement order was issued for tree clearing and members are still trying to schedule a meeting on the property with the owner. Mr. Gorman recommended instead of continuing to pass over that the Commission request permission to enter.

## **Conservation Commission Meeting Minutes continued – Monday, August 7, 2017**

### **PROCESSING**

1. 7/3/17 & 7/17/17 Meeting Minutes
  - 7/17/17 Minutes passed over due to lack of quorum. 7/3/17 passed over until reference to a change in the agenda could be verified and added to the minutes.

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

- Reorganization
  - Mr. Hogan made a motion to appoint Andrew Gorman as the Chair of the Conservation Commission following the conclusion of this meeting and Mr. Gorman accepted the appointment. Ms. Steele seconded and the motion passed by vote of 4-0-1.
  - Mr. Hogan made a motion to appoint Jeff Shaw as the Clerk of the Conservation Commission following the conclusion of the meeting. Mr. Gorman seconded the motion pending Mr. Shaw's acceptance and the motion passed by vote 5-0-0.
  - Mr. Gorman made a motion to appoint Mr. Hogan as the Vice Chair of the Conservation Commission following the conclusion of the meeting. Mr. Holden seconded and the motion passed by vote of 4-0-1. Mr. Hogan abstained from voting and accepted the position.
  - Mr. Hogan made a motion to appoint Russ Holden as the Treasurer of the Conservation Commission following the completion of this meeting. Mr. Bangma seconded and the motion passed by vote of 5-0-0.
- Update Guideline Policy for Conservation Commission – Passed Over
- Trail Clean-up @ Pout Pond
  - Mr. Holden manages an interactive map that can be shared to help manage ongoing efforts and open items at Pout Pond. Members agreed to use it and share this tool with the PRCC and related Facebook groups. Mr. Holden also noted the following open items: there are approximately 6 tires need to be removed; there has been loss of a lot of vegetation due to an ongoing BMX bike trail path on the Charles Ave. side (jumps and pits and barrels brought over from the ball field); someone pointed out Purple Loose Strife in the pond.
  - The Commission received a text message from the PPRC regarding the condition of the weeds on site. SOLitude completed a survey and are looking for authorization to move forward with the work because weeds are worse this year. This service is part of the package already paid for. Mr. Hogan reminded the group to coordinate with PRCC because the pond has to be closed for 24 hours. Mr. Holden also described the Purple Loose Strife he saw and hand removed – 10-15 stems in one small area.
  - MOTION: Mr. Gorman made a motion to allow SOLitude to complete the pre-defined work at Pout Pond with the Condition that it is coordinated with the Pout Pond Recreation Committee. Ms. Steele seconded and the motion passed by vote of 5-0-0.
- Peaceful Pond
  - Ms. Steele asked about the lily coverage and wondered whether it can be evaluated/managed. There was a brief discussion about the history the property.
- Open Space Committee
  - Last meeting there was a discussion regarding the most appropriate way establish the committee considering our local charter and bylaws. Mr. Gorman reached out MACC for their opinion and how the Conservation Commission Act may applies but had not yet heard back. Mr. Hogan highlighted that the warrant for the Spring Annual Town meeting closes on 8/25/17. There was a discussion about membership and Mr. Hogan clarified he was informed by the Town Manger that if it created as subcommittee of Conservation only Conservation members on it because of the way our town charter and bylaws are written. They also discussed the roles and responsibilities and of advisory committees, standalone committees, etc. Mr. Hogan and Mr. Gorman agreed to work on a letter to be sent to town council asking for clarification before bringing to town meeting.
- Legg Farm Property
  - Conservation Restrictions Inspector (Felicia Bakai) recently assessed the property and observed a few violations – abutters using the property for yard waste. Mr. Holden is coordinating with Ms. Dillon obtain the specifics. Her final report can be used as the basis for a friendly letter to nearby residents explaining that we have recently identified the lot lines and asking their assistance to ensure it remains conserved, as it is Town's legal obligation to the state.

## Conservation Commission Meeting Minutes continued – Monday, August 7, 2017

- 142 South Street
  - The Commission reviewed questions to send to Town Counsel which were submitted to the Conservation Agent through e-mail. The Commission agreed with the compiled questions with one modification. Concerning the question relating to sharing information with members of other boards, Mr. Hogan asked if there could be a follow up conversation with Counsel via telephone on the response to this question. The Commission agreed and added a sentence to the end of this question. After further review, no other changes were made to the questions.
  - The Commission discussed the involvement with other boards for matters pertaining to 142 South Street. Although other town officials have entered the property, Mr. Gorman notes that they did not have the opportunity to inspect the entire lot. Commission members expressed concern about selectmen reaching out to the Commission in anticipation of the request for Counsel. The Commission considered whether or not these interactions would qualify as an ethics violation. Mr. Bangma stated that it was important for the Commission to remain neutral and focus on issues within the Commission's purview. No action was taken by the Commission concerning selectmen/other board's involvement in the enforcement process.
  - The Commission discussed the disturbances reported to the office during 2016. No new information was gathered or presented at this time. Mr. Hogan and Ms. Steele asked about DEP involvement with the Enforcement Order and Mr. Gorman discussed potentially reaching out to the U.S. Army Corps of Engineers or the U.S. Environmental Protection Agency if necessary.
- 9 Balm of Life Spring Road
  - See discussion of 142 South Street Discussion for Town Counsel request.
  - Mr. Gorman reviewed his findings from a recent FOIA request to MassDEP for records pertaining to Mr. Michael Marchand and 9 Balm of Life Springs Road. Mr. Gorman noted that MassDEP had drafted enforcement orders for the Uxbridge Board of Health in years prior, but these enforcement orders were never issued by the Board of Health or former Health Agent. Mr. Gorman also noted that, when recently contacted in 2016, DEP was hesitant to take over any new enforcement case against Mr. Marchand or the property given the time and resources exhausted, citing the need for more local involvement with this issue.
  - **MOTION: Mr. Hogan made a motion that the Commission approve and send the amended questions to Town Counsel. Mr. Gorman seconded the motion and it passed unanimously by roll-call vote: Dale Bangma, aye. Andrew Gorman, aye. Jim Hogan, aye. Russ Holden, aye. Lauren Steele, aye.**

At 9:40 PM, Mr. Gorman made a motion to adjourn the August 7, 2017 meeting of the Uxbridge Conservation Commission. The motion was seconded by Ms. Steele and it passed unanimously by roll-call vote: Dale Bangma, aye. Andrew Gorman, aye. Jim Hogan, aye. Russ Holden, aye. Lauren Steele, aye.

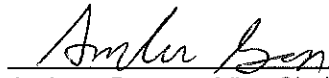
**ADJOURNMENT-NEXT MEETING SCHEDULED FOR AUGUST 21, 2017**

Conservation Commission Meeting Minutes continued – Monday, August 7, 2017

Respectfully submitted,

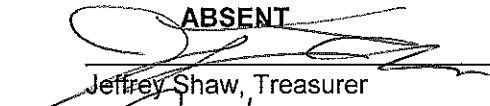
Andrew Gorman

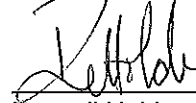
  
Jim Hogan, Chairman

  
Andrew Gorman, Vice Chair

  
Lauren Steele, Clerk

ABSENT

  
Jeffrey Shaw, Treasurer

  
Russell Holden, Member

  
Dale Bangma, Member

October 2, 2017  
Date