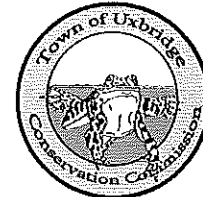




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**Conservation Commission Meeting Minutes  
Monday August 21, 2017  
Board of Selectman's Room, Uxbridge Town Hall**

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

**Present:** Chair Andrew Gorman, Treasurer, Russell Holden, Clerk Jeff Shaw, Members Dale Bangma, Lauren Steele, and Rick Tobin and Conservation Agent Melissa Dillon

**Absent:** Vice Chair Jim Hogan

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

The chair also welcomed new member Rick Tobin to the Conservation Commission.

**OTHER:**

1. Eagle Scout Project-Jack Robertson; walkway behind John Farnum House
  - Dave Moriarty, 34 Capron St, one of the trustees of the Arthur R. Taft Memorial Trust, provided background information and explained the roll the Trust in maintaining and preserving the property around the John Farnum House, which includes frontage along the Mumford River. Jack Robertson approached the trustees about options for his Eagle Scout Project and chose to clean up and prepare and area for Canoe and Kayak portage. Mr. Moriarty gave a brief description of the area and the project and stated he and the other members support Jack and his project. He emphasized it is a nice place for an official portage allowing the people of Uxbridge to access and enjoy this section of the Mumford river.

*Mr. Gorman made a motion to take the agenda out of order and hear Public Hearing #6 and return to this item when Jack Robertson arrives. Mr. Shaw seconded and the motion passed 5-0-0.*

- Later in the meeting, Jack Robertson attended to obtain guidance and recommendations for completing his Eagle Scout Project. He provided a basic plan for a path and staircase to make it easier and safer to place a canoe or kayak in the water. The project involves clearing about 30' of over growth overhanging branches, dead trees and sticks. Mr. Holden recommended Jack check out other local canoe launches such as Skull Rock Lock and across from the Stanley Woolen Mill for ideas and inspiration. Members also explained that his project would require a NOI and if filled out under the grounds it is for the town and it would be free – Ms. Dillon offered to help Jack through the NOI process.
- MOTION: Mr. Gorman made a motion to waive any filing fees for Jack Robertson's Eagle Scout Project at the John Farnum house property with the condition that the project area is open for the public to enjoy. Ms. Steel seconded and the motion passed by vote of 6-0-0.

*Mr. Gorman made a motion to take the agenda out of order and return #5 under Reported/Ongoing Violations. Mr. Shaw seconded and the motion passed by vote of 5-0-1.*

**PUBLIC HEARINGS**

1. **Notice of Intent (NOI), DEP #312-1048, 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: Travis Brown, Andrews Survey and Engineering attended on behalf of the applicant to review the changes to the plan requested at the previous meeting which included adding the entire subdivision, adding the

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date of delineation 7/16/2015, and adding conservation marker outside 25' buffer. Commissioners were satisfied with the changes. No public comments.

MOTION: Ms. Steel moved to close the public hearing for DEP #312-1048 for 29 Tucker Hill Road. Mr. Bangma seconded and the motion passed by vote 5-0-1

MOTION II: Ms. Steele moved to approve the NOI for DEP #312-1048, 29 Tucker Hill Road, with the Uxbridge Standard Special Conditions and a special condition that there be Conservation marker on the property shall be maintained and remain in place in perpetuity. Mr. Bangma seconded and the motion passed 5-0-1.

2. **Notice of Intent (NOI), DEP #312-1049**, 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: Michael Hassett, Guerriere & Halnon attended on behalf of the applicant with responses to issues brought up at the prior meeting. Secondary erosion controls were evaluated and they recommend an 18" d x 4' w settling trench that runs along the silt fence with stone check dams every 100'. The primary purpose is to prevent and slow any movement and allow any sediment to filter out and provide a place for additional storage before the silt fence. There was discussion on the benefits to the stream below by keeping the trench vs. filling it in after construction. Mr. Hassett thought the applicant would be open to conditions related to keeping and seeding the swale and removing the check dams. In regards to storm water, Mr. Hassett reviewed the original subdivision design and the 2 different drainage reports that are applicable to this site. The 1987 subdivision design established 4 basins on site (most if not all are now considered wetlands) that were developed to accommodate the full build out and assumed a 50% impervious area for development. Additionally in 2012, Phases 4 & 5 of the subdivision were approved and another storm water analysis was done that also accounted for the full build and was reviewed by the Commission its consultant Graves. Mr. Hassett did not see a need for additional storm water design given it's been evaluated 2 times and approved by the Commission.

There was discussion about the need to coordinate construction between these three lots. The main concern being the long stretch of slope that will be opened up near the river front as they during construction. Mr. Hassett indicated he believes the developer's intent is to work on each lot at a time, consistent with how they've been constructing other lots in the development. Everyone agreed it would be useful and possibly easier to install all the ECBs at the same time. No comments from the public.

Mr. Gorman recapped the following possible conditions: Maintain the trench as a grass swale in perpetuity; a condition related to the order of construction; general condition that the ECB for all three lots be installed simultaneously; stumps shall remain until actual site work is initiated; provide the commission with a construction sequence plan that is approved before the start of work.

MOTION: Mr. Holden made a motion to continue DEP#312-1049 for more information and a construction sequence. Ms. Steel seconded and the motion passed by vote 4-1-1.

3. **Notice of Intent (NOI), DEP #312-1050**, 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 as she is an abutter*

Discussion: Michael Hassett, Guerriere & Halnon attended on behalf of the applicant. The discussion from the previous hearing (Lot 8a) regarding secondary erosion controls and storm water / drainage assessments applies to this lot also. Mr. Holden asked if there was a discussion as to how it will be phased (lot specific) and how they will be sure they do not impact the resource area. Mr. Hassett said they could include a sequencing plan that could address in more detail how each individual lot will be phased with special attention to earth removal and erosion. No public comment.

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MOTION: Mr. Holden made a motion to continue DEP#312-1050 for more information and a construction sequence. Mr. Bangma seconded and the motion passed by vote 4-0-1.

**4. Notice of Intent (NOI), DEP #312-1051, Lot 10B Hyde Park Circle- 21, 25, 27, 29, 31, 33, 35 & 37 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 as she is an abutter*

Discussion: Michael Hassett, Guerriere & Halnon attended on behalf of the applicant. Commission members agreed to carry over comments from the two prior hearings as they are all related. Mr. Hassett did agree to discuss the feasibility of a conservation design with the applicant.

MOTION: Mr. Holden made a motion to continue DEP#312-1051 to the next for more information and a construction sequence. Mr. Shaw seconded and the motion passed by vote 4-0-1.

**5. 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.

*Mr. Bangma recused himself from the hearing.*

Discussion: Mark Anderson, Goddard Consulting, attended on behalf of the applicant and reviewed amended plans and NOI with the deed submitted. This is a Two-Plan set – (1) strictly deals with the work on lot 4 with a design note listing a replication plan created for the property (2) is a revision of the lot 5 plan that shows the proposed access and the wetland easement and the deed that shows lot 4 owns the replication area. This should leave a clean record that lot 4 having rights and accountability for the wetland replication area. The replication area is still at 1 to 1.5 replication area. The replication will be supervised by a wetlands scientist for the entirety of construction basically from tree clearing to planting. There was discussion about the size and design of the culvert, both acceptable to members. No public comment.

MOTION: Mr. Shaw moved to close the public hearing DEP #312-1038 45 Mountainview Road. Ms. Steele seconded and the motion passed by vote 4-0-1.

MOTION II: Mr. Holden moved to approve DEP #312-1038 45 Mountainview Road with the Uxbridge Standard Special Conditions with the added condition that the wetland crossing shall be constructed during low flow period of Jul 15 – Oct 15 or during a no flow period as approved in writing by the Commission or it's agent. Mr. Shaw seconded and the motion passed 4-0-1.

*The agenda returned to the 1<sup>st</sup> Public Hearing not yet heard (DEP #312-1048, 29 Tucker Hill Rd.).*

**6. 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.

Discussion: JP Connolly attended on behalf of the applicant, and reviewed the revised the plan set per Ecotech's review and comments. The revisions include the revised flag locations – the updated area of disturbance is now 3730 sq ft. Mr. Connolly also spoke on a comment in the peer review letter regarding the creation of the lot and creating a hardship... he explained the lot was created in 2003 and went through a Special Permit review by the ZBA. The driveway location, on the wetland side, was chosen to avoid having to grant a variance to the side yard setback. He also described upgrades made to Aldrich Street that improved drainage conditions. Mr. Connolly further stated the wetlands have receded significantly since the last site walk, areas that were considerably wet are fairly dry at this time and so he doesn't have reservations performing construction. Mr. Gorman concurred it is a one of the most dynamic areas in town for wetland changes. Mr. Gorman also noted the response from DEP about created hardship in that the place it's mostly written about in the regulations mainly applies to riverfront

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area. There was also a brief discussion changes to the plan with the riprap slopes – Mr. Connolly said they thought armoring the slope would be prudent and wanted to keep the grading from the road from the center and a couple foot buffer on each side (2:1, 2-3' of fill high wall).

Graves engineering is completing the peer review and will have an opportunity to respond to the on the response letter to Ecotech. Abutters were notified. Discussed possible condition to construct when it is dry. Members agreed to visit the site again to see the replication area and driveway access and try to locate any additional information from the 2003 ZBA hearing.

MOTION: Mr. Holden made a motion to continue DEP #312-1039 for more information to the next meeting of the Conservation Commission. Ms. Steele seconded and the motion passed by vote of 5-0-1.

*Ms. Steele moved to hear #2 under Public Hearings next and hear #1 later in the meeting when the applicant arrives. Mr. Bangma seconded and the motion passed by vote of 5-0-1.*

### WETLAND UPDATES/ISSUES

1. Certificate of Compliance-189 Mendon St, DEP #312-1003
  - Representative of Clean Energy Collective attended the meeting. Ms Dillon described the progress she observed since July (all tracks filled) and her recommendation is to approve the CoC.
  - MOTION: Ms. Steele Moved to approve the Certificate of Compliance for 189 Mendon St. DEP #312-1003. Mr. Shaw seconded and the motion passed by vote of 5-0-1.

*Mr. Holden Moved to take the agenda out of order to hear #2. Under Reported/Ongoing Violations 855 Aldrich St. Mr. Shaw seconded and the motion passed by vote 5-0-1.*

### REPORTED/ONGOING VIOLATIONS

1. 825 Aldrich Street
  - No new correspondence with property owner. Commission members agreed to have Ms. Dillon send a follow up letter.
2. 855 Aldrich Street
  - The property owners James and Amy Revell attended the meeting in response to a potential violation. The commission was invited to visit the property on 8/15 and reviewed their observations during the meeting. Members agreed it appears that the wetlands have encroached up toward the dwelling rather than the owners encroaching on the wetlands. Historical aerials of the area were reviewed and members discussed beaver activity on Aldrich Street which may also be contributing to the change. Members discussed the option of identifying and marking the high water location and developing Memorandum of Understanding with guidelines regarding any new activity; accessory structures, etc. The Revell's were amenable to the suggestions.
  - MOTION: Mr. Gorman made a motion to take 855 Aldrich St. off the agenda as a Reported/Ongoing Violation and that the Commission formally schedule a site visit for April 15th to determine the approximate boundary of high-water on the property and prepare a Memorandum of Understanding for the property owner so they have an understanding of where the boundary is of the wetland. Mr. Bangma seconded and the motion passed 5-0-1.

*Mr. Bangma made a motion to take the agenda out of order to Any Other Business and hear an item not on agenda - 629 Hartford Avenue East. Mr. Holden seconded and the motion passed by vote of 5-0-1.*

3. 64 Balm of Life Spring Road, 126 & 148 Ironstone
  - Mr. Lanzetta provided Ms. Dillon with a plan as discussed during the prior meeting and the Enforcement Order was issued and ready to be signed.
4. 290 Millville Road
  - The property owner has secured a representative and Ms. Dillon is working on scheduling a coordinated meeting. Ms. Dillon also described an unrelated visit the property with Mr. Legg of the Waste Water Department.

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5. 142 South Street & 9 Balm of Life Spring Road (Commissioners agreed to combine the discussion for the above 2 properties):
- Mr. Patrick Hannon, 34 Highview Dr., former Conservation Commissioner, attended to provide the Commission enforcement information he has in his possession regarding violations on the above-mentioned properties. Mr. Hannon explained that on 6/27/17 he was notified his 6/30/17 appointment to the Commission would not be renewed and he did not have a chance to pass on this information. He provided a timeline of his involvement going back to 2014. He detailed how he became aware of the violations 9 Balm of Life Spring Rd, when he met the owner, Mr. Marchand, and described communications he had with him. He indicated Mr. Marchand contacted him and stated that he was *no longer involved* in the dumping of contents portable toilets into Bacon Brook at 142 South Street. Shortly after, Mr. Hannon was contacted by another resident off South Street who witnessed and photographed these violations. He recapped other related unsolicited information that was received during a Commission site visit to 177 River Road and through various text messages and photographs. He personally observed illegal dumping at 142 South Street on 7 different occasions and described his observations of the activity to the Commissioners.
  - Mr. Hannon stated he observed and has concerns with members of the Planning Board and Board of Selectman visiting 142 South Street on various occasions for various lengths of time while under the enforcement of the Conservation Commission. He is under the impression and troubled that the Chair of the BOS is undermining investigation of the Commission. He also described visits by the Building Inspector and Board of Health agent to the property and is concerned they are trying take away the Commission's credibility and strongly recommended members report it to the state ethics commission.
  - Mr. Gorman noted that the Commissions role here is not to speculate on intent but in terms of violation enforcement to review the tangible evidence has come before them.

*Ms. Steel moved to take the agenda out order and go back to Other and hear Jack Roberson's proposal for his Eagle Scout project. Mr. Shaw seconded and the motion passed 6-0-0.*

- Mr. Barry Desrusseaux attended to clarify his position and to respond to the comments made by Mr. Hannon regarding him and other members of other boards. He stated the innuendos of any illegal involvement made Mr. Hannon are completely inaccurate. He expressed his frustration that the comments being made by Mr. Hannon were allowed to continue.
- Also related to the above mentioned properties... Mr. Gorman explained there was an Open Meeting Law Violation filed against the Commission because there was not a written purpose in the agenda or intent stated when the Commission moved into Executive Session as required. He described his response to the Attorney General's Office and strongly recommended that members review the OML materials provided.

### **PROCESSING**

1. 7/3/17, 7/17/17, 8/7/17 Meeting Minutes
  - The 7/3/17 minutes were passed over due to lack of quorum.
  - Ms. Steele made a motion to approve the July 17, 2017 meeting minutes of the Conservation Commission. Mr. Bangma seconded and the motion passed by vote of 3-0-2.
  - Mr. Gorman made a motion to approve the regular August 7, 2017 meeting minutes as amended. Mr. Steele seconded and the motion passed by vote of 3-0-2.
  - Commission members also decided to pass over approving Executive Session Minutes from 8/7/17 until the next meeting or the matter is closed.

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

- Discussion on removing text from Special Condition 50
  - Mr. Gorman proposed removing the words "and the plan" from Special Condition 50 and they are just required to record the Order of Conditions. Most towns do not require plans to be recorded (just the Order of Conditions) and most applicants do not comply with our request to record the plan. Another idea discussed was to ask applicants to include an 8 ½ x 11 plan with the OoC.
- Update Guideline Policy for Conservation Commission
  - Commissioners passed over and set a goal to discuss the 1<sup>st</sup> third of the document at the next meeting.

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- Trail Clean-up @ Pout Pond
  - The weeds were treated and there is a lot of dead rotting vegetation around the perimeter and in the pond that could affect the health of the pond and deter swimmers.
  - MOTION: Ms. Gorman made a motion to investigate, through its agent, the removal and harvesting of dead invasive weeds from Pout Pond. Ms. Steele seconded and the motion passed by vote of 5-0-1.
  - There was a discussion of cleaning up the backside of the trail around the pond as it is hard to follow due to overgrowth.
  - Mr. Holden provided a quick update regarding Felicia Bakaj's (agent DCR), recent visit. She brought her shape file and accurate gps walked the property line she noted minor violations such as lawn clippings; a portion of a sprinkler on the property; a swingset, etc. Commissioners agreed they could use this information to draft a friendly enforcement letter to abutting properties.
- Open Space Committee
  - Mr. Gorman put a question out to the MACC and summarized two responses received. Members discussed the option of converting open space committee into a temporary advisory committee, which would allow the public to participate.
  - MOTION: Mr. Steele made a motion to convert the Open Space Committee to an Advisory Committee with the same members, Ms. Steele as Chair, Mr. Holden as Clerk and Ms. Gorman as a member to last at least until the 2018 spring town meeting and the Commission issue a Memorandum of Understanding that it will accept the work produced by this advisory committee as it's draft for an Open Space Plan. Mr. Holden seconded and the motion passed by vote 6-0-0.
- 629 Hartford Ave East
  - Travis Brown, Andrews Survey and Engineering, attended on behalf of the applicant to explain minor changes made to the plan (a change in the house footprint and loam and septic) and determine what the commission requires. Members discussed whether an amended NOI is required.
  - MOTION: Mr. Gorman made a motion to approve administratively the plan change for 629 Hartford Avenue East plans dated 8/21/17. Ms. Steele seconded and the motion passed by vote of 4-1-1.

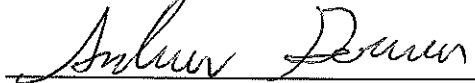
*Mr. Shaw made a motion to take Reported/Ongoing Violations 9 Balm of Life Spring Road and 142 South Street out of order. Ms Steele seconded and the motion passed by vote of 5-0-1.*

### **ADJOURNMENT-NEXT MEETING SCHEDULED FOR SEPTEMBER 5, 2017**

- MOTION: Ms. Steele moved to adjourn the meeting of the Conservation Commission. Mr. Tobin seconded and the motion passed by vote 6-0-0.

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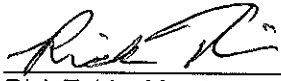
Respectfully submitted,  
Melissa Shelley

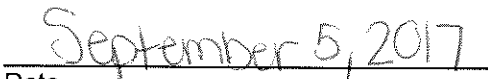
  
\_\_\_\_\_  
Andrew Gorman, Chairman


**ABSENT**


\_\_\_\_\_  
Jim Hogan, Vice Chair

\_\_\_\_\_  
Lauren Steele, Member

  
\_\_\_\_\_  
Rick Tobin, Member

  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Jeffrey Shaw, Clerk

  
\_\_\_\_\_  
Russell Holden, Treasurer

\_\_\_\_\_  
Dale Bangma, Member