

Reviewed by  
Judge  
John Clerk

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## Conservation Commission Meeting Minutes continued – Tuesday, September 5, 2017

MOTION II: Mr. Hogan made a motion to approve NOI for DEP #312-1049, lot 8A – 39 & 41 Hyde Park Circle with the Uxbridge Standard Special Conditions and the following additional special conditions (i) The owner and/or applicant is required to retain an Erosion Control Monitor consistent with the inspection regime and qualification requirements of the 2017 Construction General Permit and all reports are to be submitted to the Conservation Commission in conjunction with submittal to the EPA and/or the property owner; (ii) The following changes are to be made to the Construction Phasing plan and included in the final Order of Conditions: 'e': The Conservation Commission shall be the pre-work erosion control inspector 'f': Silt fences, stakes, and silt sock is to be specified and stored on-site 'l': 'or stabilized' should be added to the language for work done in a non-growing season; (iii) The Construction Phasing plan shall be kept on site at all times during construction. Mr. Shaw seconded and the motion passed by vote of 5-0-0.

2. **Notice of Intent (NOI)**, Lot 10A Hyde Park Circle-120 Crownsheild; 5, 7, 9, 11, 15, 19, & 19 Hyde Park (Map 29, Parcel 3117) (1:00:00– 1:03:00) 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.

Discussion: Michael Hassett with Guerriere & Halnon attended on behalf of the applicant, and stated he did not have anything further to add to the discussion for lot 10A. The Commission agreed the commentary carried over from the previous public hearing. Mr. Holden noted this lot should include a condition as follows: with the exception of erosion control, no work on this site shall begin before lot 8a and 10b are stabilized to the satisfaction of the Commission. No public comment on the application.

MOTION: Mr. Hogan made a motion to close the public hearing for DEP #312-1050, lot 10A Hyde Park Circle-120 Crownsheild. Mr. Shaw seconded and the motion passed by vote of 5-0-0.

MOTION II: Mr. Hogan made a motion to approve NOI for DEP #312-1050, lot 10A Hyde Park Circle -120 Crownsheild, with the Uxbridge Standard Special Conditions and the following additional special conditions (i) the owner and/or applicant is required to retain an Erosion Control Monitor consistent with the inspection regime and qualification requirements of the 2017 Construction General Permit and all reports are to be submitted to the Conservation Commission in conjunction with submittal to the EPA and/or the property owner; (ii) The following changes are to be made to the Construction Phasing plan and resubmitted to the office to be included in the final Order of Conditions: 'e': The Conservation Commission shall be the pre-work erosion control inspector 'f': Silt fences, stakes, and silt sock is to be specified and stored on-site 'l': 'or stabilized' should be added to the language for work done in a non-growing season; (iii) the Construction Phasing plan shall be kept on site at all times during construction; and (iv) no work beyond 'a'-i' shall commence before lots 8A & 10B are stabilized to the satisfaction of the Commission. Mr. Tobin seconded and the motion passed by vote of 5-0-0.

3. **Notice of Intent (NOI)**, Lot 10B Hyde Park Circle- 21, 25, 27, 29, 31, 33, 35 & 37 Hyde Park (Map 29, Parcel 3117) (1:04:00-1:05:00)  
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.

Discussion: Michael Hassett with Guerriere & Halnon attended on behalf of the applicant. Commission members and the applicant agreed the commentary carried over from the previous public hearings.

MOTION: Mr. Hogan made a motion to close the public hearing for Lot 10b Hyde Park Circle. Mr. Shaw seconded and the motion passed by vote of 5-0-0.

MOTION II: Mr. Hogan made a motion to approve NOI for DEP #312-1051 with the Uxbridge Standard Special Conditions and the following additional special conditions (i) The owner and/or applicant is required to retain an Erosion Control Monitor consistent with the inspection regime and qualification requirements of the 2017 Construction General Permit and all reports are to be submitted to the Conservation Commission in conjunction with submittal to the EPA and/or the property owner; (ii) The following changes are to be made to the Construction Phasing plan and included in the final Order of Conditions: 'e': The Conservation Commission shall be the pre-work erosion control inspector 'f': Silt fences, stakes, and silt sock is to be specified and stored on-site 'l': 'or stabilized' should be added to the language for work done in a non-growing season; (iii) The Construction Phasing plan shall be kept on site at all times during construction. Mr. Gorman seconded and the motion passed by vote of 5-0-0.

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4. **Notice of Intent (NOI), DEP#312-1039** 620 Aldrich Street (Map 48, Parcel 4524) (1:05:00-1:06:00)  
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: The applicant requested to continue to the next meeting.

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

### REPORTED/ONGOING VIOLATIONS

1. 825 Aldrich Street (1:06:22- 1:09:40)
  - Mr. Gorman reviewed an anonymous complaint dated 7/24/17 (granite blocks in a wetland area). Two letters were sent to the homeowner requesting they attend a meeting or allow the agent to view the area related to the complaint.
  - MOTION: Mr. Hogan made a motion that the Commission send a certified letter requesting the property owner attend a meeting or allow the agent to walk the property line. Mr. Shaw seconded and the motion passed by vote of 5-0-0.
2. 64 Balm of Life Spring Road, 126 & 148 Ironstone (1:09:44-1:11:10)
  - Members agreed to have the agent visit the site to confirm the work was completed as proposed before lifting the enforcement order.
3. 290 Millville Road (1:11:22 -1:13:00) \* *Mr. Gorman recused himself as of 8/31 his firm has been retained to do work at this property*
  - Ms. Dillon conveyed the applicant (who works through a representative) would like to have a plan and the wetlands delineated before meeting so a site visit can be as productive as possible and they will inform her upon completion. Additionally, she reported to the commission that she visited the site on an unrelated matter (DPW locating their manholes) and activity has pretty much ceased.
4. 142 South Street (1:13:22-1:16:00)
  - Review of an anonymous complaint called into the office on 8/21 in the evening and distributed to members via the agent. The caller reported hearing equipment operating at 8:30pm).
5. 9 Balm of Life Spring Road (1:22:00 - 1:32:00)
  - Review Town Counsel Response
    - Due to discrepancies in ownership and the actual site operator between DEP and the Commission, council recommend issuing new to all parties that we know are affiliated with the site for the past three years (Kevin Marchand, Michael Marchand, Nicole Tingly).
    - MOTION: Mr. Hogan moved that the board issue an EO to cease and desist all activity on the site for 9 Balm of Life Spring Road to the landowner of record, Nicole Tingly Trustee, as well as Mr. Michael Marchand and Mr. Michael Marchand II who have been observed to be operating the site. Mr. Gorman seconded and the motion passed by vote of 5-0-0.
      - *There was discussion during the motion about replacing "cease and desist" with the language from the prior order regarding the storage and management of solid waste but the commission agreed to keep cease and desist).*
    - Members agreed to compile the information to be sent to the environmental strike force (waste site cleanup and solid waste management) and review at the next meeting.

## **Conservation Commission Meeting Minutes continued – Tuesday, September 5, 2017**

### **PROCESSING**

1. 7/3/17 & 8/21/17 Meeting Minutes (1:32:00 – 1:36:35)
  - 7/3/17 minutes passed over due to lack of quorum.
  - MOTION: Mr. Holden moved to approve the 8/21/17 meeting minutes as amended. Mr. Tobin seconded and the motion passed by vote of 4-0-1.

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

- DCR follow up-encroachments on the Conservation Restriction at Legg Farm (1:37:00-1:54:45)
  - The Commission reviewed Ms Bakaj's (DCR) comments from her site visit and members concurred with her findings. They also reviewed aerial photos of the property.
  - Members agreed to compose and distribute 2 letters: The first to the property owners with items identified in Ms. Bakaj's letter and a general letter to all the abutters of the Conservation Restriction.
- Review of Open Meeting Law (OML) and Executive Session Requirements (1:54:49 – 1:59:00)
  - Mr. Gorman reviewed an OML complaint against the commission and his response. Members discussed attending an OML workshop on 9/18 in Rutland presented by the Attorney General's office. The commission decided to reschedule their meeting scheduled on 9/18/17 to 9/19/17 so members are available to attend the training. They also discussed approving the minutes from the Executive Session, as soon as possible.
- Update Guideline Policy for Conservation Commission (1:50:03-2:40:40)
  - Members reviewed and agreed upon updates in the first 7 items of their Guidelines Governing the Operations and Meetings of the Uxbridge Conservation Commission.
  - MOTION: Mr. Holden made a motion to continue the review of the remaining items during the next meeting of the Conservation Commission. Mr. Tobin seconded and the motion passed 5-0-0.
- Trail Clean-up @ Pout Pond (2:41:00-2:44:42)
  - Mr. Holden updated members he had recently visited the site to mark the trail with flags but found it recently mowed and easy to identify. It can be tricky depending on what side you enter the trail but the sign project should solve any confusion.
- Open Space Committee (2:44:43-2:44:51)
  - Mr. Gorman will reach out to Ms. Steele to see if she would like to submit something to the BOS and Town Manager to formalize her request.
- New Complaint regarding material stored behind the DPW – not on the agenda
  - Mr. Hannon attended the meeting & informed commissioners he filed a complaint and notified the DEP (waste site cleanup and solid waste and the asbestos unit) and he wanted to recommend to Commissioners they consider state ethics and financial interests as taxpayers and the possibility of deferring to DEP before taking any action. (1:16:20-1:20:51)
  - Later in the meeting, Mr. Gorman informed members about the details of the complaint filed in regards to potential hazardous material stored behind the DEP. After discussion, members agreed to visit the site. (2:45:00-2:51:00)
- Amended Notices of Intent (2:51:01-2:58:00)
  - Mr. Gorman asked if members would like to take up an agenda item to discuss whether the Commission adopt a policy that establishes criteria for different types of amendments to NOIs. They agreed to review DEP and MACC's policies and guidelines when they finish the updates to the Guideline Policies.
- Admin vs. Agent Discussion (2:58:00-3:06:58)
  - There was a discussion regarding the Agent position, how beneficial it has been to the Commission and how to keep it competitive and retain staff. Members agreed to define expectations, set goals and possible salary steps for this position and add as an agenda item before the start of budget season.

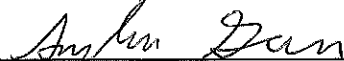
### **ADJOURNMENT-NEXT MEETING SCHEDULED FOR SEPTEMBER 19, 2017**

Mr. Gorman made a motion to move the Conservation Commission meeting to Tuesday September 19, 2017 so members can attend an Open Meeting Law Training. Mr. Hogan seconded and the motion passed 5-0-0.

Mr. Holden moved to adjourn the meeting of the Conservation Commission. Mr. Shaw seconded and the motion passed 5-0-0.

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Respectfully submitted,  
Melissa Shelley

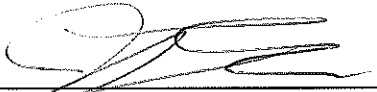
  
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Andrew Gorman, Chairman

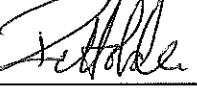
  
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Jim Hogan, Vice Chair

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

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

October 2, 2017  
Date

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

  
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Russell Holden, Treasurer

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