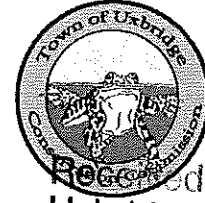


Town of Uxbridge
Conservation Commission
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**Conservation Commission Meeting Minutes
Tuesday September 19, 2017
Board of Selectman's Room, Uxbridge Town Hall**

Present: Chair Andrew Gorman, Vice Chair Jim Hogan, Clerk Jeff Shaw, Members Rick Tobin & Lauren Steele and Conservation Agent Melissa Dillon

Absent: Members Dale Bangma and Treasurer Russell Holden

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

- * *Mr. Hogan made an announcement the Uxbridge Friends of Music is holding a "Recycle for Music Day" Sat. 9/23/2017 from 8-9 St. Mary's Church for electronics and other large items.*
- * *Mr. Hogan moved to take the agenda out of order to hear the first item under Any Other Business - Pout Pond Closure. Ms. Steele seconded and the motion passed by vote of 4-0-0.*
- * *Mr. Shaw joined the meeting during the 2nd Public Hearing NOI for 0 Newell Road and 0 S. Main Street.*

PUBLIC HEARINGS

1. **Notice of Intent (NOI), DEP#312-1039** 620 Aldrich Street (Map 48, Parcel 4524) (00:07:40 - 00:09:35)
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 formally requested to continue hearing to the next meeting. There was a brief discussion regarding the nature of the continuances and to ensure the project is progressing.

MOTION: Mr. Hogan made a motion to continue DEP#312-1039 to the next regularly scheduled meeting of the Conservation Commission. Ms. Steele seconded and the motion passed by vote of 4-0-0.

2. **Notice of Intent (NOI), 0 Newell Road & 0 South Main Street** (Map 25, Parcels 2065 & 4434) (00:09:40-00:48:23)
Applicant: ForeFront Power, LLC Representative: TRC Environmental Corporation
Project Description: Construction of a 4 megawatt ground mounted solar facility with work in bordering vegetated wetlands and associated buffer zones.

Discussion: DEP number not yet assigned. Alyssa Noyes, TRC Environmental, attended the meeting and provided updated plans and written responses to Ms. Dillon's preliminary review of the project. Mr. Gorman briefly mentioned Ms. Dillon's comments, which included the need for the Boarding Land Subject to Flooding (BLSF) and Bordering Vegetated Wetlands (BVW) to be represented on the plan. She also recommended a peer review due to the amount of tree clearing proposed. Ms. Noyes explained the site is on two adjacent parcels and panels will be installed on 20 of the 100 acres near the railroad to avoid resource areas. She noted that some of panels and fencing might be located in the buffer zone and that in order for the panels to function properly there may need to be some tree clearing within the wetlands (no grubbing, stump removal or ground disturbance – just potential conversion of PFO to PSS). The amount of tree clearing specified in the NOI form is 67,140 sq. ft. in a BVW and 44,891 sq. ft. in a BLSF. Mr. Gorman inquired as to why the project identified in the NOI application under 7a. as a "Limited Project" (the regulations allow for public Utilities in terms of overhead power and underground lines – transmission not generation). He recommended it **not** be reviewed as Limited Project because it will not be subject to performance standards of 310 CMR 10.55 and 10.57 and wouldn't require an Appendix B (a habitat evaluation when you are over the 5000 sq. ft. threshold). Members discussed and decided to confirm with the Circuit Rider whether it qualifies as a Limited Project. Site access is planned to come through the storage area and use the access road for the well field. Members reviewed the proposed land grading and

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discussed establishing temporary soil stockpile areas. Other considerations discussed included the need for a tree-cutting plan to ensure the site is not cleared all at once and whether there should be straw waddles or a swale in addition to the silt fence for erosion control. Commission members all agreed a peer review is necessary due to the scope of the project. Mr. Hogan requested more justification on some of the tree clearing – specifically the large areas that do not appear to be directly bordering the arrays. A site visit would be beneficial and commissioners requested flagging the area to be cleared and stakes for the proposed panels that are near the tree line so they have reasonable reference in the field.

MOTION: Mr. Hogan moved to formally request a peer review of the entire project for the NOI regarding 0 Newell Road & 0 South Main Street (Map 25, Parcels 2065 & 4434) and that the review is coordinated with the Planning Board as to not duplicate efforts. Mr. Tobin seconded and the motion passed 5-0-0.

Mr. Jim Legg, DPW, attended and informed the Commission that they will also be formally commenting on the project. He stated there is critical infrastructure in the area, primarily the main sewer interceptor and the Bernat well fields. The group discussed the importance of the storm water plan because the site is possibly within Zone 1 and definitely in Zone 2 of a drinking water supply. He suggested the Commission coordinate their site visit w/ DPW so they can point out the areas discussed. He summarized the DPWs primary concern is that they continue to have the ability protect and maintain the infrastructure and protect the water supply.

MOTION: Mr. Hogan moved to continue NOI for 0 Newell Road & 0 South Main Street to the next regularly scheduled meeting of the Conservation Commission for more information. Mr. Shaw seconded and the motion passed 5-0-0.

WETLAND UPDATES/ISSUES

1. Depot St Substation (00:48:25 - 00:51:35)

- BSC Group requested to be able to transition from weekly to monthly reports since site is stabilized and they are just waiting on grass growth. Mr. Gorman reviewed Ms. Dillon's comments (they have been up to date on their reporting; the erosional issues/gullies have not recently occurred in recent reports).
- MOTION: Mr. Hogan moved to allow the Depot St. Substation to transition from weekly to monthly reports. Mr. Shaw seconded and the motion passed by vote of 5-0-0.

REPORTED/ONGOING VIOLATIONS

1. 825 Aldrich Street (00:52:15 - 00:54:01)

- Ms. Dillon's visited the site visit on 9/13/17 and Mr. Gorman reviewed the following key points: (i) there were no visible concrete or cement blocks in the wetlands as noted in the original complaint & there did not appear to be any damage to resource area (ii) the fire pit on the property is old and not up against the wetland (iii) the owner removed some tires and were properly disposing of them (iv) she recommends removing the violation from the agenda and closing it out. Commissioners reviewed photographs from her visit.
- MOTION: Mr. Hogan moved to close out any reported violation and removed 825 Aldrich St. from the agenda as there is no violation present. Ms. Steele seconded and the motion passed by vote of 5-0-0.

2. 64 Balm of Life Spring Road, 126 & 148 Ironstone (00:54:03 - 00:54:59)

- Members agreed to lift the order after the trees have been planted which should be in a week or two according to the owner.

3. 290 Millville Road (00:55:00 - 01:02:33) * Mr. Gorman recused himself from the discussion due to potential involvement with the property

- The commission has not received any plans or updates from the site and during the meeting decided to set deadline for the site visit to be held before the 10/16 meeting. Ms. Dillon will continue to coordinate with the representative.

4. 142 South Street (01:03:05 - 01:05:15)

- Members agreed to discuss both 142 South Street and 9 Balm of Life Spring together. Mr. Gorman is continuing to work on compiling all the related materials to be submitted to MassDEP Environmental Strike Force and Waste Site Cleanup. The commission will review the packet before it is sent. Ms. Dillon confirmed that the Enforcement Order was officially delivered for 9 Balm of Life Spring.

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5. 9 Balm of Life Spring Road (BoLS Rd.)
 - See item 4. 142 South Street.
6. DPW Facility (Hecla Street) (01:05:17 – 01:13:00)
 - Mr. Gorman, Mr. Hogan, Mr. Shaw and Mr. Bangma visited the DPW in response to a reported violation. DEP also performed a site visit with Ms. Dillon and the commission is awaiting any forthcoming information based on their findings. Mr. Hogan provided a general overview of the Commission's conclusions. The site has been used by the DPW for approximately 80 years and historically leftover road construction debris was stockpiled behind the barn. Every 15 years or so a contractor was hired to pulverize the material so it could be reused. The last time this was done was in the late 1990 and so there are large mounds. There is no new material they no longer dispose of anything there. The DPW recently removed street sweepings and catch basin cleanings from the parking lot – the cost was \$100,000 to remove 2,300 tons of material. Mr. Hogan estimated there could be 10,000 tons of material behind the barn so it will be costly to remove. DPW is developing a 2-5 year plan to have the material removed in phases. Members noted material previously removed was tested and there was no asbestos or anything that raised flags as hazardous material.
 - Mr. Gorman recommended keeping the item on the agenda as they wait for DEP's findings and invite someone from DPW to come and speak with the Commission about the findings so they can be involved in the management plan.

PROCESSING

1. 7/3/17 & 8/7/17 Executive Session & 9/5/17 Minutes (01:13:05 - 01:17:45)
 - No quorum to approve any of the meeting minutes. The 8/17/17 Executive Session Minutes are available in Draft form for review by request. Members discussed possibly setting up a separate meeting for minutes if necessary so they can be closed out.

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

- Pout Pond Closure (00:01:38 – 00:07:32)
 - Cindy Scott and Ed Evers with the Pout Pond Rec Committee attended provided the following information to the Members regarding the seasonal closing of Pout Pond: the majority of the end of year clean-up was completed 9/16/17; the pond will be "open" on weekends until 9/25/17 – will be accessible after just no onsite parking; the dumpster is scheduled to be picked up around October 1; the bathrooms will be winterized when it gets colder outside; an arborist will be consulted to assess the trees on site. They also discussed the possibility of recycling the old refrigerator and grill on site.
- Henry Legg Abutter notifications/concerns (01:17:59 - 01:18:37)
 - A few abutters inquired about waivers regarding the Conservation Easement property line as some would like to continue mowing the lawn in an effort to control ticks. Since it is a DCR restriction, Ms. Dillon reached out to Felicia Bakaj for a response and will inform the homeowners.
- Update Guideline Policy for Conservation Commission (01:18:40 - 01:42:01)
 - Members completed their thorough review & update of their guidelines policies. The edits will be incorporated and members will have a chance for final review at the next meeting.
- Discussion on Special Condition #50 (01:42:08 - 01:46:03)
 - A consultant notified Ms. Dillon that it is a hardship for applicants to comply with special condition #50 in its totality, as it requires people to also record plans with the Worcester Registry of Deeds. Most commissions only require the Order of Conditions because Registry has very specific requirements for what they accept. Mr. Gorman proposed removing the words "and the plan" and replacing it with an 8 1/2 x 11 copy of the plan shall be recorded with the Order as an attachment. Before adding the language, they will confirm the registry can accept an attachment.
- Open Space Committee (01:46:04 – 1:52:03)
 - Ms. Steele will be presenting an overview and the charge to the BOS at their next meeting. There was also a discussion about the historical Master Plans for the town (now available on the Planning Board web page).

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- Consider adopting a policy for Amended Orders of Conditions (01:52:27 - 01:55:35)
 - Mr. Gorman reviewed the MACC handbook, DEP's policy and the case law that the MACC handbook references regarding Amendments to NOIs – they do not always agree. Members agreed to review use these documents as a foundation for their own policy.
- CoC request 734 and 748 West Street (01:55:37 – 02:00:16)
 - *Item not on the agenda because it was received the day of the meeting.* Specifically the request is to issue on Invalid Order of Conditions because the work was never started. Ms. Dillon informed commissioners the work as proposed would never happen, it was part of a subdivision and they only developed a few lots. Members discussed options and decided to visit the site, review the plan and to place on the agenda for the next regularly scheduled meeting.

ADJOURNMENT-NEXT MEETING SCHEDULED FOR OCTOBER 2, 2017

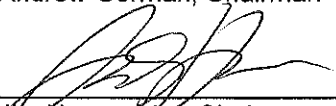
MOTION: Mr. Hogan moved to adjourn the meeting. Ms. Steele seconded and the motion passed 5-0-0.

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Respectfully submitted,
Melissa Shelley



Andrew Gorman, Chairman



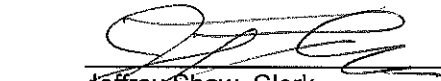
Jim Hogan, Vice Chair



Lauren Steele, Member

Rick Tobin, Member

October 2, 2017
Date



Jeffrey Shaw, Clerk

absent

Russell Holden, Treasurer

absent

Dale Bangma, Member