

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 October 2, 2017  
Board of Selectman's Room, Uxbridge Town Hall

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

**Absent:** Member Rick Tobin

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

**OTHER**

1. Announcement-Statement regarding meeting attendance (00:00:00 – 00:02:44)
  - Mr. Gorman emphasized the importance of meeting attendance and asked everyone to consider whether any changes should be made to improve turnout (e.g. change in time or day or frequency of meetings). Members acknowledged the message and agreed not to make any changes at this time.
2. Community Preservation Act Presentation (00:02:45 – 00:16:44)
  - Mary Beauchamp, 217 Chapin St., attended to explain the Community Preservation Act (CPA) an article on the Fall Town Meeting Warrant, and to request a favorable recommendation from the Conservation Commission to support the petition. She explained that adopting the CPA would provide a sustainable revenue source that may be used for the following purposes: (i) to preserve cultural landscapes and historic structures as well as cemeteries, monuments, memorials, historic documents and artifacts (ii) for the acquisition and preservation of open space (iii) towards the support of passive and active recreation such as trails, parks, and playgrounds and (iv) to plan for affordable housing to meet the needs of the community. The funding is raised through a 3% surtax on real estate property each year. The first \$100,000 is exempt and there are other exemptions for seniors and low income residents. She estimated the average cost per household will be \$97.11 per year and projected totals of more than \$400K per year for the town. Additionally, if adopted Uxbridge is eligible for additional state matching contributions as evidenced in Mendon. CPA Boards typically consist of a member from each of the following boards: Historic, Planning, Recreation, Conservation, and Affordable Housing. Ms. Beauchamp answered questions and there was further discussion among commission members.
  - MOTION: Ms. Steele made a motion that the Conservation Commission issue a letter of support to the BOS and Town Manager in favor of the warrant article for the Community Preservation Act. Motion seconded by Mr. Holden failed to pass by majority with a vote of 3-3-0.

**PUBLIC HEARINGS**

*\* Mr. Hogan made a motion to take the agenda out of order and hear Public Hearing (3) NOI 44 Tucker Hill Rd. Mr. Shaw seconded and the motion passed by vote of 6-0-0.*

1. **Notice of Intent (NOI), DEP #312-1053** 44 Tucker Hill Road (Map 29, Parcel 555) (00:17:05 – 00:25:21)  
Applicant: TTK Real Estate, LLC Representative: Andrews Survey & Engineering, Inc.  
Project Description: Construction of a single family home and associated septic system, earthwork, utilities, and landscaping

Discussion: Travis Brown, Andrews Survey & Engineering on behalf of the applicant, attended and reviewed the plans for Lot 24. Mr. Brown pointed out the 25' no disturb, 50' and 100' buffer zones. He noted house is within the 100' buffer zone, the septic and driveway are both outside 100', and there is no onsite well – the entire subdivision is using town water. He also reviewed the proposed conservation marker to be installed nearest point in proximity to the work. Members agreed the project is fairly straight forward and they reviewed the soil

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stockpiling and ecb's (straw waddle and silt fence – installed and inspected under the subdivision). No members of the public asked to speak to the petition.

MOTION: Mr. Hogan moved to close the Public Hearing for DEP#312-1053 the NOI for 44 Tucker Hill Road. Ms. Steele seconded and the motion passed by vote of 6-0-0.

MOTION: Mr. Hogan made a motion to approve DEP#312-1053 with the Uxbridge Standard Special Conditions and the added condition that a Conservation Marker in the form of a feno spike, with language approved by the Commission, shall be installed and maintained in perpetuity. Mr. Shaw seconded and the motion passed 6-0-0.

*\* Mr. Shaw made a motion to take the agenda out of order and hear (4) 56 Tucker Hill Road. Mr. Hogan seconded and the motion passed by vote of 6-0-0.*

### 2. **Notice of Intent (NOI), 56 Tucker Hill Road (Map 29, Parcel 537) (00:25:21 – 00:29:36)**

Applicant: TTK Real Estate, LLC

Representative: Andrews Survey & Engineering, Inc.

Project Description: Construction of a single family home and associated septic system, earthwork, utilities, and landscaping

Discussion: Travis Brown, Andrews Survey & Engineering on behalf of the applicant, attended and reviewed the plans for Lot 25. Similar to the prior discussion, Mr. Brown stated the house is located inside the 100' buffer, the septic and driveway are outside all buffer zones, the property will use town water and conservation markers will be installed. There was also a quick mention of the status of the roadway, currently under construction, for the subdivision. No members of the public asked to speak to the petition.

MOTION: Mr. Hogan moved to continue NOI for 56 Tucker Hill Road until a DEP number is assigned. Mr. Shaw seconded and the motion passed by vote of 6-0-0.

*\* Mr. Hogan made a motion to take the agenda out of order and hear (5) RDA for Rt. 146. Mr. Shaw seconded and the motion passed by vote of 6-0-0.*

### 3. **Request for Determination of Applicability (RDA), Route 146 (00:29:41 – 00:41:17)**

Applicant: MassDOT

Discussion: Bill Clougherty, from District 3 Mass DOT provided a plan and described what they refer to as a "pavement maintenance project". Specifically they will be applying an ultra-thin (3/4") bond overlay to the travel lanes along portions of Route 146 (total length is approx. 3.7 miles - southern limit is the RI state line and northern limit it is near Mill St.). The majority of the work will be on the main line and there will also be a treatment to preserve asphalt along the shoulder. Exits 1 and 2 will be resurfaced in their entirety. All work will be in existing paved areas. They discussed stockpiling of materials and the applicant stated they are open to conditions related to storing materials outside buffer zones. There was also a discussion regarding the work around the exit ramps and related ECBs.

MOTION: Mr. Hogan moved to issue a Negative Determination of Applicability with the following standards: that all soil and material stock piles shall be stored outside of resource areas and buffer zones and the additional condition that the ECB shall be installed prior to the start of work and work shall not begin until they are inspected by the Commission or its agent. Mr. Shaw seconded and the motion passed by vote of 5-0-1.

*\* The agenda returned to posted order - Public Hearing 1 NOI for DEP #312-1039.*

### 4. **Notice of Intent (NOI), DEP#312-1039 620 Aldrich Street (Map 48, Parcel 4524) (00:41:35 – 00:42:16)**

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 has been in contact with the agent and requested to continue as they are evaluating the width of the driveway and the well and septic system. Any revisions made to plans will be peer reviewed by Graves Engineering.

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MOTION: Mr. Hogan moved to continue DEP #312-1039 to the next meeting of the Conservation Commission. Mr. Holden seconded and the motion passed by vote of 6-0-0.

5. **Notice of Intent (NOI)**, 0 Newell Road & 0 South Main Street (Map 25, Parcels 2065 & 4434) (00:42:18 – 00:47:34)  
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.  
*\* Mr. Holden recused himself because he is an abutter*

Discussion: The applicant formally requested to continue to the next meeting in anticipation of the peer review. Members also discussed the site visit scheduled the following day and the possibility of future site visits due to the size and scope of the project.

MOTION: Mr. Hogan moved to continue 0 Newell Road & 0 South Main Street. Mr. Shaw seconded and the motion passed by vote of 5-0-0.

### WETLAND UPDATES/ISSUES

1. Certificate of Compliance- DEP# 312-1008, Northwood subdivision (00:47:51 – 00:53:16)

*\* Mr. Bangma recused himself from discussion and Mr. Holden returned to the meeting.*

Discussion: The request is to close out an invalid OoC for the Northwood subdivision, a proposed 8 lot subdivision, never developed as proposed because it was not approved by the PB due to abutter issues. Two lots ended up being developed - Lot 734 which is out of jurisdiction and Lot 748 which has its own completely separate valid OoC.

MOTION: Mr. Hogan moved to issue a Certificate of Compliance with an invalid OoC for DEP DEP# 312-1008 for the Northwood subdivision as work was never started. Mr. Shaw seconded and the motion passed by vote of 4-0-1.

### REPORTED/ONGOING VIOLATIONS

*\*Mr. Bangma returned to the meeting.*

1. 64 Balm of Life Spring Road, 126 & 148 Ironstone (00:53:18 – 00:54:21)

- Some plants have been planted as can be seen from the road but order will be left in place until the owner confirms work is completed.

2. 290 Millville Road (00:54:23 – 00:56:59)

- *Mr. Gorman recused himself from discussion and Mr. Hogan chaired this portion.* Ms. Dillon reported the representative informed her that the plan that are waiting for from their wetland scientist and wanted for the visit should be ready by 10/16 and she will schedule the visit as soon as they confirm it is received. Mr. Hogan emphasized and members agreed upon the importance of moving forward and enforcing a 2 week deadline to review plans or view the site.

*\*Mr. Gorman returned to the meeting.*

3. 142 South Street (00:57:24 – 00:57:59)

- Mr. Gorman updated the group that he is still working on the 142 South Street submittal – his hope was to use the 9 BoLS Rd. template but found the documentation is vastly different and therefore taking longer than expected to compile.

4. 9 Balm of Life Spring Road (00:58:00 – 01:08:15)

- Members reviewed and discussed the submittal Mr. Gorman prepared to send to Mass DEP. The information consists of a letter and four appendices (aerial images, site photos, and enforcement orders, and social media images). Members had a short discussion related to enforcement history on the property and DEP's involvement dating back to 2003.
- Mr. Hogan moved that the Commission approve sending the 10/2/17 letter written by Mr. Gorman and its appendices to the Environmental Strike Force. Ms. Steele seconded and the motion passed by vote of 6-0-0.

5. DPW Facility (Hecla Street) (01:08:00 – 01:14:23)

- Mr. Gorman contacted DEP on several occasions and has not had any response in regards to findings from their visit. Members discussed the role of the Commission moving forward. Ms. Dillon provided updates she received from Mr. Sherman, DPW, one of which is have a "end-date" plan for any material

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when it is brought on site. The entire site, except the new building, is in the flood plain. Mr. Gorman emphasized the Commission's perspective/purview should be on the sanctity of the flood plain and ensuring the flood water is accounted for in a 100 year event. Everyone agreed to wait until the first November meeting to hear back from DEP before inviting DPW to discuss their plan to remove the material.

### **PROCESSING**

1. 7/3/17 & 8/7/17 Executive Session, 9/5/17, 9/18/17 Minutes (01:14:24 – 01:25:14)
  - MOTION: Mr. Hogan moved to approve the July 3, 2017 meeting minutes as amended. Mr. Gorman seconded and the motion passed by vote of 4-0-1.
  - MOTION: Mr. Hogan moved to approve the 8/7/17 executive session meeting minutes and amend the 8/7/17 regular session meeting minutes to add the approved 8/7/17 executive session portion. Mr. Holden seconded and the motion passed by vote of 4-0-1.
  - MOTION: Mr. Hogan moved to approve the 9/5/17 meeting minutes as amended. Mr. Shaw seconded and the motion passed by vote of 4-0-2.
  - MOTION: Ms. Steele moved to approve the 9/19/17 meeting minutes as written. Mr. Shaw seconded and the motion passed by vote of 4-0-2.

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

- Henry Legg Abutter notifications/concerns (01:25:22 – 01:35:49)
  - A few abutters contacted the office after receiving notification and requested permission to continuing mowing approximately 20' over the line as a measure to prevent ticks. Ms. Bakaj's advice to the agent was that it's best not to allow any encroachment but it is up to the commission whether they want to allow it up to an area they designate. Members ultimately decided to be fair to all abutters it is best not to allow any to encroachment beyond the property line.
  - MOTION: Mr. Hogan moved the Commission issue a letter stating that the Conservation Easement shall be remain in place and allowed to revegetate and shall not be encroached upon by property owners and they may retain a consultant at their expense on how to abate pests on their property. Ms. Steele seconded and the motion passed by vote of 6-0-0.
- Update Guideline Policy for Conservation Commission (01:35:00 – 01:37:25)
  - Mr. Gorman provided updated versions to Members for a final review.
  - MOTION: Ms. Steele moved to approve newly revised version of the Guideline Policy for the Conservation Commission with the amendment to the signature page as discussed. Mr. Shaw seconded and the motion passed by vote of 6-0-0.
- Discussion on Special Condition #50 (01:37:26 – 01:40:47)
  - Mr. Gorman consulted with the Registry of Deeds to see what they prefer. Based on their response and discussions with the Commission he recommended the following wording "the applicant shall record the enclosed Order of Conditions with the Worcester Registry of Deeds and forward proof of the recording to the Uxbridge Conservation Commission prior to the start of work. The applicant is responsible for maintaining a copy of the approved plan which may be requested by the Uxbridge Conservation Commission for review purposes upon the request for a Certificate of Compliance." Members agreed that puts the burden on the applicant instead of the registry.
  - MOTION: Mr. Hogan moved they adopt the new language as written for Uxbridge Conservation Commission Special Condition #50. Mr. Gorman seconded and the motion passed by vote of 6-0-0.
- Open Space Committee (01:40:48 – 01:42:15)
  - The BOS approved the Open Space Committee to exist as an official temporary committee. It will be a 5-member board with 2 alternates. Members from Conservation or any interested participants will need to submit Talent Bank forms to follow the official process of appointing members.
- Consider adopting a policy for Amended Orders of Conditions (01:42:16 – 01:49:44)
  - Mr. Gorman created a document based on Section 19.10 of the MACC handbook and DEP policy 85-4 the two documents that define requirements for amending Orders of Conditions (OoC) and asked for input from the other members. The policy's purpose is to have consistency for the Commission and provide clarity for the applicant on which way to file changes. There was some discussion and they used the recent Hartford Ave plan change as an example to determine its effectiveness. Members agreed to review in more detail and finalize at the next meeting.
- New Item: Brush Fire at Pout Pond – on the side opposite of the beach. (01:49:45-01:51:36)
  - The brush fire spread up inside a badly rotted tree and the fire department contacted Mr. Hogan prior to cutting it down. To prevent further spread of the fire they felled it into the pond.

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- *New Item:* Conservation Contests (01:49:46 – 01:53:00)
  - Ms. Dillon is orchestrating a couple contests for over the winter to engage children in the historical and natural aspects of our town (submit your leaves or town wide scavenger hunt). She asked members to consider any questions or information she can include. Prizes are geared towards keeping the kids active during the winter.

**ADJOURNMENT-NEXT MEETING SCHEDULED FOR OCTOBER 16, 2017**

MOTION: Mr. Hogan moved to adjourn the October 2, 2017 meeting of the Conservation Commission. Ms. Steele seconded and the motion passed by vote of 6-0-0.

Respectfully submitted,  
Melissa Shelley

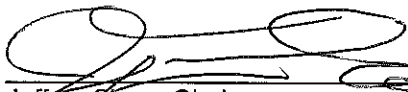
  
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Andrew Gorman, Chairman


  
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Jim Hogan, Vice Chair

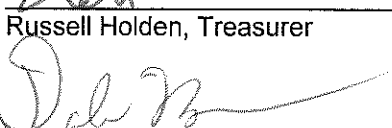
  
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Lauren Steele, Member

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Rick Tobin, Member

October 17, 2017  
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Date

  
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Jeffrey Shaw, Clerk

  
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Russell Holden, Treasurer

  
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Dale Bangma, Member

