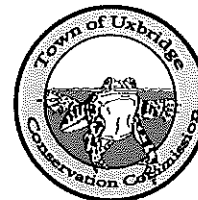




Town of Uxbridge
Conservation Commission
21 South Main Street
Uxbridge, MA 01569
508-278-8600 x 2020



Conservation Commission Meeting Minutes
Monday November 6, 2017
Board of Selectman's Room, Uxbridge Town Hall

Received by
Uxbridge
Town Clerk

Present: Chair Andrew Gorman, Vice Chair Jim Hogan, Clerk Jeff Shaw, Treasurer Russell Holden, Members Lauren Steele and Rick Tobin and Conservation Agent Melissa Danza

Absent: Member Dale Bangma

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

PUBLIC HEARINGS

1. **Notice of Intent (NOI), DEP#312-1039**, 620 Aldrich Street (Map 48, Parcel 4524) (00:00:38 – 00:09:04)
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: (*continued PH*) JP Connolly, Andrews Survey & Engineering, attended on behalf of the applicant. He informed the Commission that plans are 95% complete but they still have an outstanding issue in that the location of the well does not meet the Board of Health (BOH) 50' setback to wetlands requirement. They have requested a variance to this requirement and are awaiting BOH decision. An alternate location being evaluated is upland and would require the supply line to go beneath the wetland and replication area. Mr. Connolly asked for guidance from the Commission in the event it must be relocated and the following recommendations were made: complete the installation of the well before the replication area; possibly place the supply line into a sleeve to simplify future repairs in the replication area. No members of the public commented on the hearing.

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

2. **Notice of Intent (NOI), DEP #312-1054**, 0 Newell Road & 0 South Main Street (Map 25, Parcels 2065 & 4434) (00:09:06 – 00:31:22)
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: (*continued PH*) Susie Gifford, TRC and Ed Switzer, ForeFront Power attended the meeting. Ms. Gifford reviewed the revisions made to the project and NOI after reviewing comments from Ecotec, DPW and the Commission. She stated the confirmed resource areas on site include 3 Bordering Vegetated Wetland areas (BVWs), a few isolated wetlands and a flood plain so there is Bordering Land Subject to Flooding (BLSF). Only 2 of the 3 BVW's are proposed for impact and they are designated on the plan as UX4b, a small wetland on southern portion, and UX6 on east side of the site. They are not proposing a direct impact for either BVW but they are within buffer zones - some in 25' and more in the 100'. The amount of tree clearing has been reduced around the slope in response to Ecotec's comments to reduce impacts there. In the BLSF, they are proposing a small amount of tree clearing, mostly for shading effects, within the 100-year flood zone. A shading analysis and subsequent surveys were completed to determine which trees would be required to be cleared – Ms. Gifford agreed to provide the analysis to the Commission. She went on to review the erosion controls and storm water features proposed (silt fence with straw wattles on the limits of disturbance and a basin to prevent sediment and control erosion down the slope near UX6). To avoid trucking soil around the site, there will be 3 soil stockpile areas – 1 located on the south and 2 smaller on the north side of the parcel.

Conservation Commission Meeting Minutes continued – Monday, November 6, 2017

Mr. Gorman acknowledged the erosion control efforts taken so far but felt the scope of work as highlighted in Fig. 3 of the NOI warrants an increased level of protection such as erosion control phasing and possibly erosion control matting for temporary control depending on the construction sequence. Ed Switzer, Forefront Power, provided additional information on the construction portion and indicated they would like to begin the project in June or July and the typical project takes 3-4 months to complete. He also stated in other towns they have agreed to conditions to have everything re-seeded and stabilized by mid-October. They are scheduled to go before the Planning Board on December 6th. Mrs. Danza will coordinate the peer review of the stormwater to ensure efforts are not duplicated. No members of the public commented on the hearing.

MOTION: Mr. Hogan moved to continue DEP #312-1054 for additional information to the next meeting of the Conservation Commission. Ms. Steele seconded and the motion assed by vote of 5-0-0.

** Mr. Holden returned to the meeting.*

3. **Notice of Intent (NOI), DEP #312-1055**, 373 Mendon Street (Map 20, Parcel 1015) (00:31:59 – 00:35:36)
Applicant: Pauline Chevalier Representative: Andrews Survey & Engineering, Inc.
Project Description: Repair of existing sewage disposal system with associated grading and landscaping within the buffer zone to a BVW.

Discussion: (*continued PH*) JP Connolly, Andrews Survey and Engineering, attended on behalf of the applicant. The hearing was continued while awaiting a DEP number. A number was assigned and DEP did not have any comments on their review. Mr. Connolly confirmed that there is town water at the site. No members of the public commented.

MOTION: Mr. Hogan moved to close the public hearing for DEP #312-1055. Mr. Shaw seconded and the motion passed by vote of 6-0-0.

MOTION II: Mr. Hogan moved to approve NOI DEP #312-1055 with the Uxbridge Standard Special Conditions. Ms. Steele seconded and the motion passed by vote of 6-0-0.

4. **Notice of Intent (NOI)**, 5 Peter Street (Map 24A, Parcel 2283) (00:35:38 – 00:54:55)
Applicant: Seaport Masonry, Inc. Representative: Applied Ecological Services
Project Description: Completion of a previously approved four-unit condominium complex with attached one-car garages and associated grading

Discussion: Russell Waldron, the original Wetland Scientist, and James Nieva, the Design Engineer, attended on behalf of the applicant. Mr. Waldron provided a brief overview of the project: (i) they are completing a project that was approved under a NOI in 2004 and the Order of Conditions has expired (ii) under that filing they installed the foundation, roof drains, sewer, water (iii) remaining work consists of constructing the building and driveway, finish the grading, loaming and seeding of the lawn and the landscaping. Two wetland lines appear on the plan and Mr. Waldron confirmed the all buffer zones are based off the higher line marked UXB on the plan and these were last flagged in 2004 with the agent at the time. The second line (AES) was Mr. Waldron's original line which he recently re-established. A few members expressed concerns because so much time has passed since the UXB line was flagged and requested it be re-established. Mrs. Danza reviewed recent photographs of the site and it was mentioned that the old silt fence should be removed and re-established. Travis DoRosario, 6 Peter Street, an abutter attended to have her concerns regarding the project entered into the record. She acknowledged her concerns do not fall under Conservations' jurisdiction and was satisfied they would be passed along to the appropriate department. Specifically, she is concerned with unfished road, curb and driveway work and safety issues on the sites (fencing round open foundations is down and unmarked utilities were hit during clearing). Mr. Nieva, agreed to look into certifying the foundation (requested by the Building Inspector during initial comments) and having the plans stamped by a civil engineer. Members agreed to continue hearing while they wait for DEP number, re-establish the flags, and review the open NOI and associated Orders of Conditions.

MOTION: Mr. Hogan moved to continue the NOI for 5 Peter Street to the next meeting of the Conservation Commission for more information and DEP number. Mr. Holden seconded and the motion passed by vote of 6-0-0.

5. **Notice of Intent (NOI)**, 53 Tucker Hill Road (Map 29, Parcel 596) (00:54:56 – 00:59:08)
Applicant: TTK Real Estate, LLC Representative: Andrews Survey & Engineering, Inc.

Conservation Commission Meeting Minutes continued – Monday, November 6, 2017

Project Description: Construction of a single family home with associated earthwork, utilities, paving, and landscaping.

Discussion: JP Connolly, Andrews Survey and Engineering, attended on behalf of the applicant to review Lot 9 of the Tucker Hill Subdivision. Mr. Connolly indicated the project and site are similar to the other recently approved lots. There is a wetland system in the back, the building is outside 50' buffer and the septic system is outside 100' buffer. The proposed Conservation Markers are on the plan. The DEP number has not yet been assigned. Mrs. Danza has been to the site and she reported everything looks good. No members of the public commented on the hearing.

MOTION: Mr. Shaw moved to continue the NOI for 53 Tucker Hill Road to the next meeting of the Conservation Commission for the DEP number. Mr. Hogan seconded and the motion passed by vote of 6-0-0.

6. **Notice of Intent (NOI)**, 41 Tucker Hill Road (Map 29, Parcel 1335) (00:59:10 – 01:03:24)

Applicant: TTK Real Estate, LLC

Representative: Andrews Survey & Engineering, Inc.

Project Description: Construction of a single family home with associated earthwork, utilities, paving, and landscaping.

Discussion: JP Connolly, Andrews Survey and Engineering, attended on behalf of the applicant. This site is just to the west of Lot 9, the previous application, with the same wetland system in the rear. The building is within the 100' but outside the 50' and the septic outside 100, minimal grading required in the rear of the lot to elevate the building and provide drainage relief. They are proposing 2 Conservation Markers for this lot and ECBs have integral silt fence and straw wattle. No members of the public commented on the hearing.

MOTION: Mr. Holden moved to continue the NOI 41 Tucker Hill Road to the next meeting of the Conservation Commission for the DEP number. Mr. Hogan seconded and the motion passed by vote of 6-0-0.

** Mr. Shaw moved to take up Wetland Updates/Issues items 1 & 2 later in the meeting and move on to item 3. Ms. Steele seconded and the motion passed by vote of 6-0-0.*

WETLAND UPDATES/ISSUES

3. Certificate of Compliance, DEP #312-973, 672 Millville Road, Construction of Pole Barn (01:03:56 – 1:18:36)

- JP Connolly, Andrews Survey & Engineering, and DJ Salmon, the owner/applicant, both attended the meeting. Mr. Connolly reviewed the following minor changes made during construction from what was approved on the plan: (i) the riprap area to the west of the large proposed pole barn was modified it to include a sump (ii) the small proposed pole barn was modified to add a building overhang on each end and a concrete apron and will be located approximately 1 foot closer to the wetlands than shown on the plan (iii) underground industrial wastewater holding tank was installed off the west end of the large pole barn to accommodate the floor drains in the building.
- Mr. Connolly and Mr. Salmon also reviewed an area on site they would like to pave in the future in attempts to alleviate the potential for erosion & sedimentation to occur. This area is currently covered with asphalt grindings and a "puck" mix (sand and oil) it's very dense and ponding occurs. They plan to submit an RDA for this work.
- MOTION: Mr. Hogan moved to issue Certificate of Compliance for DEP #312-973 672 Millville Road. Ms. Steele seconded and the motion passed by vote of 6-0-0.

REPORTED/ONGOING VIOLATIONS

1. Commerce Drive – Map 40, Parcels 3085 & 3086 (01:18:41 – 01:41:08)

- On 11/14 Commissioners Mr. Gorman, Mr. Holden, Mr. Shaw and Ms. Steele, Judy Schmidt, DEP and JP Connolly, Andrews Survey & Engineering visited the site to assess the impact of the land clearing that took place on site. Specific resource areas disturbed and impacted include River Front, BVW, and Flood Plain. There was a significant amount of tree clearing, brush clearing, and disturbance. A second separate area was disturbed down a slope and there is significant erosion taking place. Mr. Holden noted that in his 10 years on the Commission this is one of the most egregious violations he has seen in that a floodplain forest has been totally taken down. He also noted there is possibly a potential vernal pool that was disturbed, Natural Heritage areas and that the wetland system is possibly connected to others. The property owner or representative have not provided any documents that outlined the scope of work that was to be completed. There was a discussion about the importance of transparency and Commission having as much information as possible. Mr. Gorman reviewed the Commission's initial responsibility to

Conservation Commission Meeting Minutes continued – Monday, November 6, 2017

issue an Enforcement Order to manage the big short term issues such as requiring a delineation and a topographic survey – so they know where the edge of the wetland is, as well as some kind of containment strategy for the fugitive sediment (e.g. removing sediment from where it has spilled over, erecting a barrier to prevent further erosion and stabilizing the slope). Members discussed methods to remove the sediment to get to the natural substrate.

- Phil DeCosta, 175 Old Millville Road, abuts the property and provided additional information and before and after photographs to illustrate the impact to his neighborhood. He noted that the clearing was completed the last week in October and the taken down trees (that were marked) were gone within a day. Mr. Gorman explained the Commission's authority and action they plan to take to do the best they can to restore the area under their purview.

MOTION: Mr. Hogan moved to issue an Enforcement Order for Commerce Drive to have the slope stabilized with mats, erosion control barriers placed at the toe of the slope within 2 weeks, that the Wetlands are delineated and topographical survey completed, and the hand removal of silt and infiltrations down to the natural substrate be completed within 30 days. Ms. Steele seconded and the motion passed by vote of 6-0-0.

** Mr. Gorman recused himself for the next two items for potential involvement regarding the wetland delineation.*

2. 619 Quaker Highway (01:41:30 – 01:51:06)

- Kevin Powers, the property owner, attended the meeting in response to a letter received from the Commission regarding tree clearing. He has hired Natural Resource Services to delineate the wetlands on site and they are working with his surveyor to provide a formal report, which he will forward to the Commission. Mr. Powers' intention is to construct a building on site for his business and Mrs. Danza agreed to help him coordinate any required submittals when the delineation is complete. **Mr. Hogan excused himself during the hearing to take a non-related phone call.*
- Mr. Holden moved to continue the potential violation at 619 Quaker Highway to the next meeting of the Commission for additional information. Ms. Steel seconded and the motion passed by vote of 4-0-0.

3. 290 Millville Road (01:51:20 – 01:57:45)

- Before the meeting, Mrs. Danza received an electronic property plan that includes topography and wetlands. Members tentatively scheduled a site meeting for Saturday 9:00am November 18th.
** Mr. Hogan returned to the meeting during the discussion.*

** Mr. Gorman returned to the meeting and discussion resumed with Wetlands Updates/Issues previously passed over.*

WETLAND UPDATES/ISSUES

1. Certificate of Compliance- DEP #312-972, Hartford Avenue East Culvert Replacement (01:58:31 – 02:04:42)

- Mrs. Danza reviewed photographs of the site. The vegetation has grown in and compost socks and silt fences have been removed.
- MOTION: Mr. Hogan moved to issue the Certificate of Compliance for DEP #312-972 Hartford Avenue East culvert replacement. Mr. Shaw seconded and the motion passed by vote of 6-0-0.

2. Certificate of Compliance, DEP #312-950, Marywood Street Culvert Replacement (02:04:45 – 00:02:59)

- Mrs. Danza provided photographs and members reviewed the as built plans and agreed the conditions were met.
- MOTION: Mr. Holden moved to issue the Certificate of Compliance for DEP #312-950 Marywood St. Culvert Replacement. Mr. Hogan seconded and the motion passed by vote of 6-0-0.

** The agenda returned to Reported and Ongoing Violations.*

REPORTED/ONGOING VIOLATIONS

4. 142 South Street (02:06:06 – 02:06:50)

- Awaiting response from DEP. No new incidents reported. Mrs. Danza was contacted by Natural Heritage for an overview and will be submitting a response after reviewing the report.

Conservation Commission Meeting Minutes continued – Monday, November 6, 2017

5. 9 & 19 Balm of Life Spring Road (02:06:52 – 02:10:10)
 - 9 Balm of Life Spring – information submitted to DEP. During the site visit to 19 Balm, members observed the site from the curbside with DEP representative who took photographs to take back to the Strike Force.
 - 19 Balm of Life Spring – This property was also observed from the curbside with DEP representative. The Commission does not have an EO on 19 Balm, who has a different owner than 9 Balm. According to FEMA and local Flood Maps, resource areas on site include BLSF and Riverfront to Bacon Brook. As observed, there is industrial waste, and industrial bailer and gravel stockpile and other materials on site. Members discussed sending a separate order to this owner. BOH has added this property as an agenda item and Mrs. Danza is coordinating efforts with the BOH agent.
 - Mr. Hogan to issue an Enforcement Order for the removal and ceasing of storage of solid waste and debris in the BLSF and river front area of the subject property. Mr. Shaw seconded and the motion passed by vote of 6-0-0.
6. DPW Facility (Hecla Street) (02:10:15 – 02:10:41)
 - Town did elect to appropriate the funds for the study. Mr. Gorman will reach out to Mr. Sherman to request that he report to the Commission once the process has started.

New Items

7. Mountainview Road Project (02:10:51 – 02:13:13)
 - Mr. Holden stopped in to observe the wetland crossing and both excavators were parked close the wetland. Mr. Gorman also observed a mulch sock that has been driven on being used as ECB for the entrance (instead of a stabilized construction entrance). Mrs. Danza confirmed she is aware of some of these concerns and has communicated the issues with the representative.
8. 629 Hartford Ave East (02:13:14 – 02:13:55)
 - The barrier could be stabilized better and the portable toilet is leaning against it. Mrs. Danza has been contact with the representative and members agreed to follow up during the next meeting.
 - They also discussed the adjacent lot that contained old farm trash. The lot is for sale and members just want to ensure the new owner is aware of the conditions. Mrs. Danza did get their Certificate of Understanding back for that lot so if it changes owners she will have them sign it also.
9. 77 Industrial Drive (02:15:00 – 02:16:12)
 - Mr. Holden reviewed an existing EO and a potential new violation. In the past, equipment was slowly moving into the flood plain area and an EO was issued to mark the 200' boundary to ensure there is no new disturbance or equipment stored there. There are 2 new hoop houses, holding machinery, that appear to be located within the area that was set aside as part of the enforcement order. Mrs. Danza will review the existing order and request a representative to attend the next meeting.

PROCESSING

1. 10/16/17 Minutes (02:17:54 – 02:22:20)
 - MOTION: Mr. Hogan moved to approve the 10/16/17 Meeting Minutes of the Conservation Commission. Mr. Shaw seconded and the motion passed by vote of 5-0-1.

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

- Approval of FY17 Annual Report (02:22:25 – 02:28:09)
 - Members reviewed the proposed annual report – there was a discussion regarding including budgetary information and fees expended.
 - MOTION: Mr. Gorman moved that the Commission approve the annual report as amended by Mr. Hogan. Mr. Hogan seconded and the motion passed by vote of
- Approval of 2018 Meeting Schedule (02:28:11 – 02:30:37)
 - Mr. Gorman moved to approve the 2018 meeting schedule as prepared by the agent. Mr. Holden seconded and the motion passed by vote of 6-0-0.

Conservation Commission Meeting Minutes continued – Monday, November 6, 2017

- Consider adopting a policy for Amended Orders of Conditions (02:30:39 – 02:31:29)
 - Mr. Gorman is continuing to work on organizing the information into a questionnaire format.

New Items

- Substation on Depot Street (02:35:34 – 02:44:28)
 - The 1st phase of the project is complete and they are requesting permission to remove some of the associated erosion controls around the entrance (compost socks, check dams, filter tubes and any remaining silt fence). The perimeter controls are expected to remain in place. Members reviewed the plan provided that illustrates what is to be removed and what is to remain. Mrs. Danza visited the site on the Thursday before the meeting and confirmed the swale is grassy and stabilized. There was discussion whether it may be too soon to remove and that the area may be vegetated but not stabilized. Members decided to consider the request and view the entrance decide at the next meeting.

ADJOURNMENT-NEXT MEETING SCHEDULED FOR NOVEMBER 20, 2017

Mr. Hogan moved to adjourn the November 6 meeting of the conservation commission. Mr. Shaw seconded and the motion passed by vote of 6-0-0.

Conservation Commission Meeting Minutes continued – Monday, November 6, 2017

Respectfully submitted,
Melissa Shelley



Andrew Gorman, Chairman



Jim Hogan, Vice Chair

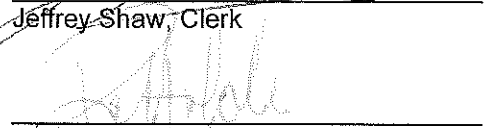
Lauren Steele, Member

Rick Tobin, Member

Date November 20, 2017



Jeffrey Shaw, Clerk



Russell Holden, Treasurer

Dale Bangma, Member