



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



Conservation Commission Meeting Minutes
Monday November 20, 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 Dale Bangma, and Conservation Agent Melissa Danza

Absent: Members Lauren Steele and 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.

- * *Mr. Hogan moved to take the agenda out of order to hear PUBLIC HEARING 5 Peter Street. Mr. Shaw seconded and the motion passed by vote of 5-0-0.*

PUBLIC HEARINGS

1. **Notice of Intent (NOI)**, 5 Peter Street (Map 24A, Parcel 2283) (00:00:40 – 00:05:35)
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: (*Continued PH*) DEP # 312-1058 was assigned. Mr. Waldron informed members the UXB flags have been reestablished and the plan has been stamped by a civil engineer. Mr. Gorman, Mr. Shaw and Mr. Holden all visited the site and walked the UXB line. They noted the two sets of wetland flags are very close to each other and the old silt fence and some minor debris should be removed (a computer monitor and beverage cases). They agreed, from a wetlands stand point, all the clearing is already complete. The integrity of the existing foundations will be analyzed under the Building Department and the applicant is aware that if the foundations would have to be replaced the scope of the NOI may change. No members of the public commented on the hearing.

MOTION: Mr. Hogan moved to close the public hearing for 5 Peter Street, DEP#312-1058. Mr. Shaw seconded and the motion passed by vote of 5-0-0.

MOTION: Mr. Hogan moved to approve the NOI DEP #312-1058 with the Uxbridge Standard Special Conditions with the added condition that the existing silt fence is removed and stored off site outside jurisdictional areas and any debris and trash will be removed from the wetlands and their buffer zones. Mr. Shaw seconded and the motion passed by vote of 5-0-0.

- * *Mr. Hogan moved to take the agenda out of order to hear REPORTED/ONGOING VIOLATIONS 1. 290 Millville Road. Mr. Bangma seconded and the motion passed by vote of 5-0-0.*
- * *Mr. Gorman recused himself for the next two discussions for potential involvement regarding the wetland delineation.*

REPORTED/ONGOING VIOLATIONS

1. 290 Millville Road (00:06:00 – 00:22:04)
 - Discussion: Scott Gibbs, with New England Economic Development Services, attended on behalf of the owner. Mr. Hogan provided an overview of the site visit that took place on November 18, 2017 that consisted of a drive through property all the way to the river. Their assessment was that the clearing that has occurred is primarily outside the Commission's jurisdiction. Members discussed areas as they reviewed the provided plan and noted the wetlands are on the far left side of the site and the clearing took place on the right side and no substantial work took place on the other side of the railroad tracks except some removal of trash. Mr. Gibbs explained he was engaged by the property owner to help with permitting issues and potential development and emphasized all work was done to remove solid waste such as old trailers etc. and not with the intent to grade or develop the land. Additionally, the owner is not planning on

Conservation Commission Meeting Minutes continued – Monday, November 20, 2017

any work on the backside of the tracks and is aware that it is mostly flood plain. Mr. Hogan pointed out the Commission was notified because the amount of trees cleared was fairly extensive and appeared to be more than what was required just to remove certain solid waste items. Mr. Hogan and Mr. Holden both noted the Forest Cutting Practices Act state regulations. There was also discussion regarding the site previously being classified as a VSQE (very small quantity emitter) and that there were some environmental clean-up requirements. Mr. Gibbs was not himself aware of any details but will investigate and offered to share any pertinent information with Mrs. Danza. Given the high conservation value of the riverside portion of the site, including Potential Vernal Pools, as evidenced on a site walk with the previous owner Mr. Holden also suggested exploring a Conservation Restriction for this area. Members agreed that the removal of solid waste could commence as long as the efforts do not include any removal of vegetation within the jurisdictional limits.

MOTION: Mr. Holden moved to lift the current Cease and Desist order for 290 Millville Road. Mr. Bangma seconded and the motion passed by vote of 4-0-0

- * Mr. Shaw moved hear *REPORTED/ONGOING VIOLATIONS 2. 619 Quaker Highway next. Mr. Holden seconded and the motion passed by vote of 4-0-0.*

2. 619 Quaker Highway (00:22:10 – 00:23:18)

- No new information from the applicant he is awaiting plans to be finalized.

- * The meeting returned to the *PUBLIC HEARINGS* and the order of the published agenda. Mr. Gorman returned to the meeting.

PUBLIC HEARINGS

2. **Notice of Intent (NOI), DEP#312-1039**, 620 Aldrich Street (Map 48, Parcel 4524) (00:24:43 – 00:46:56)

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 and Engineering attended on behalf of the applicant. The original well location has been unofficially approved – it is on the plan (close to the wetland flag 65). Mr. Connolly asked to look at alternatives for the side slope stabilization for the driveway for safety reasons. The latest plan calls for rock stabilization with chink rocks holding it in place and they would like to consider recycled waste concrete block (2'x2'x3'). Mr. Connolly reviewed the benefits of using the blocks, which included better visibility, increased stability and structural integrity and Mr. Bangma, and Mr. Hogan both agreed. There was a brief discussion about whether the concrete will affect the PH levels of the wetlands. Mr. Holden noted his apprehension about the overall viability of the project and voiced the following specific concerns: there is significant amount of disturbance within 25' of the wetland; the house is essentially on an island surrounded on 3 sides by wetlands; will there be flooding in the basement; will the driveway hold up and how will it impact the health of the wetland system over time; and that it is significant amount of accommodations and engineering for one house lot. Members reviewed the plan and the actual amount of wetland disturbance/replication and discussed options such as possible increases to the replication ratios. Mr. Connolly added his client would be open to conditions of further wetland rehabilitation or further upland plantings. Mr. Hogan mentioned he is more concerned with the house lot being so close to the 25' and that any yard would be in the no disturb area. Mr. Gorman mentioned utilizing conservation markers to protect the boundary. Mr. Connolly considered all the comments and offered to resolve what he can on the next plan. No members of the public spoke to the hearing.

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

3. **Notice of Intent (NOI), DEP #312-1054**, 0 Newell Road & 0 South Main Street (Map 25, Parcels 2065 & 4434) (00:46:58 – 00:47:32)

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 from discussion and abstained from voting because he is an abutter.

Discussion: (*Continued PH*) the applicant formally requested a continuance.

Conservation Commission Meeting Minutes continued – Monday, November 20, 2017

MOTION: Mr. Hogan moved to continue DEP #312-1054 to the next meeting of the Conservation Commission. Mr. Shaw seconded and the motion passed by vote of 4-0-1.

4. **Notice of Intent (NOI)**, 53 Tucker Hill Road (Map 29, Parcel 596) (00:47:33 – 00:50:17)

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: *(Continued PH)* JP Connolly, Andrews Survey and Engineering, representing TTK attended the meeting. He noted the only outstanding issue from the previous hearing was the DEP # and it has now been assigned (DEP# 312-1057). No members of the public commented on the hearing.

MOTION: Mr. Holden moved to close the public hearing for the NOI for DEP #312-1057 53 Tucker Hill Road. Mr. Shaw seconded and the motion passed by vote of 5-0-0.

MOTION: Mr. Hogan moved to approve NOI for DEP #312-1057 53 Tucker Hill Road with the Uxbridge Standard Special Conditions and the added condition FENO spikes are to be placed as shown on the approved plan and maintained in perpetuity as conservation markers. The design of the markers shall be approved by the Conservation Commission. Mr. Shaw seconded and the motion passed by vote of 5-0-0.

5. **Notice of Intent (NOI)**, 41 Tucker Hill Road (Map 29, Parcel 1335) (00:50:19 – 00:53:54)

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: *(Continued PH)* JP Connolly, Andrews Survey and Engineering, representing TTK attended the meeting. DEP # 312-1056 has been assigned to the project. Mr. Connolly briefly reviewed the erosion controls and proposed conservation markers on the plan. No members of the public commented on the hearing.

MOTION: Mr. Hogan moved to close the public hearing for the NOI for DEP #312-1056 41 Tucker Hill Road. Mr. Shaw seconded and the motion passed by vote of 5-0-0.

MOTION: Mr. Hogan moved to approve NOI for DEP #312-1056 41 Tucker Hill Road with the Uxbridge Standard Special Conditions and the added condition FENO spikes are to be placed as shown on the approved plan and maintained in perpetuity as conservation markers. The design of the markers shall be approved by the Conservation Commission. Mr. Shaw seconded and the motion passed by vote of 5-0-0.

6. **Request for Determination of Applicability (RDA)**, 672 Millville Road (Map 40, Parcel 1661) (00:53:55 – 01:05:24)

Applicant: D.J. Salmon Lawn & Landscaping

Representative: Andrews Survey & Engineering, Inc.

Project Description: Improving portions of the site that consists of asphalt treated fill, gravel, broken pavement, and unimproved areas with asphalt paving

Discussion: JP Connolly, Andrews Survey and Engineering, representing DJ Salmon, attended the meeting and reviewed the paving project - there are a variety of surface areas and the applicant would like to repave some areas so there is a continuous stabilized surface. Mr. Connolly and Mr. Salmon explained that loose gravel, debris, sediment and other particles often wash down and collect in the fore bay area and eventually travel into the wetlands. They stated that no clearing is required and all surfaces are already essentially paved they would just like to put a binder down. There was some inquiry as to whether this would change velocity of the water washing over this surface. Mr. Salmon didn't believe there would be a change in speed because it's already so compacted down and there will be no grade changes.

MOTION: Mr. Hogan moved to issue negative determination for the paving plan as proposed for 672 Millville Road. Mr. Bangma seconded and the motion passed by vote of 5-0-0.

7. **Request for Determination of Applicability (RDA)**, 50 Hollis Street (Map 20, Parcel 3483) (01:05:29 – 01:39:40)

Applicant: Stephen Benoit

Representative: Andrews Survey & Engineering, Inc.

Project Description: Placement of a well and foundation drain within buffer zone to a BVW in associated with a single family home.

Discussion: JP Connolly, Andrews Survey and Engineering, attended on behalf of the owner who would like to develop this site. The well will be located within the 100' buffer zone in an existing previously disturbed area so no tree clearing is required to install. There may a handful of trees taken down w/in the 100' buffer zone for the foundation drainage.

Conservation Commission Meeting Minutes continued – Monday, November 20, 2017

MOTION: Mr. Hogan moved to issue negative determination for the work as proposed in the plans dated 11/8/17 under the condition that the Erosion Controls are inspected by a member of the Commission or its agent prior to the start of work. Mr. Shaw seconded and motion passed by a vote of 5-0-0.

WETLAND UPDATES/ISSUES

1. Certificate of Compliance, DEP #312-550, Taft Hill (01:09:50 – 01:23:14)
 - JP Connolly, Andrews Survey and Engineering provided members with a background of the area/project. He explained this project took on some changes in design and ownership. Originally, it was to develop and build a road with a cul-de-sac and 2 lots at the end. The original plan was to build condos and a detention basin on Lot 2. Ultimately the road was built without the cul-de-sac and the condos developed on a different lot. The OoC for DEP# 312-550 was only for the construction of the road. The remainder project was eventually constructed under DEP#312- 751. Members had some questions regarding the basin and were looking for verification that what was installed met specifications of the plan or was covered under superseding orders. Mr. Connolly agreed to provide the plans for -751 and to continue to the next meeting so the commission.
 - MOTION: Mr. Hogan moved to continue DEP #312-550 to the next meeting for more information. Mr. Shaw seconded and the motion passed by vote of 5-0-0.

REPORTED/ONGOING VIOLATIONS

2. Commerce Drive – Map 40, Parcels 3085 & 3086 (01:23:16 – 01:38:23)
 - JP Connolly, Andrews Survey and Engineering, attended on behalf of the owner. Last meeting the Commission agreed to issue an Enforcement Order to (i) stabilize the site within 2 weeks and (ii) delineate the resources on site within 4 weeks. Members were handed a letter from Paul Cnosen, Cnosen Realty Trust, explaining the intent behind the tree clearing and agreeing to rectify what has occurred. The owners agreed to remove the run off sand and correct the hillside erosion to hinder further erosion. To date no efforts have been taken to control the erosion on site and commissioners expressed frustration with the enforcement deadlines were missed with no communication to the office. The letter presented this evening is dated 10/20/17 Mr. Connolly thought the date was a typo (should be 11/20?) and will verify. The topo study and delineation are underway and should be completed within the 30 day timeframe.
 - Mr. Salmon, also in attendance, explained he was contracted on 11/17/17 to perform the work and gave an overview of his assessment and plan - go down to the bottom of the slope, pull the silt back up and make silt fences at the toe and midpoint and a berm at the top of the slope. Additionally, he would like to create a depression at the top of the hill (via berms – not by digging) where water can collect rather than charge down the hill. They also plan to cover the slope with whole tree woodchips on the exposed areas since it may be too hard to get anything to grow this late in the season. Screen tailings will be added to the berm at the top of the slope to since they may be more stable when wet and should have enough loam to grow vegetation next season. He said he was scheduled to go out the week of December 5th but will go as soon as possible.

MOTION: Mr. Holden moved to continue discussion and notify the property owner of missed deadlines and required timelines. Mr. Hogan seconded and the motion passed by vote of 5-0-0.

3. 142 South Street (01:38:50 – 01:42:51)
 - Mr. Gorman learned during a recent BOH meeting that Denise Childs with DEP has already been to the site so he reached out her to discuss her findings. It seems that some of the issues reported might not qualify under Conservation as they deal with upland areas. The Commissioners agreed to wait until they have an official written response from DEP.
4. 9 & 19 Balm of Life Spring Road (01:42:52 – 01:43:48)
 - Similar situation to the above address the only difference is DEP hasn't been to the property yet. BOH is going on 11/30.
5. General discussion regarding erosion control within active sites (01:43:50 – 01:49:47)
 - Commissioners reviewed photos and discussed sites with active orders that could better maintain erosion controls - Mountain View (driven over ECBs, construction equipment), and Crownshield (full catch basins; construction debris). Members agreed to visit these sites so they can accurately discuss the conditions of the ECB and site maintenance and take whatever action necessary – such as a reminder or some type of enforcement. It was mentioned that because there is an active order members have the ability to access the property within a reasonable timeframe.
6. 77 Industrial Drive (Turf Tech) (01:49:50 – 01:51:28)
 - Issue is new hoop barns inside the buffer zone – in the past they agreed to keep permanent marker (stakes along the 200-foot buffer) and to come before the Commission if they moved past it. The owner responded to

Conservation Commission Meeting Minutes continued – Monday, November 20, 2017

Mrs. Danza's letter via phone call and indicated they were under the impression they could use a certain percentage beyond the buffer as long as some type of restoration was performed. Mrs. Danza is coordinating a time to visit the site and see if the stakes are still out etc. The owner communicated he is willing to do what he needs to do.

7. 629 Hartford Ave East (01:51:29 – 01:52:26)
 - Also an ECB issue and Mrs. Danza is coordinating a visit with the owner.

PROCESSING

- 11/6/17 Minutes (01:52:32 – 01:59:20)
MOTION: Mr. Hogan moved to approve the 11/6/17 Meeting Minutes of the Conservation Commission as amended during the meeting. Mr. Holden seconded and the motion passed by vote of 4-0-1.

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


- Consider adopting a policy for Amended Orders of Conditions (01:59:21 – 02:10:49)
 - Mr. Gorman reformatted the information into questions and members reviewed this version and evaluated its value through some real life examples. Everyone agreed this should be more of a guidelines document rather than a policy. A few changes were made and members agreed to review further and finalize at the next meeting.
- Solitude Contract-Pout Pond (02:10:51 – 02:17:56)
 - The contract is for the treatment and inspection of the aquatic weeds at Pout Pond. A copy was passed on to Pout Pond Recreation Committee (PPRC). The treatment schedule calls for an inspection in May/June w/ possible treatment in late June. They may need to be engaged a bit earlier based on how much milfoil reappears in the pond this year. The contract also stipulates a 3% cost increase each year and the opt out deadline is Jan 1st. Not a lot of options for vendors - Solitude absorbed Lakeshore. The contract is funded by the Conservation Commission. The Commission also pays for water testing. The members discussed funding and the prior agreements with the PPRC to pay for a portion of the analysis and testing. They agreed to revisit sharing the costs in the spring.

ADJOURNMENT-NEXT MEETING SCHEDULED FOR DECEMBER 4, 2017

MOTION: Mr. Hogan moved to adjourn the November 20, 2017 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 20, 2017

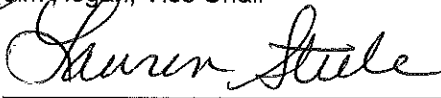
Respectfully submitted,
Melissa Shelley



Andrew Gorman, Chairman



Jim Hogan, Vice Chair

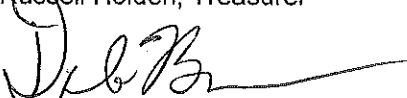


Lauren Steele, Member

Jeffrey Shaw, Clerk



Russell Holden, Treasurer



Dale Bangma, Member

Rick Tobin, Member

Date

December 4, 2017