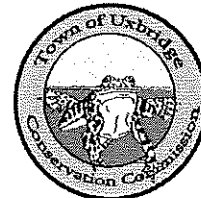


Town of Uxbridge
Conservation Commission
21 South Main Street
Uxbridge, MA 01569
508-278-8600 x 2020



Conservation Commission Meeting Minutes
Monday December 18, 2017
Board of Selectman's Room, Uxbridge Town Hall

Received by
Uxbridge
Town Clerk

Present: Chair Andrew Gorman, Clerk Jeff Shaw, Treasurer Russell Holden, Members Dale Bangma, and Conservation Agent Melissa Danza

Absent: Vice Chair Jim Hogan, Members Rick Tobin and Lauren Steele

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

** The agenda was taken out of order to hear the NOI for 74 Aldrich St. first because the other representatives were not yet present.*

PUBLIC HEARINGS

1. **Notice of Intent (NOI), 74 Aldrich Street (Map 45, Parcel 1141) (00:00:51 – 00:22:11)**

Applicant: Lori & Todd Fisett

Representative: Heritage Design Group

Project Description: Construction of a single-family house, well, septic, and barn with an associated driveway, grading, and utilities within the buffer zone to a BVW.

Discussion: Lance Anderson, Heritage Design attended on behalf of the applicant. DEP #312-1059 was assigned to the project. Mr. Anderson provided a brief review of the plan and informed members that EcoTec flagged wetlands in late August 2017 and the BOH approved the septic system design in October 2017. Mr. Gorman and the agent inspected the site and they noted a possible disturbance within the wetland along an old existing cart path. The former property owner Mr. David Morin, also in attendance, described his plans to lease a portion of the property to grow Christmas Trees and explained that this path was recently used to drag out trees they had cleared for this purpose. Until this recent clearing and heavy rain that followed, Mr. Morin was unaware of any wetlands on site and once it was discovered, EcoTec was hired to assess and flag the area. Mr. Morin brought a historical aerial photograph to demonstrate the property was typically dry. Because of the intention to reuse the area for the continued cultivation of trees Mr. Gorman requested to correspond with DEP to clarify what the procedure is and whether it qualifies as an exemption under the act. Regarding the design being proposed, the driveway's closest point to the wetland edge is 16 feet. Mr. Gorman pointed out that in the past the Commission has conditioned Conservation Markers when they are that close to a resource area. There was a brief discussion about Conservation Markers to which new property owners also in attendance were agreeable to. Members scheduled a site visit for Sat 12/23.

MOTION: Mr. Shaw moved to continue DEP #312-1059, 74 Aldrich Street, to the next meeting for more information. Mr. Bangma seconded and the motion passed by vote of 4-0-0.

** The agenda returned to the published order.*

2. **Notice of Intent (NOI), DEP#312-1039, 620 Aldrich Street (Map 48, Parcel 4524) (00:22:19 – 00:29:28)**

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, Andrew's Survey and Engineering, attended the meeting on behalf of the applicant. He informed members they have finalized the plan and are ready to submit for review. He also mentioned they made a few minor changes to the wall section by embedding a portion of it into the existing grade. There was a discussion regarding expanding the replication area and Mr. Gorman recommended extending it to

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the wetland edge of the easterly side so it ties into the existing wetland. More specifically, to connect the NE corner to wetland flag to 105 and the SE corner to 106 which will allow it to be observed in the field. Other members agreed and Mr. Connolly said he thought it was a viable option. Mr. Connolly verified the concrete blocks on the cross section as well as the conservation markers are now on the plan. No members from the public commented at the hearing.

MOTION: Mr. Bangma moved to continue DEP#312-1039 in anticipation of the updated plan. Mr. Shaw seconded and the motion passed by vote of 3-1-0.

3. **Notice of Intent (NOI), DEP #312-1054, 0 Newell Road & 0 South Main Street (Map 25, Parcels 2065 & 4434) (00:29:42 – 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.

Discussion: (Continued PH) the applicant formally requested to continue discussion to the next meeting.

MOTION: Mr. Shaw moved to continue DEP #312-1054, 0 Newell Road & 0 South Main Street, per request of the applicant, to the next regularly scheduled meeting of the Conservation Commission. Mr. Bangma seconded and the motion passed by vote 3-0-1.

WETLAND UPDATES/ISSUES

REPORTED/ONGOING VIOLATIONS

- Commerce Drive – Map 40, Parcels 3085 & 3086 (00:31:23 – 00:57:27)
 - JP Connolly, Andrews Survey and Engineering (AS&E), passed out the EcoTec report and photos of site conditions with ECBs installed and plans. He stated he walked the site the morning of the meeting to verify the topo. He also informed members that AS&E is in communication with Natural Heritage and Endangered Species Program (NHESP), they have EcoTec actively providing support and they are contemplating procedures protocols and rehabilitation recommendations. Mr. Connolly reviewed the plan - wetlands delineated are in green, buffer zones are noted in pink and orange, blue dash denotes bank, blue solid is riverfront and the green blob is the limits of disturbance that equal 188,437 sq. ft. (roughly 4.4 acres). He stated their priority concern is to minimize and mitigate the erosion on site and reviewed photographs that depicted worst areas and efforts so far. Other EcoTec suggestions include markers to limit any future use of the site, ensure it is identified as a resource area and not to be disturbed in the future. Also, landscaping around the edges/limits to further stabilize and to enhance the view for the neighbors that have been impacted. Additionally, they also suggested permanent conservation restrictions on the property such as deed restrictions or conservation trusts. The priority habitat is for the Wood Turtle and there was discussion of the importance of involving NHESP on plantings (e.g. maples are typically used during wetland rehabilitation may not be best for the turtles).
 - Mrs. Danza also talked to someone from NHESP and they are just waiting for the information that was provided to members at this meeting (size of disturbance, etc.) Mr. Connolly confirmed all future communications correspondence they engage in will include the Commission, NHESP, Scott Morrison from EcoTec, and Steve O'Connell from Andrews Survey and Engineering. Mr. Gorman asked whether they had given any thought to whether they'd allow certification of vernal pools and Mr. Connolly informed him that he didn't think they would be opposed possibly during the next opportunity after spring thaw. Mr. Shaw asked if they have any idea of the inventory of what was there. They do not but stumps and locations could be identified, Mr. Holden had noted some as did Judy with NHESP. Mr. Holden asked some questions regarding the 100' wetland buffer and emphasized that any disturbance within the 100' should appear on the map if it has not been a permitted disturbance. Also, if permits were not issued then it should be considered a violation if not part of the current disturbance. Mr. Holden also suggested the Commission might want to be looking at reforesting this area to its original condition – a Flood Plain Forest. Mr. Gorman suggested hearing what NHESP has to say and possibly investigate the idea of a zoned restoration. Mr. Shaw put emphasis on importance of identifying what was there so they can see what natural zones occur and do their best to replicate it as close as possible to the original conditions. If the Commission decides to go this route, they can request a GIS graphic of where certain species were cut. There was further debate on the best approach moving forward either restoring as close as possible to the original forest or a habitat enhancement / zoned approach. Mr. Shaw also pointed out that there are residents looking to the Commission for relief for something that was done illegally that affects the value of

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their property. Mr. Holden also mentioned that it might not be fair to not allow commercial development. Mr. Connolly stated AS&E will be taking their lead from EcoTec. Everyone agreed to continue for additional information.

MOTION: Mr. Shaw moved to continue discussion of Commerce Drive for more info from DEP, NHESP or respondent. Mr. Holden seconded and the motion passed by vote of 4-0-0.

- 77 Industrial Drive (00:57:35 – 01:00:27)
 - Mrs. Danza was in contact with the owner and is working to compile the appropriate documentation to move forward. Primarily she is trying to locate the plan that was developed to address the prior violation where a permanent marker was agreed upon (the physical files are not readily available).
- Yard waste dumping at the intersection of Cross Street and Bruce Street (01:00:31 – 01:08:17)
 - Photos were forwarded to a Selectman who forwarded it to the Agent of yard waste dumping in a depressed area between Cross St. and Bruce St. Members agreed they need more information to determine if it is jurisdictional. They also agreed to prepare an educational letter explaining why these things are regulated and inform them of the local compost facility as an alternative. It was also mentioned that the area where the leaves are being dumped is ½ owned DCR and ½ a private owner and the DCR portion can be used to determine if it is under Conservation jurisdiction.
- General discussion regarding erosion control within active sites (01:08:19 – 01:18:00)
 - Mr. Gorman began a letter to the Planning Board but requested some guidance about what they hope to achieve in notifying the Planning Board of their observations? Some questions that arose from the discussion were (i) does the PB get regular reports from the inspection engineer (ii) how are they implementing the Storm Water Management Act requirements (iii) what does the EPA general permit cover. Mr. Bangma provided his perspective as project manager. Mr. Gorman will draft an email that includes the photographs from Crownsheild to get a conversation going as to how they can best collaborate when issues arise and/or how should the town best be addressing these issues?

PROCESSING

1. 12/4/17 Minutes were passed over due lack of quorum (01:18:00 – 01:18:45)

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

1. General discussion regarding vernal pool certification and conservation easements during the Spring (01:18:49 – 01:22:17):
 - Mr. Gorman added this item to the agenda to plan for the spring months ahead and to determine whether this is something the Commission wants to pursue. He mentioned we are somewhat lacking in this area as Douglas has approximately 40-50 Certified Vernal Pools and Uxbridge has less than 10. He also brought attention to the easy targets to start with such as areas NHESP has mapped that are w/in Conservation Easements and deep within wetland systems and would not negatively affect development. Further, as they get more experience with the easy ones they can then move on to the Potential Vernal Pool (PVP) list. Members agreed to keep it as an agenda item and review a list of 10 that are on their conservation easement and wetlands.
2. New Item - not on posted agenda regarding the Substation on Depot St. (01:22:25 – 01:34:05):
 - Request from the Substation on Depot Street to remove erosion controls that were established as part of phase 1. Leah supplied the Commission with a letter and photographs depicting the areas that were stabilized in addition to cited portions of the Construction General Permit. Members reviewed the photographs provided with the request. The question arose and there was discussion about the impact of the guardrail along the retention basin area during snow removal. Members agreed to ask for information regarding their snow removal/storage practices. There was a thorough review of the plan provided representing the various phases of ECBs.

MOTION: Mr. Holden moved to allow the applicant to remove the Erosion Control Barriers as detailed in red on the provided plan with the condition that the agent shall provide a reminder about snow storage under the act and their OoC. Mr. Shaw seconded and the motion passed by vote of 4-0-0.

3. New Item - not on posted agenda regarding Member Attendance (01:34:06 – 01:36:57):

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- Mr. Shaw expressed his concerns with a member that has missed several continuous meetings and recommended providing information about loss of office due to absence in Section 10 of the Town Charter. Members agreed to have the agent reach out to determine whether they are still interested and available in the commitment to the Commission.

ADJOURNMENT-NEXT MEETING SCHEDULED FOR JANUARY 2, 2017

Mr. Bangma moved to adjourn the December 18th meeting of the Conservation Commission. Mr. Shaw seconded and the motion passed by vote of 4-0-0.

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Respectfully submitted,
Melissa Shelley



Andrew Gorman, Chairman

Jim Hogan, Vice Chair

Lauren Steele, Member


Rick Tobin, Member

January 2, 2018

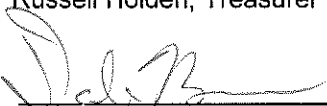
Date



Jeffrey Shaw, Clerk



Russell Holden, Treasurer



Dale Bangma, Member