

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

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**Conservation Commission Meeting Minutes  
January 7, 2019  
Board of Selectmen's Meeting Room, Uxbridge Town Hall**

**Present:** Chair Andrew Gorman, Vice Chair Jim Hogan, Treasurer Russell Holden, Clerk, Jeff Shaw, Members Lauren Steele & Brad Allspach

**Absent:** Member Dale Bangma

**CALL TO ORDER:**

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

**PUBLIC HEARINGS**

1. **Notice of Intent (NOI), DEP #312-10XX, 0 Old Elmdale Road (Map 25, Parcel 2979) (00:00:40 – 00:10:38)**  
Applicant: Aris Group LLC Representative: Andrews Survey & Engineering, Inc.  
Project Description: 23 lot subdivision with associated roadway, drainage, and utilities

**Discussion:** Steve O'Connell, Andrews Survey & Engineering attended on behalf of the applicant. He apologized and provided the following reasons for the delay: (i) there are many moving parts working with two boards and threading through multiple resource areas (ii) potential title and access issues to work through. He said he expects to deliver the revised NOI, plans and supporting documentation including a habitat evaluation in the next day or two. He officially requested to continue the public hearing and offered to re-notify abutters as a courtesy. Mr. Gorman requested a DEP and Peer Review status update. Mr. O'Connell said he "struck out" trying to reach Megan Selby at DEP but expects a response when they submit the revised NOI and plans. He also said that he notified Arthur Allen, of EcoTec, that all the wetland flags have been refreshed but could not confirm whether the field review had started. Everyone agreed to continue to discussion to the Feb 4<sup>th</sup> Conservation Commission Meeting (for time for commissioners and abutters to review the materials, waiting for DEP file #, and comments from the peer review if completed). Stephen Matellian, owner of an abutting property that was in his family since 1960's, attended to inform members that two gravel operations for this property were denied in the past (1970s and 2000s). He provided Commissioners with the related applications and decisions for their review and consideration.

**Motion:** Mr. Hogan moved to continue the public hearing for 0 Old Elmdale Road to the February 4, 2019 meeting of the Conservation Commission. Mr. Holden seconded, and the motion passed unanimously by vote of 6-0-0.

**REPORTED/ONGOING VIOLATIONS**

1. Forest Glen (DEP No. 312-1022) - General updates (00:11:08 – 00:25:15)
  - Mr. Gorman informed members that he received a text from the site supervisor on recent medical leave, informing him that he is no longer working at the site. Ms. Jones was also informed from the interim site supervisor that he and everyone else has been laid off from the site and so it appears that there is no site presence at this time. Ms. Jones visited the site on 1/7/19 under the ongoing EO and to address new complaints from abutters regarding sedimentation of the brook. She did observe what appeared to be new sedimentation she thought might be coming from the terraced areas and reviewed photos with members. Ms. Jones also reached out to the owner and is waiting for a call back. Members expressed concerns that there is no one administering the SWPPP and that the site may sit idle for some time. Everyone agreed a site visit is necessary and to involve DEP. The also agreed the first priority is finding out the designee. It was also noted that this NOI expires in June 2019 with May 26, 2019 the latest date they can apply for an extension.

**Motion:** Mr. Hogan made a motion for the Agent to (i) contact the owner to request an update on how the sediment and storm water is being contained in the short-term and who is administering the SWPPP emphasizing the owner is responsible until he designates a representative and (ii) invite DEP to a site visit with the agent. Ms. Steele seconded, and the motion passed unanimously by vote of 6-0-0.

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### 2. Harvest Road - Update on signage (00:25:16 – 00:25:39)

- Mr. Sherman informed Mr. Gorman that the “no dumping” signs have been installed to deter anyone from depositing yard waste within that wetland system or its buffer zone. Everyone agreed to remove the item from the agenda.

*\* The agenda was taken out of order to hear item 4. Lanzetta Landscaping before 3. Church St. to accommodate an abutter in the audience.*

### 3. Lanzetta Landscaping yard—Bank encroachment (00:25:45 – 00:57:06)

- George Goulet, an abutter attended the meeting because he saw the item on the agenda and wanted to convey his concerns about the brook on the property (Bacon Brook). He reviewed the following potential violations he reported to the building inspector within the last few months (i) the tenant has been removing earth from the hill/berm abutting the brook and (ii) there is a second business, JR Disposal Company, operating on the property. Mr. Goulet also described the changes to the landscape he has observed since the current operation began in 2017. Mr. Gorman explained the purpose for the discussion this evening is to address concerns reported of sediment in the brook and whether the bank was carved into by the reported landscaping activities. Ms. Jones presented overlays of historical aerials for 2015 and 2018 that clearly showed changes to the berm. She also visited the site and reviewed her interaction w/ Mr. Lanzetta. He told Ms. Jones as part of maintaining his property he removed the scrubby vegetation from this area and conceded it was possible that the slope may have changed from a 3:1 to a 2:1 slope. He also offered to put wood chips and plant junipers as he did in the front area during the 2017 enforcement action (the clearing of sumac and other shrubs along the Quaker Highway frontage caused some erosion into the brook). Members agreed there is a need for a response to either restore or revegetate part of that slope but they also need to identify specifically where this site is “leaking” sediment into Bacon Brook. After discussion, it was decided to request Mr. Lanzetta submit a restoration plan or file an NOI w the final grade / elevation so it is documented. Mr. Holden also recommended a sediment fence surrounding the disturbed area.

**Motion:** Ms. Steele made a motion to issue an Enforcement Order to the property owner requiring him to either provide a plan restore to predisturbance conditions or submit a NOI showing the final elevation of the berm within the next 30 days and place erosion controls around disturbed areas to prevent sediment from entering Bacon Brook within 14 days. Mr. Hogan seconded, and the motion passed unanimously by vote 6-0-0.

- Mass DOT was believed to have put in a new drainage feature at the crossroads of Balm of Life Spring and Quaker Highway that is discharging untreated storm water into Bacon Brook. Members were not sure if they are exempt and decided to photograph it and send to circuit rider to see if they have a contact with Mass DOT who can specify what was done and why it didn't need a permit.

### 4. 32 Church Street - Notification letter sent 10/23/18 (00:57:07 – 01:03:13)

- Three attempts were made to contact the property owner with no response. Mr. Gorman reviewed the information gathered since the last meeting (i) an old set of plans from the Registry of Deeds showing there is a culvert connection to the subject property at the SE side and (ii) relevant information from work permitted under NOI 312-229. He said he thought since they have information recognizing the area as resource area and there was prior enforcement action that the Commission would be in the right should they choose to take enforcement. Mr. Shaw added some observations from his site visit in 2016. Ms. Jones will confirm w/ zoning whether they have a permit to operate a contractor's yard at this site.
- **Motion:** Mr. Hogan moved to issue an Enforcement Order requiring the owner to remove all stockpiles within jurisdiction and attend the next meeting to arrange a site visit. Ms. Steele seconded, and the motion passed unanimously by vote of 6-0-0.

## WETLAND UPDATES/ISSUES

### 1. Whittin Pond Discussion - Community letter sent (01:03:14 – 01:09:34)

- Mr. Gorman determined permitting this type of work will require an NOI in the form of an Ecological Restoration Project to be submitted to the Commission. Because the Commission is the issuing authority, they cannot be the applicant. This work would be a *limited* project because it would exceed that 5000 sq. ft. threshold for land under water or bank disturbance. BRWA, DPW, the property owner if identified, were identified as potential applicants. It was also emphasized that that it is imperative that a third-party entity that is formed (sole land

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owner or community organization) to carry these efforts forward and the Progressive Club was mentioned as a possibility because they have interest and meeting space. Ms. Jones was in touch w/ Joy Trahan Liptak (aquatic biologist at BVWA), but that have not yet had a formal discussion.

2. Open Space Discussion (01:09:35 – 01:11:27)
  - The Community Vision Workshop is scheduled for 1/24/19 in LTH and members discussed promoting the event.
3. Wetland Data Form Policy Discussion (01:11:29 – 01:14:39)
  - Members reviewed and discussed the Wetland Data Form updated with comments from the last meeting.
  - **Motion:** Mr. Hogan moved to accept the Wetland Data Form as a formal policy and add it to the Conservation Commission webpage. Mr. Shaw seconded, and the motion passed unanimously by vote of 6-0-0.
4. Discussion of site compliance regarding active and expired Order of Conditions (01:14:40 – 01:25:06)
  - Cobbler's Knoll – OoC expires this summer unless they choose to renew. Ms. Jones noted some issues with the basins during a recent site visit – she followed the storm water channel, which terminated into a flattened area w/ berms around it which were eroding into the woods and also some problems with other erosion control measures (also noted by the prior agent and the EPA). Members decided to schedule a site visit prior to taking any enforcement (1/13/19 Sunday 9:00am).
  - Constitution Ave – Ms. Jones confirmed she has verified that site the supervisor has fixed the problem with the silt fence.
  - Douglas St. – Ms. Jones confirmed the prior agent signed the building permit because it was outside of the commission's jurisdiction.

### PROCESSING

1. 12/17/18 Meeting Minutes Review (01:25:07 – 01:25:39)
  - Passed over due to lack of quorum

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

1. Draft Wetland Bylaw Discussion (01:25:40 – 01:26:58)
  - To be discussed at the next meeting in more detail if time permits (specifically the appeals section). The goal is to have this ready for the Fall Annual Town Meeting.

### AGENT UPDATES (01:27:00 – 01:35:20)

1. General updates from the office
  - Ms. Jones requested approval of funds for the cost of Wetlands Assessment and Field Techniques offered this spring by UMass. There was review and discussion about the course description, various formats and cost.  
**Motion:** Mr. Hogan moved to approve the expenditure of \$500 for the Wetlands Assessment and Field Tech Course with labs as well as the cost of the hard copy version of the text not to exceed \$40. Mr. Gorman seconded, and the motion passed by vote of 6-0-0.
2. A budget discussion will be included in the next meeting because budgets are due 2/10.
3. Members decided to add MACC conference (to be held in March) to the next meeting agenda

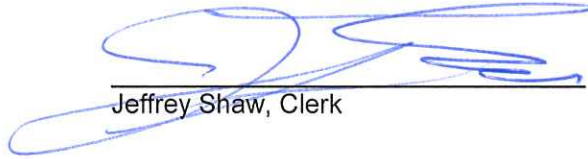
### ADJOURNMENT-NEXT MEETING SCHEDULED FOR TUESDAY January 22, 2019

**Motion:** Mr. Hogan made a motion to adjourn the January 7, 2019 meeting of the Conservation Commission. Ms. Steele seconded, and the motion passed unanimously by vote of 6-0-0.

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Respectfully submitted,  
Melissa Shelley

  
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Andrew Gorman, Chairman

  
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Jeffrey Shaw, Clerk

  
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Jim Hogan, Vice Chair

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Russell Holden, Treasurer

  
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Lauren Steele, Member

*Absent*

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Dale Bangma, Member

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Brad Allspach, Member

*January 22, 2019*  
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Date