

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



**Conservation Commission Minutes  
Monday, December 30, 2013  
Board of Selectmen's Room, Uxbridge Town Hall, 6:30 – 8:25 pm**

**Conservation Commissioners Present:**

Russell Holden, Chair (RH), Mike Potaski (MP) and Jim Hogan (JH)

**Conservation Commissioners Absent:** Dave Lewcon

**Other Staff:** Donna C. Hardy, Administrative Assistant

**ACTIVE WETLAND CASES**

**1. RDA, FY14-04, 0 Old Elmdale Rd/Old Still Corner Rd (Map 25, Plat 3979)**

- **Applicant:** Gary Vecchione **Engineer:** n/a
- **Proposal:** Ingress/egress exempt use (see 310 CMR 10.58(6)) of preexisting gravel road, no disturbance of soil in jurisdictional area of roadway and minimal disturbance of understory alongside existing gravel road.
- Property formerly owned by Deborah North. A letter dated December 5, 2013 from Jane A. Andrews (sister to Deborah North) hereby giving authorization to Gary Vecchione to act on her behalf, as well as his own interests in an executed agreement to purchase property from Jane A. Andrews.
- Discussion and areas of concern included if the Commission could make a determination that the land was exempt; the property (and driveway) crosses 200' of wetland crossings (Blackstone & West Rivers) and area appears to be within 100' of FEMA plans (flood plain); SV conducted on December 24<sup>th</sup>, however the area will need be stabilized and cleanup, etc. will need to be done, also wetland flags have not been placed on the property.
- Mr. Vecchione informed the Commission of WPA 99-1, however after research online (occurring during meeting), no information could be found on MA-DEP's website.
- The Commission also questioned the plan received dated June 7, 2000 and if an exemption could exist for using a driveway for an RDA with basic maintenance on a road with flood plain.
- Chair Holden opened the discussion to the audience.
- Discussion and areas of concern from the abutters of the property included the following: 1) Abandoned driveway/cart path to property and is around 12' wide with 2 potential vernal pools in area (not certified vernal pools).
- RH read from an email correspondence dated December 26<sup>th</sup> about correspondence received from Mr. Vecchione in reference to section (6) of the River Protection Act (part of the WPA) as providing an exemption for the driveway at the site.

(6) Notwithstanding the Provisions of 310 CMR 10.58(1) through (5), Certain Activities or Areas are Grandfathered or Exempted from Requirements for the Riverfront Area: (a) Any excavation, structure, road, clearing, driveway, landscaping, utility line, rail line, airport owned by a political subdivision, marine cargo terminal owned by a political subdivision, bridge over two miles long, septic system or parking lot within the riverfront area in existence on August 7, 1996. Maintenance of such structures or areas is allowed (including any activity which maintains a structure, roads (limited to repairs, resurfacing, repaving, but not enlargement), clearing, landscaping, etc. in its

- existing condition) without the filing of a Notice of Intent for work within the riverfront area, but not when such work is within the resource areas or their buffer zones except as provided in 310 CMR 10.58(6)(b). Changes in existing conditions which will remove, fill, dredge or alter the riverfront area are subject to 310 CMR 10.58, except that the replacement within the same footprint of structures destroyed by fire or other casualty is not subject to 310 CMR 10.58.
- The Commission again reiterated that the driveway is in the flood plains (per FEMA maps) and could not be part of the exemption.
  - Mr. Vecchione stated that the plans show the centerline on the plan and did not think it had changed in over 13 years.
  - MOTION by JH to close the public hearing; Seconded by MP; Vote unanimous.
  - **Motion** by MP to issue a Positive Determination due to lack of information about project scope, roadway bounds and flood plains on driveway; Seconded by JH; Vote 3-0.

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

**312-961, 814 Douglas Street – Order of Conditions – Issue w/ Condition #33 & #34:** - The Commission agreed if the applicant requests to change two conditions on the Standard Order of Conditions for the property, an Amended Order of Conditions will need to be submitted.

**401 Douglas Street –** RH recommendation to a potential buyer would be to have a wetland scientist walk the site and do an abbreviated wetland delineation to characterize the hydrologic connection and stream located on the property.

**Best Management Practices (BMP) for erosion control –** JH Lynch & Sons, Inc. is currently bidding a job for a project dealing with a Right-of-Way throughout the town of Uxbridge. Company has inquired what the standard practices for erosion controls around environmental sensitive areas and also needs what BMP are required for Order of Conditions. Commission expressed standard practices for erosion control which in the past has been straw wattles and hay bales/silt fences. A copy of the Commission's Standard Order of Conditions was also provided to the company.

**Millville Road – camera card received from abutter D. Fitzpatrick –** JH will review camera card and make a DVD of all the photos and videos. Discussions shall continue at the next scheduled meeting.

**Beavers –** The Commission informed they will need a note or a letter stating it's agreeable to obtain a consultant to review the site. The Commission cannot pay to do any work, however can pay for fees from the Wetlands Protection Act for a consultant.

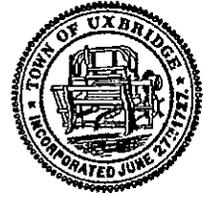
**Appointment –** The Commission spoke w/ Mr. Jeffrey Shaw, potential appointment to board. An appointment letter will be drawn up and forwarded to Mr. Shaw from the Town Manager's office.

**Monthly/Annual Reports –** The Commission reviewed both reports.

**ADJOURN –** Motion to ADJOURN at 8:25 PM by JH; Seconded by MP; Vote (Unanimous).



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**Conservation Commission Meeting Minutes**

Board of Selectmen's Room, Uxbridge Town Hall, 21 South Main Street, Uxbridge, MA

Dec. 30, 2013. Date

Russell Holden, Chairman

Michael Potaski, Member

Jim Hogan, Member

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Jeffrey Shaw, Member

Submitted by: Kurt Black