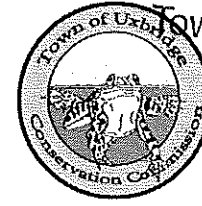


Town of Uxbridge
Conservation Commission
21 South Main Street
Uxbridge, MA 01569
508-278-8600 x 2020



Received by
Uxbridge
Town Clerk

Conservation Commission Meeting Minutes
Monday, August 15, 2016
Board of Selectman's Room, Uxbridge Town Hall

SEP 20 '16 AM 8:25

Please note some items may have been taken out of agenda order.

Present: Chairman Jim Hogan, Vice Chair Andrew Gorman, Treasurer Jeff Shaw, Clerk Lauren Steele, Members Patrick Hannon, Russ Holden, & Dale Bangma

Absent: Administrator Melissa Dillon

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

Mr. Holden was absent from the meeting

OTHER BUSINESS

1. Pout Pond-Uniquely Uxbridge Day
 - o Discussion: Pout Pond Recreation Committee would like to gain permission from the Commission to use the beach for Uniquely Uxbridge Day. There will be volleyball and a campfire. The date is set for September 3rd.
 - o **I, Mr. Shaw, move that we give permission for Uniquely Uxbridge Day to use Pout Pond. Seconded by Mr. Gorman, the motion carried 6-0-0.**

PUBLIC HEARINGS

1. **Amended Notice of Intent (NOI)**, 12 Douglas Street (Map 24A, Parcels 847, 762, 768)
Applicant: Dirk Koopman
Project Description: Repairing parts of the failed culvert by using gunite and the previously approved de-watering plan
 - o Discussion: Mr. Koopman, states that there will be mesh laid down to pick up remnants of gunite and protect the workers from slipping. Mr. Hannon states that the high starting pH of 12 could be hazardous and a point of concern. Commissioners suggest that the poly is laid underneath the mesh so that there is minimal hazard to the workers and provides extra protection to picking up any fallen material. The Commission would like to send the information to DEP to have them review and provide feedback and requests additional information on the work process from set up to clean up.
 - o **MOTION: I, Mr. Shaw, move that we continue the Public Hearing until the next scheduled meeting for more information from applicant and comments from DEP. Seconded by Mr. Gorman, the motion carried 6-0-0.**
2. **Notice of Intent (NOI)**, 350 North Main Street (Map 12D, Parcel 1174)
Applicant: Dokkum Realty, Inc. Representative: Heritage Design Group
Project Description: Demolition of two existing structures and foundation with regrading using compacted gravel within the Riverfront
 - o Discussion: Request to continue from the representative. Commissioners request that admin follow up to see progress of flagging and to attend next meeting.
 - o **MOTION: I, Mr. Shaw, move that we continue the Public Hearing until the next scheduled meeting. Seconded by Mr. Gorman, the motion carried 6-0-0.**
3. **Notice of Intent (NOI)**, 410 & 350 North Main Street (Map 12D, Parcels 1174 & 0281)
Applicant: Dokkum Realty Representative: Heritage Design Group

Conservation Commission Meeting Minutes continued – Monday, August 15, 2016

Project Description: Removal of debris and fill from Buffer Zone and Riverfront Area to restore the resource areas and associated buffers

- Discussion: Request to continue from the representative.
- **MOTION: I, Mr. Gorman, move that we continue the Public Hearing until the next scheduled meeting. Seconded by Mr. Steele, the motion carried 6-0-0.**

4. **Notice of Intent (NOI)**, 0 & 404 Douglas Street-Forest Glen Estates (Map 23, Parcels 3829, 4435 & 4793)

Applicant: Louis Desruisseau

Representative: Andrews Survey & Engineering

Project Description: Construction of 44-unit age-restricted residential development, including the construction of roads, drives, dwelling units, utilities, and grading

- Discussion: DEP number is 312-1022. Mr. O'Connell, on behalf of the applicant, briefly goes over what was discussed last meeting. All permits from the previous application and permit are still valid (including Natural Heritage). Mr. O'Connell states that he has addressed DEP's comments with the issuance of the file number including the stream crossing standards and additional units.

Mr. Holden joined the meeting

- **MOTION: I, Mr. Shaw, move that we close the public hearing. Seconded by Mr. Gorman, the motion carried 7-0-0.**
- **MOTION: I, Mr. Holden, move that we issue an Order of Conditions with the Uxbridge Standard Special Conditions with the special condition that all hay bales shall be replaced with straw. Seconded by Mr. Gorman, the motion carried 7-0-0.**

5. **Notice of Intent (NOI)**, DEP #312-1019, 424 Mendon Street (Map 14, Parcel 4215)

Applicant: SAJO Realty Nominee Trust

Representative: Andrews Survey & Engineering

Project Description: Construction of a ground mounted solar generating facility with associated grading within the Riverfront Area

- Discussion: Mr. O'Connell, on behalf of the applicant, has provided the Commission with an alternative analysis and samples of what the privacy screening will look like. Permission was granted to show the abutters samples of the screening. It is stated that naturalized shrubs will be able to grow outside the fence and array as long as it does not overcome the 6-foot threshold. Mr. Hannon states his opinion that the trees should not be cut down in the Riverfront, especially with the amount of electricity the system will be generating. Mr. Holden asks why an analysis was not done on the impacts if panels were removed from the project or the economic impacts of taking away panels. Mr. O'Connell explains that the project is already reduced in size from the original application and the dangers of not having a complete circuit. The Commission further discusses the fact that a more economic approach to the alternative analysis should have been included for the Riverfront. Ms. Jones, an abutter, requests that the engineer show where the tree cutting will be on the property and the neighbor's property, requests the Commission to reconsider their stipulation in policy in ordering a farther setback from the resource area, and questions if removing those trees in the Riverfront disturb or change anything to hydraulic connections. Mr. Gendron expresses his concern over the value of open space and natural areas and the value of wetlands to the town. Mr. Wood, an abutter, is concerned with the area outside of the fence getting stumped. Mr. Evers, an abutter, would like to know the width and space between rows (said to be 12 ft.), and depth of the panel (said to be 12 ft.) as he is worried about the wildlife that use that area as a hunting ground. Ms. Frazier requests the engineer to discuss other proposed projects that may move forward if the solar is not approved (said to be housing developments or 40b housing) and closes that a recreational area would not be shot down by the town. The Planning Board has closed the public hearings; therefore, no new information can be presented.
- **MOTION: I, Mr. Shaw, move that we close the Public Hearing. Seconded by Mr. Holden, the motion carried 7-0-0.**
- **MOTION: I, Mr. Hannon, move that we continue the Public Hearing for more information. Seconded by Mr. Shaw, the motion carried 7-0-0.**
- **MOTION: I, Mr. Hannon, move that we reconsider the last motion. Seconded by Mr. Shaw, the motion carried 7-0-0.**
- **MOTION: I, Mr. Hannon, move that we disregard and rescind the motion for continuance. Seconded by Mr. Shaw, the motion carried 7-0-0.**
- **MOTION: I, Mr. Hannon, move that we issue an Order of Conditions with the Uxbridge Standard Special Conditions with the special condition that no trees are cut in the Riverfront. Seconded by Mr. Shaw, the motion failed 2-3-2. Mr. Hogan, Mr. Bangma, and Mr. Holden-nay. Mr. Gorman and Ms. Steele abstained.**

- **MOTION: I, Mr. Gorman move that we issue an Order of Conditions with the Uxbridge Standard Special Conditions with the special condition of no grubbing outside of the fence line, naturalized growth to be established outside of the fence to not exceed ten feet in height, and invasives to be controlled until a Certificate of Compliance is in place. Seconded by Mr. Shaw, the motion carried 4-1-2. Mr. Hannon-nay; Ms. Steele and Mr. Holden abstained.**

6. **Notice of Intent (NOI), DEP #312-1016, 68 Henry Street (Map 20, Parcel 2517)**

Applicant: Countryside Associates, LLC

Representative: Andrews Survey & Engineering

Project Description: Construction of 12 townhouses with associated paving, landscaping, utilities, and earthwork within the 200' Riverfront Buffer Zone

- Discussion: Mr. O'Connell, on behalf of the applicant, discusses the applicability of the historic mill complex and the comments from DEP. It was not understood at DEP that this was in fact a historic mill site and that the mill was previously approved and demolished. Further information was furnished to DEP and the Commission about the previously approved plans and the status of the historic mill site. The Commission discusses snow stockpiling and signs on the fences depicting this condition.
- **MOTION: I, Mr. Gorman, move that we close the Public Hearing. Seconded by Mr. Shaw, the motion carried 7-0-0.**
- **MOTION: I, Mr. Hannon, move that we issue an Order of Conditions with the Uxbridge Standard Special Conditions with the special condition of snow signs depicting no snow stockpiling or dumping. Seconded by Mr. Shaw, the motion carried 7-0-0.**

7. **Notice of Intent (NOI), 0 Old Elmdale Road (Map 25, Parcel 3979)**

Applicant: Aris Group, LLC

Representative: Andrews Survey & Engineering

Project Description: Construction of an access road to the site off an existing gravel road and earth removal within Riverfront Area

- Discussion: Mr. O'Connell, on behalf of the applicant, requests a continuance but would like to take the time to answer questions from the public and Commission. Ms. Coffin, an abutter, raises her concerns about why the Town Manager denied access to the DPW area (whose answer was that Mr. Sherman shut off the access so that there wasn't impact to the DPW), why Old Elmdale Road wasn't taken into account for the project (who was told by the Town Manager that it was the Commission's responsibility to take into account all wetland areas that will be affected), and the town well that is on the opposite side of the river and should also be looked at. Mr. O'Connell responds to these concerns by explain the Commissions jurisdictional areas and authority and the road that the trucks or equipment would be traveling on is not within those areas. Mr. Hannon expresses his concern that they are not getting enough of feedback or the conditions set by the Zoning Board/Planning Board and would like to wait and be the last to give the approval. Mr. Lewis, an abutter, expresses his concern that the Commission is not working to the full scope of the Commission. The Commission discusses with Mr. Lewis the jurisdiction that the Commission can work under and that they cannot be stricter than the Wetlands Protection Act since they do not have a bylaw. Mr. Lewis continues to express his concern about how this project will affect the town as a whole. Mr. O'Connell explains that this project is much different than the proposed projects that came before. The current plan is a very in-depth plan and calculations have been done in length for the current proposed project. Mr. Fraga, an abutter, requests to know if a housing development will be built after the project is finished (Mr. O'Connell states that if the gravel removal permit is denied the owner may pursue with housing developments). Mr. Fraga states that not having the housing as part is segmenting the project, and therefore illegal (the Commission disagrees). Ms. X, states that because they are first the Commission should give their approval or denial and let that serve as a comment to the ZBA or Planning Board (Mr. Hannon states that we are not first but instead submitted simultaneously). Ms. X continues to explain that maps should be continuously updated (Mr. O'Connell states that he is working for his client and no the public and is waiting on additional comments before further changes are made to the plans) and asks if the Army Corp. of Engineers has been contacted (stated as not from the engineer since nothing for this project triggers their review). Ms. X reads the letter from Blackstone Heritage Corridor into the record (*attached to the minutes*) and requests that an engineer review the project in relation to the resource areas on the property. Mr. Kirby, questions the alternative analysis, stormwater report, and field data forms and why they were not submitted with the application (Mr. O'Connell responds that the alternative analysis will be submitted shortly and others should already be there) and further discusses with Mr. O'Connell that this point of entrance is the only viable option and erosion controls and fencing.
- **MOTION: I, Mr. Hannon, move that we continue the Public Hearing to the September 19th. Seconded by Mr. Gorman, the motion carried 7-0-0.**

Conservation Commission Meeting Minutes continued – Monday, August 15, 2016

1. Mountainview Estates
 - o Discussion: Blankets were installed at the site and pictures were sent to the Commission to help with the stabilization of the slope. The engineer requests that the Commission approval the removal of one of the silt sacks to see how the clean water gets into the basin. Mark Arnold, engineer, states that they are looking into the road performing as it was designed. The DPW should be advised of the placement of the berm to determine the best scenario.
 - o **MOTION: I, Mr. Hannon, move that we allow the removal of one silt sack at the double basin. Seconded by Mr. Shaw, the motion carried 7-0-0.**
2. Hyde Park Circle
 - o Discussion: No representative present. Several Commissioners visited the site when possible.
 - o **MOTION: I, Mr. Gorman, move that we have Town Counsel look into bringing them to court on the grounds of working without a valid permit. Seconded by Mr. Shaw, the motion carried 7-0-0.**
3. 4 Albee Road
 - o Discussion: Mr. Hogan drove past the property and saw that the erosion controls have been removed.

REPORTED/ONGOING VIOLATIONS

Mr. Hannon stepped out of the meeting

1. 54 Highview Drive
 - o Discussion: A complaint of a violation was submitted from a T&G reporter from Google Earth for potential wetland and Natural Heritage violations. The Commission discusses if it warrants a site visit or further action. The Commission believes that it is now in Natural Heritage's hands and jurisdiction as it has been addressed, and discussed.
2. 58 Rivulet Street
 - o Discussion: Mr. Shaw saw the site from the road and found that no sand is left on the lawn area. DEP has been notified of the site.
3. 32 Church Street
 - o Discussion: No new information. ***Ms. Steele stepped out of the meeting*** Commissioners discuss the location of the property and the violation. ***Mr. Hannon rejoined the meeting*** A cease and desist has not been issued since it is not an overly large or threatening violation. ***Ms. Steele rejoined the meeting*** Commissioners will revisit the site and report on the current conditions. Commissioners discuss the need for different levels of violations and associated members along with the process of dealing with violations. In order to get violations off the agenda the situation needs to be dealt with and documented promptly.
4. 142 South Street
 - o Discussion: No update from DEP. Commission believes that Town Counsel should also be asked about administrative order.
 - o **MOTION: I, Mr. Gorman, move that we request Town Counsel for an administrative search warrant. Seconded by Mr. Shaw, the motion carried 7-0-0.**
5. 9 Balm of Life Spring Road
 - o Discussion: No update from DEP. Commission would like Town Counsel to look into administrative action.
 - o **MOTION: I, Mr. Shaw, move that we request Town Counsel for an administrative search warrant. Seconded by Mr. Gorman, the motion carried 7-0-0.**

PROCESSING

1. Endorse Meeting Minutes 8/1
 - o Discussion: No revisions necessary.
 - o **MOTION: I, Mr. Hannon, move that we approved the meeting minutes for August 1, 2016. Seconded by Mr. Gorman, the motion carried 7-0-0.**

ANY OTHER BUSINESS WHICH MAY LAWFULLY COME BEFORE THE CONSERVATION COMMISSION

1. Discussion on adjustment from Administrator to Agent and funding
 - o Discussion: Town Manager has requested that the Commission review or discuss the change from admin to agent as the union has complained that the admin has been leaving the building for site visits. The change to agent would require 50/50 split for funding the salary and Town Manager will hire a part-time administrator that would help multiple departments and to do the admin/union work that the agent cannot do. Mr. Holden requests that the Commission hold off until the complaint from the Union is seen and settled. Mr. Hannon believes that in order to

Conservation Commission Meeting Minutes continued – Monday, August 15, 2016

keep the current flow of work the change from admin to full time agent would be the answer to the problem. Mr. Holden would like to hold off on a decision because the Commission currently has a working administrator and would like to stay.

- **MOTION: I, Mr. Hannon, move that we request the Town Manager to post the full-time agent position and allow the expenditure of WPA funds to pay for the salary of a full-time agent not to exceed \$22,500. Discussion: Mr. Holden requests what is coming into the Wetland Protection Fund and if it can afford the expenditure. Commission is not sure of current balance but is confident in the projects coming forward. Seconded by, Mr. Shaw, the motion carried 6-1-0. Mr. Holden-nay.**
- **MOTION: I, Mr. Hannon, move that we request the Town Manager to post a part time admin. Seconded by Mr. Shaw, the motion carried 6-1-0. Mr. Holden-nay**

2. Wetland Bylaw Draft Review

- Discussion: A push has been made to get on the Fall Town Meeting so a meeting needs to be made to discuss solely the Bylaw. Mike Potaski has made some comments and revisions on the draft to take into consideration. Discussions on the definition of ponds and man-made ponds since man-made features can turn into jurisdictional wetlands. The 50' no-touch setback from the resource area is discussed and debated if necessary to extend the setback. Mr. Hannon states that having the 50' setback would be extremely beneficial as having construction close to the wetlands is very detrimental. Mr. Bangma does not agree with the 50' as homeowners should be allowed to do more with their land. The Commission discusses having another meeting to discuss the bylaw and decides to meet on August 24th at 6:30pm at a location to be determined.

3. Open Space & Recreation Plan/Committee

- Discussion: No new update.

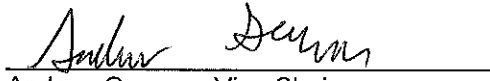
MOTION: I, Mr. Gorman, move that we adjourn. Seconded by Mr. Hannon, the motion carried 7-0-0.

ADJOURNMENT-NEXT MEETING SCHEDULED FOR MONDAY AUGUST 24, 2016 FOR INFORMATIONAL WETLAND BYLAW MEETING

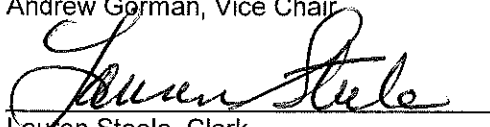
Respectfully submitted,
Melissa Dillon


Jim Hogan, Chairman



Patrick Hannon, Member


Andrew Gorman, Vice Chair

Russell Holden, Member


Lauren Steele, Clerk

Dale Bangma, Member


Jeffrey Shaw, Treasurer

September 19, 2016
Date



**Blackstone
Heritage
Corridor, Inc.**

Uxbridge Conservation Commission
Patrick Hannon, Chair
Uxbridge Town Hall
21 South Main Street
Uxbridge, MA 01569

July 28, 2016

Dear Chairman Hannon,

We understand that there is a proposal before the town relative to authorizing a gravel/earth removal operation at the property known as 0 Elmdale Road (Map 25 Lot 3979). The plan I reviewed was labeled as Sheet 2 of 2, is dated May 23, 2016, drawn by Andrews Survey & Engineering, Inc.

In light of the parcel's proximity to the nationally-significant resources of the Blackstone River, Blackstone Canal and towpath, this organization has been asked to comment on the proposal.

Authority:

In 1986, Congress approved Public Law 99-647 establishing the Blackstone River Valley National Heritage Corridor. Section 9 of that law obligated the Corridor to review and comment on a variety of projects by providing the following:

"Any federal entity conducting or supporting activities directly affecting the Corridor *shall*

- 1) *Consult with* the Secretary and *the Commission* with respect to such activities,
- 2) *Cooperate with* the Secretary and *the Commission* in carrying out their duties under this Act and, to the maximum extent practicable, coordinate such activities with the carrying out of such duties; and
- 3) To the maximum extent practicable, *conduct or support* such activities in a manner which *the Commission* determines will not have an adverse effect on the Corridor."

(Emphasis added)

In 2014, Public Law 113-291 was adopted. The law established the Blackstone River Valley National Historical Park. In section 3052, it also provided that the BHC would perform the functions previously performed by the Commission.

"For purposes of (99-647 Section 9), a reference to the "Commission" shall be considered to be a reference to the local coordinating entity."

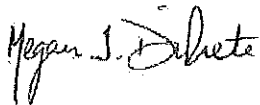
Blackstone Heritage Corridor, Inc. (BHC) is the designated local coordinating entity for the John H. Chafee Blackstone River Valley National Heritage Corridor.

5. It appears there are significant grades, approaching 1:1, in the land approaching the Blackstone River. Where the area along the River (and, in this case, historic canal), are intended to be used for excavation and travel, particularly travel including heavy equipment, this is a concern. Site stability, the potential for erosion and otherwise instability of soils significantly threatens the integrity of the river's edge and the water quality. The nationally significant river, tributaries and canal system must be protected. One way to do that would be to remove from the plan any travel or earth disturbing activity in areas that are naturally sloped toward the water bodies.
6. It appears that the proposed access road, while seeming to follow a platted (but not developed) roadway, also will be within very short distance from the banks of the Blackstone. This is a concern since, for example, travel over an area can destabilize the area, and travel particularly involving heavy trucks can generate a variety of pollutants.

The potential for contamination, sedimentation, and removal of existing vegetation, particularly in an area so proximate to the Blackstone and where the topography slopes toward the river, is a concern and could pose a threat to the historical and environmental resources of the area. The site should be designed and operated in a manner to protect against the variety of potential pollutants in order to assure that there are no adverse impacts to the resources of the John H. Chafee Blackstone River Valley National Heritage Corridor.

I trust you find this helpful. Please feel free to contact me with any additional questions.

Yours truly,



Megan T. DiPrete
Deputy Director

Cc: Applicant (Stephen O'Connell)
Zoning Board