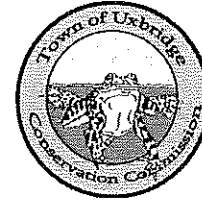


Town of Uxbridge
Conservation Commission
21 South Main Street
Uxbridge, MA 01569
508-278-8600 x 2020



Conservation Commission Meeting Minutes
May 7, 2018
Board of Selectman's Room, Uxbridge Town Hall

Received by
Uxbridge
Town Clerk

Please note that this meeting was not televised

Present: Chair Andrew Gorman, Vice Chair Jim Hogan, Clerk Jeff Shaw, Treasurer Russell Holden, Member Lauren Steele and Conservation Agent Melissa Danza

Absent: Member Dale Bangma

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 Public Hearings out of published order and hear #5, Request for Determination of Applicability for 19 Easy Street first. Seconded by Mr. Shaw, the motion carried 5-0-0.

PUBLIC HEARINGS

1. **Request for Determination of Applicability (RDA), FY18-7, 19 Easy Street (Map 14, Parcel 2675)**
Applicant: Mark Andrews
Project Description: Clearing of vines and downed trees caused by storm damage within the Riverfront.

Discussion: Mr. Andrews discussed the loss of trees on his property in the past, both into the yard and into the river (which were not removed). He is hoping to clear out vines in order to reach the dead, fallen and dying trees that have been damaged by recent storms and could possibly reach the house. As the area stands now, his landscapers are unable to reach the trees because of the large number of vines, so depending on the Commissions feelings he would like to clear out as much as possible as it is also an eyesore. Mr. Hogan states that he is concerned about vines killing the trees and would be apt to allow selective pruning to preserve the mature trees, but also the important habitat. The Commission agreed that a site visit should be had before making a decision. The Commission and the homeowner agreed to a site visit on May 17th at 5:30pm.

Motion: Mr. Hogan moved to continue the public hearing for 19 Easy Street for a site visit. Seconded by Mr. Shaw, the motion carried 5-0-0.

**The meeting returned to its originally posted order*

2. **Notice of Intent (NOI), DEP #312-1054, 0 Newell Rd & 0 S. Main St (Map 25, Parcels 2065 & 4434)**
Applicant: ForeFront Power, LLC
Project Description: Construction of a 4-megawatt ground mounted solar facility with work in bordering vegetated wetlands and associated buffer zones.

Discussion: The applicant formally requested to continue to the next meeting.

Motion: Mr. Hogan made a motion to continue DEP #312-1054 0 Newell Road & 0 South Main Street to the next meeting of the Conservation Commission. Seconded by Mr. Shaw, the motion passed by vote of 4-0-1. *Mr. Holden abstained.*

3. **Notice of Intent (NOI), DEP #312-1062, 619 Quaker Highway (Map 45, Parcels 2998 & 3816)**
Applicant: Kevin Powers
Project Description: Clearing and grading within the buffer zone in preparation for later site development.

Discussion: The applicant formally requested to continue to the next meeting.

Motion: Mr. Hogan made a motion to continue DEP #312-1062 619 Quaker Highway to the next meeting of the Conservation Commission. Mr. Shaw seconded and the motion passed by vote of 4-0-1. *Mr. Gorman abstained.*

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4. **Notice of Intent (NOI), DEP #312-106X**, Tea Party Drive (Map 29, Parcels 3053, 3099, 3987, 3084, 3866, 3895, & 4745)
Applicant: Uxbridge Multi Family Realty, LLC Representative: Guerriere & Halnon, Inc.
Project Description: Construction of a roadway and associated grading, clearing, and paving in conjunction with a positive Determination of Applicability

Discussion: Dale MacKinnon, with Guerriere & Halnon, attended on behalf of the applicant and gave a brief recap of the project and the requested changes from the Commission and how they have, or are, working to address them. Currently, they are still discussing the issue of the cold water fishery because the original design for this phase does not have the stream designated as such. Mr. MacKinnon discusses how the water quality structures have changed throughout the years and the confusion on varying systems on either side of the stream such as a downstream defender on the Hyde Park side but not Tea Party. Because of the increased regulations and TSS removal levels needed for a critical area they are still working on reviewing with their lawyers and revising plans on how to address this comment as stated by Meghan Selby from DEP. Mr. MacKinnon ensures that the revisions made will be sent to DEP and the Commission as soon as they are finished for further review.

Motion: Mr. Holden moved to continue NOI for Tea Party Drive to the next meeting of the Conservation Commission for further revisions. Mr. Shaw seconded, and the motion carried 5-0-0.

5. **Notice of Intent (NOI), DEP #312-1063**, 20 Glen Street (Map 36, Parcel 4127)
Applicant: Koopman Lumber Company Representative: Andrews Survey & Engineering, Inc.
Project Description: Construction of a single-family dwelling with associated septic, utilities, and earthwork within a portion of the BVW and associated buffer zone.

Discussion: Mr. O'Connell, from Andrews Survey & Engineering, Inc., attended on behalf of the applicant. Mr. O'Connell gave a brief overview of the project, described the staking they have laid out, and that the Board of Health has approved their septic design plan. Mr. Gorman discussed his findings during the site visit he conducted with the Mr. O'Connell and Mr. Shaw and states that there are mature trees that should be saved for habitat purposes and the Commission may want to flag these trees prior to the commencement to any work – Mr. O'Connell agrees and says they would be agreeable to this as a special condition as things can get overlooked in the construction process. Mr. Holden discusses his opinion that the Commission should stick to their 25' setback policy and that the current proposed house is larger than that of previous applications. The Commission and Mr. O'Connell states that this is a separate application and previous plans had extensive retaining walls and more impact to the resource areas. The current plan depicts less earthwork with the movement of the septic to the front of the lot and therefore a less impactful project overall compared to previous plans. After further discussion about the 25' setback policy Mr. Gorman states that since we do not have a bylaw the policy is not enforceable, the project as submitted meets the performance standards of 310 CMR 10.55, and they have mitigated the impacts to the 25' buffer zone by enlarging the replication area. Discussions continue about how movement of the house would create little to no difference in impact and they are unable to turn the house due to building setbacks. After confirmation of no new questions the chair asks if there are any motions to close the hearing.

Motion: Mr. Hogan moved to close the public hearing for DEP #312-1063, 20 Glen Street. Seconded by Mr. Shaw, the motion carried 5-0-0.

Deliberation: Mr. Gorman reiterates that there is less disturbance in this lot than others that have recently come before us, such as 620 Aldrich Street, it meets the performance standards, and the replication area has been extended as requested. The Commission discusses saving the mature trees and that the trees to be saved shall be marked by the Commission or it's designee during the erosion control inspection prior to any work.

Motion: Mr. Hogan moved to issue an Order of Conditions for DEP #312-1063, 20 Glen Street with the Uxbridge Standard Special Conditions with the added special conditions that: prior to any site work, and in conjunction with the erosion control inspection, the Commission, or it's designee, shall identify and confirm with flagging the trees to be saved as part of the replication area. Seconded by Mr. Shaw, the motion carried 4-1-0. Mr. Holden – nay.

REPORTED/ONGOING VIOLATIONS

1. Old Lackey Dam Road Gravel Pit
 - No new information, item passed over.
2. 395 West Street
 - Commissioners briefly discussed the background of the violation and that the ZEO had noted that the cars had been taken off the lot. Mr. Gorman stated that he had noticed many more cars had been dropped off, some with

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missing parts, etc. Mrs. Danza also states that they got a complaint from an abutter that about 8 more cars had been dropped off. The Commission decided to have the agent send a letter explicitly stating that the homeowner shall appear at the next meeting and that failure to appear may result in further enforcement action.

3. Commerce Drive – Map 40, Parcels 3085 & 3086
 - Commissioners discussed that the replication and restoration work has not yet started on the site. Mr. Gorman states that he has told Mr. O’Connell that the Commission has gathered evidence of obligate vernal pool species, including fairy shrimp, and they are waiting to decide on how to proceed with the evidence until after the conference with DEP. The Commission is not allowed to be a part of the enforcement conference scheduled for May 10th but will be given a copy of the order once it is finalized. Mr. Gorman & Shaw discuss the sedimentation that is rolling down the hill and should be relayed to the owner that it needs to be rectified – agent will resolve this week.

WETLAND UPDATES/ISSUES

1. Snow Removal Procedure
 - The Commission discussed how they want to gather information and put together a guidance document for the Commission. Commissioners decided that they will work on their own to identify possible sites that could be used around town for snow disposal. Snow piles have been seen along Depot St by the Mumford River with snow collected from mainly downtown and possibly the schools and it was determined that this snow should be placed elsewhere. Agent will discuss with Benn, DPW Director, about the sites that he uses and any potential sites that the town may be able to use in the future.
2. Discussion of site compliance regarding active and expired Order of Conditions
 - Mr. Gorman states that he received a call from an abutter about the Forest Glen Project off of Taft Hill stating that there were no sediment controls along the stream and a vegetation buffer was not left next to the adjacent lots. Mr. Gorman visited the site and noticed that silt sock was not placed along the stream edge as the agent had been seen and told was being done every night. Agent will relay to contractor that it this needs to be done to be in compliance with the permit.

PROCESSING

1. Certificate of Compliance, 52 Commerce Drive DEP #312-921 – request for invalid CoC
 - Agent discussed that this Order of Conditions was for a smaller solar array on the south western corner of the lot next to the small pond. The solar array was never built so the applicant requested a Certificate of Compliance for an Invalid Order of Conditions.
 - **Motion:** Mr. Hogan moved to issue a Certificate of Compliance for Invalid Order of Conditions for DEP #312-921, 52 Commerce Drive. Seconded by Ms. Steele, the motion carried 5-0-0.
2. 4/17/18 Meeting Minutes Review
 - Commission found no issues.

Motion: Mr. Hogan moved to accept the 4/17/18 Conservation Commission meeting minutes. Seconded by Ms. Steele, the motion carried 5-0-0.

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

1. Weed Control at Pout Pond
 - Commission discussed establishing a timeline for SOLitude to inspect. Since May is an important season to the rare dragonflies that are at Pout Pond, the Commission decided to request that the first inspection be at the beginning of June to determine if herbicides need to be applied this year – agent will set up with SOLitude.
2. Donation of picnic tables for Pout Pond
 - Pastor Josh Howard of Valley Chapel would like to donate 1 or 2 picnic tables to be used at Pout Pond. Because of the potential cost of these items, Mr. Gorman will be attending the next BOS meeting to have donation accepted by the board.
3. Discussion on schedule for opening & closing Pout Pond
 - After deferment of a schedule for opening and closing the gate and citizens requesting that it be opened the Commission finalized the following schedule between Commissioners and the agent- Melissa: opening gate Monday-Thursday; Jeff: closing gate Monday & Wednesday; Jim: closing gate Tuesday, Thursday, Friday/ opening Saturday & Sunday; Andrew: opening gate Friday morning & closing gate Saturday & Sunday.

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4. Next steps about Open Space & Recreation Plan & Committee
 - Ms. Steele worked on trying to find someone responsible for ADA compliance in town with no luck – Mr. Gorman suggested possibly reaching out to Megan DiPrete for any possible guidance. Mr. Hogan discussed what buildings need to be ADA compliant vs. ones that do not and comparing to recreation facilities. Mr. Gorman discussed the use of a web soil survey to outline Uxbridge to include in the plan for references.
5. Performance Review discussion for Conservation Agent
 - Mr. Gorman made a rough draft of current items that the agent does along with future goals and should be considered talking points towards a final draft. Commissioners should review and work on it at the next meeting to provide any additional comments. A few things to add on achievements would be public research & the Facebook page and working on the enforcement process. Commissioners would like to see more information available for new Commissioners for ethics and opening meeting law topics and possibly redesigning the pamphlet for distribution
6. General discussion regarding vernal pool certification
 - Mr. Gorman made up a quick datasheet that outlined the potential vernal pools and will be used for next year or later on if the Commission decides to certify any they found.
7. Discuss plan to revisit the draft wetland bylaw
 - The Commission discussed reviewing the bylaw to reintroduce it at another town meeting. Commissioners discussed the misconceptions that citizens had from the bylaw including: money grabbing, taking away existing lawns, taking away landowner rights, etc. Some suggestions for edits to the new proposed bylaw would be only be towards new construction, stormwater, impervious cover, increase buffers to wetlands associated with aquifers, and general setbacks. Mr. Hogan suggested setting aside 20 minutes at every meeting and to have a special meeting for a public hearing on July 30th.
8. Update from DEP/MACC Regional meeting
 - New Circuit Rider Hotline Monday – Thursday until 9PM
 - New hotline will be for Commissioners to connect with Judy for late night assistance.
 - Forthcoming database for RDA filings
 - New technology will be made available for RDAs and will be released in the future
 - Regional push to adopt eDEP
 - 5 years from now it will be a mandatory tool instead of sending in a hard copy. Agent discusses how she has been trying to familiarize herself with the website and will use from now on for forms available.
 - Forthcoming changes to the MA Stormwater Handbook
 - Some changes that will be coming relate to alignment with EPA's new requirements for MS4s and changing TSS removal requirements to be site specific and runoff based.
 - *Not on agenda* MVP preparedness
 - Also discussed at the meeting was to Municipal Vulnerability Preparedness (MVP) plan. Agent received a request to have the Commission sign a letter of support for a MVP grant as climate change will impact the jurisdiction of the Commission.
 - **Motion:** Mr. Hogan moved to approve the signing of the letter of support by the chair for the MVP grant to the Executive Office of Energy & Environmental Affairs. Seconded by Mr. Holden, the motion carried 5-0-0.

AGENT UPDATES

1. General updates from the office/projects
 - Nothing much to report from agent – office is busy and emails are often coming in delayed so if there is something time sensitive it was requested that Commissioners call to let her know.

ADJOURNMENT-NEXT MEETING SCHEDULED FOR MONDAY, MAY 21, 2018

At 9:14pm Mr. Hogan moved to adjourn the May 7, 2018 meeting of the Conservation Commission. Seconded by Mr. Shaw, the motion carried 5-0-0.

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Respectfully submitted,
Melissa Danza



Andrew Gorman, Chairman



Jim Hogan, Vice Chair



Lauren Steele, Member

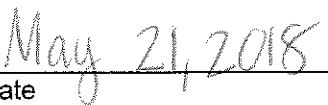


Jeffrey Shaw, Clerk



Russell Holden, Treasurer

Dale Bangma, Member



Date

