

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



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Uxbridge
Town Clerk

Conservation Commission Meeting Minutes
July 16, 2018
Board of Selectman's Room, Uxbridge Town Hall

Present: Chair Andrew Gorman, Vice Chair Jim Hogan, Clerk Jeff Shaw, Treasurer Russell Holden, Members Dale Bangma and Members Lauren Steele & Dale Bangma Brad Allspach and Conservation Agent Melissa Danza

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

ANNOUNCEMENTS: (00:00:42 – 00:02:05)

- Mr. Gorman announced that Mr. Hogan completed his MACC certification. The Commission now has 4 certified members, and the agent is also certified.
- Members expressed thanks to the Uxbridge Scouts Troop 25 for their hard work on the Pout Pond Trails.
- Mr. Hogan gave notice that his wife Darcy Hogan has been appointed to the Pout Pond Recreation Committee to which the Conservation Commission has oversight.

PUBLIC HEARINGS

1. **Notice of Intent (NOI), DEP #312-1064**, 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 (00:02:07 – 00:03:17)

Discussion: The applicant formally requested to continue to the next meeting of the Conservation Commission and the updated stormwater documents were provided for members to review.

Motion: Mr. Hogan moved to continue **DEP #312-1064**, Tea Party Drive to the next meeting of the Conservation Commission. Mr. Shaw seconded, and the motion passed unanimously by vote of 7-0-0.

2. **Notice of Intent (NOI), DEP #312-1068**, 55 Stanphyl Road (Map 32, Parcel 4794) (00:03:20 – 00:21:39)
Applicant: Brian Heldenbergh Representative: Andrews Survey & Engineering, Inc.
Project Description: Installation of an in-ground pool within the buffer zone to a BVW.

Discussion: Travis Brown of Andrews Survey and Engineering attended on behalf of the applicant and reported the following: (i) a DEP file number has been assigned, (ii) a stockpile area was designated outside the 100' buffer as requested, (iii) they have determined there is 100' to ground water per old septic design documents and, (iv) the owner confirmed no additional walkways are planned. Mr. Gorman reviewed an old septic plan and pointed out a proposed replication area associated with the subdivision and noted that from the recent delineation it looks to be a successful replication. There was discussion of the limit of disturbance and whether there was obligation from the previous order. Mr. Brown displayed the plan with an overlay of the old limit of disturbance and everyone agreed it was outside this area. Mrs. Danza confirmed there were no other additional conditions on the subdivision's order. No abutters commented on the petition.

Motion: Ms. Steele moved to close the public hearing for DEP #312-1068, 55 Stanphyl Road. Mr. Bangma seconded, and the motion passed by vote of 7-0-0.

Deliberations: Members discussed whether the project could meet the WPA exemption for an ancillary structure 50' away from the wetland but determined that would lead into more disturbances. No other concerns noted. Mr. Holden made note that the current ECBs should be considered the limit of disturbance but Mr. Hogan expressed that may reduce the lawn size.

Motion: Mr. Holden made a motion to issue Order of Conditions for DEP #312-1068, 55 Stanphyl Road with the Uxbridge Standard Special Conditions and a modification to the condition referencing the limit of disturbance to reflect the existing & proposed lawn area portrayed on the plan of record for this submittal. Mr. Bangma seconded, and the motion passed by vote of (6-0-1). Mr. Hogan abstained.

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**Mr. Gorman moved to administratively take the agenda out of order and hear the CoC request for 320 East Street. Mr. Hogan seconded, and the motion passed unanimously by vote of 7-0-0.*

WETLAND UPDATES/ISSUES

1. Request for Certificate of Compliance, 320 East Street – DEP #312-1067 (00:22:20 – 00:31:28)
 - The Agent reported that the owner is closing on the property next week and has been seeding and watering diligently but due to hot weather conditions the lawn is not yet established. Photographs of the progress of the lawn were reviewed. Mr. Gorman asked members if they would consider issuing a partial CoC, but Mr. Bangma didn't think the owner could close w/ a partial. Mr. Bangma recommended, due to all the owner has been through, that the Commission issue a CoC with specific conditions to over seed, use straw and keep watering to keep erosion under control and require a follow up from agent in 15 days. Mr. Holden expressed concern with allowing deadlines to dictate the Commissions' decisions and that he would vote no but recommend conditioning the addition of an ECB. Mrs. Danza noted the ECBs are still in place and recommended adding a condition to leave it. Mr. Gorman mentioned that CoCs offer Commissions the most discretion and that this was a premature septic failure and the engineer confirmed that the project was completed as proposed. Mr. Gorman recognized Mr. Holden's reservations but expressed he's willing to be flexible especially due to the project's compliance.

Motion: Mr. Hogan moved to issue a Certificate of Compliance for DEP #312-1067 320 East with the following special conditions: (i) any non-established areas are over-seeded; (ii) that over seeded areas are covered by straw mulch to facilitate erosion protection and growth; (iii) existing erosion control measures shall be left in place until the agent or commission authorizes removal;(iv) subsequent homeowners are notified of the conditions. Mr. Bangma seconded, and the motion passed by vote of 6-1-0.

** Mr. Hogan moved to take the agenda out of order to discuss Reported/Ongoing Violations Forest Glenn (originally #3). Mr. Shaw seconded, and the motion passed by vote of 7-0-0.*

REPORTED/ONGOING VIOLATIONS

1. Forest Glen DEP#312-1022 (00:31:59 – 00:44:52)
 - Mr. Joe Perry, the site supervisor, attended to provide an update on progress of the siltation event clean up and photographs of the site reviewed. Inland Waters was hired to pull up siltation with a vacuum truck and Dave Crossman, wetland consultant, was also brought on for assistance. Mr. Crossman visited the site after the clean-up and with a few minor modifications was satisfied with the efforts and will be providing a report to Mrs. Danza. He also recommended Mr. Perry run a second siltation barrier to create a terraced storage area and an additional detention basin to contain and divert the water away from the bridge and the brook. The silt fence option was dismissed because in excavating the terrace area a bigger barrier was created with mulch and an additional filtrex line will also be placed higher up the hill. Mr. Perry estimated the he will have the culvert at by the end of July (it is in its last stage of production) and he hopes to have it installed by the end of August. The start of the replication area is planned this fall during better planting conditions. Regarding soil stockpiling the plan is to stock some during the replication and re use it. Numbered wetland flags are in place and Mr. Perry will check to ensure they are all up. Everyone agreed to leave the Enforcement Order open for now to allow for further clean up if required.

**Agenda returned to the published order*

2. Old Lackey Dam Road Gravel Pit (00:45:04 – 00:48:20)
 - Mr. Gorman and Mr. Bangma recused themselves due to professional involvement. No members were able to attend the site visit and Mrs. Danza offered to contact the owner in efforts to reschedule. Mr. Gorman and Mr. Bangma returned after the discussion concluded.
3. Commerce Drive – Map 40, Parcels 3085 & 3086 (00:48:25 – 01:00:40)
 - Members reviewed the monitoring report provided by Arthur Allen, EcoTec shortly before the meeting. Photographs of the site were also provided and reviewed. The monitoring report was a letter and some key points included: that 90% is covered with native species; 70% of cut trees sprouted; there are not too many invasive species present. Members questioned the analysis about the invasives as they observed barberry, black locust and bittersweet on recent visits. Members also expressed that they anticipated more details than what was provided in the letter - more like a catalog of the species and number that was cut as well as what is growing now and what needs to be replaced. The purpose for requiring the monitoring report was in lieu of starting the plantings that were committed to begin this spring and delayed without notice. Additionally, members would like to see more of a "hands on" approach because several deadlines have been missed from the initial clearing violation and there is concern for invasive species to overrun the site. Mr. Gorman and Mr. Holden agreed to provide photographs to accompany the reply.

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Motion: Mr. Hogan made a motion to allow the Agent to issue a response letter to Mr. O'Connell, Andrews Survey and Engineering, thanking for the memo from EcoTec but explaining the details did not rise to the level of a report as expected by the Commission. We are looking for a count of the number and species of trees that were cut and a count of the number and species regrowth for trees as well as a more detailed analysis of invasive species. Mr. Bangma seconded, and the motion passed unanimously by vote 7-0-0.

WETLAND UPDATES/ISSUES

2. Request for Certificate of Compliance, 128 King Street – DEP #312-862 (01:00:51 – 01:02:50)
 - This request is for the subdivision, Ricca Way, that was never constructed. The only part in the Commission's jurisdiction was the storm water basin. This order would have been expired by now. The land has been sold and may be developed but new owner understands they would need to initiate a new NOI for any work.

Motion: Mr. Holden moved to issue a Certificate of Compliance indicating an Invalid Order of Conditions as the work was never started for DEP#312-862 128 King Street. Mr. Hogan seconded, and the motion passed unanimously by vote of 7-0-0.

3. Snow Removal Procedure – Vote on memo response to DPW (01:02:55 – 01:11:54)
 - Memo provided to the Commission from the DPW Director on July 4th and Mr. Gorman drafted a response which was reviewed and modified during the meeting. The letter acknowledges the snow storage is in the 100-year flood zone but asks if it could qualify as a temporary activity. It was also mentioned that there is a swale that would convey any snowmelt into a stormwater basin. Members reviewed aerial images of the site with a flood plain overlay (2011 FEMA designation). As the regulations do not define a timetable for a temporary activity, everyone agreed to add the following statement to Mr. Gorman's response letter: "any snow stockpile is to be removed out of the floodplain by May 1st and the area is to be swept upon 30 days of complete snowmelt".

Motion: Mr. Hogan moved to allow Mr. Gorman to edit the response letter as noted in the record and send the final draft to the Agent. Mr. Holden seconded, and the motion passed unanimously by vote of 7-0-0.

4. Discussion of site compliance regarding active and expired Order of Conditions (01:12:10 – 01:14:30)
 - Mr. Hogan reviewed event that occurred on 7/16/18 at approximately 4:00pm, at the time of the meeting was still ongoing, a business van that handles lawn maintenance went over a guard rail on Douglas St. The fire department categorized it as a hazmat event and are taking related precautions. Mrs. Danza agreed to will follow up the fire department to determine if there was any type of release to the river or stream in the area.

PROCESSING

1. 7/2/18 Meeting Minutes (01:14:35 – 01:17:41)

Motion: Mr. Holden moved to approve the 7/2/18 meeting minutes of the Conservation Commission as amended. Mr. Allspach seconded, and the motion passed by vote of 4-0-3. Hogan, Steele, Bangma abstained.

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

1. Open Space & Recreation Plan & Committee (01:19:21 – 01:24:32)
 - Mr. Gorman asked members whether they wanted to keep this on the agenda. Mr. Hogan recommended to take it off for the moment while they wait to see if the town hires a planner. Members consented to this path forward.
2. Discuss plan to revisit the draft wetland bylaw (01:24:34 – 02:13:22)
 - Mr. Hogan recommended scheduling a "working meeting" just to review the bylaw on July 30th (3rd Monday) to which everyone agreed. Mr. Gorman had made some changes to sections 1 and 2 which were reviewed. There was further review and edits in Sections 2, 3, and 4. Parts of Section 2 and all of 5 were tabled until the next meeting. Mr. Gorman will make the changes discussed this evening and forward to Mrs. Danza.
3. Whitin Pond Weed abatement (02:13:24 – 02:19:25)
 - Mrs. Danza contacted the Blackstone River Watershed and Atty Knapik in attempts to verify ownership. Mr. Gorman emailed Barry Giles to use the drone to document the growth.
 - **Motion:** Ms. Steele moved to authorize the Chair, Vice Chair and the Agent write and submit a request for town counsel to unpack the deed material provided and any further research required to understand the ownership surrounding Whitin pond. Mr. Hogan seconded, and the motion passed unanimously by vote of 7-0-0.
4. Yearly Reorganization of the Conservation Commission (02:19:27 – 02:22:49)
 - **Motion:** Ms. Steele moved that Andrew Gorman remain as Chair. Mr. Hogan seconded, and the motion passed by unanimously by vote of 7-0-0.
 - **Motion:** Mr. Gorman moved that Jim Hogan remain as the Vice Chair. Ms. Steele seconded, and the motion passed by unanimously by vote of 7-0-0.
 - **Motion:** Mr. Holden moved that Jeff Shaw remain as Secretary. Mr. Hogan seconded, and the motion passed by unanimously by vote of 7-0-0.

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- **Motion:** Mr. Hogan moved that Russ Holden remain as the Treasurer. Ms. Steele seconded, and the motion passed by unanimously by vote of 7-0-0.
5. MACC handbook needs (02:22:50 – 02:24:00)
- 3 members currently need the MACC handbook
 - **Motion:** Mr. Hogan moved to authorize spending of \$45 for each MACC handbook required and union dues from the education from WPA funds. Mr. Shaw seconded, and the motion passed by vote of 7-0-0.
6. FY18 Annual Report approval (02:24:02 - 02:29:02)
- Mrs. Danza prepared an FY2018 report that will be included in the Town's Annual Report which members briefly reviewed. Mr. Holden recommended adding a note regarding the Commission managing the Conservation Restriction Lands. Everyone agreed to leave the item on the agenda for another meeting to allow for a little more time for review before approving.

AGENT UPDATES

1. No new updates from the office/projects
2. The Town Manager reached out to Mr. Hogan participate in a task force whose goal is to assist the Town Manager determine deficiencies for potential natural disasters and events that may be forthcoming. The Task Force includes members from DPW, Board of Health, Public Safety/Fire Department, Waste Water Treatment, the Conservation Agent, and Department Heads.

ADJOURNMENT-NEXT MEETING SCHEDULED FOR AUGUST 6, 2018

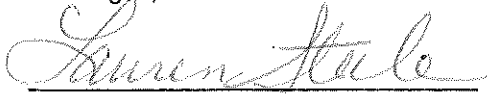
Motion: Mr. Hogan moved to adjourn the 7/16/18 meeting of the Conservation Commission. Mr. Shaw seconded, and the motion passed by vote of 7-0-0.

Respectfully submitted,
Melissa Shelley



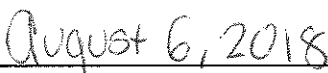
Andrew Gorman, Chairman

Jim Hogan, Vice Chair

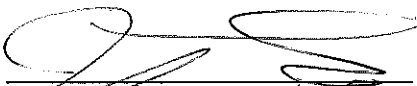


Lauren Steele, Member

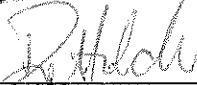
Brad Allspach, Member



Date



Jeffrey Shaw, Clerk



Russell Holden, Treasurer

Dale Bangma, Member