

Conservation Commission Meeting Minutes  
September 5, 2018  
Board of Selectman's Room, Uxbridge Town Hall

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

**Absent:** Member Brad Allspach

**PUBLIC HEARINGS**

1. **Notice of Intent (NOI), DEP #312-1070, 44/38 Mendon Street (Map 19/25, Parcels 4185/38) (00:00:40 – 00:16:31)**

Applicant: Jack Robertson

Project Description: Clearing of vegetation behind John Farnum House and construction of a canoe/kayak launch

**Discussion:** Jack Robertson attended to follow up on open items from the previous meeting. Mr. Gorman addressed the DEP comment regarding the filing fee; although the Commission waived filing fees during the pre-application meeting, they did not have the authority to waive the State's portion of the fees. DEP proposed the following two paths forward (i) the applicant may pay \$42.50, the state's portion of the \$110 Category 1 application fee, or the town could be a co-applicant which would exempt the project from all filing fees. Mr. Robertson stated, in the interest of time, his preference is to pay the state portion of the fee and not co-apply with the Town. There was a brief review of the DEPs additional comments. Members discussed and agreed, if approved, the Standard Special Conditions may be excessive and issuing project specific conditions would be more appropriate. Conditions recommended and agreed upon during discussions were (i) erosion control barriers to be established at the top of the berm and at the toe of the slope and should be inspected by the Commission or it's agent (ii) all woody debris except for species in the vine layer be kept on site as slash piles (iii) any Oriental Bittersweet cleared from the vine layer is to be removed from the property and (iv) upon completion of the installation of the structure applicant shall use the onsite straw to stabilize the substrate and spread throughout the project area. No abutters attended for comment.

**Motion:** Mr. Hogan moved to close the public hearing for **DEP #312-1070, 44/38 Mendon Street**. Ms. Steele seconded, and the motion passed by vote of 5-0-1 (*Mr. Holden abstained*).

**Motion:** Mr. Hogan moved to issue an Order of Conditions with the conditions stated into the record for the **DEP #312-1070**. Ms. Steele seconded and the motion passed unanimously by vote of 6-0-0.

2. **Notice of Intent (NOI), DEP #312-10XX, 0 Old Elmdale Road (Map 25, Parcel 2979) (00:16:32 – 00:21:47)**  
Applicant: Aris Group LLC  
Project Description: 23 lot subdivision with associated roadway, drainage, and utilities  
Representative: Andrews Survey & Engineering, Inc.

*\*Mr. Bangma recused himself from discussion.*

**Discussion:** The applicant formally requested to continue the public hearing to the next meeting of the Conservation Commission.

**Motion:** Mr. Hogan moved to continue the public hearing for 0 Old Elmdale Road to the next meeting of the Conservation Commission. Mr. Shaw seconded, and the motion passed by vote of 5-0-1 (*Mr. Bangma abstained*).

Mr. Gorman informed commissioners, while on the phone with DEP for the previous matter; Meghan Selby asked to speak with him about this project. Ms. Selby provided him with her "hit list" of issues and Mr. Gorman asked members' consent to share that information to the applicant so it may be incorporated into the updated application. Mr. Gorman summarized Ms. Selby's comments: (i) she will hold off on officially providing comments until she receives an updated application package; (ii) she expressed confusion about the storm water report not referring to the critical areas; (iii) the site is within a Zone 2 and (iv) their BMP is w/in 100' of Certified Vernal Pools. Most agreed to providing the information to the applicant in that allows for a more complete package during the next review.

**Motion:** Mr. Hogan moved to authorize the chair to communicate the additional DEP requests for the O Old Elmdale project to the representative engineering firm. **Motion was withdrawn after discussion.**

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Mr. Holden mentioned concerns with possibly circumventing the public hearing process and questioned the necessity of providing this information as it was the applicant who provided an incomplete, mis-leading application package to which the logical consequence is that of a longer review process. Not wanting to discuss much further w/o the public hearing being open, Mr. Gorman withdrew his request and Mr. Hogan withdrew the motion. \* *Mr. Bangma returned to the meeting.*

3. **Notice of Intent (NOI), DEP #312-1071, 47 Lackey Dam Road (Map 9, Parcel 1548) (00:21:48 – 00:32:08)**  
Applicant: Re-Homes 170 LLC Representative: EcoTec Inc.  
Project Description: Construction of a repair septic system and abandonment of a cesspool for an existing single-family home within the buffer zone.

**Discussion:** Arthur Allen, EcoTec, attended on behalf of the applicant. He briefly reviewed the project and plans for Commissioners. He stated the existing cesspool failed a Title 5 inspection, the house is under renovation within the footprint, and they are proposing, "technically", a repair system to be installed within the existing lawn, as far from the wetland as possible (about 31' at the closest point from the leech field). All applicable paperwork, including waivers, has been filed with the BOH and is still under review. Mr. Allen reviewed the limits of work and how the project will be contained and stabilized after construction. DEP issued a file number with no comments. Mr. Hogan pointed out that hay bales are not allowed and offered alternatives.

**Motion:** Mr. Hogan moved to close the public hearing for DEP #312-1071. Mr. Shaw seconded, and the motion passed unanimously by vote of 6-0-0.

**Additional Discussion:** Mr. Gorman noted the following: (i) Mr. Allen agreed to communicate concerns about haybales to the applicant and the special conditions explicitly state we don't allow haybales and (ii) the 25' no disturb is also included so it may not be moved any closer to the pond.

**Motion:** Mr. Hogan moved to issue an Order of Conditions for DEP #312-1071, including our Standard Special Conditions with a highlighted note that no haybales are to be used on the project. Mr. Bangma seconded, and the motion passed unanimously by vote of 6-0-0.

\* *Mr. Gorman recommended hearing the next 3 items under Wetland Updates and Issues because applicants were in the audience.*

### WETLAND UPDATES/ISSUES

1. Request for Certificate of Compliance, DEP #312-1048 – 29 Tucker Hill Road (00:32:32 – 00:35:13)
  - Travis Brown, Andrews Survey and Engineering attended on behalf of the applicant. Members reviewed photographs taken by the Agent (conservation markers, established lawn) during her inspection and the stamped as-built plan.
  - **Motion:** Ms. Steele moved to issue a Certificate of Completion for DEP #312-1048 for 29 Tucker Hill Road. Mr. Hogan seconded, and the motion passed unanimously by vote of 6-0-0.
2. Request for Certificate of Compliance, DEP #312-1052 – 56 Tucker Hill Road (00:35:14 – 00:37:24)
  - Travis Brown, Andrews Survey and Engineering attended on behalf of the applicant. Again, members reviewed photographs taken by the Agent and the stamped as-built plan.
  - **Motion:** Mr. Shaw moved to issue a Certificate of Completion for DEP #312-1052 for 56 Tucker Hill Road. Mr. Hogan seconded, and the motion passed unanimously by vote of 6-0-0.
3. Request for Certificate of Compliance, DEP #312-0982 – 49 Easy Street (00:37:34 – 00:47:23)
  - Joel Guadagnoli, the homeowner attended the meeting. As-built plans were reviewed, and photographs were sent to commissioners via email. Mr. Gorman summarized his site visit. The project was for the removal of trees and some site grading. The retaining wall portion of the project was abandoned so actual work completed was a combination of the plantings and stabilizing of the yard. The only species that did not take was one Witch Hazel. The yard waste pile was taken care of and there is a nice composting system in the back. Mr. Gorman had photos of the silt fence, the plantings and the lawn on his phone and which some members reviewed.
  - **Motion:** Mr. Hogan moved to issue a Certificate of Completion for DEP #312-0982 for 49 Easy Street with the recommendation that the Witch Hazel be replanted. Mr. Shaw seconded, and the motion passed unanimously by vote of 6-0-0.

\* *The agenda went back to the published order.*

### REPORTED/ONGOING VIOLATIONS

1. 832 Aldrich St – submitted complaint of wood chips filling in wetlands on adjacent property (00:47:20 – 00:50:18)

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- Members discussed next steps and agreed to contact the property owner via letter explaining the possibility for a violation of the WPA, including photos and possible solutions such as edging or keeping any woodchip stock piles elsewhere.
  - **Motion:** Mr. Hogan moved to authorize the Chair to send a letter to the homeowner as discussed. Mr. Shaw seconded, and the motion passed unanimously by vote of 6-0-0.
2. Commerce Drive – Map 40, Parcels 3085 & 3086 (00:55:22 – 00:54:20)
    - The most recent correspondence was Arthur Allen's report and his response that future monitoring reports will be more detailed – particularly after the new plantings. Members agreed to visit the site before the next meeting to observe and document regrowth prior to the new plantings.
  3. Forest Glen (00:54:23 – 00:55:40)
    - There is an open-enforcement order and the site is active but there were no new items for discussion. Members agreed to leave it on the agenda for now – until it is time to lift the order or if any additional clean up is required.

### WETLAND UPDATES/ISSUES

4. 629 Hartford Ave East (00:55:43 – 01:00:54)
  - CoC request came before the Commission recently and was denied because the lawn was mowed past the allowed areas agreed upon in the OoC. The applicant contacted the office and arranged a discussion with Mr. Gorman during which he explained the meadow mowing was a measure for tick abatement; he agreed to allow the area to re-vegetate and; he agreed to a site visit after which he will re request the CoC. Mr. Gorman noted ECB's are still in place, so he knows the limit to where he can clear. Members agreed on Thurs. 9/20 5:30 as a tentative site visit and Mr. Gorman agreed to follow up w/ the property owner.
5. Discussion of site compliance regarding active and expired Order of Conditions (01:00:57 – 01:07:00)
  - Mountainview Estates – HOA is looking to have their bond released for the road and the Planning Board Administrator asked if Mr. Gorman if Conservation had any open issues. Mr. Gorman informed her that they've issued CoC's for the road and lot 7 but lots 4 and 5 are still considered active construction sites. There was a brief discussion about Grave's final review.
6. Whitin Pond weed abatement (01:07:02 – 01:09:50)
  - No new updates. There was a delay with the authorization of Town Counsel, but he is now working on finalizing the land title search.
7. Peaceful Pond (01:09:54 – 01:17:30)
  - This was originally placed on the agenda due to weeds and overgrowth, but everyone agreed the objective/use of the resource should be a determined so an *appropriate* plan for future action is developed. Members discussed the importance of feedback from the public and briefly discussed methods to obtain useful information (google survey; ask specific groups who've used it in the past; conservation Facebook page; etc). The item will remain on the agenda as members work on a plan for intended use and soliciting public feedback.
8. Beaver Dam – Ironstone Reservoir/ BJs CR (01:17:35 – 01:24:13)
  - Mr. Gorman provided members with a draft letter for review before sending to BJ's and only minor changes were recommended. He was authorized in a prior meeting to mail the letter and will do so after making the adjustments discussed.
9. 79 River Road – Update from Gary Dulmaine of MA Department of Environmental Protection (01:24:16 – 01:24:40)
  - No updates –the item may have been left over from previous agenda. Passed over and if DEP has any follow up it will be put back on.

### PROCESSING

1. 8/20/18 Meeting Minutes (01:25:04 – 01:35:18)
  - There was mention of the importance of identifying abstentions by name in future meeting minutes. Due to the complexities of the Old Elmdale hearing Mr. Gorman agreed to review that portion of the taped meeting to confirm some of the discussion points.
  - Mr. Hogan moved to pass over the meeting minutes for further review. Mr. Shaw seconded the motion, but no vote was taken.

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

- Draft Wetland Bylaw Discussion (01:35:18 – 01:36:42)

**Conservation Commission Meeting Minutes continued – Wednesday, September 5, 2018**

- Members agreed to meet on 10.29.18 for a continuation of the bylaw review and Mr. Gorman offered putting up (on the Commissions FB page) the draft for review and public comment a few days before that meeting.


**AGENT UPDATES (01:36:45 – 01:45:19)**

1. General updates from the office/projects –
  - Mr. Gorman noted feeling the effects of the absence of an agent and how much work she did for the Commission (e.g. sign-offs on building permits and applications, etc.).
2. Agent resignation & next steps for hiring
  - The Town Manager proposed forming a 5-person committee (2 Conservation Members; 1 PPRC Member; 1 Town Hall employee; and 1 citizen) to conduct initial interviews and provide 3 final names to the Town Manager for consideration. Mr. Gorman and Mr. Holden both have some experience and expressed interest in vetting the applications.
  - Motion: Mr. Hogan moved that Mr. Gorman and Mr. Holden be the appointed members from the Conservation Commission with Mr. Bangma being the alternate. Mr. Shaw seconded, and the motion passed unanimously by vote of 6-0-0.
3. Pout Pond responsibilities & items to address
  - Clean up day is scheduled for 9.22.18 and the dumpster is scheduled to be picked up on 9.24.18.


**ADJOURNMENT-NEXT MEETING SCHEDULED FOR SEPTEMBER 17, 2018**

**Motion:** Mr. Hogan moved to adjourn the September 5th meeting of the Conservation Commission. Ms. Steele seconded, and the motion passed by vote of 4-0-0.


Respectfully submitted,  
Melissa Shelley

  
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Andrew Gorman, Chairman

  
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Jim Hogan, Vice Chair

  
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Lauren Steele, Member

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Jeffrey Shaw, Clerk

  
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Russell Holden, Treasurer

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Dale Bangma, Member

**ABSENT**

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Brad Allspach, Member

September 17, 2018  
Date