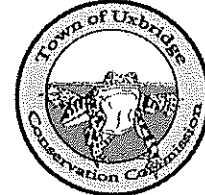


Town of Uxbridge
Conservation Commission
21 South Main Street
Uxbridge, MA 01569
508-278-8600 x 2020



Conservation Commission Meeting Minutes
Monday, October 1, 2018
Board of Selectman's Room, Uxbridge Town Hall

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

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

** The Chair took the meeting out of order to hear the following items under Wetland Updates and Issues because interested parties were in attendance.*

WETLAND UPDATES/ISSUES

1. Whitin Pond (00:00:40 – 00:09:28)
 - Mr. Gorman displayed an aerial image from USGS a bird's eye view of the pond taken in 2015. He explained they are interested in identifying ways to mitigate the eutrophication and presence of noxious species such as water chestnut. He said they have been in contact with the BRWS who showed some interest in doing an invasive pull. Additionally they are in the process of trying to determine ownership of the pond. Members discussed and agreed an RFP should include retaining a company that can identify the problem so we have a biological understanding then move forward with the most effective mitigation activities. The mitigation activities themselves either in tandem with the BRWS should they help us or by hiring a company like SOLitude. There was further discussion regarding who will assume responsibility of cost – the town or money from grants and how ownership may impact what can be done. Another consideration discussed was how modifying the flow characteristics could impact stagnate weed growth.
 - Michelle Brown, 12 Church Street, an abutter to the pond attended the meeting and described changes she has observed since 2015 – primarily that the water flow appears to be significantly impeded and wildlife is noticeably reduced. She provided Commissioners with a newspaper article detailing how Rutland Turkey Hill Pond association resolved a similar issue.
2. Beaver Dam (BJs Conservation) (00:09:28 – 00:23:45)
 - Mr. Gorman has not had any response from the various parties even after attempts to make contact. Members discussed avenues that may yield results for Mrs. Aubin. Suggestions included contacting a trapper during the season in November. It was noted, if the dams are abandoned, trapping may not fix the offsite flooding. Another suggestion was reaching out to Mass DEP. Mr. Gorman explained his interpretation of the Conservation Restriction is that is more to prevent the adding of structures and subdividing the land – it doesn't give the Commission the ability to orchestrate activities that occur. Mrs. Paulette Aubin attended and explained RI DEM was on her property 2 years ago and told her they cannot help her because the structures are in MA. A BJ's representative also visited her property and said they did not have ownership to the water. She further explained her husband was very ill which is why they could not continue pursuing at that time. Markers had been put in place on her property and the water is continuing to encroach. She also contacted her local RI BOH and was told it was an MA issue. Ms. Steele emphasized that for any action to be taken the BOH needs to declare it a threat to public health emergency. The commission agreed that Mr. Gorman will (i) reach out to Denise with Mass DEP wetlands (ii) try and coordinate w/ Uxbridge BOH (iii) follow up w/ BJ's Property Manager.

**The agenda returned to the published order.*

PUBLIC HEARINGS

1. **Notice of Intent (NOI), DEP #312-10XX**, 0 Old Elmdale Road (Map 25, Parcel 2979) (00:23:58 – 00:24:12)
Applicant: Aris Group LLC Representative: Andrews Survey & Engineering, Inc.
Project Description: 23 lot subdivision with associated roadway, drainage, and utilities

Item passed over as the applicant formally requested to continue the Public Hearing to the second meeting in October (10/15/2018)

Conservation Commission Meeting Minutes continued – Monday, October 1, 2018

REPORTED/ONGOING VIOLATIONS

1. 832 Aldrich Street – Discuss any updates (00:24:17 – 00:26:12)
 - There hasn't been any further follow up and it appeared the homeowner scraped off /cleaned up the woodchips. Additionally, there was no new follow up from original complainant, so members agreed to remove the item from the agenda.
2. Commerce Drive (00:26:18 – 00:30:17)
 - The plantings were scheduled to start this week. Mr. Gorman spoke w/ Denise Child, DEP, and the order w/ the fine being administered hasn't been finalized but the amount and scope were characteristic to what Mr. O'Connell described in the previous meeting. Denise communicated they are not going to require any additional plantings beyond what the Commission approved, and they are somewhat satisfied w/ the re-growth. Art Allen with EcoTec will be providing an updated report.
3. Forest Glen (00:30:18 – 00:48:05)
 - Site has open EO. Mr. Perry, the site supervisor, contacted Mr. Gorman to let him know they had another siltation event with a breach of their sediment controls following a storm on or about Oct. 18. They are working to rectify the most recent event and their wetland scientist, David Crossman, will be onsite because some vacuuming is required. This instance is a little more contained in comparison to the first event which led to the EO. Photos taken by Mr. Gorman were reviewed during the discussion. Mr. Gorman noted from his observations, the mulch socks took on some damage and were not effective and what was working were the infiltration basins that were rough trenched and some of the stones that they used for check dams. It appears the entire site has been cleared to the limit of disturbance and it was noted that this project did not have a construction phasing plan conditioned and this may be a consequence of that.
 - Members discussed a course of action to stabilize the site as growing and build season is quickly coming to an end. They discussed reaching out to the site supervisor that the Commission is requiring a long-term plan for site stabilization either in writing or appear a meeting. This should include cover stockpiles with sedimentation around the stockpile area, anything close to completion needs to be completed and seeded and the addition of reinforced sedimentation barrier - silt socks.
 - Everyone agreed to issue a new EO – to stabilize all stockpiles with reinforced ECB's w/ silt fence in the areas that have experienced blowout / overtop undercut and removal of sedimentation from stream bank and stream; create winter stabilization plan and present at October 15 Conservation meeting.
 - **Motion:** Mr. Hogan made a motion to revoke the existing EO for the Forest Glen Development and that the Commission issue a new EO requiring the site supervisor/operator to stabilize all soil stockpiles with appropriate erosion sediment controls; to restore the erosion sediment controls in areas which experienced blowout from the recent storm events; to remove the sediment from the stream bank in a method approved by the Conservation Commission; and to provide the Conservation Commission with a winterization plan with the said plan being presented at the October 15 meeting of the Conservation Commission. Ms. Steele seconded, and the motion passed unanimously by vote of 7-0-0.
4. Harvest Road – Identify location of reported activity (00:48:16 – 00:53:40)
 - Mr. Gorman reported the clarification from the complainant that the trees were left on the Henry Legg side of 8 Harvest Rd a town owned property that is on the corner of Henry Legg Rd and Harvest Road. Members viewed the GIS aerial images of the property. The agreed to send a letter to the property owner to gather more information.
5. Town Hall Parking Lot/Mumford River Discharge from Storm (00:53:41 – 00:57:36)
 - Mr. Gorman explained an EO was administered prior to this meeting. The parking lot was being restored and after the storm on Oct. 18, sediment was discharged into the Town Hall Parking lot and into the catch basin and Mumford River. The EO was issued to use and maintain ECB's to contain the sediment on site. Members reviewed the plans from the fire station that depicts the stormwater movement underground. There was a brief discussion about a related Building Permit and Cease and Desist Order.
 - **Motion:** Mr. Holden moved to ratify the Enforcement Order for Park Street. Mr. Hogan seconded, and the motion passed unanimously by vote of 7-0-0.
6. Blackstone Street Culvert/Rifleman Way Development (00:57:38 – 01:11:39)
 - This item was discussed as 2 separate items: The Blackstone Street Culvert failure: The town owns the culvert and Mr. Sherman, DPW, told Mr. Gorman that an Emergency Work Permit is forthcoming for the repairs to the culvert from the damage incurred during the storm on October 18. Mr. Gorman did not think they could say with certainty that the damage to the culvert was a result of the sedimentation event that occurred on Rifleman Way during the same storm.

Conservation Commission Meeting Minutes continued – Monday, October 1, 2018

- Rifleman Way a sedimentation event: Several members were contacted to check out the area. Mr. Holden did not view the site so he was not sure if the retention ponds held but noted there is an intermittent stream in the area that discharges to the Blackstone – non - jurisdictional. He was not sure if the sediment made it all the way to the river – it was confirmed it did make it to the farm field. Mr. Bangma noted the first pond was full, but it looked like it held. He also mentioned that sites are being stabilized quickly. Photographs of the sediment on both sides of Blackstone Street taken by Mr. Shaw were reviewed during the meeting. It was noted that this would be a violation of the stormwater bylaw but without regulations it is enforced/reviewed via the regulations in the Mass General Permit via the EPA. Everyone agreed after discussion to forward the pics and request they beef up ECB and ensure stormwater basins are clean and infiltrating. Also send request to PB to review the stormwater basins. It was also noted that this is a good example of how the Commission would have some authority over this type of resource, an intermittent stream, not covered in the WPA had the town adopted a Wetland Bylaw.
7. 424 Mendon Street (DEP 312-1019) – Update from DEP and/or local inspection (01:11:42 – 01:16:13)
 - Denise Child, DEP, visited the site and provided the following commentary via email to the permitted party, cc'ing Mr. Gorman: ECBs need maintenance not urgent because the site is fairly stabilized; 10 small trees were recently cut in the riverfront area outside the approved limit of work; wooden/remain piles in placed in a resource area. She asked what the purpose of this cutting was and whether it was permitted. DEP was able to do the inspection because they have a superseding OoC. Because of the way the clearing was reported, as not part of the solar project, Commission members agreed to allow Mr. Gorman to reach out to the permitted party to request permission to view the property and request they attend the next meeting.
 8. 32 Church Street - potential violation reported (01:16:14 – 01:18:39)
 - There was a report from another town hall staff member that a landscaper has moved his business to this location and has cleared out and left a large muddy area next to the stream that flows into their front yard. In 2016 the Commission had some enforcement with the property owner but they never officially appeared before the Commission. Everyone agreed to contact the property owner and request they appear at the next meeting.

WETLAND UPDATES/ISSUES

3. Request for Certificate of Compliance – DEP #312-1020 (429 Hazel Street) (01:18:50 – 01:20:46)
 - Mr. Gorman explained we were indeed in receipt of a stamped plan (the full-sized plans were stamped but electronic and smaller versions, provided to Commissioners for review were not). Each of the members had a chance to view the stamped version.
 - **Motion:** Mr. Hogan moved to approve the Certificate of Compliance request for DEP #312-1020 for 429 Hazel Street. Ms. Steele seconded, and the motion passed by unanimously by vote of 7-0-0.
4. Request for Certificate of Compliance – DEP #312-242 (225 Williams Street) (01:20:47 – 01:24:38)
 - Mr. Gorman explained Atty. Lane contacted the Commission to resolve an old open Order of Conditions. An OoC was issued in February 1993 for 225 Williams Street, DEP312-242, and recorded w/ the Registry of Deeds in Book 15137 pg. 200 that April. An identical OoC, with the exception of the signatures, for the same address and DEP # was recorded 6 months later in October in Book 15639 pg. 131. Four years after the OoC was issued the applicant requested and obtained a CoC for the first OoC filed but the second OoC was never closed out. Mr. Gorman advised Atty. Lane to request a CoC for the second OoC as a course of action. There were no other physical files in Town Hall to be reviewed so m members reviewed both Orders and the CoC.
 - **Motion:** Mr. Holden moved to approve the Certificate of Compliance request for DEP #312-242, 225 Williams Street in order to clear up an administrative record. Mr. Steele seconded, and the motion passed unanimously by vote of 7-0-0.
5. 629 Hartford Ave East – (01:24:52 – 01:36:18)
 - Mr. Holden and Mr. Gorman visited the site to view the visual characteristics of the lawn. Mr. Gorman explained the CoC request was denied because the lawn was expanded beyond what was approved on the plan. A site visit was set up to provide the owner with some guidance as what is adequate. Mr. Holden noted that they observed turtle nests that had been excavated. They also noted that the area beyond the ECB was dominated by more of a lawn grass and was possibly loamed and seeded. Meadow grasses such as golden rod should come back on their own after another growing season. Mr. Holden thought they should recommend to the owner wait another growing season and re-request the CoC next August. After discussion members agreed to allow the owner to take out the black silt fence but leave the stakes so there is still a visual.
 - **Motion:** Mr. Hogan moved to issue a letter to the property owner allowing the removal the ECBs, but the wooden stakes must remain in place to demarcate the area. The letter will also include the recommendation of Commission to wait another growing season before requesting the CoC. Mr. Holden seconded, and the motion passed unanimously by vote of 7-0-0.

Conservation Commission Meeting Minutes continued – Monday, October 1, 2018

6. 867 Quaker Highway, Unit A (01:36:19 – 01:40:12)
 - Mr. Gorman recapped a request from Chris Podles, owner, for the Commission to go to their site and look at the resource areas, sedimentation of a nearby stream and whether the basin on an adjoining property is doing its job. They cited some examples of prior interactions thru insurance claims in which BJs assumed renovations of the basin. The basin was part of an OoC which Mr. Gorman thought might not yet have a CoC. In 2016 a CoC request was denied for another reason. Mr. Hogan also noted past problems on this property and recommended reaching out to Mike Potaski for a history. A site visit is scheduled for 10/2/18 to do some information gathering.
7. Peaceful Pond (01:40:13 – 001:41:48)
 - Working towards defining the long-term intent for the property, Mr. Gorman roughly sketched out some questions to obtain public input possibly through a google survey (public knowledge of the pond, how often you use the pond, what they think is important Conservation priorities should be, opinion of vegetation surrounding the pond, what would enhance you experience to the pond etc.) He requested feedback from members on anything they would like to add. It was also recommended checking w/ the schools to see if they receive any benefit from working the pond into their curriculum.
8. Discussion of site compliance regarding active and expired Order of Conditions (01:41:49 – 01:42:27)
 - Mountainview – Mr. Gorman noted that the wetland replication is scheduled to begin today and recommended members check it out if they can. Mr. Shaw reported he stopped by after the storm and the site looked very good.
9. Open Space Discussion (01:42:28 – 01:43:51)
 - Mr. Holden and Mr. Gorman met w/ the interns to go over the project. They are going to be reporting in on a bi-weekly basis. They will also provide an overview/presentation to the commission at the end of the semester.

PROCESSING

10. 9/17/18 Meeting Minutes Review (01:43:52 – 01:46:33)

Motion: Mr. Hogan moved to approve the 9/17/18 Meeting Minutes of the Conservation Commission. Mr. Holden seconded, and the motion passed by vote of (4-0-3) *Mr. Allspach, Mr. Bangma, and Mr. Shaw abstained from voting.*

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

- Draft Wetland Bylaw Discussion – meeting 10/29/18

AGENT UPDATES (01:46:34 – 01:49:10)

1. General updates from the office/projects – no updates
2. Update from Conservation Agent Hiring Committee – There have been applicants and the hiring committee met twice - first to go over the charge and second to generate questions and a timeline for the agent interviews.
3. Pout Pond end of season activities – there was brief discussion about the final activities for the season (dumpster pick up, notify DPW to turn off water, etc.)

Motion: Mr. Hogan moved to adjourn the October 1, 2018 meeting of the Conservation Commission. Ms. Allspach seconded, and the motion passed unanimously by vote of 7-0-0.

Conservation Commission Meeting Minutes continued – Monday, October 1, 2018

Respectfully submitted,
Melissa Shelley



Andrew Gorman, Chairman



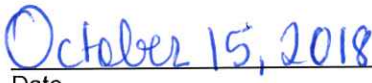
Jim Hogan, Vice Chair



Lauren Steele, Member



Brad Allspach, Member



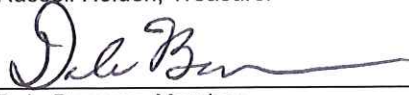
Date



Jeffrey Shaw, Clerk



Russell Holden, Treasurer



Dale Bangma, Member