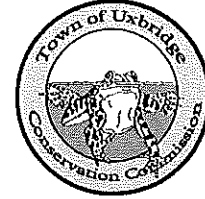


Town of Uxbridge  
Conservation Commission  
21 South Main Street  
Uxbridge, MA 01569  
508-278-8600 x 2020



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

**Present:** Chair Andrew Gorman, Treasurer Russell Holden, Clerk Jeff Shaw and Member Dale Bangma

**Absent:** Vice Chair Jim Hogan, Members, 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.

**PUBLIC HEARINGS**

1. **Notice of Intent (NOI), DEP #312-10XX, 0 Old Elmdale Road (Map 25, Parcel 2979)** (00:00:40 – 00:00:57)  
Applicant: Aris Group LLC Representative: Andrews Survey & Engineering, Inc.  
Project Description: 23 lot subdivision with associated roadway, drainage, and utilities

**Discussion:** The applicant formally requested to continue the hearing until the December 3<sup>rd</sup> meeting of the Conservation Commission.

**Motion:** Mr. Holden moved to continue the hearing for 0 Old Elmdale Road to the December 3<sup>rd</sup> meeting of the Conservation Commission. Mr. Shaw seconded, and the motion passed by vote of 3-0-1 (*Mr. Bangma abstained*)

*\* The chair tabled Public Hearing agenda items number 2 while awaiting the representative and Mr. Shaw moved to table agenda item number 3 while awaiting the representative. Mr. Holden seconded, and the motion passed by vote of 4-0-0.*

2. **Notice of Intent (NOI), DEP #312-10XX, 1012 Hathaway Lane (Map 47 , Parcel 1556)** (00:03:37 – 00:21:00)  
Applicant: Donald and Jackie Murrant Representative: Civil Site Engineering, LLC  
Project Description: Single-family house, septic system, and in-ground pool with associated earthwork, and construction activities within the buffer zone of a BVW.

**Discussion:** Margret Bacon, Civil Site Engineering, attended on behalf of the applicant. She reviewed the proposed plan and proposal. The resource areas on site include a large cedar swamp (BVW) and either a potential vernal pool or ILSF. The septic system is to be raised system due to high ground water. Abutters Robert and Bethann LaFontaine, 1080 Hathaway Lane, attended to gather information and share their concerns. They have already noticed changes to the wetland and are worried about the impact of the construction potentially causing flooding of their basement. Ms. Bacon explained the house and activities are all taking place on an upland area and will not be impacting the wetland area. She showed them the buffer zones and explained the limit of work and said runoff from the house to the wetland will be miniscule. Members provided some additional information regarding what causes wetlands to change and the Conservation Commission's responsibilities and authority. The LaFontaine's appeared to be satisfied with the conversation. There was a brief discussion of conservation markers. Ms. Bacon confirmed that the applicant is aware that the ECB/limit of disturbance is also the limit for the yard. DEP has not assigned a number yet. A site visit w/ ECBs marked was scheduled for Sunday November 11<sup>th</sup> at 9:00 am.

**Motion:** Mr. Holden moved to continue the public hearing for 1012 Hathaway Lane to the November 15 meeting of the Conservation Commission. Mr. Shaw seconded, and the motion passed unanimously by vote of 4-0-0.

1. **Notice of Intent (NOI), DEP #312-1073, Lot 2, 80 Albee Road (Map 41, Parcel 2661)** (00:21:01 – 00:24:23)  
Applicant: Donald Garand Representative: Andrews Survey & Engineering, Inc.  
Project Description: Single-family house with septic system and private well with associated earthwork, landscaping, and utilities within the wetland buffer zone.

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**Discussion:** John Maderios, Andrews Survey and Engineering, attended on behalf of the applicant. He reviewed the updated plans with the addition of the footing drain piped out to daylight and ECB's around it. They are still outside the 50' buffer. No abutters attended to comment.

**Motion:** Mr. Bangma moved to close the public hearing for DEP #312-1073, Lot 2, 80 Albee Road. Mr. Shaw seconded, and the motion passed by unanimously by vote of 4-0-0.

**Motion:** Mr. Holden moved to issue an Order of Conditions with the Uxbridge Standard Special Conditions for DEP#312-1073 referencing the plan dated 10/16/18. Mr. Shaw seconded, and the motion passed unanimously by vote of 4-0-0.

2. **Notice of Intent (NOI), DEP #312-1074, 694 Hartford Avenue West (Map 22, Parcel 946)** (00:24:24 – 00:33:41)  
Applicant: April Poisson  
Project Description: Repair of a failing septic system with minor regrading within wetland and riverfront buffer zones.

Representative: Guerriere and Halnon

**Discussion:** John Federico, Guerriere & Halnon, attended on behalf of the applicant. Mr. Federico described the project. The Dbox has been caved in so they are proposing a new DBox with a soil absorption system. The existing box can remain intact until final disconnection and approval of the new system. They are going to be requesting a variance upgrade with the BOH for 4' of separation from the water table instead of standard 5'. No comments from DEP when the file number was issued. No abutters attended to comment. Members did not have any issue thought it was consistent w/ what they have approved for applications for septic systems. It was mentioned that haybales are on the plan and they would need to use something else which is identified in the Standard Special Conditions. Mr. Federico said they would use straw bales and offered to update the plan.

**Motion:** Mr. Shaw Moved to close public hearing for DEP #312-1074 694 Hartford Avenue West. Mr. Bangma seconded, and the motion passed by vote of 4-0-0.

**Motion:** Mr. Bangma moved to issue an Order of Conditions with the Uxbridge Standard Special Conditions for DEP#312-1074. Mr. Shaw seconded, and the motion passed unanimously by vote of 4-0-0.

3. **Amended Notice of Intent (NOI), DEP #312-1046, Lot 8B Hyde Park Circle (Map 29 , Parcel 3117)** (00:33:59 – 01:08:20)

Applicant: Uxbridge Multi Family Realty, LLC

Representative: Guerriere and Halnon, Inc.

Project Description: Request for an Amendment to the Amended Order of Conditions for DEP#312-1046 for revised grading and pipe construction as shown on the attached proposed plan with revised date of 10/22/18.

**Discussion:** Dale MacKinnon, Guerriere & Halnon, attended on behalf of the applicant. He reviewed the purpose of the level spreader and explained they are getting a lot of more runoff than they can handle right now for construction purposes, so they are asking to run a pipe to the detention basin. He noted the recent 3" + rain events recently. Mr. MacKinnon performed the calculations to see if the additional flow would be an issue for the basins. He said it would provide a slightly larger peak flow coming out of the detention basin but, because combination of flow out of the basin and the flows that will no longer go to the intermittent stream, the actual event will decrease the total flow that will be going into Detention Basin 1 (off Crownshield). To summarize, there will be less run off leaving detention basin 1 going to the intermittent stream than there is with the original design of the site. The grading is about the same, but they are cutting a corner (cutting back the wooded area a bit more to construct the pipe through the back over to the basin). A drain manhole was also added. The original 2011 Watershed Plan was compared w/ 2018 Plan w/ final impervious areas and grading.

Members expressed this seems like a workable solution if the numbers measure up. There was discussion about possible conditions and when inspections should be performed (pre-inspection when the trees are taken down the ECBs are moved and a post after the drainage feature is installed in unless there is a violation in between). Mr. Shaw expressed concern about directing all that water to the basin because he's seen that basin pretty full after a regular rain event. Given the complexity of the project and the watershed members decided to request a peer review of the stormwater calculations and the plans and have a site visit before approving. No members of the public attended to comment on the hearing. A site visit was scheduled for Sunday November 11 and Mr. Gorman and the admin will coordinate the peer review.

## Conservation Commission Meeting Minutes continued – Monday, November 5, 2018

**Motion:** Mr. Shaw moved to approve a peer review of the stormwater calculations and plans and continue the public hearing in anticipation of a site visit. Mr. Holden seconded, and the motion passed unanimously by vote of 4-0-0.

*\* The agenda was taken out of order to hear Forest Glen.*

### REPORTED/ONGOING VIOLATIONS

1. Forest Glen – Discuss dewatering notes (01:08:27 – 01:18:22)
  - Mr. Perry, the site supervisor, attended and reviewed the dewatering notes that he provided with members. He described the dewatering area as to the left of the crossing, as you walk into the brook, one of the low points which abuts a little stream which is a bit lower on both sides. For the general site he is using mulch sock ecbs but for this he said they will be using straw bales and mulch socks around the dewatering area. He estimated the following timeframe - about 3-4 days for the pipe to go in and about 1 week for the culvert placement – bypassed for about 2 weeks total. Mr. Gorman recommended either the new agent or members visit during the process. Turf Tech is coming 11/6/18 to with 40,000 sq. ft. of seed. They have also been installing mats along all the entrances which Mr. Perry though will help a lot. He also said they will have a spare filter bag available on site in case it becomes very clogged.
  - **Motion:** Mr. Shaw moved that the Commission accept the dewatering notes with the condition that the notes are kept on site with the SWPPP docs and an extra filter bag on site. Mr. Holden seconded, and the motion passed unanimously by vote of 4-0-0.
2. Commerce Drive – Update on wetland restoration (01:18:23 – 01:22:30)
  - Mr. Gorman and Mr. Shaw stopped by the site to view the plantings and took some photos that were reviewed during the meeting. Regarding invasive species, DEP thought the black locust might actually be honey locust so they may not be calling for that to be removed. It was also noted that DEP not yet initiated their order.
3. Harvest Road – Reported trees dumped in wetland (01:22:33 – 01:25:14)
  - Mr. Hogan is coordinating w/ DPW posting no dumping signs (brush). A letter was sent letter to 17 Harvest Road and the homeowner promptly responded to Conservation Office. She communicated they hired three gentlemen to remove the trees but did not know what happened after they were taken away and only had a phone number for them. Mr. Gorman tried to return her call to possibly obtain further information, but her voicemail was full. He did not feel they had enough information connect the dots to a responsible party to issue an enforcement order. He is still working on letter for the neighborhood which will be brought to the 11/19 meeting for approval. Mr. Holden recommended using language that specifies no disposal of yard waste.
4. 424 Mendon Street (DEP #312-1019) Discuss findings from 11/3/18 site visit (01:25:16 – 01:30:55)
  - Mr. Gorman and Mr. Shaw went on a site visit and took pictures which were reviewed. While on site, the pruning appeared much closer to the panels then described at the last meeting. The property owner explained he took the poplars and not the pines because they were growing spindly and Mr. Gorman and Mr. Shaw thought it seemed he kept as many trees as he could. He also said during the site visit that he does not propose any additional cutting. Mr. Gorman did not believe any further enforcement is required based on the site visit. Everyone agreed on a follow up informing him that he must notify the Commission of any further work that deviates from the plan and they can come out to determine if it requires additional permitting.
5. 32 Church Street – sent letter to updated address 10/23/18 (01:31:00 – 01:31:30)
  - Second letter sent and there has not been a response yet. Mr. Gorman will follow up w/ the Building Inspector to see if he can get some additional information.
6. *New Item* – Constitution Way (01:31:31 – 01:33:22)
  - Mr. Holden and Mr. Shaw both noticed that the ECB's on Constitution Way need to be "re-invigorated". Mr. Gorman agreed to reach out to the appropriate representative.

### WETLAND UPDATES/ISSUES

1. Certificate of Compliance (CoC) Request for DEP#312-1053 – 44 Tucker Hill Road (01:33:47 – 01:39:35)
  - Mr. Holden and Mr. Shaw visited this site and photographs and as-built plans were reviewed. The applicant cleared less of the tree line than proposed. The homeowner is concerned with a few trees left close the house and would like to remove them. It was discussed whether suspending the CoC request until they are removed was an option, but everyone agreed the applicant met the criteria of the CoC. Mr. Gorman posed the following question to the Commission: does this homeowner have to file a separate permit if she wants to remove a tree in close proximity to the dwelling. Mr. Holden mentioned a policy they have policy/procedure for this type of situation where they go out and inspect the tree to determine if it's acceptable. Mr. Shaw also said he didn't have an issue with this particular project because these trees are within the limit of work.

## Conservation Commission Meeting Minutes continued – Monday, November 5, 2018

**Motion:** Mr. Shaw moved to approve the Certificate of Compliance request for DEP# 312-1053 44 Tucker Hill Road. Mr. Bangma seconded, and the motion passed unanimously by vote of 4-0-0.

2. Whitin Pond Discussion (01:39:38 -01:40:04 for 2 and 3)
  - No new updates and Mr. Gorman agreed to follow up w/ town counsel.
3. Peaceful Pond – Work on plan to define future use and invite public input
  - No new updates. Mr. Gorman is going to forward Ms. Steele his questions for review.
4. Discussion of site compliance regarding active and expired Order of Conditions (01:40:04 – 01:40:41)
  - Mentioned Constitution Way and the ECBs needing refreshing.
  - Medline and 0 Quaker St. passed their ECB inspections.
5. Open Space Discussion (01:40:42 – 01:41:28)
  - No new updates. Mentioned the importance of getting them to town to look around and see some key areas.

### PROCESSING

1. 10/15/18 & 10/29/18 Meeting Minutes review (01:41:29 – 01:44:38)
  - 10/29 minutes passed over due to lack of quorum.

**Motion:** Mr. Holden moved to approve the 10/15/18 meeting minutes of the Conservation Commission as written. Mr. Shaw seconded, and the motion passed unanimously by vote of 4-0-0.

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

- Draft Wetland Bylaw Discussion (01:44:40 – 01:47:10) Mr. Gorman is working on updating the document with the information discussed during the 10/29/18 workshop. He is looking at some of the issues Mike brought up about the appeal process.

### AGENT UPDATES (01:47:11 – 01:49:55)

1. General updates from the office/projects
2. Update from Conservation Agent Hiring Committee
  - The Town Manager completed her interviews and is hoping to have someone soon.
3. Pout Pond end of season activities
  - Rob Harris is scheduled to close the building on 11/7/18.
4. Donation from Boy Scout Project
  - Troop 25 - Eagle Project for the Trail Marking. There was a quick discussion regarding who would be the correct recipient of funds leftover (approximately \$200) after the project is finished. The Town Manager's office thought it should go to Conservation because they were related to the project. Mr. Shaw has a signed document that should suffice be provided to her via Mr. Gorman to start the process of the BOS officially accepting the donation.

### ADJOURNMENT-NEXT MEETING SCHEDULED FOR November 19, 2018

- **Motion:** Mr. Holden moved to adjourn the November 5, 2018 meeting of the Conservation Commission. Mr. Shaw seconded, and the motion passed unanimously by vote of 4-0-0.

Conservation Commission Meeting Minutes continued – Monday, November 5, 2018

Respectfully submitted,  
Melissa Shelley



Andrew Gorman, Chairman

*Absent*

Jim Hogan, Vice Chair

*Absent*

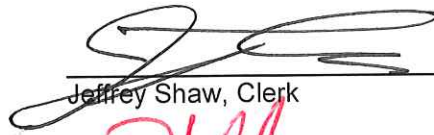
Lauren Steele, Member

*Absent*

Brad Allspach, Member

November 19, 2019

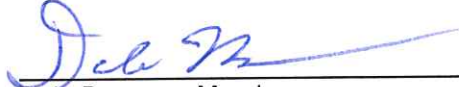
Date



Jeffrey Shaw, Clerk



Russell Holden, Treasurer



Dale Bangma, Member