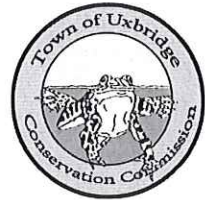




Town of Uxbridge
Conservation Commission
21 South Main Street
Uxbridge, MA 01569
508-278-8600 x 2020



Conservation Commission Meeting Minutes
January 19, 2021
Remote Meeting

REC'D UXB TOWN CLERK
2021 FEB 9 AM 10:28

Present: Chair Jeff Shaw, Treasurer Lauren Steele, Members Dale Bangma, Russ Holden, Jessica Cleary and Conservation Agent Michèle Grenier

Absent: Vice Chair, Jim Hogan, Member Mark Richardson

CALL TO ORDER

It being approximately 6:30pm, the meeting being properly posted, duly called, and a quorum being present digitally, the Chair called the meeting to order. He stated the following to explain the purpose for the remote meeting: *"Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor's March 15, 2020 Order imposing strict limitations on the number of people that may gather in one place, this meeting of the Uxbridge Conservation Commission is being conducted via remote participation. Although, no in-person attendance of members of the public will be permitted, the Town of Uxbridge has made every effort to ensure the public can adequately access the proceedings in real time via technological means. This meeting is being streamed on Uxbridge Community Television and Zoom per the instructions on the agenda alternatively members of the public can call in by calling 301-715-8592 and using meeting i.d. All motions will be voted on with roll call vote in alphabetical order by last name."*

Roll Call: Bangma – here, Cleary – here, Steel – here, Shaw – here

CERTIFICATE OF COMPLETION REQUESTS

1. 33 Constitution Way – DEP No. 312-1043 (00:01:45 – 01:00:50)

Discussion: Ms. Grenier explained there are differences between the approved plan and the as-built plans – which reflect what is in the field. The approved plans did not depict several large areas of placed rock, some of which is located in the 25' no disturb zone. Ms. Grenier recommended shrubs to be planted to compensate for the encroachment.

Kathleen Moore, the owner was in attendance. She recently purchased the property, is the second owner, and was not involved in the any of the planning. During the closing, funds were held back for an 8-month period to allow for any work to require to obtain a COC. In addition to the COC, Ms. Moore indicated she would like to remove some of the placed rock (that didn't appear on the approved plan but is inside the 100' buffer zone).

Jude Gauvin, Andrews Survey and Engineering attended the meeting and provided some input although he was not involved in the design/construction phases of project.

Members discussed the COC request and agreed to visit the site to gain an understanding of the purpose of the placed rock, and identify any other open items. A site visit was scheduled for Sat 9/23/21 at 8:00am. They also discussed methods available to allow for Ms. Moore's request to remove the rock since the OOC expired in 7/2020. Members agreed and took into consideration that the current homeowner was unfairly burdened through no fault of their own.

Motion: Ms. Steele moved to continue the discussion for the Certificate of Compliance request for DEP #312-1043 33 Constitution Way to the next scheduled meeting after a site visit occurs and a determination of open items is complete. Mr. Bangma seconded, and the motion passed unanimously by roll call vote of 4-0-0 (Bangma – aye, Cleary – aye, Steele – aye, Shaw – aye).

2. 43 Constitution Way – DEP No. 312-1044 (01:01:01 – 01:06:58)

Discussion: Jude Gauvin, Andrews Survey and Engineering spoke to the application. This property has only a very small amount of the placed rock inside the 100' buffer and there is a driveway between the wetland and the work. Mr. Gauvin indicated the applicant is in no rush so members agreed postpone the determination and inspect the property during the site visit to 33.

Motion: Ms. Steele moved to continue the discussion for the Certificate of Compliance request for DEP #312-1044 43 Constitution Way to the next scheduled meeting after a site visit. Mr. Bangma seconded, and the motion passed unanimously by roll call vote of 4-0-0. (Bangma – aye, Cleary – aye, Steele – aye, Shaw – aye).

PUBLIC HEARINGS

The chair took the public hearings out of published agenda order and heard DEP #312-1111, 204 Quaker Highway, first due to lack of quorum for 30 Noonan Way. Mr. Holden entered to the meeting during the public hearing for 204 Quaker Highway.

1. Notice of Intent (NOI) DEP No. 312-1111 204 Quaker Highway, Map 25, Parcel 1862 (01:10:10 – 01:24:37)

Applicant: Francis Legassy, Jr., **Representative:** Andrews Survey & Engineering, 104 Mendon Street, Uxbridge

Project Description: The proposed project consists of the installation and drilling of a private water well with associated grading, landscaping and utilities within the buffer zone.

Presentation/Discussion: Jude Gauvin, Andrews Survey and Engineering attended on behalf of the applicant. Ms. Grenier and Byron Andrews visited the site and reported only brush and minor saplings located in the area of the water line trench. The proposed erosion control is straw waddles and silt fence. It was noted that the work area is flat and work should be complete in a day or two.

There was discussion regarding the plans for two vehicles parked where the waterline will go (a camper and a storage trailer). A member recommended a slurry trap be dug in the area near the well head and a condition was discussed and agreed upon.

Motion: Mr. Bangma moved to issue an Order of Conditions for DEP # 312-1111, 204 Quaker Highway, with the Uxbridge Standard Special Conditions and an additional special condition to add a slurry pit provided for the well rig to put their slurry into. Ms. Steele seconded, and the motion passed unanimously by roll call vote of 5-0-0 (Bangma – aye, Cleary – aye, Holden – aye, Steele – aye, Shaw – aye).

2. Notice of Intent (NOI) DEP No. 312-1110 30 Noonan Way, Map 56, Parcels 2049, 1999, 2844, 2853 & 2086

Applicant: Regenerative LLC, **Representative:** Andrews Survey & Engineering, 104 Mendon Street, Uxbridge

Project Description: The proposed project consists of clearing and construction of agricultural fields with associate grading, landscaping, utilities, private well, also an irrigation well within the buffer zone of bordering vegetated wetlands and a stream crossing. (01:25:15 – 01:58:02)

**Mr. Bangma is recused from discussion.*

Presentation: Jude Gauvin, Andrews Survey and Engineering represented the applicant. He shared the revised site plan and the following updates: (i) the clearing area around the well head was expanded – to comply w/ public water supply requirements and also the clients desire to maximize sun exposure on the agricultural fields (ii) a 20' wide x 3" high culvert was selected because they are crossing where two streams cross each other and are not able to be re-channelled (iii) the replication area is 1.2 x the disturbed area. They are proposing 2 phases for land clearing – 4.67-acre area for the agricultural field and the culvert prep and second area is just over 4 acres for the structures.

There was further discussion related to the request for additional tree cutting to reduce shade. Specifically, they would like to clear but not grub an additional area within the 100' buffer zone (but outside the 25'). They plan to leave it its natural condition – just remove the tree canopy in that area. Mr. Holden recommended the client include a vegetation management plan for the area so they don't have to come back before the Commission each time trimming is required. The potential for groundwater contamination was discussed and everyone agrees it is minimal to none based on the process being used to grow organic crops.

Motion: Motion to close the public hearing. To issue a standard order with 3 special conditions for DEP number 312-1110. Ms. Steele seconded, and the motion passed unanimously by vote of (Cleary – aye, Holden – aye, Steele – aye, Shaw – aye).

Motion: Mr. Holden made a motion to close the public hearing and approve the NOI for DEP 312-1110, 30 Noonan Way, and issue an Order of Conditions with the Uxbridge Standard Special Conditions and the following additional special conditions:

- 1) This is a two-phase project and the completion and stabilization of Phase 1, confirmed by an inspection by the Conservation Commission or its Agent, must occur before any work on Phase 2 may begin. Phase 1 includes the

Conservation Commission Meeting Minutes continued – Monday, January 19, 2021

wetland crossing, the gravel roadways that surround the field, and the placement of bark mulch at the future building locations in the North East.

- 2) A vegetation management plan for the area that is within the well head where the stumps will remain but trimming can occur periodically as needed to prevent shade from accumulating on the crops shall be submitted and approved by the Conservation Commission.
- 3) A plan for the Replication Area shall be submitted and approved by the Conservation Commission.

Ms. Steele seconded the motion and it passed by unanimously by roll call vote of 4-0-0 (Cleary – aye, Holden – aye, Steele – aye, Shaw – aye).

REPORTED/ONGOING VIOLATIONS

1. DEP No. 312-1086—Tea Party Drive (01:58:20 – 02:03:38)
 - Dale McKinnon, Guerriere and Halnon, attended the meeting. He indicated they are advising to continue to pump during the winter because they still had a problem w/ an overflow of the road. He noted that he's not totally satisfied the way they are dealing with the Erosion Control. He is hoping they may be able to open the outlet early spring. Mr. Shaw confirmed the reports have accurately reported the conditions.
2. DEP No. 312-1022—Forest Glen/Spring Hill Rd. (02:03:58 – 02:15:26)
 - Jude Gauvin, Andrews Survey and Engineering attended with an update. He was able to connect with the owner said they plan to get started on the work around the culvert within the next two weeks. Jude reviewed expectations for the project and erosion control was also discussed. Mr. Gauvin, agreed to confirm the work start date so the Agent or Commissioners can be onsite when they start the work.
 - Patrick Stephan, 44 Andrews Drive and Paul Balutis, 40 Taft Hill Lane, attended and provided some comments.

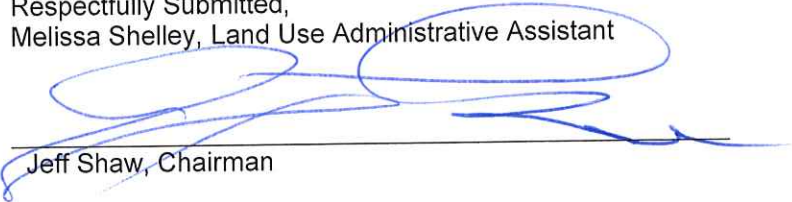
PROCESSING (02:15:37 – 02:26:34)

1. Meeting Minutes Review 12.21.2020
Motion: Mr. Holden moved to approve the 12/21/20 Conservation Commission meeting minutes as written. Ms. Steele seconded, and the motion passed unanimously by roll call vote of 5-0-0 (Bangma – aye, Cleary – aye, Holden – aye, Steele – aye, Shaw – aye).
2. 2021 Meeting Calendar Review (LS/RH all aye)
Motion: Ms. Steele moved to approve the 2021 Conservation Commission Meeting Calendar as written. Mr. Holden seconded, and the motion passed unanimously by roll call vote of 5-0-0 (Bangma – aye, Cleary – aye, Holden – aye, Steele – aye, Shaw – aye).

ADJOURNMENT-NEXT MEETING SCHEDULED FOR MONDAY, February 1, 2021

Motion: Ms. Cleary moved to adjourn the January 19, 2020 meeting of the Conservation Commission. Motion seconded by Ms. Steele passed unanimously by roll call vote of 5-0-0 (Bangma – aye, Cleary – aye, Holden – aye, Steele – aye, Shaw – aye).

Respectfully Submitted,
Melissa Shelley, Land Use Administrative Assistant



Jeff Shaw, Chairman