



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



Conservation Commission Meeting Minutes
January 6, 2020
Board of Selectmen Room, Uxbridge Town Hall

Present: Vice Chair Jim Hogan, Clerk Jeff Shaw, Treasurer Russell Holden, Members Lauren Steele and Mark Richardson and Conservation Agent Holly Jones

Absent: Chair Andrew Gorman and Member Dale Bangma

REC'D UXB TOWN CLERK
2020 JAN 23 AM 9:06

CALL TO ORDER

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

Mr. Hogan announced Mr. Gorman plans to attend later and that he would Chair the meeting until he arrives.

PUBLIC HEARINGS

- 1. Notice of Intent (NOI) DEP No. 312-1090, 250 Chocolog Rd (Map 44 Parcel 345) (00:00:40 – 00:01:25)**
Applicant: Michael Healy Representative: Andrews Survey & Engineering
Project Description: A single family home with private well and private septic with associated earthwork, landscaping and utilities within the wetland buffer zone.

Discussion: Ms. Jones informed the members that the applicant is planning to resubmit an amended NOI.

Motion: Mr. Holden moved to continue 312-1090 250 Chocolog Road to the next meeting of the Conservation Commission. Mr. Shaw seconded and the motion passed unanimously by vote of 5-0-0.

- 2. Notice of Intent (NOI) DEP No. 312-10XX, 560 West Street (Map 38 Parcel 1171) (00:01:25 – 00:25:37)**
Applicant: Uxbridge Rod and Gun Club, Inc. Representative: Brian Hassett, Allen Engineering & Associates, Inc.
Project Description: Grading terrain for a gun range in the buffer zone to a bordering vegetated wetland.

Discussion: Brian Hassett, with Allen Engineering attended the meeting on behalf of the Uxbridge Rod and Gun Club. He reviewed the proposal for the work associated with creating a new 600' rifle range and preparing of the site for any future development. He highlighted the resource areas and reviewed the existing and proposed conditions. Two monitoring wells were placed in November and water levels measured 16 and 17 feet below the ground surface in December. The proposed erosion control is a silt fence with a straw waddle placed 25' from the wetlands and it can be considered the limit of work. Mr. Hassett explained there were no concrete plans for "future development" and that possibilities include an archery range or reconfiguration of the existing ranges. It was included as part of the proposal because it was more cost effective to grade the entire area all at once.

Aerial images of the parcels were reviewed. Mr. Hassett confirmed the applicant is planning to "more or less" clear the entire area of trees within the ECB. He did not have the actual *area* calculated but agreed to provide that information to the Commission. He said they plan to loam and seed all areas that are cleared and that a large swale was designed in to address any additional stormwater. The slopes and grading was reviewed and a potential condition of phasing the clearing was discussed. There was also some additional discussion regarding including a planting plan for the area to be cleared.

DEP has not yet assigned a number to the project. No members of the public commented on the hearing during the meeting. A tentative site visit was scheduled for 1/11/20 at 9:00am.

Motion: Mr. Holden moved to continue the public hearing for 560 West Street to the next meeting of the Conservation Commission. Mr. Shaw seconded and the motion passed unanimously by vote of 5-0-0.

- 3. Notice of Intent (NOI) DEP No. 312-10XX, 300 Mendon St. (Map 19, parcels 2413, 2475, & 2467) (00:25:39 – 00:26:55)**
Applicant: Cook's Crossing, LLC. Representative: Kristen Labrie, Andrews Survey & Engineering
Project Description: A subdivision comprising 50 housing units contained within 25 duplex buildings, with associated utilities, grading, paving, and stormwater system in the buffer zone to a bordering vegetated wetland.

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Discussion: The applicant requested a continuance to the next meeting.

Motion: Mr. Holden moved to continue the public hearing for 300 Mendon Street to the next meeting of the Conservation Commission. Mr. Shaw seconded, and the motion passed unanimously by vote of 5-0-0.

The Chair took the agenda out of order to Wetland Updates/Issues #1& #2 to accommodate the remaining members of the audience.

WETLAND UPDATES/ISSUES

1. Potential changes to 639 Hartford Ave. East—request to add chicken coop, fencing, garden outside LOW (00:27:37 – 00:39:29) *(It was noted that there was a typo on the agenda and the correct address is 639 not 539).*
 - The builder, Costa, attended the meeting to describe the proposed modifications to the approved plan - to add a fenced in chicken coop, chicken fencing, a garden, and a shed outside of the approved limit of work. He displayed a plan highlighting the locations of the items. He indicated that the shed would be placed in the area where an old barn foundation was discovered during construction. The chicken coop and garden are inside the 200' riverfront but outside the 50' buffer zone.
 - Members did not voice any concerns and agreed the changes can be handled administratively but requested an plan that reflects the changes discussed. Costa agreed to identify the structures on the as-built plan and provide it to the Commission.

Motion: Mr. Holden moved to approve the addition of the shed, the chicken coop, and the garden and the items shall be included on an as-built plan that also reflects the revised limit of disturbance before a Certificate of Compliance can be issued. Mr. Shaw seconded and the motion passed unanimously by vote of 5-0-0.

2. CoC request: 629 Hartford Ave East-- DEP File No. 312-1032 (00:39:30 – 00:45:09)
(It was noted that there was a typo on the agenda and the correct address is 629 not 529)
 - This application was submitted approximately 1 year ago was denied because of mowing beyond the LOD. At the time, the homeowner requested to remove the silt fence and the Commission allowed it as long as the stakes remained to demarcate the allowed limit of disturbance. Ms. Jones visited the site within the past two weeks and verified that natural regrowth has occurred. Mr. Craig, the homeowner attended but did not offer any additional comments related to the CoC request. He noted that he may later want to add a shed to the property and members advised him on the RDA process.

Motion: Mr. Shaw moved to grant the Certificate of Compliance request for 629 Hartford Ave East DEP file number 312-1032. Mr. Holden seconded, and the motion passed by vote of 5-0-0.

The meeting returned to the published agenda order.

REPORTED/ONGOING VIOLATIONS

1. Cobbler's Knoll Development (DEP No. 312-1013) (00:45:10 – 00:51:08)
 - Ms. Jones is working to schedule a meeting with DEP this week. The Order expired on January 5, 2020 it was mentioned that Commissioners are no longer allowed on site without permission. With the exception of work related to the open Enforcement Order no work is allowed that could potentially affect resource areas and buffer zones. Ms. Jones noted the respondent asked for guidance for the new NOI submittal and Commissioners indicated that it seemed like the original NOI was fine if it had been installed correctly. Mr. Shaw recommended they add a sequencing portion that calls for the stormwater controls be completed prior to any further development.

WETLAND UPDATES/ISSUES

3. CoC request: 35 Mountainview Road (Lot 5) DEP File No. 312-1036. (00:51:09 – 01:03:36)
 - The original request was submitted approximately 1 year ago. During the site visit at that time was discovered that there was a porch that did not appear on the as-built plan and the earth did not appear to be stabilized. Ms. Jones reported they are now in receipt of an as-built plan that includes the porch and after a season of growth, there is at least 75% grass cover. She also noted that this is the property that has a wetland replication that is connected to the stream crossing at 45 Mountainview. The Commission still has jurisdiction over the wetland replication area and has been receiving reports and it appears to be successful so far. Members discussed the standard condition to that successful wetland replication shall be stabilized for at least two growing seasons and the possibility of continuing the request to confirm the requirement was met.

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Motion: Mr. Holden moved continue the CoC request for 35 Mountainview Road to the next meeting of the Conservation Commission. Mr. Shaw seconded, and the motion passed unanimously by vote of 5-0-0.

4. Discussion of site compliance regarding active and expired Orders of Conditions (01:03:37 – 01:07:55)
 - Mr. Holden pointed out that there are a lot of approved projects that have some sort of issue during construction and members discussed the benefits of including "phasing" in the project construction schedule.
5. Discussion of Catalog of Town Owned Property (01:07:56 – 01:24:55)
 - Ms. Steele reviewed the entire catalog and estimated approximately 1/3 of the properties may have some conservation value and should be looked at further. She created maps for each of the properties that contained wetlands, streams, potential, verified vernal pools, and will be providing it to members for review. There was some further discussion regarding the parcels containing Peaceful Pond and the Angel of Hope. There was further discussion of the location of cold water fisheries and projects impacting them.

PROCESSING

1. 11/4/2019 Meeting Minutes (01:24:55 – 01:25:04)
 - Item passed over due to lack of quorum
2. 12/16/2019 Meeting Minutes (01:25:04 – 01:26:46)
 - Item passed over due to lack of quorum

EXECUTIVE SESSION (01:27:30 – 01:28:09)

1. Discussion of imminent litigation strategy regarding potential wetlands violations at 32 Church St
2. Review of minutes for the executive session on 12/16/2019 held to discuss imminent litigation strategy regarding potential wetlands violations at 32 Church St (Assessor's map 6 parcel 4452)

Discussion: Members agreed to postpone the Executive Session discussion.

ANY OTHER BUSINESS, WHICH MAY LAWFULLY COME BEFORE THE CONSERVATION COMMISSION (01:28:09 – 01:31:21)

- Ms. Jones passed around a Forestry Cutting Plan which had been sent to the office in parallel with its filing with DCR. The plan involves cutting in a wetland, but is exempt from the Wetland Protection Act so long as the approved best management plan is followed to minimize impacts.

Mr. Hogan, sitting as Chair, adjourned the meeting. (01:31:28-01:31:42)

Respectfully submitted,

Melissa Shelley

Andrew Gorman, Chairman

Jim Hogan, Vice Chair

Lauren Steele, Member

Mark Richardson, Member

Jeffrey Shaw, Clerk

Russell Holden, Treasurer

Dale Bangma, Member

Date