



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

Received by  
Uxbridge  
Town Clerk

JAN 23 '19 9:05



**Conservation Commission Meeting Minutes  
December 17, 2018  
Lower Town Hall, Uxbridge Town Hall**

**Present:** Chair Andrew Gorman, Vice Chair Jim Hogan, Treasurer Russell Holden & Members Dale Bangma

**Absent:** Clerk, Jeff Shaw and Members Brad Allspach & Lauren Steele

**CALL TO ORDER:**

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)**

Applicant: Aris Group LLC

Representative: Andrews Survey & Engineering, Inc.

Project Description: 23 lot subdivision with associated roadway, drainage, and utilities

**NOTE:** The hearing has been continued to the January 7, 2019 meeting of the Conservation Commission.

**2. Notice of Intent (NOI), DEP #312-1076, 6 Maslow's Way, (Map 25, Parcel 535) (00:00:40 – 00:20:38)**

Applicant: TTK Real Estate, LLC

Representative: Andrews Survey & Engineering, Inc.

Project Description: Single-family house, septic system and private well with associated earthwork, landscaping and utilities within the Wetland Buffer Zone.

**Discussion:** Travis Brown with Andrews Survey and Engineering attended on behalf of the applicant. The hearing began with discussion regarding tree clearing that occurred on the lot prior to the OoC being issued. The original subdivision permit allowed for some clearing but it went beyond what was permitted. Mr. Brown provided a color plan identifying what was permitted under the Tucker Hill Subdivision LOD, what was cut, and what they intend for this permit. Mr. Gorman noted several Commissioners and the Agent visited the site to see the conditions and obtain some measurements. He expressed displeasure that a chunk of buffer zone was cut prematurely. It was estimated to be an area of approximately 1400 sq. ft. Members discussed the following options to decide how to respond to the encroachment and NOI – (i) approve as is; (ii) require additional mitigation plantings or markers; or (iii) deny and require to re-file as an after the fact NOI. Mr. Bangma asked about the developer's intention for future clearing and Mr. Brown also said he may *potentially* clear to the originally proposed line but may just leave as is - he wanted the ability to go further if needed. Mr. Hogan offered the option approving the NOI with the condition that they do not clear to the originally requested line – just leave as is. More specifically the condition discussed was that the applicant is required to maintain the forested cover in the area south east of the ECB in the pre-project conditions. Because the plan needed to be updated, members discussed and agreed on a condition that would allow for the applicant provide the updated plan prior to the ECB inspection. No members of the public attended the hearing.

**Motion:** Mr. Hogan moved to close the public hearing for DEP #312-1076, 6 Maslow's Way. Mr. Bangma seconded, and the motion passed unanimously by vote of 4-0-0.

**Motion:** Mr. Hogan moved to issue an Order of Conditions for DEP #312-1076 with the Uxbridge Standard Special Conditions and the following additional special conditions.

- The applicant is to leave the buffer zone vegetated to the south of the proposed dwelling within the lot line setback as depicted on the plan
- A revised plan is to be submitted to the Conservation Commission subject to approval from our Agent demarcating the area to be preserved within the buffer zone

Mr. Bangma seconded, and the motion passed unanimously by vote of 4-0-0.

**REPORTED/ONGOING VIOLATIONS** *(the agenda was taken out of order to hear 10 Park St. first)*

1. 10 Park St – complaint received 12/11/2018 (00:20:57 – 00:39:07)
  - Ms. Jones described the complaint about a very wet parcel between South Main, High and Park Streets. 10 Park was before the Commission last year after trees were cut and landscaping performed but enforcement was lifted because it was out of jurisdiction. Mr. Gorman explained that this is confusing system and that it is non-jurisdictional because it has a culvert outlet. He also cited the WPA definitions of the ILSF. Robert Johnson, the property owner of 47 S. Main Street (for 40 yrs) attended with concerns and seeking advice from the Commission. He said the area was always wet but once the berm went up last year the drainage has changed so that it can no longer reach the DPW drain. He explained water is now reaching his property, which it has not in the past. He went over his concerns and asked whether there is something that could be done to drain through the berm. Mr. Hogan reviewed some of the enforcement history of the area. Mr. Gorman told Mr. Johnson he didn't think the Commission could take any action that would provide a resolution and explained WPA provides narrow definitions of wetlands and although there are wetland plants there it didn't appear to meet criteria. Ms. Jones provided additional information obtained from DPW – this issue first came to their attention in Oct of 2016 when 6 Park St. flooded; 6 has the catchment basin pipe going out and it is currently clogged w/ willow roots; a culvert under Park St. is missing; this system links up to High St. and there are plans to work on this area within 4 years. Mr. Johnson asked whether any work on his property (eg. A wall to keep the water out) would require a permit. Commissioners told him no as it is not jurisdictional and recommended he continuing to work with the DPW, consulting with a with a stormwater professional before doing any work and possibly working with the neighbors to come up w/ a "holistic plan" for the area.

*\* The agenda returned to the published order*

2. Campanelli Subdivision Roadway (DEP No. 312-1065) - Discussion of culvert (00:39:10 – 00:50:44)
  - Mr. Hogan and Mr. Gorman provided a site visit follow up. Ms. Jones has also been to the site looking at the Erosion Controls, which do not require any enforcement action at this time. During the site visit, a potential issue with the modular block retaining wall for the culvert was noted. Specifically, the south side of the culvert was installed on top of boulders and so water is flowing from this side into the wall and then daylighting the north side. They noted it appeared to be installed incorrectly and photographs were reviewed. EcoTec, also inspected the installation, and suggested rerouting the channel back into the culvert by excavating the rocks and using them in the replication area. Mr. Gorman said that the engineers didn't have any concern w/ the water impacting the structural integrity of the wall because it has footing drains. Per the OoC (49 d.) the replication was to take place during the installation of the culvert because they were to stockpile the hydric soils on site. It is clear from the site visit this is not happening at this time and the plan is to start the replication in the Spring. Everyone agreed not to take any enforcement at this time because they provided an engineering response and the replication area is planned. They also agreed to ask that evidence of the creation of the replication area is provided. Members requested the Agent to send an email to confirm the Commission's expectations and noting pursuant to 49 d the wetland replication area should have been initiated during this process and part of that is to move those stones and they have the expectation that this will take place as soon as the growing season will support vegetation.
3. Medline (DEP No. 312-1066) - Clearing of Lot 1 enforcement order (00:50:45 – 01:00:47)
  - Condition that lot 1 was not to be cleared until the binder course (associated with the subdivision roadway) was established and during Ms. Jones' inspection it was noted it has been cleared but not stumped. Ms. Jones issued an Enforcement Order that states that no further grubbing or earthwork is to commence on lot 1 until the subdivision roadway binder course is down. It was mentioned that the ECBs are in place on lot 1 and that binder course is scheduled for the spring. There was discussion and a decision to require signage that clearly delineates that area as a no disturb area.
  - **Motion:** Mr. Holden moved to ratify the Medline DEP-1066 Enforcement Order with an additional condition that no disturbance signs proposed by the proponent and approved by the Commission be established along the

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roadway facing lot 1 until the binder course has been completed and inspected. Mr. Hogan seconded, and the motion passed unanimously by vote of 4-0-0.

4. Forest Glen (DEP No. 312-1022) - General updates (01:00:48 – 01:01:35)
  - No new updates the site supervisor is out on medical leave.
5. Harvest Road - Update on signage (01:01:39 – 01:01:50)
  - No new updates
6. 32 Church Street - Notification letter sent 10/23/18 (01:01:51 – 01:05:14)
  - An additional letter went out certified mail. Mr. Gorman wants to ensure what the wetland system is they are talking about before issuing enforcement. Members agreed to wait for Mr. Shaw's input because he had walked the site previously before taking any enforcement. Ultimately the goal would be to have them remove anything being stored within the jurisdictional areas until such time as a RDA or NOI is filed with the Commission.

### **WETLAND UPDATES/ISSUES**

1. Whitin Pond Discussion - Community letter sent (01:05:15 – 01:12:18)
  - Ms. Jones reported she has had about 5 responses to the mailing and someone stopped by offering money and help with the title search. She also performed some research with the Assessor's office and determined that until 1952 it was owned by Edgeworth W. Whitin who seems to have passed away and did not deed the land to anyone. Attorney Knapik research came up with a different name associated with the water rights. Mr. Hogan thought ownership of the land is what is important to the Commission and that water rights just provides the ability to use the water in the pond. Mr. Gorman recommended continuing to research possible heirs to Ms. Whitin's estate and also start looking into what is biologically possible for clean-up. He also suggested contacting Joy (Mr. Gorman couldn't recall her last name) BRWA, aquatic biologist, about what approaches we should be taking (she offered support in the past upon inquiry).
2. Open Space Discussion - Update from intern project (01:12:20 – 01:17:15)
  - The Community Vision Meeting is scheduled 1/24/18. Mr. Gorman is working with Taylor who agreed to provide a statement for what is to be accomplished that can be used to promote the event. It will be posted as a Conservation Commission meeting in the event a quorum is present. The meeting is open to the public and members identified key groups that would have interest and promotional ideas.
3. Wetland Data Form Policy Discussion (01:17:19 – 01:33:44)
  - Members reviewed a rough draft of the form provided by Mr. Gorman. The primary discussion was regarding whether the data forms should be required in every instance. Members worked on re-wording the applicable section and everyone seemed to agree on the following wording: *Wetland data forms shall be required for the evaluation of all NOI applicants and the Commission reserves the right to waive this requirement, during a public meeting, under special circumstances such as for reasons of scale of the project. Commission reserves the right to waive the requirement for minor projects in previously disturbed area not in violation of the WPA.*
4. Discussion of site compliance regarding active and expired Order of Conditions (01:33:44 – 01:35:36)
  - Mr. Gorman mentioned not having any data for a replication component for a property near the BJ's Conservation Easement and they have pulled their building permit. The item was no further discussion because Mr. Bangma would have to recuse himself and Ms. Jones agreed to follow up.

### **PROCESSING** (01:35:40 – 01:40:31)

1. 12/3/18 Meeting Minutes  
**Motion:** Mr. Hogan moved to approve the 12/3/18 Meeting Minutes of the Conservation Commission as written with the header adjustment. Mr. Bangma seconded, and the motion passed by vote of 4-0-0.
2. Last parcel on Douglas Street: Mr. Holden asked the agent to check the building permit to see if there was a Conservation sign off.

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

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1. Draft Wetland Bylaw Discussion (01:40:31 – 01:41:02)
  - Draft on dropbox for members to review and will be left on agenda and discussed as time permits.

**AGENT UPDATES**

1. General updates from the office
  - BHC is having a Xmas party on 12/20/18 at their Whitinsville office.
  - Everyone agreed to bring any periodicals or mailings to meetings for ideas and information.

**ADJOURNMENT-NEXT MEETING SCHEDULED FOR January 7, 2019**

**Motion:** Mr. Hogan moved to adjourn the 12/17/18 meeting of the Conservation Commission. Mr. Bangma 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

*Absent*

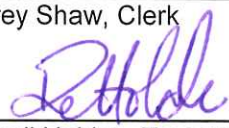
\_\_\_\_\_  
Lauren Steele, Member

*Absent*

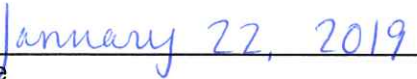
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Brad Allspach, Member

*Absent*

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Jeffrey Shaw, Clerk

  
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Russell Holden, Treasurer

  
\_\_\_\_\_  
Dale Bangma, Member

  
\_\_\_\_\_  
Date