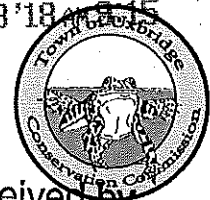


Town of Uxbridge
Conservation Commission
21 South Main Street
Uxbridge, MA 01569
508-278-8600 x 2020

**Conservation Commission Meeting Minutes
December 3, 2018
Board of Selectman Room Town Hall**

DEC 18 '18 4:08:15



Received by
Uxbridge
Town Clerk

Present: Chair Andrew Gorman, Vice Chair Jim Hogan, Treasurer Russell Holden & Members Dale Bangma & Lauren Steele; Clerk Jeff Shaw was only present for the later portion of the meeting.

Absent: Member Brad Allspach

CALL TO ORDER AND ANNOUNCEMENTS:

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 welcomed newly hired Conservation Agent, Holly Jones and thanked the employees and volunteers for his or her participation on the search committee.

DEPARTMENT OF PUBLIC WORKS UPDATE (00:01:20 – 00:18:55)

1. **Albee Road Culvert/Overtopping:** General discussion and consider ratifying 11/25/2018 emergency certificate.
 - On 11/25 Mr. Gorman received a request from the DPW Director seeking an Emergency Certificate to re-route the water over the culvert around 255 Albee Rd. Mr. Gorman issued the certificate based on the photos, information provided & observations during his own site visit.
 - Ben Sherman, DPW Director, attended the meeting and provided an outline and photographs of the sequence of events regarding the event and road closure of Albee Road. On 11/9/18, a call came in for water overtopping Albee Rd. and joint decision between DPW, FD and PD was made to close the road. After initial attempts to clear the blockage failed, a vendor was then engaged to jet the corrugated metal pipe, which they were able to flush out a little but they were unable to clear blockage at the end. Eventually a total of three syphons plus two pumper trucks had to be brought in and they were able to get the water level low enough to see the end of the culvert/pipe was mangled. After some work, they were able to increase the flow through the culvert to about half and it appears to be keeping up. All syphons were removed the weekend of 12/1/18 and the water is remaining down about 1 ½' from the pipe. Mr. Sherman said they investigated possible causes but believed the washout was ultimately due to the intense rains experienced this fall. The DPW will continue to monitor it and see how it holds up through the winter and keep the Commission updated. The long-term plan is to work with Paul Hutnak, DPW Engineer to see about incorporating a culvert replacement with upcoming Chapter 90 work next year.
 - Everyone agreed to let the Emergency Certificate lapse and so at this time there is no further action required of the Commission.
2. **Blackstone Street Culvert/Washout:** (00:18:58 – 00:41:26)
 - Ben Sherman, DPW Director provided a recap and reviewed photographs of the washout that occurred on Blackstone St. during intense rainstorm on 9/18/18. He believed the rain event in and of itself led to a blockage on the upstream end of the culvert. He described the location as being a low spot on a corner. The 18" reinforced concrete culvert had little to no flow at the outlet and was completely blocked, submerged and piled with debris, limbs and muck. Mr. Sherman deduced the debris was most likely "pushed down the hill" from changes in construction and several intense rain events. This led to a ponding, which then overtopped and washed out about 40' of road. Eventually the road was closed and police detail remained on site until at least one lane could be opened and temporary signals were installed on 9/25/18. Photos of the basins at the Rifleman subdivision were reviewed. The lower basin did not overtop and appears to be working from what Mr. Sherman could see. The upper basin (more in line w/ the culvert) had some issues that are being corrected but the erosion controls held. DPW's contractor was brought in to clear the blockage get the muck out of the pipe and they provided the crushed rock to stabilize the side. Mr. Sherman said he's been by several times and that everything seems to be flowing fine but there appears to be more of a defined stream coming down the hill. Mr. Gorman noted that the whole Rifleman development is out of the Conservation Commission's jurisdiction and that they do not have enough information to determine the stream itself is jurisdictional because it flows into a culvert and there is no BVW associated with it. Going forward, DPW was able to secure a waiver for funding to stabilize the road edge and embankment, which they would like to do as quickly as possible so they can reopen both lanes. There is bid package in place to replace the culvert.
 - Mr. Holden asked whether the town have a map of the drainage system and a maintenance schedule. Mr. Sherman said quite a bit of the drainage system is mapped but when it comes to the culverts of this nature it is a bit sketchy.

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DPW recently has obtained the ability to map items on their own w/o having to engage in consultants, which is helpful. They struggle w/ maintenance and tend to be very reactive due to budget constraints.

PUBLIC HEARINGS

1. **Notice of Intent (NOI), DEP #312-10XX, 0 Old Elmdale Road (Map 25, Parcel 2979)** (00:41:26 – 00:44:21)

Applicant: Aris Group LLC

Representative: Andrews Survey & Engineering, Inc.

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

Discussion: Applicant formally requested to continue the hearing to the January 7, 2019 meeting of the Conservation Commission. Reasons for the request provided were that they are anticipating their work to be complete, a component of the peer review to be complete and the DEP file number will be assigned. Some members expressed concern with the delay and lack of updates.

Motion: Mr. Hogan moved to continue the NOI for 0 Old Elmdale to the January 7, 2019 meeting of the Conservation Commission and requested the Agent notify the representative that the Commission requests an in person update at the January 7th meeting or they may take the action of denying the application for lack of information. Mr. Holden seconded, and the motion passed by vote of 4-0-1 (*Mr. Bangma abstained*).

2. **Notice of Intent (NOI), DEP #312-1075, 1012 Hathaway Lane (Map 47 , Parcel 1556)** (00:44:30 – 01:13:15)

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, with Civil Site Engineering attended on behalf of the applicant. The hearing was continued to await the DEP file number assignment & allow for a site visit which four members of the commission attended. DEP's comments asked for supporting documentation for the wetland delineation (wetland data forms). Mr. Holden asked for the representative more information regarding an alternate placement that was considered during the conception phase of development because he has concerned future wetland impacts. Ms. Bacon said the original location considered required more disturbance to resource areas and was too close to the vernal pool so a decision was made to move it to the proposed location. She said plans were never developed because it did not seem like a feasible practical solution. The option of an above ground pool was also discussed. It was pointed out that distance between the edge of the pool and the limit of work is 20' and the fence surrounding the pool is 10' out from the limit of work. The following conditions were offered and discussed to address Mr. Holden's concerns and mitigate any future impacts to resource areas (i) no tree clearing, or trimming can occur beyond 10' from the established fence and markers be placed on the trees just outside the limit of work in locations to be approved by the Commission or it's designee; (ii) conservation markers to be added to the west of the septic and to the west of the driveway to minimize the risk for future encroachment; (iii) the addition of inspections when the final grading is completed and during the installation of the retaining wall. Mr. Holden recommended before closing the public hearing there be a review of the data forms for wetlands and any instruction/information included in their construction sequence to ensure vehicles used during construction remain out of the limit of disturbance. Because of the work on the site visit and the Commission has not been consistent in asking for them, the option of a condition requiring them before allowing the start of work was presented and discussed. Ms. Bacon agreed to complete and provide the data forms to the Commission as soon as possible (and as a condition of the permit). She also agreed with the additional inspections during the grading and installation of the retaining wall. No members of the public attended for comment.

Motion: Mr. Hogan moved close the public hearing and issue an Order of Conditions for DEP #312-1075, 1012 Hathaway Lane with the Uxbridge Standard Special Conditions and the previously stated additional special conditions regarding (i) conservation markers, (ii) the limit of trimming or tree clearing to be within 10' of the fence, (iii) a second inspection to be completed during construction of the retaining wall and; (iv) wetland data forms shall be provided prior to the erosion control inspections. Mr. Bangma seconded, and the motion passed by vote of (4-1-0).

3. **Amended Notice of Intent (NOI), DEP #312-1046, Lot 8B Hyde Park Circle (Map 29 , Parcel 3117)** Applicant: Uxbridge Multi Family Realty, LLC

Representative: Guerriere and Halnon, Inc. (01:13:20 – 001:19:16)

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.

**Ms. Steele recused herself because she is an abutter to the project*

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Discussion: Michael Hassett, Guerriere & Halnon attended on behalf of the applicant. He reviewed the proposed installation of a new 24' pipe directing run off from the end of a swale into a basin. The work was reviewed by Graves Engineering and compiled in a report dated 12/3/18. The applicant responded to peer reviewer's comments and after review of the response, there were no more outstanding issues or concerns from Graves. The plan was slightly changed - slope of pipe was changed from 2% to ½ % and the grading for the length was adjusted to account for that change. Mr. Gorman requested a possible condition that before the Commission issues a CoC for the project that the Commission is in receipt of a report or proof that the basin has been cleaned, is free of sediment and is functioning properly. Mr. Hassett said they would not object to that condition. No members of the public spoke during the hearing.

Motion: Mr. Hogan moved to close the public hearing and approve this second request to amend the Order of Conditions for DEP 312-1046 and that before the Commission issue a CoC for lot 8B that final maintenance check of the basin, to ensure it is fully functional, has been completed and documented. Mr. Bangma seconded, and the motion passed by vote of 4-0-0.

**Ms. Steele returned to the meeting*

4. Notice of Intent (NOI), DEP #312-1076, 6 Maslow's Way, (Map 25, Parcel 535) (01:20:34 – 01:30:12)

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:

Discussion: Kristen Page covering for John Maderios, Andrews Survey and Engineering attended on behalf of the applicant and brought the plans updated to include the additional conservation marker discussed during the previous meeting. She also brought along the green cards and data forms to be included with the application. Mr. Holden observed a clearing on this lot outside an existing ECB line (possibly for the Limit of Disturbance for the Tucker Hill ROAD permit). Ms. Page was unfamiliar with the project and was not able to confirm. After discussion, it was decided to have members visit the site to confirm before issuing an order. No members of the public attended to comment. Members did not have any issues other than the work possibly starting early or occurring outside the agreed upon LoD.

Motion: Mr. Hogan moved to continue the hearing for DEP#312-1076 to the next meeting of the Conservation Commission in anticipation of a site visit to confirm if work has started prior to the issuance of the order of conditions. Ms. Steele seconded, and the motion passed by unanimously by vote of 5-0-0.

** The Chair took the published agenda out of order to Mountainview Road under WETLAND ISSUES/UPDATES:*

WETLAND UPDATES/ISSUES

1. Certificate of Compliance Request – 35 Mountain View Road (DEP #312-1036) (01:30:30 – 01:41:33)

- The commission had a few site visits following the request. Tom Reburg, Goddard Consulting, attended on behalf of the applicant. He stated that the lawn area has been stabilized as best as possible outside the growing season - it was re-hydroseeded with a strong tackifier. He also said the deck has been constructed and the most recent set of plans have been adjusted to reflect an accurate layout. Mr. Gorman went over the Commission's policy on grass growth (look for grass growth of at least 70% before issuing a CoC). He also raised concerns with the Commission being provided a signed as-built plan prior to the completion of the deck. Mr. Reburg asked if the Commission would consider a issuing a partial CoC to avoid issues at closing. Jeff Gagnon, the builder also attended and echoed Mr. Reburgs request for a partial CoC. Mr. Hogan reviewed the only time the Commission ever issued partial CoCs (when related an associated subdivisions). Members agreed to issue a letter that authorizes the agent to sign off on Certificate of Occupancy because they are making a good faith effort to reach the CoC but given the time of year it is not possible to issue a CoC. They were hesitant to issue the CoC at this time because that ultimately closes out the Commission's jurisdiction over the project.
- **Motion:** Mr. Hogan made a motion to deny the Certificate of Compliance request finding that the plans submitted to the Conservation Commission did not represent what was in the field at the time of submittal and the conditions of the property are inconsistent with the seed growth policy the Commission established in 2012 and pursuant to the satisfaction of Condition 45 of the Order. The Commission also authorizes the agent to sign off on the occupancy form accompanying a letter from the buyer acknowledging that it is open. Mr. Bangma seconded, and the motion passed unanimously by vote of 5-0-0

- There was Audience Member Christian Carrier, 117 Quaker Highway in attendance to comment during the Hyde Park hearing. He arrived late and missed the hearing but asked to make some general comments. He wanted to make the Commission of the issues with water becoming a big problem in his area which he described – water coming across Quaker Highway. He

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also asked whether there is better way to be notified of continued public hearings – Mr. Hogan told him about the ability to request agenda posting via emailed through the town website. (01:41:35 – 01:49:59)

** The agenda was returned to the published order.*

REPORTED/ONGOING VIOLATIONS

1. Commerce Drive – Potential update on wetland restoration (01:50:00 – 01:55:30)
 - Members received and reviewed the inspection report from EcoTec. There was also agreement to leave the Enforcement Order open at least until the spring growing season when the re-establishment of the site can be assessed, and the Vernal Pools certification materials are submitted. Members agreed to take this item off the agenda and taking it back up in May or June and Mr. Gorman agreed to follow up with the representative.
2. Forest Glen – General discussion on winterization (01:55:32 – 01:57:36)
 - Mr. Gorman provided a quick update to the other members. Mr. Perry notified Mr. Gorman of some sedimentation in the brook and they couldn't find a breach of the basins – they thought it may have come from the trucks going over the timber bridge. Mr. Gorman and Ms. Jones visited the site and provided an update and photographs. They identified an area where the mulch sock had eroded underneath. The site has been seeded whether a tackifier was applied still needs to be confirmed.
3. Harvest Road – Update on signage (01:57:40 – 01:58:10)
 - Mr. Hogan agreed to follow up with Mr. Sherman
4. 32 Church Street – Notification letter sent 10/23/18 (01:58:10 – 02:02:48)
 - Mr. Gorman drove by and took some photographs from the road that were reviewed. It is difficult to define the resource area (BVW or ILSF) from this standpoint. Everyone agreed to compare photos from this property that were taken last year and to send a second certified letter requesting attendance.
 - **Motion:** Mr. Hogan made a motion to send both a certified and uncertified letter to the property owner appear before the Commission to discuss the potential violations. Ms. Steele seconded and the motion passed unanimously by vote of 5-0-0.
5. Constitution Way (New Item – Not on agenda) (Mr. Bangma recused himself) – (02:02:49 – 02:04:45)
 - Ms. Jones provided a quick update on her visit to inspect the ECBs where she did observe a portion not properly installed with erosion underneath still continuing. She discussed it with the developer Steve Benoit and will be going back out for reinspection.
6. Mr. Hogan mentioned that Mass DOT or National Grid performed tree cutting/clearing on Rt. 122 from the Court House to the Millville line.
 - There was no recent notification, but Mr. Gorman will check back to see if it was mentioned in Mass DOTs annual maintenance plan typically submitted in January that covers the whole year.

**Mr. Bangma returned to the meeting and Mr. Shaw joined the meeting.*

7. Mr. Holden had a question about a property on Douglas St. (the last lot in Uxbridge). Mr. Gorman was familiar with the property and mentioned it was recently reclassified but didn't recall details. He recommended Ms. Jones obtain the building permit files for background information and discuss if necessary.

WETLAND UPDATES/ISSUES

2. Whittin Pond Discussion – Review community letter (02:09:50 – 02:21:23)
 - Mr. Holden provided members a letter for review.
 - **Motion:** Mr. Hogan moved to send the letter as amended on Conservation Commission letterhead, to landowners within 150' of the boundary of the pond. Mr. Shaw seconded, and the motion passed unanimously by vote of 6-0-0.
3. Peaceful Pond – Work on plan to define future use and invite public input (02:14:24 – 02:14:50)
 - Passed over discussions for now while Mr. Gorman and Ms. Steele work offline
4. Discussion of site compliance regarding active and expired Order of Conditions (02:14:55 – 02:17:17)

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- The Commission was provided the frack out plan for the Hecla St. bridge and it appears that work has begun. Ms. Jones has been on site and said everything looked ok.
- 5. Open Space Discussion – update from intern project (02:17:19 – 02:18:26)
 - Lower Town Hall is reserved for 1/24/18 for the Community Vision Session.
- 6. Wetland Data Form Policy Discussion (02:18:28 – 02:20:54)
 - **Motion:** Mr. Hogan made a motion that the Conservation Commission instruct the chair to create a policy to incorporate the wetland data forms into the NOI process to be reviewed at the next meeting. Mr. Shaw seconded, and the motion passed unanimously by vote of 6-0-0.

PROCESSING

1. 10/29/18 & 11/19/18 Meeting Minutes Review (02:21:02 – 02:24:55)
 - Motion:** Mr. Holden moved to approve the 10/29/18 Meeting Minutes of the Conservation Commission as written. Mr. Shaw seconded, and the motion passed by vote of 4-0-2 (*Mr. Hogan and Mr. Bangma abstained*).
 - Motion:** Mr. Hogan moved to approve the 10/29/18 Meeting Minutes of the Conservation Commission as written. Mr. Shaw seconded, and the motion passed by vote of 5-0-1 (*Ms. Steele abstained*).

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

1. Draft Wetland Bylaw Discussion (02:24:55 – 02:26:17)
 - The most up to date version is the 12/3/18 on Dropbox and members agreed to review. Minor changes were made. Next steps would be to read it up against some mock projects during the slow season.

AGENT UPDATES (02:26:18 – 02:34:35)

1. General updates from the office/projects-2019 meeting schedule review
 - Motion:** Mr. Holden moved to approve the 2019 Conservation Commission Meeting Schedule as amended. Mr. Hogan seconded, and the motion passed by vote of 6-0-0.
2. Conservation Agent Update
 - Discussion about MACC membership and courses.
 - Motion:** Mr. Hogan made a motion to authorize the Commission to approve up to \$400 to be used for Ms. Jones to attend MACC classes approved by the Chair. Mr. Holden seconded, and the motion passed unanimously by vote of 6-0-0.

ADJOURNMENT-Next Meeting Scheduled for December 17, 2018, 6:30 – MEETING TO BE HELD IN LOWER TOWN HALL

Motion: Mr. Holden moved to adjourn the 12/3/18 meeting of the Conservation Commission. Mr. Hogan seconded, and the motion passed by vote of 6-0-0.

Respectfully submitted,
Melissa Shelley



Andrew Gorman, Chairman



Jim Hogan, Vice Chair

Lauren Steele, Member

Absent

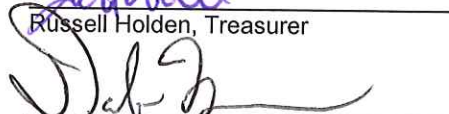
Brad Allspach, Member

Date

Jeffrey Shaw, Clerk



Russell Holden, Treasurer



Dale Bangma, Member