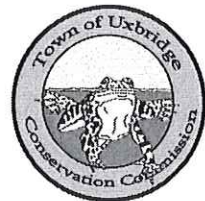




Town of Uxbridge  
Conservation Commission  
21 South Main Street  
Uxbridge, MA 01569  
508-278-8600 x 2020



Conservation Commission Meeting Minutes  
February 4, 2020  
Board of Selectmen Room, Uxbridge Town Hall

REC'D UXB TOWN CLERK  
2020 FEB 20 PM 1:27

**Present:** Chair Andrew Gorman, Vice Chair Jim Hogan, Treasurer Russell Holden, Clerk Jeff Shaw, Members Dale Bangma, Mark Richardson and Conservation Agent Holly Jones

**Absent:** Member Lauren Steele

**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.

**PUBLIC HEARINGS**

1. **Notice of Intent (NOI) DEP No. 312-1090, 250 Chocolog Rd (Map 44 Parcel 345)** (00:00:42 – 00:01:13)  
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:** The applicant requested to continue the hearing to the next scheduled meeting.

**Motion:** Mr. Shaw moved to continue the public hearing for DEP 312-1090 to the 2/18/20 meeting of the Conservation Commission. Mr. Hogan seconded, and the motion passed by unanimously by vote of 6-0-0.

2. **Notice of Intent (NOI) DEP No. 312-1094, 560 West Street (Map 38 Parcel 1171)** (00:01:19 – 00:21:42)  
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.

*\* Mr. Gorman recused himself in accordance with the Conflict of Interest Law and Mr. Hogan chaired this portion of the meeting.*

**Discussion:** Brian Hassett, Allen Engineering attended on behalf of the applicant. He noted that DEP assigned a file and went over each of the three comments and their responses. The first comment was related to identifying the limit of work on the plan. The second comment recommended the applicant provide a retrieval management plan. Mr. Hassett thought the addition of the berm might have satisfied this concern but members inquired whether a narrative could be included. The owner of the Gun Club attended and described the current clean-up process (often members collect their used bullets to be melted down and recycled and approximately once a year the club performs a cleanup). Mr. Holden pointed out guidance bulletin on Mass.gov "Managing Lead Shot at your Range" and the applicant indicated that he was open to a condition of defining the process. The third DEP comment noted the Commission should refrain from closing the hearing until the NHESP review is complete. The NHESP report was received Ms. Jones confirmed it stated the project would not result in a prohibited take of rare species.

**Motion:** Mr. Bangma moved to issue an Order of Conditions for DEP 312-1094 with the Uxbridge Standard Special Conditions and the following additional special conditions: (i) the temporary erosion control swale shall be constructed and functional prior to any stumping and grubbing and (ii) lead bullet retrieval plan shall be submitted to the Conservation Commission within 30 days of the issuance of this order, and prior to the start of work. Mr. Richardson seconded, and the motion passed unanimously by vote of 5-0-0.

*\* Mr. Gorman returned to the meeting*

3. **Notice of Intent (NOI) DEP No. 312-10XX, 300 Mendon St. (Map 19, parcels 2413, 2475, & 2467)** (21:54 – 22:16)  
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.

**Discussion:** The applicant requested to continue the hearing.

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**Motion:** Mr. Holden moved to continue the public hearing for DEP 312-1090 to the 2/18/20 meeting of the Conservation Commission. Mr. Hogan seconded, and the motion passed by unanimously by vote of 6-0-0.

*\* Mr. Hogan moved to table the NOI for the Tap Line to later in the meeting because the representative has not yet arrive at the meeting. Mr. Shaw seconded, and the motion passed by vote of 6-0-1 (Mr. Holden abstained from vote).*

4. **Notice of Intent (NOI) DEP No. 312-10XX, Whitins Pond Tap Line, (Map 4 Parcel 3883, Map 40 Parcel 1586)**  
Applicant: New England Power Company D/B/A National Grid Representative: Ale Echandi, BSC Group  
Project Description: Drilling two geotechnical soil borings necessary for planning and design of future work within a bordering vegetated wetland. Each soil boring is approximately 4-6 inches in diameter. (00:00:00 – 00:00:00)

**Discussion:** The representative did not attend the meeting.

5. **Notice of Intent (NOI) DEP No. 312-10XX, 0 Old Elmdale Rd (Map 25 Parcel 3167)** (00:22:52 – 00:23:17)  
Applicant: Aris Group, LLC Representative: Jude Gauvin, Andrews Survey and Engineering  
Project Description: Construction of a roadway, drainage, and gravel removal in the inner and outer riverfront area, bordering land subject to flooding, and the buffer zone to a bordering vegetated wetland.

**Discussion:** The applicant requested to continue the hearing to the next scheduled meeting.

**Motion:** Mr. Hogan moved to continue the public hearing for 0 Old Elmdale to the 2/18/20 meeting of the Conservation Commission. Mr. Bangma seconded, and the motion passed by unanimously by vote of 6-0-0.

6. **Request for Determination of Applicability (RDA), 1008 Quaker HWY (Map 56 Parcel 1266)** (00:23:17 – 00:34:28)  
Applicant: Patrick Davidson  
Project Description: To determine whether the area depicted is subject to the jurisdiction of the Wetlands Protection Act to aid in planning future development

**Discussion:** Patrick Davidson, the property owner, attended the meeting. He explained he had a wetlands study done years ago when he purchased the property but had to delay development for about four years because of personal problems. Ms. Jones confirmed she had been to the site and described her observations (1/2 of the property is above the road elevation and the other 1/2 is sort of a depression that slopes in from Quaker Highway and Almshouse Rd. The vegetation in the depressed area had been cleared and there was standing water. Ms. Jones also referenced a 2014 letter from Scott Goddard that said much of the water flowing onto the site was from a storm water swale across Almshouse Rd – which she could confirm. Members reviewed GIS aerial images of the site. Mr. Davidson said his plan is to connect the two pipes with storm water runoff to a grate so it can flow to the other side of 146A. Mr. Holden recalled the prior permitting and that there were signs of water but no signs of wetlands. Based on Mr. Goddard's letter and provided stormwater can flow across the parcel to 146 members agreed a negative determination could apply.

**Motion:** Mr. Hogan moved to issue a Negative RDA for 1008 Quaker Highway with the comment that the applicant ensure the stormwater flow on the parcel is maintained in accordance with state standards and provided it does not alter wetland resource area's hydrology down gradient through deprivation of storm water. Mr. Shaw seconded, and the motion passed unanimously by vote of 6-0-0.

7. **Request for Determination of Applicability (RDA), 25 Foxwood Ln (Map 32 Parcel 1615)** (00:34:35 – 00:36:02)  
Applicant: CIL Realty of Massachusetts, Inc. Representative: Donald Frydryk, Sherman & Frydryk, LLC  
Project Description: Upgrading a septic system in the buffer zone to a bordering vegetated wetland; the closest proposed limit of work is about 70' from the wetland.

**Discussion:** The applicant informed the Commission they are not going forward with the project at this time.

**Motion:** Mr. Hogan moved to accept the applicant's request to withdraw the application without prejudice. Mr. Shaw seconded, and the motion passed unanimously by vote of 6-0-0.

### REPORTED/ONGOING VIOLATIONS

- 650 Quaker Highway (Assessors Map 45 Parcel 3831) (00:36:06 – 00:56:35)
  - Lee Beausoleil, attended, the meeting to respond to the Enforcement Order. He stated has contacted a wetlands consultant, Scott Rabideau with NRS, and is trying to connect with Mass DOT in regards to the culvert that he believes is directing stormwater and creating the wetlands on his property. Ms. Jones and Mr. Shaw clarified that there is a mapped stream traveling through the culvert. Mr. Gorman said the Commission is looking for a delineation of the wetland or a restoration plan or some combination of both. Additionally, it was communicated that

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the most urgent need is the immediate stabilization of the site and stream so the dirt from the property is not washed into and carried down the stream. Mr. Beausoleil mentioned that he would like to hard pipe the stream off his property. Ms. Jones explained the permitting involved and that he is welcome to pursue that but the violation has to be addressed first as laid out in the Enforcement Order. After the discussion, Mr. Beausoleil confirmed he understood what is expected and agreed to coordinate with Ms. Jones moving forward.

### WETLAND UPDATES/ISSUES

1. Discussion of site compliance regarding active and expired Orders of Conditions (00:57:10 – 00:58:49)
  - Cobblers Knoll's Order of Conditions is expired. Ms. Jones spoke with the builders of the houses to ensure they were aware that they could not do any significant earthwork on site w/o an OoC – they indicated they might file a separate NOI for the four individual house lot foundations they have to dig in phase one.
2. DEP No. 312-694—Valley Chapel Church Site Visit (00:59:00 – 01:17:04)
  - The request was whether the Commission would review a Certificate of Compliance Request for a 13-year-old Order of Conditions with site visits taking the place of an as-built plan. Since the last meeting, Commissioners visited the site with the original site plan prepared by Heritage Design. Mr. Gorman reported wetland areas and drainage features were examined and photographs of the visit were reviewed. An issue noted during the visit was the silt fence that has been buried and only partial removal should occur as not to destabilize the area. They also encouraged the owner to remove a large leaf/debris pile and not use the area for future dumping of yard waste. They noted all the catch basins appeared to be functioning properly. Given the age of the permit members agreed it was OK for them to submit the CoC request and recommended the corrective actions of removing the silt fence above grade and the leaf debris pile is cleaned up and marked as a no dumping area. There was some discussion as to why they do not have an as-built plan – Heritage Design is no longer in business and securing another engineer for only the as-built portion could be costly. It was also mentioned and there was some discussion related to the three separate orders for the site – this one 312-694 for construction of the church, a DEP superseding order, and one for a project never built.
  - **Motion:** Mr. Hogan made a motion that the Agent is to provide the applicant with guidance that the Conservation Commission is open to review a Certificate of Compliance request following a successful evaluation by its Agent during and after a ½" rain event or greater. Mr. Shaw seconded, and the motion passed by vote of 6-0-0.
3. DEP No. 312-984—Mountainview Estates subdivision (01:17:06 – 01:32:06)
  - The president of the Home Owners Association contacted Ms. Jones requesting to reduce the number of stormwater reports required per year as conditioned in the OoC – partly because of the financial burden and also because they are having trouble finding consultants to do the work with that frequency. Since the order has expired and cannot be amended, Ms. Jones reached out to DEP for recommendations. The circuit rider suggested, if the Commission is amenable to reducing it, then the change could be noted on the CoC. Mr. Gorman explained the history and some of the problems encountered during construction. Everyone agrees the site is in better shape and we have been receiving reports and that it may be feasible ease up on the requirement. However, because it is not a complete project yet it cannot be changed. Once it is, the Commission may be able to issue a letter reducing the requirement from four to two a year.
4. Certificates of Occupancy: 45 Mountainview, 20 Glen St, 39 Tabor Rd (01:32:10 – 01:33:18)
  - Ms. Jones informed members of the requests for Occupancy for the above addresses. She noted neither is ready for a CoC at this time and just wanted to give members a chance to comment.

### PROCESSING

1. 1/21/2020 Meeting Minutes (01:33:19 – 01:37:36)
  - **Motion:** Mr. Hogan moved to accept the meeting minutes as amended during the meeting. Mr. Holden seconded, and the motion passed unanimously by vote of 6-0-0.

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

5. MACC Spring Conference: February 29<sup>th</sup>, 2020 (01:37:40 – 01:39:10)
  - Members reviewed the conference offerings

*\* Mr. Holden moved to un-table and continue the NOI for the Tap Line. Mr. Hogan seconded, and the motion passed unanimously by vote of 6-0-0.*

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**EXECUTIVE SESSION**

Mr. Gorman stated the following potential purposes for the commission to enter into a discussion under Executive Session:

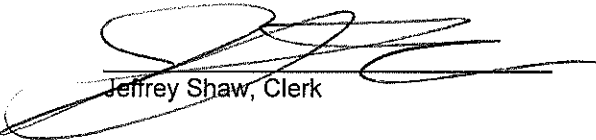
1. Discussion of imminent litigation strategy regarding potential wetlands violations at 32 Church St (Assessor's Map 6 Parcel 4452)
2. Review of minutes for the executive session on 12/16/2019 held to discuss imminent litigation strategy regarding potential wetlands violations at 32 Church St (Assessor's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

**Motion:** Mr. Hogan moved that the Conservation Commission and its Agent enter into Executive Session to discuss strategy with respect to possible imminent litigation as it relates to 32 Church Street with no new business to follow. Mr. Gorman declared that having this discussion in open session could hinder impede or negatively influence the litigating position of the town and called the Commission into Executive Session. Mr. Holden seconded, and the motion passed by roll call vote as follows: Mr. Holden – Aye, Mr. Hogan – Aye, Mr. Gorman – Aye, Mr. Shaw – Aye, Mr. Bangma – Aye, and Mr. Richardson – Aye.

**ADJOURNMENT-NEXT MEETING SCHEDULED FOR Tuesday, February 18th, 2020**

Respectfully submitted,  
Melissa Shelley

  
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Andrew Gorman, Chairman

  
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Jeffrey Shaw, Clerk

  
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Jim Hogan, Vice Chair

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Russell Holden, Treasurer

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

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

\_\_\_\_\_  
Mark Richardson, Member

\_\_\_\_\_  
Date