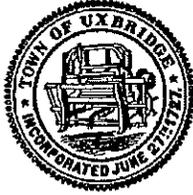


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Conservation Commission Meeting Minutes  
Monday, October 5, 2015  
Board of Selectmen Meeting Room, Uxbridge Town Hall

NOV 17 '15 AM 9:42

*Please note some items may have been taken out of agenda order.*

**Present:** Chairman Patrick Hannon, Treasurer/Vice Chair Jim Hogan, Clerk Jeffrey Shaw, Members Russell Holden and Mike Potaski and Melissa Dillon, Conservation Administrator

It being 6:35 pm, the meeting being properly posted, duly called and a quorum being present, the meeting was called to order by the Chair.

**PUBLIC HEARINGS**

1. **NOTICE OF INTENT (NOI), DEP #312-1004**, Off Rogerson Crossing (Map 12B, Parcel 3768) *Continued from 09/21/2015*  
Applicant: Rogerson Crossing Realty Trust                      Representative: Andrews Survey & Engineering  
Project description: Construction of a subdivision road consisting of a bridge over the Mumford River and work within Bordering Land Subject to Flooding, Riverfront Area and Bordering Vegetated Wetlands (BVW)
  - o Discussion: Stephen O'Connell, Andrews Survey & Engineering, Inc., on behalf of the Applicant, plans have been revised and forwarded to Graves, who has just received the authority to go forward with the peer review. Planning Board has reapproved subdivision plans and Commission Members had visited the site to review the Wetland flags. Overview of the revisions included flood storage, use of the private road for emergency and town vehicles to access and use for snow plowing.
  - o **MOTION: I, Mr. Hogan, move that the Public Hearing be continue in agreement with representative until the next regularly scheduled meeting. Seconded by Mr. Shaw, the motion carried 5-0-0.**
  
2. **NOTICE OF INTENT (NOI), DEP #312-1003**, 189 Mendon St. (Assessor's Map 19, Parcel 3753) *Continued from 09/21/2015*  
Applicant: Clean Energy Collective                                      Representative: Andrews Survey & Engineering, Inc.  
Project Description: Construction of 1.1 MW(ac) large-scale ground mounted solar electric generating facility within the 100' buffer to a BVW
  - o Discussion: Stephen O'Connell, Andrews Survey & Engineering, Inc., on behalf of the Applicant, has received soil results and has given to the Commission to review. No results were found that were above the accepted levels. Pat Hannon found that chrome could possibly be above accepted levels and asked that they do a hexavalent chrome test to determine which chromium and if it surpasses limit. A certification from the engineer was also requested that stated that the solar panels placed in the flood plain will not cause a change in direction for floodwater. A new Notice of Intent cannot be issued until previous violations and enforcement orders are rectified. The Commission and Andrews Survey will look into previous violations and enforcement orders in order to gain background information and determine what needs to be done to move forward. Applicant will send letter that he is aware of any risk he poses by working in a flood plain. All comments and suggestions given my DEP have been addressed.
  - o **MOTION: I, Mr. Holden, move that the Public Hearing be continued in agreement with the representative until the next regularly scheduled meeting. Seconded by Mr. Hogan, the motion carried 5-0-0.**
  
3. **NOTICE OF INTENT (NOI), DEP #312-XXXX**, 79 River Rd. (Assessor's Map 45, Parcel 1345) *Continued from 09/21/2015*  
Applicant: Bedrock Crossing, LLC                                      Representative: Andrews Survey & Engineering, Inc.  
Project Description: Proposed expansion of outside storage area and associated work within isolated land subject to flooding

## Conservation Commission Meeting Minutes continued - Monday, October 5, 2015

the terms of the conditions even though they were not approved to work. Kyle Powers confronted the Commission about an unrelated issue and tried to talk off topic. The Commissioners showed the violators that the violations are easy fixes and should have been done. The Representative stated that the owners are willing to bring the contractor in to fix the silt fence and other violations including the plans and Order of Conditions on site. The Commission made the Representative and owners aware that they have the grounds to revoke the permits and Order of Conditions as they have had so many violations. The Commission has been trying to help the owners rectify their violations steadily since March and nothing has been done even though the members have wanted to help. Even if the permits are revoked the owners are still responsible for stabilizing the site and following the Order of Conditions until DEP can take charge. The Representative agrees that the owners will be in compliance of the complete Order of Conditions with the exception of extra trees that may have been cut down in the next two weeks. Site visit is scheduled for 4:00 pm on October 16<sup>th</sup> but if done before that the Commission will do a site walk and ask for the contractor be on site during the walk.

- **MOTION: I, Mr. Shaw, move that the Notice of Intent (DEP #312-956) be revoked and refer the Enforcement Order to DEP. Motion fails.**
  - **MOTION: I, Mr. Holden, move we continue the violation to our next scheduled meeting in the case that if there is still non-compliance we have the intent to revoke the Notice of Intent. Seconded by Mr. Potaski, the motion carried 4-1-0.**
2. Flagg RV continuing violations
    - Discussion: At last site visit it was agreed that not a lot can be done with the fill that went on to dam until someone assumes ownership. Asked to hold off and to see if DEP can make them move the progress along and will wait for an update.
  3. Fast Pitch continuing violations
    - Discussion: Erosion controls in place are failing. Send notice and invite to next meeting to be updated since there's been no action.
  4. 28 Ironstone Rd. continuing violations
    - Discussion: Erosion controls in place are failing. Send notice to invite to next meeting since there is work being done and would like to know the schedule. If no response on the next meeting then the Commission will refer to the DEP.
  5. Providence and Worcester Rail Road continuing violations
    - Discussion: Send letter to be updated on schedule for removal of railroad ties.
  6. 363 Quaker Highway (owner Blue Wave Capital, LLC) (**Violation FY15-18, DEP #312-955**)
    - Discussion: Nothing new to report. No change in hill side. The response was that they will get the work done by the deadline that DEP has set. DEP has issued a penalty for wetlands violations and are in negotiations about consent and decree and cannot update the Commission because it has not been signed.
  7. 50 Douglas Street
    - Discussion: Check in with status of permit and check meeting minutes to check conditions.

### PROCESSING

1. Endorse Certificate of Compliance (CoC) for 24 Donna Court (pool & house) (**DEP #312-983 & #312-999**)
  - Endorsed by all 5 members
2. Endorse Order of Conditions (OoC) for Arapaho Lane (**DEP #312-1002**)
  - Endorsed by all 5 members
3. Meeting Minutes-9/21
  - **MOTION: I, Mr. Hogan move to approve meeting minutes for 9/21 as amended. Seconded by Mr. Shaw, the motion carried 4-0-1. Mr. Hannon abstained.**

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

At approximately 9:02 pm, MOTION by Mr. Holden that the Commission adjourn the meeting and enter into Executive Session. Seconded by Mr. Hogan, the motion carried unanimously by roll call vote, Potaski – aye, Shaw – aye, Hogan – aye, Holden – aye, Hannon – aye.

### EXECUTIVE SESSION