



TOWN OF UXBRIDGE
CONSERVATION COMMISSION

21 SOUTH MAIN STREET
UXBRIDGE, MASSACHUSETTS 01569
508-278-8600, ext 2019

MEETING MINUTES
Monday, May 3, 2010

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

Minutes of the Uxbridge Conservation Commission regular meeting held on Monday, May 3, 2010, at 7:00 P.M. in the Board of Selectmen's Meeting Room, Uxbridge Town Hall, 21 So. Main St., Uxbridge, MA:

Conservation Commission Board Members Present: Chair Al Jones, Vice Chair Russell Holden and Dave Lewcon

Conservation Commission Board Absent: Harold Klei

OLD BUSINESS:

Violations/Potential Violations

435 Douglas Street (Map 22 and 23 & Parcels 3283 and 2895) – The Conservation Commission sent a letter on March 16, 2010 to Guy LaChance, Service Forester for DCR District 5 and cc: MA-DEP respectfully requesting a "Stop Order" be issued to the landowner subject to the above site for the Forest Cutting Plan. The Commission filed the ORAD (Order of Resource Area Delineation) application on April 7, 2010.

As a result of the letter and application, the Commission received an Intervention letter from MA-DEP dated April 16, 2010. An excerpt from the letter, paragraph 2 - 4 is as follows from MA-DEP:

"Due to the extensive land clearing activities conducted on the above referenced lot and the elimination of a majority of wetland boundary flags, MA-DEP hereby assumes jurisdiction regarding the resource area delineation and will make a determination as to whether the wetland resource area boundaries shown on the plan have been accurately delineated.

The MA-DEP will conduct a site meeting on Wednesday, May 5, 2010 at 10:30 A.M. to discuss issues relevant to this appeal.

In order for the MA-DEP to determine whether the wetland boundary was accurately delineated, the boundary needs to be reflagged in the field prior to the scheduled site meeting."

The Commission will continue discussions at their next scheduled meeting.

Mountain View Estates off Albee Rd (Map 41, Parcels 1849, 1871, 1891 & 1896) – Current site conditions at site include extensive soil erosion. Heritage Design Group sent a letter to Chairman Al Jones dated April 26, 2010, offering a remediation and control plan to correct and prevent erosion issues to the above site. The letter provided a detailed engineered plan for the work as follows:

1. Re-delineate wetlands at roadway entrance.
2. Construct an intermediate curtain drain at Sta. 3+50 across the roadway and outlet into the upper detention basin. This drain will prevent water coming off the hill and bring it into the basin for temporary storage.
3. Remove silt from the wetland by hand. This work will be done with shovels and buckets, no heavy equipment. The silt shall be removed to a depth that does not touch the organic soil.
4. All old hay bales in this area will be removed and new hay bales and silt fence will be established on the approved lines.
5. The detention basin at the road entrance will be dug out to its approved depth and new rip-rap on the bottom.
6. At the easterly entrance of the road there is a double grate catch-basin that is not functioning. This basin was designed to take the water off the easterly hill of Albee Road. The existing berm will be cut and an asphalt patch placed and graded to catch this water. Based on the original design plans, this will eliminate the vast majority of water running un-controlled down Albee Road to the intersection of Holbrook Lane.
7. All work shall be supervised and inspected by representatives of Heritage Design Group and reported to the Uxbridge Conservation Commission.



A Cease & Desist for all earth removal operation was issued by Glenn Hand, Inspector of Buildings/Zoning Enforcement on April 26, 2010. A Stop Work order was posted on the Mountain View Estates site on April 26, 2010.

Mr. Mark Anderson with Heritage Design Group was present and spoke on behalf of the applicant. Mr. Brian McCann, applicant and developer was unable to attend the meeting. Mr. Anderson explained the erosion controls that have taken place at the site as described in letter received. Mr. Anderson provided pictures of the site for the outcome result. The Commission had discussions inquiring of erosion controls have been addressed. The Commission inquired where the flow of water off Albee Road ultimately ends up after it flows off the property. Mr. Anderson believes the water continues to the Blackstone River. The Commission's concern addresses that when there is another rain storm, will the sponge pool be able to hold the amount of water received or not. Mr. Anderson informed the Commission, that the intention is to have the site stabilized and paved by the end of June 2010. Mr. Anderson will provide the Commission with updated detailed information at the next scheduled meeting. Resident at 51 Albee Road came forth to inquire of the silt fence that is under the man-hole cover. The water is coming down the road onto his property and onto his mulch. The Commission will be monitoring the site. The Commission will continue discussions at their next scheduled meeting.

Other

Joseph Foley, 660 Millville Road (Map 40, Parcel 1634) – Site has issues concerning a stormwater management infiltration problem on Davis Heights (stormwater basins that are functioning vs. non-functioning). Mr. Foley was present and discussed the issues with the Commission. The street has not gone through street acceptance with the town. Mr. Foley provided the Commission a copy of the status update of Davis Heights from Benn Sherman, DPW dated February 24, 2010. Mr. Mark Anderson with Heritage Design Group was present and spoke on behalf of the applicant (Marinella Construction). Road acceptance project started in the fall of 2008. The detention ponds are on private property (3 total properties). There is a drainage easement. Mr. Anderson states that the road has been deemed 100% complete (construction has been deemed satisfactory). Mr. Anderson states that the town is obligated to take care of it now. Mr. Anderson advised he will contact the necessary individuals to have a construction meeting and will inform the commission of any updates. Mr. Anderson provided a copy of the Davis Heights as-built and road acceptance plans to the Commission.

Randall Youngsma, 41 Chocolog Road (Map 39, Parcel 2355) – Resident is to build a garage on his property. Emerson Brook runs behind his property and will be approximately 130' from the rear of potential garage to be built. Mr. Holden did a site visit at the location. Mr. Holden advised it was 100' outside the buffer zone. However, Mr. Holden strongly recommended that a silt barrier on the back to prevent any drainage to go into the wetlands. It has been deemed that no letter is required, per the successful site visit.

NEW BUSINESS:

Public Hearings

DEP #312-911, NOI, Inman Pond (Town of Mendon Assessor's Map 20-202-100 and Town of Uxbridge Assessor's Map 20, Parcel 4712) Involves mechanical hand harvesting for the removal of the invasive species Water Chestnut in the Inman Pond (2 acres). Mr. Jeff Castellani with Lycott Environmental was present and spoke on behalf of the applicant. Mr. Castellani informed that the water chestnut can produce up to 20 seeds each year in late August and creates a seed bed. There is a seed bed in the sediment. The pond has been infested since 2007. It will take up to 3-4 years to completely remove the water chestnuts. The deepest part of the pond is 6'. Once the mechanical harvesting is completed (deeper sections of pond), then the shallow area (closer to beach area) is done by hand harvesting. An area where the water flows out would be screened, in case some water chestnuts are not removed. The screened area/barrier will be cleaned daily. The Commission will be notified once the project begins. Lycott Environmental is planning to start the project by the second week in June 2010. **MOTION** by Mr. Holden to approve NOI DEP #312-911 Inman Pond for a standard Order of Conditions to be issued. Seconded by Mr. Lewcon, the motion carried unanimously.

RDA FY10-06 – North Uxbridge Italian American Club – 424 Mendon Street (Map 14, Parcel 4215) - Consists of installation of a 1" natural gas line to the front of the building. Mr. Scott Lavalley, Building Manager with North Uxbridge Italian American Club was present. The black top/pavement will be done in the future, after it's being able to be properly funded. Re grind asphalt will be placed down after the excavating is done. Mr. Holden suggested rip rap &/or stones placed down after the excavation is completed. **MOTION** by Mr. Holden

to issue a Negative Determination of Applicability for RDA FY10-06 – North Uxbridge Italian American Club with one (1) Special Condition: Regrind asphalt to be placed down, within 2 weeks after project completion. Seconded by Mr. Lewcon, the motion carried unanimously.

Violations/Potential violations –

Rivulet Pond Mill, 44 Rivulet Street (Map 18D, Parcel 29) Owner(s) at the mill are draining the pond, if there is potential rain in forecast, resulting in problems for the habitats. Mr. Holden did a site visit the afternoon of May 3, 2010. Mr. Holden informed the Commission he was not able to visibly see a pipe connected to the pond. Mr. Holden thought that a certain amount of water is permitted to be removed from a wetlands source. Chairman Jones made the Commission aware that a Conservation Commission permit is required if any water is removed from a wetlands source. Chairman Jones recommendation is to send a letter stating there was an anonymous complaint about some pumping activity at the location, unsure of the validity of this argument, however if it is taking place please stop pumping. Mr. Holden requests that before the letter is sent, he would like to figure out what the allowable amount is for the removal of water from a wetland source. The Conservation Commission will continue discussions at their next scheduled meeting.

262 West River Road (Map 13, Parcel 721) – Between the houses at 262 West River Road and 272 West River Road, there is an intermittent stream. Anonymous caller advised that PVC white pipes are coming from 262 West River Road's home. The pipes appear to be pumping water out of the cellar and into the stream. Occasionally, there is soapy water coming out of the pipes and going directly into the stream. It has been going on year around. The water from the stream goes directly across the street to 275 West River Road. 275 West River Road has currently over 12+ acres of wetlands. Mr. Holden drove by the location, the afternoon of May 3, 2010. There are 2 pipes going directly into the wetlands and can clearly see it is a wetland, due to the skunk cabbage. Mr. Lewcon informed the Commission that census came forward that behind the neighbor's house on West River Road; there is a vernal pool that is there year around. This area has signs posted down the road "Drinking water supply area". Mr. Lewcon spoke w/ Alexandra Dawson, MA Conservation Commission helpline concerning issue. Ms. Dawson said any water, except water that comes from a house is considered "gray water" and it needs to be treated. Ms. Dawson indicated that the water coming from the pipe is an illegal discharge and said it could be a board of health violation. Following discussion, the Commission recommends a "warning" letter to be sent to the resident stating there was an anonymous complaint and indicate that certain things are permissible such as if the water is coming off the roof is allowable, but from anywhere else it is considered a violation, along with information indicating that the Commission would like to help work with the resident in resolving the issue and when the next meeting is to attend. The Conservation Commission will continue discussions at their next scheduled meeting.

Other

DEP #312-863, Extension Permit for Order of Conditions, Matthew Kennedy – Lot 2, Aldrich Street (Map 45, Parcels 968, 1017 & 488) Construction of a paved driveway for a single family house. Mr. David Morin with Arrowhead Acres and resident at 92 Aldrich Street and owner of this property was present. Prior to the sale of the land, discovered there was a title problem. The project was delayed for about 3 years and has been in land court. Land court ruled and cleared the title. Mr. Morin is requesting an extension to be able to put in a paved driveway on the property. Mr. Holden would like to do a site visit on the property on Saturday, May 8th at 10 A.M. The Conservation Commission will continue discussions at their next scheduled meeting.

Tata & Howard, Inc. – Request to discuss the preliminary design of a water pumping station to be located on town owned property off Quaker Highway. The representatives are requesting feedback on proposed site layout. The site falls within the wetland buffer zone, 200-foot Riverfront area and 100-year flood plain. Ms. Stephanie Tarves and Ms. Jennifer Rzasz with Tata & Howard, Inc. were present. Ms. Tarves came before the commission to discuss the project on the plans provided. Ms. Tarves informed the Commission that little or no impact would affect the 100-year flood plain. Ms. Tarves felt water quality swales would be appropriate in this situation. MA-DEP handbook water quality swales can be used for water infiltration system. Mr. Holden questioned that no anticipation of water flowing off location to catch basin. Ms. Tarves will be trying to avoid it and want to try to infiltrate on the site, rather to convey to a basin. If the calculation shows the peak flow off the driveway was too high and couldn't be managed by the water quality swale, then a design for a water detention basin would be constructed. Tata & Howard, Inc. will be filing a NOI application packet within a month.

West River Road (Pout Pond's rest area) (Map 13, Parcel 4877) Piles of dirt found at the rest area of Pout Pond. Mr. Lewcon spoke to the Commission concerning this potential violation. Mr. Lewcon spoke w/ Bob Harris (DPW) a few years ago concerning the issue. It was suggested that the "dirt piles" fill in the parking lot across the street. However, was advised that the dirt couldn't be used for fill in, because it was contaminated soil and must be taken care of in a certain way. Mr. Lewcon took a sample of the soil and several pictures of the soil. The piles are within 100' of wetlands. Mr. Lewcon researched on MA-DEP and found an article discussing "road sweepings" it's called solid waste. It is comprised of a lot of contaminated material that can kill grass and trees. The MA-DEP article concerning conditions states the following "sweepings shall not be stored within 100' buffer zone of a wetland or within wetland resource areas, including bordering vegetable wetlands and river front areas. Sweepings shall be protected from wind and rain to prevent dust erosion and off site mitigation." Mr. Lewcon was also informed that on Douglas Street, there is an additional pile of dirt on the side of the road. Mr. Lewcon went into the woods behind Douglas Street and less than 100' of the dirt piles is wetlands. Went back to the site near the Pout Pond rest area, a portion of the dirt pile was removed, but not the entire pile was removed. Additional dirt piles were dumped in 2 different locations on May 3, 2010. The problem with the removal is that there are not enough available trucks to remove the dirt and the dirt is placed in different locations around town. The MA-DEP article continues to state "Storage must be at the site or at the DPW yard and is under the control of the government entity."

Chairman Jones inquired if Mr. Lewcon has discussed the issue with Benn Sherman, DPW Director. Mr. Lewcon replied that he has not discussed the issue with Mr. Sherman. Chairman Jones will discuss the issue with Mr. Sherman. Chairman Jones indicated that he would prefer not to issue a violation to another town's agency without it being absolutely necessary. Mr. Holden suggested a temporary solution could be to cover the piles, so when it rains, the rain falls it doesn't wash the contaminated dirt into the wetland sources. Chairman Jones shall be contacting Mr. Sherman to discuss the situation. The Conservation Commission will continue discussions at their next scheduled meeting.

4 Dew Lane (Map 23, Parcel 3062) Request to have violation order lifted. The Conservation Commission issued a violation letter on October 25, 2006 and issued an enforcement order on December 15, 2006 on the aforementioned lot due to the following reasons:

- 1) Clearing of vegetation in the Bordering Vegetated Wetland.
- 2) Destroyed wetland area: Bordering Vegetated Wetland associated with an intermittent stream (lower perennial). Filled to within 8 feet of stream channel. Forested wetland dominated by red maple, dense understory of wetland shrubs, skunk cabbage. Soils: deep black organics/sapric; saturated to surface.

Mr. Holden did a site visit on May 3, 2010; the location has been taken care of as requested. Following discussion, **MOTION** by Mr. Holden to approve the issuance of the letter. Seconded by Mr. Lewcon, the motion carried unanimously.

Plans

Ledgemere Country IV & Ledgemere Country V

The Planning Board has requested that the Conservation Commission review the plans and if any comments are available within the next two weeks.

Down East subdivision

The Planning Board has requested that the Conservation Commission review the plans and if any comments are available within the next two weeks.

Minutes. Meeting minutes dated March 15, 2010 were signed at the meeting

Minutes. **MOTION** by Mr. Holden for the April 5, 2010 Meeting Minutes, as amended and make changes with the 3 amendments including, **ANRAD FY10-01 – DEP #312-910** the information noting "**MOTION** by Mr. Klei to accept DEP #312-910 Order of Resource Area Delineation (ORAD) application for Guaranteed Builders, Inc at 435 Douglas St / 0 Hazel Street." to be updated to "**MOTION** by Mr. Klei to issue DEP #312-910 Order of Resource Area Delineation (ORAD) application for Guaranteed Builders, Inc at 435 Douglas St / 0 Hazel Street."; **Joanne Bruyere, 621 Douglas Street** to strike the sentence "Holden did a site visit at the location. Mr. Holden stated there is a lot of water in the cellar, but none over the land. There is no violation at this location."; and **POUT POND** to strike the sentence "Heritage Design Group and Pyne Construction put a layer of clay down. It is a special blend and draught resistant." Seconded by Mr. Lewcon, the motion carried unanimously. April 5, 2010 meeting minutes to be signed at the next scheduled meeting.

