

TOWN OF UXBRIDGE  
CONSERVATION COMMISSION  
21 SOUTH MAIN STREET  
UXBRIDGE, MASSACHUSETTS 01569  
508-278-8600, ext 2019



MEETING MINUTES  
September 7, 2010

SEP 21 '10 AM 9:08

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

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

**Conservation Commission Board Members Present:** Chair Al Jones, Vice-Chair Russell Holden, Dave Lewcon, Harold Klei, Larry Lench and Michael Potaski

**Others present:** Donna C. Hardy, Conservation Commission Administrator

**MOTION** by Mr. Klei to move **DEP #312-916, Triumvirate Environmental, Inc.** out of order. Seconded by Mr. Potaski, the motion carried unanimously.

#### NEW BUSINESS

**DEP #312-916, NOI, Triumvirate Environmental, Inc., 146 Mendon St (Map 19, Parcel 3621)** – Excavation of petroleum contaminated soil related to historic underground storage tank located w/in the buffer zone of the Blackstone Canal. Mr. Michael Bricher and Mr. Paul Connors with Triumvirate Environmental were present and spoke on behalf of the applicant. Upon taking ownership of the property, LTI Uxbridge Stanley Limited Partnership assumed responsibility for performing response actions and has been conducting assessment and remediation activities in accordance with the Massachusetts Contingency Plan and under the direct oversight of a licensed site professional since 2007. The underground storage tank removal was performed under an Emergency Certification approved by the Town of Uxbridge Conservation Commission in 2007. The proposed soil excavation work is scheduled to begin during the last week of September 2010 and early weeks of October 2010.

The remediation activities will consist of soil excavation of a 50' by 60' area to a depth of up to 25', to remove No. 6 fuel oil contaminated soil and groundwater released from a former underground storage tank at the same location. The anticipated volume of petroleum-impacted soil to be excavated and disposed at a licensed disposal facility is approximately 1,300 cubic yards. Follow up site assessment consisting of soil and groundwater sampling will be performed.

In addition, sheet piling will be temporarily installed at the extents of the excavation on the north, west and south sides to support the excavation wells. Sheet piling will be used due to the proximity of the contamination to the on-site building and the Blackstone Canal, and due to the depth of the contamination 18' to 25' below grade. Contaminated soil will be disposed of off-site at a permitted recycling or disposal facility.

Erosion control measures consisting of hay bales and silt fence will be installed around the work zone area, extending from the on-site building at the western portion of the work area, to the paved access road on the eastern portion of the work area. Soils shall be stockpiled on and covered with 20-mil polyethylene sheeting with a berm during the course of each workday as necessary to prevent erosion or fugitive dust.

The Commission questioned if it was possible to stock pile as a "load and go" operation with quick removal rather than stock piling it. Mr. Bricher, Mr. Connors and the applicant agreed this request could be done. Following discussion, **MOTION** by Mr. Holden to continue discussions for **DEP #312-916, NOI, Triumvirate Environmental, Inc** to the next scheduled meeting. Seconded by Mr. Klei, the motion carried unanimously.

#### OLD BUSINESS

##### Violations:

**Mountainview Estates (Map 41, Parcels 1827, 1832, 1858, 1895, 1941 & 1977)** – Mr. Mark Anderson with Heritage Design Group provided the Commission with a copy of the Drainage Analysis report and a copy of the NPDES Storm Water Pollution Prevention Plan. Mr. Anderson stated that the area is very well contained. Check dams have been installed, the grass is growing and the catch basins are working. During the most recent major rain events that have occurred, a small amount of silt has washed up. Mr. Anderson informed the commission that the

detention basin on the abutting resident's property has had the siltation removed and there is now a control for the water flow. Mr. Anderson also informed the Commission that an asphalt berm shall be built in front of the wall, including having the area loamed and seeded. Chairman Jones inquired about the Mountainview subdivision issues document received from Mr. Benn Sherman, DPW Director dated August 26, 2010. Mr. Mark Anderson has not received the document. Ms. Hardy forwarded a copy of the above document to Heritage Design Group on September 8, 2010 for review. Mr. Anderson advised the Commission that all current hay bales and silt fence will be removed and new material will be placed at the site. Discussions between Heritage Design Group and the Commission required swales and a trench to be below grade and a silt sock to be placed near excavation (100' to 200' at the beginning of the roadway). Chairman Jones opened the discussion to the audience. One of the abutting residents commented that the road is still full of dirt, water, silt and stones. The site needs to be controlled. Also, street sweeping has not continued at the location.

#### **Public Hearings:**

**DEP 312-913, NOI, Mountainview Estates – Albee Realty Trust (Map 41, Parcels 1827, 1832, 1858, 1876, 1895, 1941 & 1977) –** A new roadway construction & installation of utilities within 100' of a wetland to provide access to a proposed residential subdivision. Mr. Mark Anderson with Heritage Design Group provided the Commission a document titled "Chapter 240 of the Acts of 2010, an Act Relative to Economic Development Reorganization" signed his Excellency Governor Deval L. Patrick on August 5, 2010. This document includes any certificates, licenses, certifications, exemptions, variances, waivers, building permits, other approvals or determination of rights a tolling period. The tolling period began August 15, 2008 and continued through August 15, 2010. Notwithstanding any general or special law to the contrary, an approval in effect or existence during the tolling period shall be extended for a period of two (2) years, in addition to the lawful term of approval. Application originally expired on September 20, 2009, however due to the recent information provided the application will expire on September 20, 2011.

**DEP 312-915, NOI, Hunting Whip Lane subdivision, Marcia Ferro (Map 44, Parcel 4037) –** Construction of an access roadway (driveway) to access three (3) single family homes within the buffer zone of a bordering vegetated wetland. Associated grading and utilities are also included in the work description. Mr. Mark Anderson with Heritage Design Group and Ms. Marcia Ferro, the applicant were both present. A site visit of the property was conducted on July 12, 2010 with Heritage Design Group, the applicant and the Conservation Commission. Mr. Anderson noted the Commission's request to place the road of Aldrich Street, instead of Chestnut Street. However, Mr. Anderson believes it would be a safety risk due to traffic on Aldrich Street. The abutters of this site met with the applicant to discuss the property. The residents require an area of 20' of no cut or no disturb and to move the house location on Lot 1 away from Ms. Gilmore's property (abutter). Mr. Anderson advised that the driveway has been moved to the other side of the stone wall. The Commission requests for a 25' setback, along the driveway. Mr. Anderson informed that a grass swale and paved driveway will be best for the environment and will be more stable for the wetlands. Also, Mr. Anderson informed the Commission, each individual lot will be filed separately. A new report has been completed by EcoTech, Inc. discussing the areas of concern dated July 16, 2010. The Commission has not received such document. Following discussion, the Commission requires a new plan set with 20' no cut driveway north of the stone wall and the letter from EcoTech, Inc. Following discussion, **MOTION** by Mr. Holden to continue discussions for **DEP #312-915, NOI, Hunting Whip Lane subdivision** to the next scheduled meeting. Seconded by Mr. Potaski, the motion carried unanimously.

**MOTION** by Mr. Klei to move 20 Elmshade Drive (Map 30, Parcel 279) out of order. Seconded by Mr. Potaski, the motion carried unanimously.

#### **Other**

**20 Elmshade Drive (Map 30, Parcel 279) –** Mr. Chris Tulley, resident was present. Mr. Tulley came forward to inquire what type of application may be needed to place an above ground swimming pool in his backyard. Mr. Holden did a site visit on the property. The location of the pool would be 50' within the wetlands. Mr. Holden suggested that the pool be placed in the side yard. The Commission advised that a Request for Determination would initially need to be filed and to contact the Commission office for further details.

**MOTION** by Mr. Klei to move **DEP #312-682, Request for Certificate of Compliance – First CP Realty Trust** out of order. Seconded by Mr. Holden, the motion carried unanimously.

DEP #312-682, Request for Certificate of Compliance –First CP Realty Trust, Hartford Avenue West (Map 17, Parcel 641 & 651) – Road construction including utilities, detention pond and related grading in a wetland buffer zone. Mr. Sotir Papalilo with First CP Realty Trust was present. Following discussion, Mr. Papalilo, Conservation Commission members and a contact from the Condo association will be conducting a site visit on September 13<sup>th</sup>. The Commission shall continue discussions at their next scheduled meeting.

**MOTION** by Mr. Klei to move National Grid Distribution Line Maintenance, along Aldrich St between Quaker Hwy & west of Johnson Rd out of order. Seconded by Mr. Holden, the motion carried unanimously.

National Grid Distribution Line Maintenance, along Aldrich St between Quaker Hwy & west of Johnson Rd (Map 44, 30 and 43) – Tighe & Bond is working with the Massachusetts Electric Company on a utility maintenance project at the sites above. The majority of the work involves the in-kind replacement of poles, guy wire anchors and facilities, and is exempt from the provisions of the Wetlands Protection Act (310 CMR 10.02(2) (a) (2)). Mr. Daniel P. Rukakoski with Tighe & Bond was present. Mr. Rukakoski indicated that Tighe & Bond have identified one pole that will need to be relocated approximately 45' to the east of its original location. Both the original and proposed location is within the 100-Foot Buffer Zone of an unnamed intermittent stream. The proposed pole location is within the disturbed road right-of-way and greater than 25 feet away from the intermittent stream. Following discussion, **MOTION** by Mr. Klei of no additional permits or applications are required, this project is exempt from the provisions of the Wetlands Protection Act (310 CMR 10.02(2) (a) (2)). Seconded by Mr. Holden, the motion carried unanimously.

**MOTION** by Mr. Klei to move Ledgemere Country subdivision out of order. Seconded by Mr. Holden, the motion carried unanimously.

Ledgemere Country subdivision (including Lot 15B, Crownshield Ave, erosion control) – Mr. Klei is an abutter to the property and recused himself from discussion. Mr. Donald Seaburg with Benchmark Engineering was present. Chairman Jones opened the discussion to the audience. One of the abutting residents commented that surveillance has been done on the site, noticing backhoes placing underground electrical conduit near Crownshield Ave and Hyde Park, along with back filling of a trench. Mr. Seaburg informed the Commission that silt fencing has been added and additional covering materials have been placed on top of the trench. All work has been completed and stabilized, including the grass. Following discussion, **MOTION** by Mr. Holden to issue an Enforcement Order for Ledgemere Country subdivision (Map 29, Parcels 3053, 3084, 3099, 3117, 3126, 3162, 3866, 3895, 3987, 4745, 4829) with the extent and type of activity of installation of underground electrical conduit with the BVW buffer zone.

Mr. Klei returned to the Commission.

## **OLD BUSINESS**

### **Violations:**

102 Homeward Avenue (Map 18A, Parcel 791) – Mr. Holden and Mr. Lewcon both did site visits at the property. Pictures have been taken of the site. Following discussion, **MOTION** by Mr. Holden to issue a letter that the area must be reseeded with a Conservation Design mix as soon as possible to prevent any erosion which could occur during a heavy rainfall. In addition, the Commission thanks Mr. Calderon for all of his hard work in completing the work to their satisfaction and to contact the Commission to set up a final site visit upon completion of the seeding and after some re-growth has been initiated. Seconded by Mr. Klei, the motion carried unanimously.

127 Old Millville Road (Map 40, Parcel 742) – Anonymous call from neighbor on August 2, 2010, concerning work being done on the property w/in the last 3 weeks such as excavation of trees and land. No trespassing signs posted everywhere on property. This site is located within the flood plain area and wetlands. Mr. Klei did a site visit on the property. Appears no earth removal has been done on site. However, landscaping is being done on the property. **MOTION** by Mr. Klei to issue a letter of activity observed in flood plain area of landscaping being done, any future activity must come before the Conservation Commission. Seconded by Mr. Holden, the motion carried unanimously.

## **NEW BUSINESS**

### **Public Hearings – none**

#### **Other –**

**Sand and salt areas** – Chairman Jones will be formulating a plan for the next scheduled meeting.

**Forest Cutting Plan at 309 Hazel Street (Map 17, Parcel 4461)** – Chairman Jones, Vice-Chair Holden, Mr. Guy LaChance with DCR District 5 Service Forester and Mr. Christian Krueger with Hull Forest Products conducted a site visit on August 29, 2010.

#### **Violations/Potential Violations**

**0 Blackstone Street (Map 31, Parcel 4142)** – Agricultural area may be a dumping ground. Commission has tried to contact owner of property to do a site visit and has been unsuccessful. Commission has contacted MA-DEP for assistance. The Commission shall continue discussions at the next scheduled meeting.

**26 Boston Street (Map 12B, Parcel 2945)** – Local resident contacted the Commission to inform of violation at property. Activity on property going on for years, such as throwing trash, mattresses, yard waste, wheel rims, recycling material, shower stall, etc on property and on each dead end from School St to CVS. Property is less than 100 feet from the Saw Mill Pond. Mr. Lewcon did a site visit on the property. A Cease & Desist order was issued on September 2, 2010. The Commission shall continue discussions at the next scheduled meeting.

**175 Henry Street (Map 20, Parcel 3627)** – Mr. Lewcon shall be doing a future site visit at the property. The Commission shall continue discussions at the next scheduled meeting.

**DEP #312-396, Request for Certificate of Compliance –LaFrance, Trustee of Stanphyl Road Acceptance Trust, Stanphyl Rd (Map 37, Parcel 1614)** – Residential subdivision roadway with mitigated measures. Mr. Holden will be doing a site visit at the property. The Commission shall continue discussions at their next scheduled meeting.

**Uxbridge High School (Map 35 & 36, Parcels 1987, 2784, 3534, 3645 & 4474)** – No information provided to the Commission. Mr. Klei will handle any site visits and attend any meetings on the Commission's behalf.

**217 West Street (Map 27, Parcel 1444)** - Resident requires a building permit to build a 3-season room; however there is a brook behind the property. Resident will not be building at this time and does not require the assistance from the Conservation Commission.

**FY11-01 Conservation Design – Vanderzicht** – Plans received from the Planning Board. The Commission reviewed the plans and has no further comment for this project.

**Minutes. MOTION** by Mr. Holden for the August 2, 2010 Meeting Minutes, as amended and make changes with six (6) amendments. Seconded by Mr. Klei, the motion carried unanimously.

#### **Other Items:**

**Pout Pond/Legg Farm** – Ms. Lillian Burnat is organization a Community Yard Sale & Craft Fair on the Town Common for September 18, 2010. The proceeds from the yard sale will go the Uxbridge Conservation Commission for use at Pout Pond. Also, the final water testing was conducted on August 31, 2010, no additional water testing to be done at Pout Pond until May 2010.

**Peaceful Pond** – An inquiry was discussed if the Historic Commission is able to dredge the pond. There are three (3) certified vernal pools in Uxbridge. The Commission requests Mr. Phil Nadeau with MA-DEP be contacted for exact placement of the certified vernal pools.

**Hellen Fuel** – Inquiry from Mr. Potaski about drainage issue on property. The Commission shall continue discussions at the next scheduled meeting.

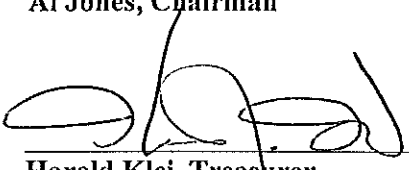
60 Kasey Court (Map 49, Parcel 2596) – The Commission reviewed plans received from the Board of Health. No comments or issues to the plans received.


MOTION by Mr. Klei to adjourn the meeting at 10:22 P.M. Seconded by Mr. Holden the motion carried unanimously.

Respectfully Submitted by Donna C. Hardy, Conservation Administrator

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Al Jones, Chairman

  
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Russell Holden, Vice-Chair

  
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Harold Klei, Treasurer

  
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Lawrence Lench, Clerk/Secretary

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Dave Lewcon, member

  
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Michael Potaski, Member

9/20/10  
Date

