

TOWN OF UXBRIDGE
CONSERVATION COMMISSION
21 SOUTH MAIN STREET
UXBRIDGE, MASSACHUSETTS 01569
508-278-8600, x 2013

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MEETING MINUTES
April 4, 2011

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

Minutes of the Uxbridge Conservation Commission regular meeting held on **Monday, April 4, 2011**, at 7:00 P.M. in the **Board of Selectmen's Room, Uxbridge Town Hall, 21 South Main Street, Uxbridge, MA:**

Conservation Commission Board Members Present: Chairman Al Jones, Russell Holden, Dave Lewcon, Larry Lench and Michael Potaski.

Conservation Commission Board Members Absent: Harold Klei

Others present: Donna C. Hardy, Conservation Commission Administrative Assistant

Old Business:

Other:

Funds Transfer request of \$5,000+ from the Wetlands Protection fund – On March 21st, the Commission discussed the original transfer request of \$5,331.00 from the Wetlands Protection Fund to the General Fund to cover the reduction of hours from 37.5 to 19 hours for the Administrative Assistant. The current recommended budget for FY 2012 is \$9,356. The Commissioners are not in favor of the current funds transfer request. Mr. David Genereux, Finance Director provided a follow-up memorandum on March 28th to the Commission, to provide 30 hours per week, the goal of which was to determine potential costs for the difference that could be supported via a transfer from the Wetlands Protection Fund. Mr. Genereux informed the Commission that since the Commission would be bearing the cost of the change, the split between Conservation and Planning would no longer be 50/50. The Conservation Commission would have to fund an additional \$29,066.63 from the Wetlands Protection Fund. The figure does not include the original request of \$5331, which if adopted would bring the total transfer of \$34,397.63 (which includes paying for health insurance, retirement and medicare). However, the transfer would not be allowed under M.G.L. Per Mr. Genereux, the Wetlands Protection Fund account would allow local administrative costs to be paid only. Per Mr. Genereux's memo, in conclusion, after considering the concerns of the Commissioner and the legal interpretations of the Division of Local Services, I recommend to the Commission and the Town Manager that no transfer should be funded from the Wetlands Protection Fund for FY 2012, and that the status of the administrative staffer remains as envisioned in the Town Manager's recommended budget. Mr. Genereux provided an additional follow-up memorandum to the Commission on April 6th, in response to the Commission's request for the calculation of a potential funding cost of paying for twenty hours (20) of administrative support.

Public Hearings ~ none

Violations/Potential Violations:

4 Albee Road (Map 40, Parcel 2432) – Commissioner Holden did a recent site visit on the property. It appears that there are sticks, branches, leaves and yard waste along the edge of the pond. There does not appear to be any trash at location. It does appear that there is water going across the lawn and into the pond. However, Commissioner Holden and the resident agreed upon an alternate location for the debris mentioned above. Following discussion, **MOTION** by Mr. Holden to issue a Memorandum of Understanding letter to the resident of 4 Albee Road, outlining the agreed upon details for mitigation of the violation at the subject parcel: 1) 25-foot buffer area from where the water passes in the middle of the property on the lawn and outward. 2) Place any debris (yard waste, etc.) at designated alternate location as discussed. Seconded by Mr. Potaski, the motion carried unanimously.

Ledgemere Country IV (Map 29, Parcels 728, 3053, 3153, 3866) – The Conservation Commission has received no new information. The Commission will continue discussions at a future meeting.

236 King Street (Map 53, Parcel 2078) – Email response received on February 21, 2011 from resident on 56 King Street stating: The power company put in a new gravel road under the power line. Installation of gravel road blocked the natural flow of a stream in the backyard. Per the Uxbridge CAI Query Manager Online (GIS), the property is owned by Boston Edison Company, which merged with NSTAR. The week of March 17th, Ms. Hardy contacted National Grid and Algonquin Gas Spectra Energy. It appears that National Grid installed the gravel road; however National Grid indicated that the natural flow of the stream was blocked prior to the installation. The week of March 28th, Ms. Hardy contacted NSTAR about the issue. NSTAR advised that there are no facilities on the property and that there are no issues concerning the property. As a follow-up, Ms. Hardy contacted MA-DEP for assistance. MA-DEP advised NSTAR is exempt from submitting applications and that the issue is between NSTAR and the resident. The Uxbridge Conservation Commission has no jurisdiction concerning this property.

Other:

Uxbridge Wetlands Bylaw – The Conservation Commission has received no new information. The Commission will continue discussions at the next meeting.

DEP #312-879, Request for Certificate of Compliance – Algonquin Gas Transmission, LLC – Chestnut Street to Route 146A (Map 55 / 45, Parcels 251 / 3525, 3658 & 4321) - Cathodic protection system design for the natural gas pipelines located between Chestnut St & Route 146A. Commissioner Lench did a site visit on March 31st. Following discussion, **MOTION** by Mr. Lench to issue a full Certificate of Compliance to **DEP #312-879, Algonquin Gas Transmission, LLC**. Seconded by Mr. Holden, the motion carried unanimously.

DEP #312-761, Request for Certificate of Compliance – Sovereign Consulting, Inc. / Motiva Enterprises, LLC – 30 Lackey Dam Road - Installed water main about 1,900 ft. long from Douglas to Shell retail facility on 30 Lackey Dam Road. Ms. Barbara Laughlin with Sovereign Consulting, Inc. was present. Commissioner Lench did a site visit on March 23rd and Commissioner Holden did a site visit on March 27th. Following discussion, **MOTION** by Mr. Potaski to issue a full Certificate of Compliance to **DEP #312-761, Sovereign Consulting, Inc.** Seconded by Mr. Lench, the motion carried unanimously.

New Business

Public Hearings:

RDA FY11-08 – TEC Associates – Project will allow the Providence & Worcester Railroad to conduct vegetation management activities in accordance with the Commonwealth of MA Right-of-Way Management Regulations (333 CMR 11.00) and P&W's Vegetation Management Plan. Mr. Kyle Fair with TEC Associates was present and spoke on behalf of the applicant. In 2005, the Commission approved a delineation of wetlands along Providence & Worcester (P&W) right-of-way. P&W's Vegetation Management Plan expired on December 31, 2010 and is now in the process of renewal. Following discussion, **MOTION** by Mr. Potaski to approve **RDA FY11-08 – TEC Associates** and issue a negative determination, pending a successful site visit. Seconded by Mr. Lench, the motion carried 4-0-1.

Violations/Potential Violations:

Down East subdivision (Map 41, Parcels 1293 & 2117) – Email response received on March 21, 2011 from a resident on 4 Waucantuck Drive stating: Retention basin fails to hold excessive amount of water and East Street becomes flooded. Mr. Keith Armstrong, the contractor for the project was present and came forth to discuss the property. Mr. Armstrong advised rip rap has been set up and a pipe shall be installed to allow normal flow of the water, which will eliminate the water freezing and icy road conditions. Mr. Armstrong noted that as soon as the site is dry, the remaining portion of the property will be addressed. Following discussion, **MOTION** by Mr. Holden to issue a letter to owner of property and contractor to work on the areas of concern for the property located at the Down East subdivision. Seconded by Mr. Potaski, the motion carried unanimously.

Concern of fertilizers being spread on grass areas, near wetlands – Mr. Benn Sherman, DPW Director provided a memorandum dated April 4th with a summary of the treatments applied at town-owned grounds. The Commission is concerned with the fertilizers being placed on the school fields and Pout Pond ball field. Are there any signs posted on the properties indicating fertilizer beings used? The Commission does not want further treatment to be done on the Pout Pond ball field. Chairman Jones shall contact Mr. Sherman for assistance. The Commission will continue discussions at the next meeting.

MOTION by Mr. Holden to table the discussion for the review and approval of the Conservation Commission Meeting Minutes. Seconded by Mr. Lench, the motion carried unanimously.

Other:

Uxbridge High School, Water Quality Unit substitution – BSC Group provided a memorandum received March 28, 2011 providing a proposed revision to the stormwater treatment system using First Defense water quality units. Mr. Lawrence H. Galkowski with Rinker Materials (Stormceptor model) came forward to discuss the opportunity to work with the Commission to develop a separate proposal for the project. The Commission reviewed both options and the paperwork provided. The Commission was concerned about the cost difference involved and what the best savings would be for the Town. Following discussion, **MOTION** by Mr. Potaski to table discussions of the water quality unit substitution to a future meeting. Seconded by Mr. Holden, the motion carried unanimously.

Division of Fisheries & Wildlife, MA Endangered Species Act (G.L. c. 131A) - Conservation and Management Permit for acknowledgement and acceptance of all terms of the Conservation Permit for

the new Uxbridge High School. The Conservation and Management Permit was signed by Mr. Michael Szlosek, Town Manager.

265 Pond Street (Map 34, Parcel 2672) - Resident proposes an addition to the house & needs a signature on the building permit from the Commission. Commissioner Lench did a site visit on the property. It appears that all work will be done outside of the 100' buffer zone. Chairman Jones signed the building permit application under the Conservation Commission box.

9 Patriot Way (Map 36, Parcel 1295) - Resident proposes an addition to the house & needs a signature on the building permit from the Commission. Commissioner Lench also did a site visit at this location. It appears that all work will be done outside of the 100' buffer zone. Chairman Jones signed the building permit application under the Conservation Commission box.

MOTION by Mr. Holden to move **"Any other business, which lawfully comes before the board."** out of order to discuss a proposal received by Mr. Seth Lajoie concerning ExxonMobil Pipeline Company. Seconded by Mr. Lench, the motion carried unanimously.

ExxonMobil Pipeline Company proposes polymer wrapping of existing petroleum pipelines along Aldrich Street, Quaker Highway (Route 146A), Chocolog Road and West Street. Notice of Intent applications will be submitted for these locations Mr. Seth Lajoie with Seth L. Lajoie and Associates, Inc. by April 6th. A site visit for all 4 locations is scheduled for April 13th.

MINUTES. MOTION by Mr. Potaski to approve the Conservation Commission Meeting Minutes dated March 7, 2011 as amended. Seconded by Mr. Lench, the motion carried unanimously.

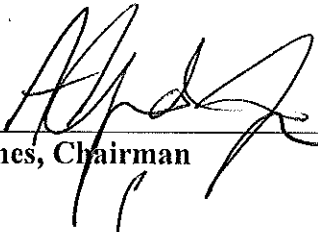
MINUTES. MOTION by Mr. Potaski to approve the Conservation Commission Meeting Minutes dated March 23, 2011 as amended. Seconded by Mr. Lench, the motion carried unanimously.

Planning Board plans: FY11-05 Forest Glen Estates, FY11-06 High Ridge Estates and FY11-07 Nydam's Way. The Commission reviewed the plans as stated above. Forest Glen Estates and High Ridge Estates shall be submitting Notice of Intent applications in the near future.

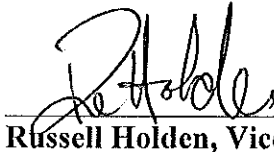
Pout Pond/Legg Farm - The Commission received a letter from Faith Fellowship Church for their annual "Sunday of Service" inquiring if any clean-up or assistance would be needed at Pout Pond.

MOTION by Mr. Potaski to adjourn the meeting at 9:50 P.M. Seconded by Mr. Lench, the motion carried unanimously.

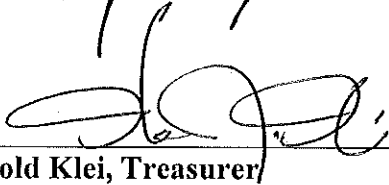
Respectfully Submitted by Donna C. Hardy, Conservation Commission Administrative Assistant.



Al Jones, Chairman



Russell Holden, Vice-Chair



Harold Klei, Treasurer



Lawrence Lench, Clerk/Secretary

Dave Lewcon, member

Michael Potaski, Member

5/2/11

Date