



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



JUN 21 '11 PM 4:29

MEETING MINUTES  
April 19, 2011

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

Minutes of the Uxbridge Conservation Commission regular meeting held on Tuesday, April 19, 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:** Acting Chair Russell Holden, Harold Klei, Dave Lewcon and Michael Potaski

**Conservation Commission Board Members Absent:** Al Jones and Larry Lench

It being 7:00 pm, the meeting being properly posted, duly called and a quorum being present, Acting Chairman Russell Holden called the meeting to order.

**OLD BUSINESS**

**Public Hearings:**

**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. Paul Connors with Triumvirate Environmental, Inc. and Mr. Nicholas Deane, the applicant were present. Mr. Connors informed the Commission that work will begin in June 2011. Following discussion, **MOTION** by Commissioner Klei to close the Public Hearing for **DEP #312-916, NOI, Triumvirate Environmental, Inc. 146 Mendon Street**. Seconded by Commissioner Potaski, the motion carried unanimously.

**Violations/Potential Violations ~ none**

**Other:**

**Uxbridge Wetlands Bylaw** – The Conservation Commission does not have any new information to discuss. The Conservation Commission will continue discussions to the next scheduled meeting.

**Mountainview Estates, Lot 4 (Map 41, Parcel 1895)** – Mr. Mark Anderson with Heritage Design Group was present and spoke on behalf of the applicant. On March 21<sup>st</sup>, Mr. Paul Hutnak with Heritage Design Group discussed the possibility have having a test well at this property. No wells have been placed on the property as of yet. No wetland disturbance would occur. The test well site is approximately (ten feet) 10' away from the nearest wetlands. Erosion control such as hay bales would be added surrounding the well site. Test well site would be accessed by cart road on property to limit the amount of disturbance. Commissioner Lewcon inquired if silt socks could be used, instead of hay bales. Mr. Anderson confirmed that silt socks can be used to replace the hay bales, which would be more effective at this location. If the test well site becomes a permanent well, a new filing for a Notice of Intent shall be done at the location. Following discussion, **MOTION** by Commissioner Klei to approve the modifications to the plans for Mountainview Estates with three (3) Conditions: 1) Silt socks be placed at the test well site approximately 6' away from the drill site; 2) Any water that overflows would be evacuated to the upland area of the site; and 3) The area will be restored upon completion. Seconded by Commissioner Potaski, the motion carried unanimously.

**Concern of fertilizers being spread on Town owned lands near wetlands** – **MOTION** by Commissioner Klei to table discussions of this subject. Seconded by Commissioner Potaski, the motion carried unanimously.

## **NEW BUSINESS**

### **Public Hearings:**

**RDA FY11-09 Fairwoods Christian Recreation Society – 116 West Hartford Ave (Map 17, Parcel 861) –** The applicant proposes to initiate a management program to manage nuisance aquatic vegetation and maintain the pond for its intended uses. Mr. Dominic Meringolo with Aquatic Control Technology, Inc. was present and spoke on behalf of the applicant. Treatments are scheduled to be done in June 2011. Mr. Meringolo discussed the two different types of invasive weeds at the pond, which are “bladderwort” and variegated “milfoil”. The bladderwort and the variegated milfoil are floating and submerged aquatic plants. The bladderwort weed leaf branches or petioles are fleshy and inflated with air underwater which allows them to float. The variegated milfoil has feathery leaflets surrounding a thick, reddish main stem. Both weeds are usually found in quiet shallow, acidic waters and can form dense mats. Both weeds are aggressive and problem plants. Both weeds can cause problems for any frogs, fish life &/or birds, along with safety concerns of a high risk of weed entanglement. These invasive weeds have sticky glands on the leaf surfaces that can attach to boats, canoes, etc. and can easily cause a threat to other ponds, if the same boat or canoe is used another pond (if the weeds are not thoroughly washed off the boats). The Commission inquired what would happen if this pond isn't treated (pond flows directly to Mumford River). Mr. Meringolo informed the Commission, if left untreated the invasive weeds would continue to worsen and impair recreation and continue downstream to other ponds and rivers. The pond will be closed for two (2) days. Following discussion, **MOTION** by Commissioner Klei to issue a Negative Determination of Applicability for **RDA FY11-09 – Fairwoods Christian Recreation Society**. Seconded by Commissioner Lewcon the motion carried unanimously.

**RDA FY11-10 – J.W. Audet, Inc. – 265 North Main St (Map 12C, Parcel 4366) -** The purpose of the application is to determine if any wetland resource areas are present within the property boundaries. Mr. Byron Andrews with Andrews Survey & Engineering was present and spoke on behalf of the applicant. Rear of lot has a majority of wetland plants. Mr. Audet came forward to explain that he wants to do clean up on the property. The debris on the site includes a boat, firewood and other various debris wastes on the property site. Mr. David Crossman, a Senior Wetland Biologist with B & C Associates, Inc. provided a report dated December 31, 2010 providing additional information of this property. The Commission inquired if a form was available from the wetland biologist, which includes a formula and a worksheet determining if this property is a wetland or not. Mr. Andrews can produce the form for the next meeting. Following discussion, **MOTION** by Commissioner Klei to continue discussions for **RDA FY11-10 – J.W. Audet, Inc. – 265 North Main Street** to the next scheduled meeting. Seconded by Commissioner Lewcon, the motion carried unanimously.

**MOTION** by Commissioner Klei to table discussions of the Notice of Intent Applications for ExxonMobil until Mr. Seth Lajoie is present. Seconded by Commissioner Lewcon, the motion carried unanimously.

**MOTION** by Commissioner Klei to table the Meeting Minutes until the end of the meeting. Seconded by Commissioner Lewcon, the motion carried unanimously.

### **Other:**

**363 Quaker Hwy (Map 35, Parcel 4268) -** Current owner wants to sell a portion of the property; however inquiring if issue will arise with the intermittent stream behind property. No discussions at this time. The Conservation Commission shall continue discussions to the next scheduled meeting.

**Lot 15B, Crownshield Ave (Map 29, Parcel 4829), Conservation Restriction –** No discussions at this time, the Commission shall continue discussions at their next scheduled meeting.

### **Any other business which may lawfully come before the Conservation Commission:**

**4 Albee Road (Map 40, Parcel 2432), Violation FY11-11 -** Ms. Donna Draper-Sanches, a resident at 20 Albee Road of Uxbridge came forward. Ms. Draper-Sanches inquired how the issues at this property would be resolved. Acting Chair Holden advised Ms. Draper-Sanches that on April 4<sup>th</sup>, the Commission discussed this property. A Memorandum of Understanding letter is to be sent to the resident. The letter will be approved at

the next scheduled meeting. Ms. Draper-Sanches advised all the debris material including branches have been removed and placed partially on her property and near the wetlands. Ms. Draper-Sanches provided pictures to the Conservation Commission. Commissioner Klei will be conducting a future site visit at the property.

Mr. Justin Harshaw, a resident at 33 Julia Drive of Uxbridge came forward. Mr. Harshaw is considering building a small barn approximately 36' long x 24' wide. A vernal swale is on the property, approximately 30' away inside the woods to the back edge of the foundation. Mr. Harshaw advises the Commission may do a site visit at any time, the site is flagged. The Commission informed the resident of the guidelines of a Notice of Intent application. A Notice of Intent application may be needed to be filed for this project. The Commission cannot provide the determination if this is within the wetlands jurisdiction or not. The Commission advised to contact a wetland scientist to determine if this location is a wetland or not.

Mr. Robert Russell, a resident of 45 Brandy Lane of Uxbridge came forward. Mr. Russell is considering building a garage on the property. The resident provided plans of the property, however there are no wetlands listed on the plans. The Commission viewed the GIS map online and inquired of the location of the property. Commissioner Lewcon will do a site visit on the property. The Commission shall continue discussions at the next scheduled meeting.

**MOTION** by Commissioner Klei to move **DEP #312-9xx, NOI, ExxonMobil Pipeline Company** applications, back to the table for discussion. Seconded by Commissioner Potaski, the motion carried unanimously.

**DEP #312-923, NOI, ExxonMobil Pipeline Company, Chocolog Rd (Map 39, Parcel 3184)** – The proposed project involves polymer wrapping of existing petroleum pipeline. Mr. Seth Lajoie with Seth L. Lajoie and Associates was present and spoke on behalf of the applicant. The Commission did a site visit on April 13, 2011. Following discussion, **MOTION** by Commissioner Klei to close the Public Hearing for **DEP #312-923, NOI, ExxonMobil Pipeline Company, Chocolog Road** and to issue a standard Order of Conditions, contingent on receiving the DEP file number. Seconded by Commissioner Potaski, the motion carried unanimously.

**DEP #312-924, NOI, ExxonMobil Pipeline Company, Quaker Hwy (Route 146A) (Map 45, Parcel 2998)** – The proposed project involves polymer wrapping of existing petroleum pipeline. Mr. Seth Lajoie with Seth L. Lajoie and Associates was present and spoke on behalf of the applicant. The Commission did a site visit on April 13, 2011. Following discussion, **MOTION** by Commissioner Klei to close the Public Hearing for **DEP #312-924, NOI, ExxonMobil Pipeline Company, Quaker Highway** and to issue a standard Order of Conditions, contingent on receiving the DEP file number. Seconded by Commissioner Potaski, the motion carried unanimously.

**DEP #312-925, NOI, ExxonMobil Pipeline Company, Aldrich St (Map 45, Parcel 1073)** – The proposed project involves polymer wrapping of existing petroleum pipeline. Mr. Seth Lajoie with Seth L. Lajoie and Associates was present and spoke on behalf of the applicant. The Commission did a site visit on April 13, 2011. Following discussion, **MOTION** by Commissioner Klei to close the Public Hearing for **DEP #312-925, NOI, ExxonMobil Pipeline Company, Aldrich Street** and to issue a standard Order of Conditions, contingent on receiving the DEP file number. Seconded by Commissioner Potaski, the motion carried unanimously.

**DEP #312-926, NOI, ExxonMobil Pipeline Company, West St (Map 32, Parcel 573)** – The proposed project involves polymer wrapping of existing petroleum pipeline. Mr. Seth Lajoie with Seth L. Lajoie and Associates was present and spoke on behalf of the applicant. The Commission did a site visit on April 13, 2011. Following discussion, **MOTION** by Commissioner Klei to close the Public Hearing for **DEP #312-926, NOI, ExxonMobil Pipeline Company, West Street** and to issue a standard Order of Conditions, contingent on receiving the DEP file number. Seconded by Commissioner Potaski, the motion carried unanimously.

**Any other business which may lawfully come before the Conservation Commission continued:**

Mr. Gary Vecchione, resident at 1 Henry Street. Mr. Vecchione has an option to purchase property at 170 Hecla Street with approximately 18 acres. One (1) condition is to have soil testing done on the property. Mr. Vecchione would like to have a farming done on this property, with the possibility of having a pumpkin patch business at the site. This property is within the floodplain zone in conjunction with the West River. Five to six acres of the property is upland, the remaining is within wetlands. Mr. Vecchione is seeking guidance from the Commission of working within the floodplain. Mr. Vecchione would like to de-brush the site, because it is infested with ticks. Mr. Vecchione inquired if the floodplain is in the Commission jurisdiction. The Commission advised property must be 200' out of the floodplain area, 200' from the river and cannot fill in the floodplain. The area must be well staked out and marked out. Commissioner Klei advised that the owner of the property must stay out of the resource area of the 200' riverfront and the 100' bordering vegetated wetland. Mr. Vecchione intent is to stay out of the buffer zone area, plus an additional 20% of the land. The Commission has not given permission, however has provided what the Commission's jurisdiction is for this property. Mr. Vecchione asked if there was a possibility of whether or not someone can cut in the floodplain or not. The Commission is unsure where the jurisdiction is for this property and if the clearing of brush can be done or not. The Commission and Mr. Vecchione both agreed that MA-DEP should be contacted to discuss the project. Commissioner Holden advised that either the owner or the official representative of the property come forward to discuss this project directly with the Commission.

Mr. Vecchione had additional concerns of the property. It appears that this property has a large dumping ground that is within the wetlands. The Commission shall be doing research on floodplains and the floodplain jurisdiction for this property.

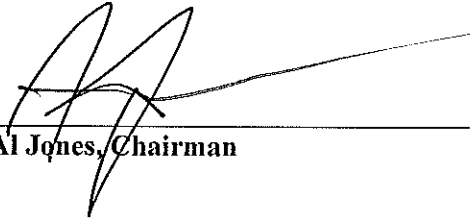
**Concern of fertilizers being spread on Town owned lands near wetlands** – On April 4, 2011, Mr. Benn Sherman, DPW Director provided the Commission with a document concerning field treatments for Town owned grounds. The report indicated 5 application cycles during the year that fertilizer is being placed down on and which properties. The areas targeted for the application are: Hecla Fields, DPW Office Administration, Town Common, High School fields, Little League fields, Whitin School fields, Sutton Street fields and Pout Pond fields. Commissioner Lewcon addressed the concern. The town owned lands near the wetlands are the properties behind both the Whitin School and the Uxbridge High School, which are both near the Mumford River and Pout Pond ball field. Commissioner Lewcon requests to halt the fertilizing at the Pout Pond ball fields, until the Commission has resolution of who has jurisdiction over this property. The Commission does have governance over the Pout Pond property. Also, Commissioner Lewcon would like to partner with the Recreation Commission concerning the Pout Pond ball field. The Commission agreed to do more research on the subject such as: 1.) What are the properties? 2.) What type of application is being placed down for fertilizer? 3.) Who is fertilizing the properties? 4.) Who is paying for the applications? 5.) What are the Best Management Practices for fertilizing an area? 6.) Are there any better options to the properties? The Commission needs those answers prior to going forward. Following discussion, **MOTION** by Commissioner Lewcon to inquire what is being applied and when it's being applied at the ball field at Pout Pond and also to request a halt on the fertilizers being placed at the Pout Pond ball fields. Seconded by Commissioner Potaski, the motion carried unanimously.


**MINUTES. MOTION** by Commissioner Klei to approve the Conservation Commission Meeting Minutes dated April 4, 2011. Seconded by Commissioner Potaski, the motion carried 3-1-0.

**Pout Pond/Legg Farm** – Commissioner Lewcon informed the Commission that the work campers are planning to come to Pout Pond in mid-May 2011. Commissioner Lewcon is also meeting with Elemental Turf Management to do an assessment at Pout Pond for an organic treatment.

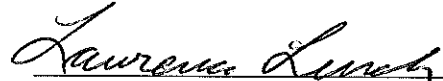
**MOTION** by Commissioner Klei to adjourn the meeting at 9:30 P.M. Seconded by Commissioner Potaski, the motion carried unanimously.

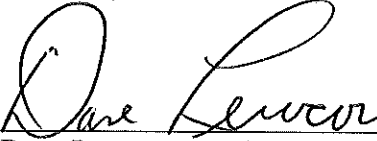
Respectfully Submitted by Donna C. Hardy, Conservation Commission Administrative Assistant.

  
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Al Jones, Chairman

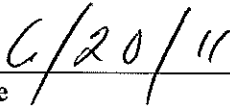
  
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Russell Holden, Vice-Chair

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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

  
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Date