

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

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MEETING MINUTES
Monday, June 4, 2012

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

Minutes of the Uxbridge Conservation Commission regular meeting held on Monday, June 4, 2012, at 7:00 P.M. in the Board of Selectmen's Room, Uxbridge Town Hall, 21 South Main Street, Uxbridge, MA:

Conservation Commission Present: Russell Holden, Dave Lewcon, Michael Potaski, Tracy Tibedo and Donna C. Hardy, Conservation Commission Administrative Assistant

Conservation Commission Absent: Larry Lench

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

OLD BUSINESS: Public Hearings ~ none

Violations/Potential Violations:

91 Quaker Highway (Map 30, Parcel 3382) – The Commission office received notification on May 14th that it appeared that the property owner was expanding the yard right up to the stream (skunk cabbage indicated on site near stream). Ralph True was present and came forward to discuss the property. Mr. True indicated that National Grid came on the property w/in the last year, removed several trees and mowed the area due to the severe storms last fall and winter. At the Commission's previous site visit it appeared there were arborescent (natural vegetation) plants found near the brook. The brook was discovered to be a cold water fishery. Discussion and areas of concern also included how far away from the brook for a setback, such as 6-8 feet or 40 feet away, revisiting the property for an additional site walk, how long the area was maintained prior to the current owner. Following discussion, **MOTION** by Commissioner Tibedo to continue discussions until the next scheduled meeting and to schedule a site visit for Wednesday, June 6th for the property located at "91 Quaker Highway". Seconded by Commissioner Potaski, the motion carried unanimously.

Other:

Uxbridge Wetlands Bylaw – **MOTION** by Commissioner Tibedo to table the discussions for "Other: Uxbridge Wetlands Bylaw". Seconded by Commissioner Potaski, the motion carried unanimously.

NEW BUSINESS

Public Hearings

DEP #312-xxx, ANRAD, Talmage Solar Engineering on behalf of Mark Investments LLC, at 500 West Hartford Avenue (Map 16, Parcel 3881) – The project consists of approximately 3.5 +/- MW solar farm to be installed on a parcel of land adjacent to Hartford Avenue West. Mr. Stephen O'Connell with Andrews Survey & Engineering, Inc, Mr. Dean Holt with Mark Investments LLC and Mr. Matthew Randall with Talmage Solar Engineering, Inc were all present. Mr. O'Connell came

forward to discuss the property. Discussion and areas of concern included the discussion of the wetland flags placement on the Series A and Series B plans; how much water would enter in from the wetlands; also 25% less panels shall be placed on the site near the wetlands (per Drawing C plans). The Commission plans to do a site walk on June 13th at 6:00 pm. Following discussion, MOTION by Commissioner Tibedo to continue discussions for the application listed as "DEP #312-xxx, ANRAD, Talmage Solar Engineering on behalf of Mark Investments LLC, at 500 West Hartford Avenue" until the next scheduled meeting. Seconded by Commissioner Potaski, the motion carried unanimously.

Violations/Potential Violations:

227 River Road (Map 46, Parcel 3348) – Mr. Daniel Canal with Canal Auto Body was present and came forward to discuss the property. Mr. Canal provided the Commission with a picture of the drainage pipe. The pipe is located 100' from the property line. Mr. Canal indicated he is unsure where the pipe comes from, but believes it was built back in the 1930's. Mr. Canal is also unaware of any water coming out of the drainage pipe into the Blackstone River. Commissioner Potaski suggested to Mr. Canal to contact the Uxbridge DPW. The DPW may be able to determine where the drainage pipe came from or on what property it originated on. Discussion and areas of concern also included 1) the service Canal Auto Body provides which includes sandblasting vehicles within a three (3) sided 40'x60' enclosed netted room (to contain the dust); 2) Sandblasting does not occur if the weather is very humid, very cold, windy &/or foggy; and 3) On July 15, 2005 MA-DEP did a site visit for this property in order to evaluate the applicability of environmental requirements. Mr. Canal is responsible for continuing compliance with all regulations applicable to the facility (including MA Hazardous Waste Regulations and the Air Quality Regulations). The Conservation Commission will follow-up with the Uxbridge DPW and will continue to do drive-by site visits of the property.

105 Quaker Highway (Map 30, Parcel 4125) – The Conservation Commission office received notification on May 30th from an individual who wishes to remain anonymous stating the individual noticed several trees (more than 20) recently cut in the brook/stream, it appears the property owner may be expanding yard right up to the skunk cabbage next to the wetlands crossing. Discussion and areas of concern from the Commission included inquiring when the trees came down, if it was during the hurricane or snow storm. Per a document provided by MA-DEP titled "9.14: Storm Emergency Regulations for Damage Cleanup and Repair for October 29-30, 2011 Snowstorm", any work authorized under 314 CMR 9.14 must be completed by January 30, 2012. Any party completing relevant work within the timeframe needed only e-mail or send a note to DEP. The commission will consult with the homeowner to determine if this was the case. If the work was not completed by January 12, 2012, the applicant must have obtained an Emergency Certification under 314 CMR 9.12, or file a 401 Water Quality Certificate Application. Following discussion, MOTION by Commissioner Tibedo to continue discussions for "Violations/Potential Violations: 105 Quaker Highway" to the next scheduled meeting. Seconded by Commissioner Potaski, the motion carried unanimously.

MOTION by Commissioner Tibedo to bring "Any other business which may lawfully come before the Conservation Commission" to discuss the property located on 16-18 Elm Street. Seconded by Commissioner Potaski, the motion carried unanimously.

Any other business which may lawfully come before the Conservation Commission – Mr. Edward Fior, a property owner of 16-18 Elm Street was present and came forward to discuss the property. Mr. Fior wants to add 12'x20' storage shed to be mounted on concrete blocks as required to support. The shed will be located 5' from the boundary, 43' from the house and is 50' within the Rivulet Brook.

Commissioner Holden did a drive by site visit and reviewed the site on GIS and Google. The Commission agreed an application would be needed for this project.

MOTION by Commissioner Potaski to bring “Any other business which may lawfully come before the Conservation Commission” to discuss the property located on 20 Albee Road. Seconded by Commissioner Lewcon, the motion carried unanimously.

Any other business which may lawfully come before the Conservation Commission – Mrs. Donna Sanches, resident of 20 Albee Road was present and came forward to discuss the property. Discussion and areas of concern including the timeframe of when this property was maintained as a lawn vs. no maintenance and if the lawn isn't maintained consecutively is it within the Commission's jurisdiction and is it regulated in the Wetlands Protection Act; and discussed if the motion for 4 Albee Road should be rescinded. The Commission inquired why a 25' setback cannot be maintained. Mrs. Sanches felt it was for principle alone and not for aesthetics; feels that it is the same wetlands crossing for both 4 Albee Road and 20 Albee Road and wants the same respect and courtesy given to 4 Albee Road for the setback. Mrs. Sanches would agree to a two foot (2') setback no mow zone from the high water mark of the stream and indicated that she has a safety concern with the animals (i.e. snakes) coming out of the pond and attacking her children. Following discussion, **MOTION** by Commissioner Tibedo for the property located at 20 Albee Road to provide a two (2') foot no mow zone going around the entire pond from the high water mark. Seconded by Commissioner Potaski, the motion failed 2-2-0. Following discussion, **MOTION** by Commissioner Tibedo to continue discussions for the property located at “20 Albee Road” to the next scheduled meeting. Seconded by Commissioner Potaski, the motion failed 2-2-0.

Per the “Guidelines Governing the Operations and Meetings of the Uxbridge Conservation Commission” page 3 of 5, Section 8. Quorum, subsection b. states the following “Pertaining to matters taken up by the Commission not within the purview of the Wetlands Protection Act, a motion shall pass or fail only if at least 3 members vote in the affirmative or the negative. A motion that has not garnered enough votes shall be taken up at a later time to be determined by the Commission members.” Given that the vote was directly within the purview of the Wetlands Protection Act, the motion failed.

Any other business which may lawfully come before the Conservation Commission – Mr. Val Stegemoen with DCR Blackstone River & Canal Heritage State Park was present and came forward to discuss the property on Capron Park at the Mumford River. Mr. Stegemoen informed the commission of repairs that need to be done on Capron Park. The repair of a washout of 30 +/- linear feet of stone dust walkway at the floor of the wooden stairs. Discussion and areas of concern included that a Request for Determination of Application is needed and if a special meeting is required for this request. A portion of the Commission felt it was poor planning from DCR and doesn't feel a special meeting is in order. Following discussion, **MOTION** by Commissioner Potaski to allow an exemption for this project allowing the deadline for the project to be submitted at the latest of June 6th at 9:00 am for the property located on Capron Park. Seconded by Commissioner Lewcon, the motion carried 3-1-0. A site visit is scheduled for June 10th at 5:00 pm.

Any other business which may lawfully come before the Conservation Commission – Mr. Marc Bellaud with Aquatic Control Technology, Inc. was present and came forward to discuss the property on Rice City Pond. Mr. Bellaud informed the commission of a management program to manage nuisance aquatic vegetation (invasive aquatic plant water chestnut “Trapa natans”) and maintain the pond for its intended uses. Following discussion, **MOTION** by Commissioner Potaski to allow an

exemption for this project allowing the deadline for the project to be submitted at the latest of June 6th at 9:00 am for the property located on Rice City Pond. Seconded by Commissioner Lewcon, the motion carried 3-1-0.

Any other business which may lawfully come before the Conservation Commission – Mr. DJ Salmon, resident of 672 Millville Road was present and came forward to discuss the property. Mr. Salmon requested to the commission to revise the “Erosion Control Measures” for the property to allow to leave the jersey barriers in the place and set up another set of erosion control barriers in place of the hay bales &/or straw wattles. Mr. Salmon requests to place another set of jersey barriers in place and place silt fence up against the barriers. Following discussion, **MOTION** by Commissioner Tibedo to accept the new “Erosion Control Measures” plan as amended for 672 Millville Road. Seconded by Commissioner Potaski, the motion carried unanimously.

Any other business which may lawfully come before the Conservation Commission – Mr. Brian VanderZicht, property owner of 4 Dutch Hill Road was present and came forward to discuss the property. An Enforcement Order was issued on March 1, 2012 for alteration of wetland resource areas and bordering vegetated wetlands and the order expired on May 12, 2012. Commissioner Holden informed Mr. VanderZicht that each day beyond the deadline is a separate violation for the submitting the restoration plans (per the Enforcement Order). The Commission again reiterated to Mr. VanderZicht to submit a restoration plan as soon as possible.

MINUTES. MOTION by Commissioner Potaski to approve the Conservation Commission Meeting Minutes dated May 7, 2012 as amended. Seconded by Commissioner Tibedo, the motion carried unanimously.

Other: Processing: Recent site visits:

4 No Way (Map 14, Parcel 1033) – Commissioner Tibedo conducted a site visit on the property on May 30, 2012. Either a Request for Determination of Applicability or a Notice of Intent application would be sufficient for the project on the property. Discussions will continue at a future meeting, when the resident submits an application.

60 Douglas Street (Map 18B, Parcel, 4668) – Commissioner Holden did a site visit on the property. The homeowner wants to place a shed on the property. Commissioner Holden indicated that it appears that the shed would be well outside the 50’ of the buffer zone. Commissioner Holden will continue to do a site visit on the property, once the area has been staked.

Guidelines Governing the Operations and Meetings of the Uxbridge Conservation Commission – The Commission discussed including a subsection on the Operating Guidelines to include “Thirty minute guideline for all Public Hearings”. **MOTION** by Commissioner Potaski to accept and approve the amended “Guidelines Governing the Operations and Meetings of the Uxbridge Conservation Commission” dated June 4, 2012. Seconded by Commissioner Lewcon, the motion carried unanimously. The Commission signed the document.

Peaceful Pond, Pout Pond and Legg Farm – Commissioner Lewcon addressed the audience asking for volunteers. Anyone over the age of 60 years old and can do at least 60 ½ hours per year, is entitled to \$500 off their property taxes. For additional information, please contact the Uxbridge Senior Center. Commissioner Tibedo excused himself and left the meeting at 10:02 P.M.

Any special events or parties, for reservations contact David Lewcon at poutpond@charter.net or the Conservation Commission office.

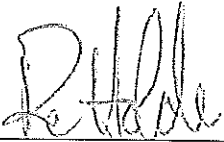
Other discussion and areas of concern included the identification of an endangered species at the pond; Commissioner Holden is in touch with Natural Heritage about the find. Commissioner Lewcon is impressed with the water runoff on the lawn and requests to hold off on the berm to be built; gardening pots will be placed at the pond filled with cherry tomato samplers; the cottage is currently in the process of getting a future building inspection done; and discussions for incidentals needed at the pond (such as first aid kit, additional signage, defibrillator, toilet paper and a fire extinguisher). Following discussion, **MOTION** by Commissioner Lewcon to allow \$200 for any incidentals (such as first aid kit, additional signage, defibrillator, toilet paper and a fire extinguisher) needed at Pout Pond. Seconded by Commissioner Potaski, the motion carried unanimously.

The Uxbridge Board of Health food permit (for pre-packaged snacks) is now available and on the site.

Any other business which may lawfully come before the Conservation Commission – The Commission reviewed erosion control guides and discussed the most recent SATM stormwater control article.

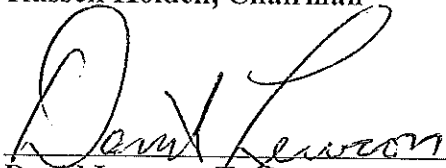
MOTION by Commissioner Potaski to adjourn the meeting at 10:40 P.M. Seconded by Commissioner Lewcon, the motion carried unanimously.

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



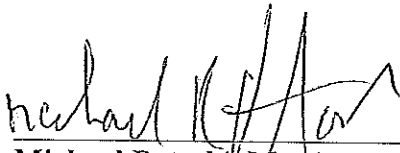
Russell Holden, Chairman

Vice-Chair (vacant)

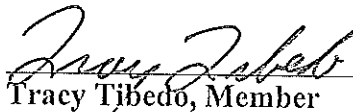


David Lewcon, Treasurer

Lawrence Lench, Clerk



Michael Potaski, Member



Tracy Tjebdo, Member

Date

6/25/12

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