



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

Posted by
 Uxbridge
 Town Clerk

MEETING MINUTES
 Monday, June 25, 2012

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

Minutes of the Uxbridge Conservation Commission regular meeting held on Monday, June 25, 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

DEP #312-940, 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. A site visit occurred on the property on Thursday, June 21, 2012. Mr. O'Connell presented the commission with 2 sets of revised plans including a 3rd resource area found by Talmage Solar Engineering during the the intervening weeks after their application. The presence of the Wetland Scientist and his soil auger was very effective during the site visit. During the site visit 2 wetlands flags were moved and this was reflected on the revised plans. Following discussion, **MOTION** by Commissioner Tibedo to issue an accurate Order of Resource Area Delineation with bordering vegetated wetlands for the application listed as MA-DEP #312-940 located at 500 West Hartford Ave. Seconded by Commissioner Potaski, the motion carried unanimously.

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). Commissioner Potaski did a site visit on the property on Wednesday, June 6, 2012. Following discussion, **MOTION** by Commissioner Potaski to issue an Enforcement Order for the property located at 91 Quaker Highway to include the following conditions 1) Stake area measurement at approximately 25-30 feet; 2) No lawn debris to be placed in resource area; 3) Allow buffer zone area/resource area to stabilize and allow vegetation to regrow naturally without further disturbance. Seconded by Commissioner Lewcon, the motion carried unanimously.

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. Chairman Holden did a site visit on June 25th. Mr. Harold Klei, the property owner was present and came forward to discuss property. Mr. Klei indicated that when the Tropical Storm Irene hit Uxbridge in August 2011 and the snowstorm on October 29-30, 2011, trees and brush were knocked over and the property owner did his best in cleaning up the property without trying to affect the wetlands. Chairman Holden inquired to the homeowner if any notification was sent to MA-DEP requesting an extension (per the Storm Emergency Regulations for Damage Cleanup and Repair). The homeowner indicated

no notification was sent to MA-DEP. 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." Following discussion, **MOTION** by Commissioner Potaski to issue a Memorandum of Understanding letter to the property located at 105 Quaker Highway including the following considerations: 1) Allow the previously existing riverfront area to re-vegetate naturally; 2) The commission recommends that the resident plant several native tree saplings, approximately 5-6 feet in height for immediate shade and soil retention on the embankment. Seconded by Commissioner Tivedo, the motion carried unanimously.

Other:

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

20 Albee Road (Map 41, Parcel 1743) – Mr. Dominic Sanchez, property owner was present and came forward to discuss the property. Mr. Sanchez expressed that he feels that he is not being treated fairly and feels that the wetlands crossing for both 4 Albee Road and 20 Albee Road is the same and wants to be given the same setback as 4 Albee Road which is a two foot (2') setback no mow zone from the high water mark of the stream. Commissioner Tivedo commented about the 2-2 voting from the previous meeting. Ms. Hardy contacted MA-DEP about the guidelines for voting procedures and was informed that if a vote is locked at 2-2, then it should continue the vote to the next scheduled meeting. Discussions will continue at a future meeting, when there are 5 or 7 members available to vote.

NEW BUSINESS

Public Hearings:

RDA FY12-07, Massachusetts Department of Conservation & Recreation Blackstone River & Canal Heritage State Park, Capron Park at 24 Mendon Street (Map 25, Parcel 118) – Repair washout of 30 +/- linear feet of stone dust walkway at the floor of the wooden stairs. Mr. Val Stegemoen, Park Supervisor for River Bend Farm in associating with Massachusetts Department of Conservation & Recreation was present and came forward to discuss property. Commissioner Lewcon and Commissioner Potaski both did a site visit on June 17, 2012. Mr. Stegemoen provided the commission with an additional hand drawn plan of the property. Following discussion, **MOTION** by Commissioner Potaski to close the public hearing and issue a Negative Determination for the application listed as "RDA FY12-07, Massachusetts Department of Conservation & Recreation, Blackstone River & Canal Heritage State Park located at Capron Park at 24 Mendon Street". Seconded by Commissioner Lewcon, the motion carried unanimously.

RDA FY12-08, Massachusetts Department of Conservation & Recreation, Rice City Pond (Parcels 4055 & 4313) – The project is to physically remove the invasive aquatic water chestnuts. Mr. Marc Bellaud with Aquatic Control Technology, Inc and Mr. Tom Flannery with Department of Conservation & Recreation were both present. Discussion and areas of concern included if a comprehensive program for all the ponds/lakes in the area will be addressed concerning weed control. However, there is not enough data or funding to take on the project. Mr. Bellaud provided the definition for invasive species. Following discussion, **MOTION** by Commissioner Potaski to close the public hearing and issue a Negative Determination for the application listed as "RDA FY12-08, Massachusetts Department of Conservation & Recreation, Rice City Pond". Seconded by Commissioner Lewcon, the motion carried unanimously.

RDA FY12-09, Maryann Tognazzi at 4 No Way (Map 14, Parcel 1033) – The property owner is building an addition of a garage & mudroom (breezeway) on the left side of the existing residence. Three (3) trees will be removed on the existing lawn area and construction to occur on the existing lawn area. Ms. Tognazzi, property owner was present and came forward to discuss the property. Chairman Holden did a site visit on June 25th. Discussion and areas of concern included that prior to Ms. Tognazzi owning the property, this property may have been a filled in wetland; also it appears that 5-6 trees were cut directly in the wetlands and yard waste was dumped into the wetlands. The Commission informed the property owner that trees cannot be cut directly in the wetlands and any type of yard debris cannot be dumped into the wetlands. Chairman Holden referred to the

1999 DEP policy document titled, "Wetlands Program Policy: Activities in the Buffer Zone under the Wetlands Protection Act (310 CMR 10.00)". Of the 6 criteria in the policy it was unclear if 1) the disturbance would be less than 10% of the existing buffer zone on the property 2) if the area contained estimated habitat for Endangered Species. Furthermore a limit of disturbance was not clearly identified and measured on the plan submitted. Erosion and Sediment control was not specified. Furthermore as per the policy, a 50-foot-wide area of undisturbed vegetation was no longer on the property. Following discussion, **MOTION** by Commissioner Tibedo to issue a negative DOA for the application listed as "RDA FY12-09, Maryann Tognazzi at 4 No Way" with exact limiting conditions such as erosion controls to be determined by the commission. Seconded by Commissioner Potaski, the vote was 2-1-1. The commission is unclear if the motion passed or not. **MOTION** by Commissioner Tibedo to continue the public hearing until the next scheduled meeting on July 2nd to determine voting for this project. Seconded by Commissioner Potaski, the motion carried unanimously.

RDA FY12-10, Edward Fior at 16-18 Elm Street (Map 12C, Parcel 3575) - Add a 12'x20' storage shed mounted on concrete blocks as required to support. Shed will be located 5' from boundary, 43' from house and is 50' within the Rivulet Brook. Mr. Edward Fior, the property owner was present and came forward to discuss the property. Discussion and areas of concern included constructing a rain garden of a sufficient size to accept water coming off the 12'x20' shed. Following discussion, **MOTION** by Commissioner Tibedo to close the public hearing and issue a Negative Determination for the application listed as "RDA FY12-10, Edward Fior at 16-18 Elm Street" including the following condition: 1) Construct a rain garden of a sufficient size to accept water coming off the 12'x20' shed. Seconded by Commissioner Potaski, the motion carried unanimously.

Violations/Potential Violations ~ none

Minutes:

MINUTES. **MOTION** by Commissioner Potaski to approve the Conservation Commission Meeting Minutes dated May 21, 2012. Seconded by Commissioner Lewcon, the motion carried unanimously.

MINUTES. **MOTION** by Commissioner Tibedo to approve the Conservation Commission Meeting Minutes dated June 4, 2012. Seconded by Commissioner Potaski, the motion carried unanimously.

Other: Processing: Recent site visits: 500 West Hartford Avenue (Map 16, Parcel 3881) – Chairman Holden indicated that the engineers handling this project spotted a third wetland resource area. In the absence of good engineering it is possible this wetland would have gone unnoticed and unprotected. Chairman Holden stressed the importance of a careful also indicated that going forward; two (2) members of the commission should be present to conduct a site visit.

Reorganization –

MOTION by Commissioner Tibedo to retain the currently elected officers of the Conservation Commission for the next fiscal year. Seconded by Commissioner Potaski, the motion carried unanimously.

Meeting timelines and meeting lengths – Discussions and areas of concern included that some conversations during the meeting appear to stray away from the project of discussion. Discussions need to stay on the topics and facts should be based off the Massachusetts Association of Conservation Commission (MACC) handbook, Massachusetts Department of Environmental Protection (MA-DEP) and the Wetlands Protection Act (WPA) Rules and Regulations.

Peaceful Pond – Chairman Holden recently walked the property and noticing the increase in long grasses and some wildflowers growing along the pond's edge and the presence of breeding Red-winged Blackbirds.

Pout Pond/Legg Farm – Chairman Holden confirmed that an endangered species sighting at the property had been confirmed by professionals at Natural Heritage & Endangered Species Program. ~~indicated that there was a potential siting of an Endangered Species habitat (a sign of a healthy habitat).~~ Also, Chairman Holden indicated to the commission and the audience that Pout Pond is the commission's main proactive project and that time devoted to it is particularly worthwhile.

Commissioner Lewcon addressed the rental of the cottage. **MOTION** by Commissioner Lewcon to request to move forward and have the commission allow the rental of the north cottage at Pout Pond. Seconded by Commissioner Potaski, the motion carried 3-1-0. There was some concern about the exact duties that will be included for the renter at the cottage and what the rental amount will be. An official appraisal has not been done yet.

Additional volunteers are needed at the pond. The Senior Work-off program is still available for one additional volunteer. To qualify, contact the Uxbridge Senior Center for additional information.

The commission must enforce the following: The property will only be open from dusk to dawn. An additional ad listing has been posted in the Work Kamper newsletter requesting an additional work camper for the property. A recent press release received from the Town Manager's office indicated swimming lessons will be conducted at Pout Pond. Commissioner Lewcon is addressing this request and the swimming lessons will begin the week of July 16th. Commissioner Lewcon is currently working with certified swim instructors and other directors in the area for assistance. The projected cost for swim lessons will be \$65 per child.

Aquatic Control Technology, Inc. has reviewed Pout Pond for weeds. Eurasian Millfoil and Bladderwort weeds are on the front of the beach area and approximately 2 acres of the pond will need to be treated. Treatment for the 2 acres is approximately \$1450. Following discussion, **MOTION** by Commissioner Tibeado to move ahead with the removal of the invasive weeds, as long as there is sufficient funding available either in the Wetlands Filing fee account (administrative/consultation fee) & the Pout Pond donation account. Seconded by Commissioner Potaski, the motion carried unanimously.

Any other business which may lawfully come before the Conservation Commission – Commissioner Potaski reminded commissioners that the CMPRC will host an open house on June 26th to discuss priority conservation parcels and economic development priority parcels throughout the Blackstone Valley. Chairman Holden indicated that thus far the only preservation sites are at community walk http://www.communitywalk.com/hometown_uxbridge_ma/map/68833

Voting – Per the MACC handbook, see page 32, a quorum may be “A majority of the whole board, i.e., the total number of seats, as set by town meeting or city council, or A majority of Commissioners currently serving, i.e., the seats filled.” Four (4) members is clearly a quorum by either definition; however three (3) members may or may not be. The Chairman will research this inquiry and discuss at a future meeting.

The Conservation Commission office received a request from 149 Glendale Street to conduct a site visit.

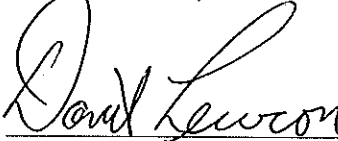
MOTION by Commissioner Lewcon to adjourn the meeting at 9:42 P.M. Seconded by Commissioner Potaski, the motion carried unanimously.

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




Russell Holden, Chairman

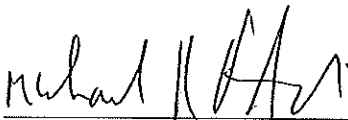
Vice-Chair (vacant)



David Lewcon, Treasurer



Lawrence Lench, Clerk



Michael Potaski, Member

Tracy Tibeado, Member

9/17/12

Date