

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

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Posted by  
Uxbridge  
Town Clerk

**MEETING MINUTES**  
Monday, August 20, 2012

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

Minutes of the Uxbridge Conservation Commission regular meeting held on **Monday, August 20, 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  
**Conservation Commission Absent:** Lawrence 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-xxx, NOI, Bedrock Crossing, LLC at 79 River Road (Map 45, Parcel 1345)** -The proposed project is to install piping for roadway drainage. Mr. Stephen O'Connell with Andrews Survey & Engineering, Inc. sent a request to the Commission to be granted a continuance for this project until September 4, 2012. **MOTION** by Commissioner Lench to grant a continuance for the application listed as "**DEP #312-xxx, NOI, Bedrock Crossing, LLC at 79 River Road**" to the September 4, 2012 scheduled meeting. Seconded by Commissioner Potaski, the motion carried unanimously.

**RDA FY13-01, Guaranteed Builders, Inc. at 6 Long Meadow Road (Map 32, Parcel 834)** - Construction of 24'x28' garage and associated site work within lawn area. Ms. Tracy Sharkey with Guaranteed Builders, Inc. was present and came forward to discuss the project. Discussion and areas of concern included the review of the updated plans w/ erosion control and the placement of the wetland flags. Chairman Holden provided pictures of the project dated July 11, 2012. The Commission is unsure if one of the wetlands on the plan is clearly delineated and if the plans reflect the buffers clearly. **MOTION** by Commissioner Tibedo to continue the public hearing for the project listed as "**RDA FY13-01, Guaranteed Builders, Inc. at 6 Long Meadow Road**" to the next scheduled meeting on September 4, 2012. Seconded by Commissioner Lewcon, the motion carried unanimously.

**MOTION** by Commissioner Tibedo to table the discussion for "**DEP #312-941, NOI, BSC Group on behalf of New England Power Company for a project located on an existing right-of-way in the Town of Uxbridge**". Seconded by Commissioner Potaski, the motion carried unanimously. **MOTION** made in error and withdrawn, representatives for BSC Group are present.

Commissioner Potaski recused himself.

**DEP #312-941, NOI, BSC Group on behalf of New England Power Company for a project located on an existing right-of-way in the Town of Uxbridge.** -The proposed project is for the construction, reconstruction, operation & maintenance of overhead public utilities. Ms. Lee Curtis with BSC Group was present and came forward to discuss the project. Discussion and areas of concern included developing a Conservation Management Plan with Natural Heritage Endangered Species Program (NHESP) and when tree clearing will occur. The Commission scheduled a site visit for Saturday, September 1<sup>st</sup> at 8:00 am. **MOTION** by Commissioner Tivedo to continue the public hearing for the project listed as **“DEP #312-941, NOI, BSC Group on behalf of New England Power Company for a project located on an existing right-of-way in the Town of Uxbridge”** to the next scheduled meeting on September 4, 2012. Seconded by Commissioner Lewcon, the motion carried unanimously.

Commissioner Potaski returned to the meeting.

**MOTION** by Commissioner Tivedo to take Mr. Benn Sherman, DPW Director out of order to discuss the Uxbridge Senior Center “Downtown Revitalization”, East Hartford Ave culvert and building repairs and the Stormwater Management and Erosion Control Bylaw. Seconded by Commissioner Potaski, the motion carried 3-1.

**Uxbridge Senior Center “Downtown Revitalization”-** Mr. Benn Sherman, DPW Director came forward to informally discuss the project. This project consists of removing an existing building, installing a parking lot, a sediment forebay, a water quality basin and associated improvements. In addition, there will be minor sidewalk work along South Main Street. Mr. Sherman advised that the application has been submitted to the office and is waiting to be scheduled. Mr. Sherman encourages the Commission to set up a site visit prior to the next scheduled meeting. Discussion and areas of concern also included if an environmental review was done on the site.

**Stormwater Management and Erosion Control Bylaw –** Mr. Benn Sherman addressed this bylaw. Discussion and areas of concern included what the requirements were for the school district of what was needed or not needed.

**East Hartford Ave culvert and building repairs (near Crown & Eagle) –** Mr. Benn Sherman addressed the issues revolving around this property. In December 2011, Mr. Sherman had a 3<sup>rd</sup> party engineering firm review the property and conduct a new culvert design. Mr. Sherman has also conducted meetings with a few of the abutting residents to address the culvert and building repairs. Attorney Rob Knapik was also present and came forward to discuss the concern on behalf of the owners of the 6 condo units comprised of the Mumford River Condominium and Larkin Building. Atty. Knapik provided the Commission with aerial photos of the property and the buildings. The unit owners are facing a problem that relates to public safety and property value. Discussion and areas of concern from the commission included inquiring if a portion of East Hartford Ave and Larkin Building need to be filled in; create temporary dam upstream of the building (with dewatering); the structural engineer (for the residents) suggests raising the building slowly under controlled conditions and installing the permanent structural supports and then filling in and around the structural supports with flow-able concrete or some sort of structural fill and suggestion of constructing a coffer dam in the lower portion or 3-sided culvert underneath East Hartford Ave beneath buildings. A full application submittal (NOI) will be submitted in the future and discussions shall continue at a later date.

**Violations/Potential Violations ~ none**

**Other:**

**Uxbridge Wetlands Bylaw – MOTION** by Commissioner Potaski to continue discussions for the Uxbridge Wetlands Bylaw to the September 4, 2012 meeting. Seconded by Commissioner Lewcon, the motion carried unanimously.

**NEW BUSINESS: Public Hearings ~ none**

**Violations/Potential Violations:**

**4 Albee Road (Map 40, Parcel 2432)** – Chairman Holden provided pictures to the Commission. A walking path has been constructed and the question remains if it is jurisdictional or not. The concern is that the walking path goes beyond the 2' setback of undisturbed. The Commission will contact MA-DEP for follow-up for their opinion of handling an issue where an Enforcement Order has been violated and finding out the protocol/approach. Following discussion, **MOTION** by Commissioner Tibedo to issue an Enforcement Order for the property located at 4 Albee Road indicating that the property owner cannot cut within two feet (2') of the wetland. Seconded by no one, the motion is denied. **MOTION** by Commissioner Tibedo to issue a letter to the property owner stating that there has been an infraction/violation of the original Enforcement Order and will be consulting with MA-DEP for enforcement action, in the meantime all activity within the original Enforcement Order should be respected. Seconded by Commissioner Potaski, the motion carried unanimously.

**Eric Drive (West River Estates)** – Mr. Stephen O'Connell with Andrews Survey & Engineering was present and came forward to discuss the project. A Cease & Desist was issued on August 16, 2012 for the following violations: 1) MA-DEP file number no longer displayed at property site. 2) Conducting activity without a valid permit (Order of Conditions). Chairman Holden stated that the MA-DEP # could not be located and if the Order of Conditions was issued. MA-DEP file number is DEP #312-849.

The original Order of Conditions was to expire on March 19, 2010, however with the recently updated Permit Extension Act the Order of Conditions would extend/expire on March 19, 2014.

Commissioner Holden would like to speak with MA-DEP about the current situation with this file # and what should be done. On August 16, 2012, a Cease & Desist order was issued, specific violations are as follows: 1) MA-DEP file number no longer displayed at property site. 2) Conducting activity without a valid permit.

\*Note (research conducted on 8/30/12): After review of the Conservation Commission meeting minutes dated March 19, 2007 (draft signed copy), the meeting minutes indicated the following information “(continued) Fred Hutnak Development Corporation – 74 & 84 Eric Drive (Map 8, Parcels 4247 & 4267) – NOI – DEP #312-849 – Construction of stormwater management structures associated with a proposed subdivision roadway. Work is proposed within 100-foot buffer zone of a BVW. After a brief discussion Commissioner Tibedo made a motion to issue an Order of Conditions with standard conditions, seconded by Commissioner Klos, The vote: 3 in favor, 2 abstentions, 1 against.”\*

Following discussion, **MOTION** by Commissioner Tibedo to remove the current Cease & Desist order for “MA-DEP #312-849, West River Estates, Phase V”. Seconded by Commissioner Lench, the motion carried unanimously.

**141 Sutton Street (Map 11, Parcel 2039)** – Mr. & Mrs. John Cyr, property owners came forward to discuss the property. The Commission was made aware of activity going on the site. It appears there is an intermittent stream coming from a wetland. Chairman Holden did a recent site visit and has a

few pictures of the property. There is a large plastic black tarp covering an area. The property owner explained why the tarp was on the property. The homeowners were removing Japanese Mountain root (an invasive species) that appeared to be taking over the property. The Commission informed that the removal of these trees and the invasive species are all within 100' of bordering vegetated wetlands. Any trimming of native species should not occur. Also, silt fence and straw wattles should be placed down on the property and work area. Long term, ask homeowners to provide a planting plan of what will be chosen to plant on the property and a site visit be conducted to be sure the silt fence/straw wattles are placed correctly. Following discussion, **MOTION** by Commissioner Potaski to issue a Memorandum of Understanding for the property located at 141 Sutton Street, Uxbridge, recommending placing silt fence and straw wattles in between the work area and wetland and within a year a planting plan will need to be established. Seconded by Commissioner Tibedo, the motion carried unanimously.

**East Street** – Chairman Holden has not been able to go onto the property of concern. Discussions shall continue at a future meeting.

**MINUTES. MOTION** by Commissioner Tibedo to table the Conservation Commission Meeting Minutes until the end of the meeting. Seconded by Commissioner Potaski, the motion carried unanimously.

**Other:**

**DEP #312-929, Request for Certificate of Compliance – Constellation Solar Net Metering, LLC at 0, 67 & 70 Commerce Drive (Map 40, Parcel 2954, 2595 & 2863)** – Construction of a 2.0 Megawatt AC rated solar electrical generating facility in a former gravel pit. Mr. Stephen O'Connell with Andrews Survey & Engineering, Inc. was present and came forward to discuss the project. The Commission members have done a site visit on the property. Following discussion, **MOTION** by Commissioner Tibedo to issue a Certificate of Compliance for "**DEP #312-929 - Constellation Solar Net Metering, LLC at 0, 67 & 70 Commerce Drive**" to include 1 additional condition: Provided that the plants in the vegetation maintenance plan are still growing through the next growing season and if they are not they will be replaced by a same or similar plant. Seconded by Commissioner Potaski, the motion carried 3-1.

**DEP #312-74, Request for Certificate of Compliance – Louis Desruisseaux at 10 Brookside Drive, Lots 3-10 (Map 18C, Parcel 1058)** – Mr. Stephen O'Connell with Andrews Survey & Engineering was present and came forward to discuss the property. The Certificate of Compliance was taken care of at the previous meeting and is all set.

**DEP #312-832, Request for Certificate of Compliance – Louise Brothers at 25 East Street (Map 31, Parcel 1942)** – Single family residential dwelling, septic and driveway. Mr. Stephen O'Connell with Andrews Survey & Engineering was present and came forward to discuss the property. Mr. O'Connell provided additional plans to the Commission (as-built plans, etc.). Discussion and areas of concern is to be sure the silt fence is on the property. Following discussion, **MOTION** by Commissioner Tibedo to issue a Certificate of Compliance for the project listed as "**DEP #312-832 – Louise Brothers at 25 East Street**". Seconded by Commissioner Potaski, the motion carried unanimously.

**MOTION** by Commissioner Tibedo to take "Pout Pond" out of order to discuss. Seconded by Commissioner Potaski, the motion carried unanimously.

**Other:**

**Pout Pond** – Mr. Gregory Gentzler, a resident at 44 Eric Drive came forward to discuss the property. Discussion and areas of concern included if there is any consideration if there will be a work camper on site; if there will be a paid individual present watching over the pond (i.e. collecting parking fees, etc.); an acting subcommittee; lifeguards on duty; several people have expressed interest in the pond, are very happy with the

happenings at Pout Pond and would like to see the pond continue to thrive. Tom Kinder, a resident at 49 Fisher Street came forward to discuss the property. Again, reiterated to the commission that everyone that visits the pond is very happy and grateful of what has occurred and he continues to receive compliments that "Pout Pond is a treasure to Uxbridge".

**332 Douglas Street (Map 23, Parcel 1595)** – Mr. Stephen O'Connell with Andrews Survey & Engineering, Inc. was present and came forward to discuss the property. Discussion and areas of concern included that the stream on the property is an intermittent stream; however it is outside the buffer zone. Chairman Holden will conduct a site visit to verify the plans on August 21<sup>st</sup>, prior to the signature of the building permit.

**Citation for review (Eastern Canal that runs along Crown & Eagle Way)** – Commissioner Potaski questioned that since the canals apartment parcel is above a river system, should the Army Corps of Engineers be contacted, if making a major structural change to a building structure.

**Sending notifications for Certificate of Compliances** – Chairman Holden informed the commission that a lot of Order of Conditions are coming to a close and will soon be expiring. Ms. Donna Hardy, Conservation Commission Administrative Assistant has been compiling a list from the Notice of Intent database and verifying information either in the paper files, registry of deeds, etc. Discussion and areas of concern included of how the notification will be sent out to the applicants or property owners (recommendation by letter and via website and to send 20 every other week or 40 each month).

**Processing (Recent & future site visits conducted):**

**Douglas Pike** – Commissioner Potaski did a recent site visit. It appeared that the silt fence and straw wattles had a gap in it, allowing the stream to come through.

**Peaceful Pond, Pout Pond and Legg Farm** – Discussion and areas of concern included having a subcommittee for Pout Pond, however the need is to nurture the group to really understand what happenings at the pond and have knowledge of the pond; another concern included inquiring if the Recreation Commission can assist with the Conservation Commission with duties at Pout Pond (how can the Recreation Commission be involved at the pond and any suggestions they may have). Following discussion, **MOTION** by Commissioner Potaski to elect Commissioner Tibedo to open the dialogue with the Recreation Commission and to inquire if the Recreation Commission is willing to open their agenda for a discussion related to Pout Pond. Seconded by Commissioner Tibedo, the motion passed unanimously. Mr. Stephen O'Connell, a resident at 40 Evans Way came forward to discuss the pond. Mr. O'Connell happily paid the small parking fee for his family. Mr. O'Connell had involvement at Marion Camp in Sutton, MA. Marion Camp has a season pass and they have a paid employee that patrols cars coming in and out and paid lifeguards. The question now arises if the pond can do this again. For this fiscal year, the pond is currently underfunded. Mr. O'Connell believes that the season pass is a worthwhile pursuit, along with asking for assistance from the Recreation Commission and suggestion of placing more money in the annual budget to help with this program.

**Pout Pond cottage (To do list):** 1) Work and labor amounts for the cottage.

Tradesman doing the labor is getting \$25/hour for labor and fair amount was being charged. The second egress was not addressed until recently.

2) Design the Conservation requirements for the rental agreement (potential renter could sign, purpose that fulfills that conservation parcel). Potential revisions were added. For Article 97, must serve the purpose of the pond. Requirements can include the following: check on changes and disturbances (i.e. trash, dirt bike, dumping, camping activity, unauthorized tree cutting, brush fires, gate keeping responsibility, keeping a journal or log (include on a weekly basis do a tour of the pond and enter in the weather and any activity), being a first responder, contact person/emergency contact (i.e. applications for special activities).

**MINUTES. MOTION** by Commissioner Tibedo to approve the Conservation Commission Meeting Minutes dated July 16, 2012. Seconded by Commissioner Potaski, the motion carried unanimously.

**MINUTES. MOTION** by Commissioner Tivedo to approve the Conservation Commission Meeting Minutes dated June 25, 2012 as amended. Seconded by Commissioner Potaski, the motion carried unanimously.

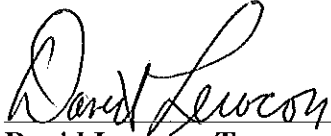
**MOTION** by Commissioner Potaski to adjourn the meeting at 11:26 P.M. Seconded by Commissioner Lench, the motion carried unanimously.

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



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Russell Holden, Chairman

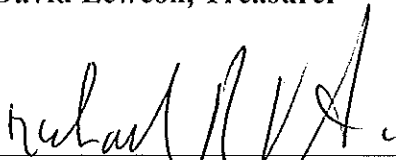
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Vice-Chair (vacant)



\_\_\_\_\_  
David Lewcon, Treasurer



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Lawrence Lench, Clerk



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Michael Potaski, Member

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Tracy Tivedo, Member

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OCTOBER 1, 2012

Date