



TOWN OF UXBRIDGE
CONSERVATION COMMISSION

21 SOUTH MAIN STREET
UXBRIDGE, MASSACHUSETTS 01569
508-278-8600, ext 2019

JUN 9 10 AM '10



MEETING MINUTES

Monday, June 7, 2010

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

Minutes of the Uxbridge Conservation Commission regular meeting held on Monday, **June 7, 2010**, at 7:00 P.M. in the **Board of Selectmen's Meeting Room, Uxbridge Town Hall, 21 South Main St., Uxbridge, MA:**

Conservation Commission Board Members Present: Chair Al Jones, Vice Chair Russell Holden, Harold Klei and Dave Lewcon

Others present: Donna C. Hardy, Conservation Commission Administrator

OLD BUSINESS:

Violations/Potential Violations

Mountain View Estates off Albee Rd (Map 41, Parcels 1849, 1871, 1891 & 1896) – Mr. Mark Anderson with Heritage Design Group was present. Mr. Anderson informed the Commission that his client Albee Realty Trust has implemented several permanent erosion controls at the site. As indicated in the April 14th violation letter sent to the applicant, erosion controls were required to be implemented at the site, which could include installation of hay bales and silt fences, construction of swales to divert water to temporary basins, etc. Mr. Anderson indicated that his client decided to take a more permanent approach to fixing the problem, instead of performing a temporary fix. The permanent erosion controls included looming, seeding and hydro-seeding the site for stabilization. For the duration of the project, street sweeping will be done.

The Commission feels that the erosion control measures taken to date have been appropriate and should substantially reduce, if not eliminate, the potential for off-site erosion. The Commission will continue doing site visits at this location to verify erosion control has been maintained.

Other

660 Millville Road (Map 40, Parcel 1634) – Davis Heights – Site has issues concerning a stormwater management infiltration problem on Davis Heights (stormwater basins that are functioning vs. non-functioning). Mr. Mark Anderson with Heritage Design Group was present. Mr. Anderson, Mr. John Foley (resident at 660 Millville Road) and Benn Sherman, DPW Director had a scheduled site visit on Tuesday, May 18th on Lee Street. Mr. Anderson informed the Commission that the current detention basin needs to be corrected. It appears to be leaking underneath the berm and has seeped under the rocks. Mr. Anderson indicated that the detention basin leakage will be fixed by going around the outside of the berm.

Violations/Potential Violations

Rivulet Pond Mill, 44 Rivulet Street (Map 18D, Parcel 29) – Anonymous request came into the Conservation Commission office stating that the owner(s) at the mill are draining the pond. If there is potential rain in forecast, it could result in problems for the habitats. Mr. Holden did a site visit the afternoon of May 3, 2010. The Commission discussed the violation and is

unsure if the Mill would fall under a management structure control rule or another state guideline. Following discussion at the May 17th meeting, the Commission recommended a letter be sent to the resident stating there was an anonymous complaint received and to explain the violation issue, along with information indicating that the Commission would like to help work with the resident in resolving the issue and when the next meeting is to attend. The certified letter was sent back to the Conservation Commission office as "undeliverable". Another letter was sent by certified mail to the correct mailing address (per the tax records information) on June 8th requesting the owner(s) to attend the next scheduled meeting. The Conservation Commission will continue discussions at their next scheduled meeting.

262 West River Road (Map 13, Parcel 721) – Anonymous request came into the Conservation Commission office stating that the owner(s) at the residence have PVC white pipes coming out of their cellar and pumping water into a stream. The anonymous caller stated that occasionally there is soapy water coming out of the pipes and going directly into the stream. Mr. Holden did a site visit the afternoon of May 3, 2010. There are 2 pipes going directly into the wetlands and can clearly see it is a wetland, due to the skunk cabbage. Mr. Stephen O'Connell with Andrews Survey & Engineering was present and spoke on behalf of the residents. Mr. Anderson informed that it is a 4" PVC pipe which is used for a sump pump discharge. The PVC pipe was installed over 35 years ago. Ground "clean" water is being pumped out of their home to the outside. The pipe is not connected to the washing machine, dryer or any other appliance. Following discussion, the Commission advised that there is no issue at the property.

MOTION by Mr. Klei to request a letter be issued to the resident thanking them for coming forward to resolve this issue with assistance of Andrews Survey & Engineering; recommending that the resident redirect the sump pump discharge to the sewer connections. Seconded by Mr. Lewcon, the motion carried unanimously.

102 Homeward Avenue (Map 18A, Parcel 791) – Violation received on May 4th from a previous tenant at residence stating that the landlord Mr. Cesar Calderon is filling in the wetlands on the property (filling material is concrete, tar and other materials). Mr. Calderon was present at the meeting. The Commission held a site visit on Saturday, May 22nd. Mr. Calderon informed the Commission that the material at the location was not his material when he purchased the property, however Mr. Calderon does not have any documents or information indicating that the material was owned by a previous owner. Mr. Calderon will ask his neighbors and tenants about the material. The Commission is concerned of who would be responsible for the material at the site – current owner or previous owner. The Commission informed the audience that there is an excessive amount of fill at the site (<100 yards of material/fill). The Commission is requesting MA-DEP and MACC be contacted for assistance. The Commission will continue discussions at their next scheduled meeting.

MOTION by Mr. Lewcon to move Angel of Hope /Peaceful Pond discussion out of order. Seconded by Mr. Klei, the motion carried unanimously.

NEW BUSINESS

Violations/Potential Violations

Angel of Hope/Peaceful Pond, off Quaker Hwy – In memory of the Pomeroy's daughter Sadie Grace and all other children who have passed too soon; an Angel of Hope Memorial Garden has been built in remembrance of them. It is a place where families can go to reflect, find comfort and peace. Garden will be approximately 40'x30' and to include a granite paver walkway. Center common area will contain remembrance bricks with children's names on them. Project consists of a driveway to be removed from site and granite pavers to be installed at the Angel of Hope memorial at Peaceful Pond. Several granite light poles will be installed along the driveway and at the entrance.

Selectman Bruce Desilets of 16 Harvest Road was present and came before the Commission as a concerned resident. Selectman Desilets advised the Commission that the Pomeroy's will have the Angel of Hope Phase III completed by August 16, 2010. Mr. Brett Pomeroy of 58 Saratoga Drive was present. Mr. Pomeroy informed the Commission that the memorial is in honor of his daughter Sadie Grace Pomeroy who passed away in October 5, 2007 and all other children. Mr. Pomeroy provided the Commission updates that were provided to the Board of Selectmen of the phase of the project construction, etc. Mr. Pomeroy informed the Commission that Ocean State Power provided a grant for the Angel of Hope project; however the grant expires August 16, 2008. Mr. Pomeroy would like to have Phase III completed prior to August 16, 2008. Following discussion, **MOTION** by Mr. Klei to approve the **RDA** and issue a negative determinability with one (1) Special Condition: Control stormwater runoff during construction phases. Check dams or other erosion control measures must be maintained around site and drain. Seconded by Mr. Lewcon the motion carried 3-0-1.

OTHER ITEMS:

Request for funds transfer of \$10,000 from the Wetlands Protection Fund – The Commission received a memo from the Finance Director concerning a break down of the Wetlands Protection Fund account. The Commission is concerned that the amount requested far exceeds the monies that are received into the account. Following discussion, **MOTION** by Mr. Klei to issue funds transfer of \$10,000 from the Wetlands Protection Fund to the General Fund in order to support the FY 2011 municipal budget. Seconded by Mr. Lewcon, the motion carried 3-0-1.

Ledgemere Country IV & Ledgemere Country V – Mr. Klei informed the Commission that a silt fence was placed on site; however there is no equipment on site. Ms. Hardy spoke with Earl Washington, Real Estate Representative with National Grid on June 3rd. Mr. Washington advised a site visit was done at Ledgemere Country subdivision and a large amount of dirt is located directly under the power lines. The easement is turning into a dumping ground with waste material. Mr. Washington will be forwarding a report once completed. The Commission received the Notice of Intent application packet from the applicant for Lot 15B Crownshield Avenue, Ledgemere Country IV and will continue discussions at the July 6, 2010 meeting.

NEW BUSINESS

Violations/Potential Violations

35 Brandy Lane (Map 7, Parcel 4819) – The Commission received an anonymous letter on May 24, 2010 stating the following:

Uxbridge Conservation Committee

I'd like to know why it's OK for some people to violate conservation rules and not OK for others. I recently observed someone in my neighborhood (35 Brandy Lane) fill in and then loam and seed an area that is clearly in the wetland buffer zone. It started a couple of years ago when they cut numerous large trees and now they have extended their yard out considerably.

Why are some held accountable and others not?

Sincerely,

Concerned & Curious

The letter did not include a name or address.

The Commission addressed the audience requesting that any letters sent to the Uxbridge Conservation Commission include pertinent information such as their name and address, the name of the violator, violator address and the reason or concern for writing to the Commission. Mr. Holden did a site visit at the location and noticed a big drop-off at the site, however could not see any violations or concerns at the site. Mr. Klei shall be doing a site visit at the location, prior to the next meeting. The Commission shall continue discussions at their next scheduled meeting.

26 Brookside Drive (Map 18C, Parcel 2549) – Standing water at residence, as a result of possible beaver activity behind resident's house. Mr. Klei did a site visit on May 24th. Residence is on city water. Mr. Klei did not see a beaver dam; however the cause for the standing water is probably beaver activity. Mr. Holden did a site visit on June 7th and noticed that the water level has gone down considerably. The Commission suggested that the property owner for the last beaver mitigation project be contacted (Hazel Street) to inquire how the project is going. Following discussion, **MOTION** by Mr. Klei requests contact with the land owner on Hazel Street to discuss/inquire about the beaver mitigation ongoing project. Seconded by Mr. Lewcon, the motion carried unanimously. The Commission will continue discussions at their next scheduled meeting.

Other

65 King Street (Map 53, Parcel 887) – Building a 16'x20' kitchen addition to the left of the house, approximately 95' from the brook. Mr. David Moors, the resident was present to discuss. Mr. Moors informed the Commission that the intermittent brook does dry up. Chairman Jones will do a site visit at the residence. The Commission agreed a Request for Determination of Applicability application will need to be submitted. Mr. Moors will submit the application in the near future.

DEP #312-861, Extension Permit for Order of Conditions – Odisef Tsimogiannis, 51 Rivulet Street (Map 12C, Parcel 3494/3465) – Construction of a paved driveway for a single family house. Mr. Stephen O'Connell with Andrews Survey & Engineering was present and spoke on behalf of the applicant. Mr. Holden did a site visit on June 7, 2010. The Commission did not have a copy of the plans in the file and request a copy from the applicant. Following

discussion, **MOTION** by Mr. Klei to issue an Extension Permit for Order of Conditions for DEP #312-861 for (3) three more years to March 5, 2013, contingent upon review of the plans. Seconded by Mr. Lewcon, the motion carried unanimously 4-0. The Order of Conditions shall be signed at the next scheduled meeting.

No salt zones – Mr. Lewcon inquired how to determine what areas in Uxbridge can be a “no salt” or “reduced salt” areas. The Conservation Commission will continue discussions at their next scheduled meeting.

Peaceful Pond – The Commission request to have the lawn cut approximately 10' from the edge of the pond to allow continued vegetation growth. Chairman Jones will contact DPW Director Benn Sherman for assistance.

Location of shallow wells and Herbicide - Mr. Lewcon will be researching to identify spraying of herbicide and what areas it's done at. The Commission will continue discussions at their next scheduled meeting.

The Lighter Side of Green article - Mr. Lewcon will continue to provide more articles to The Uxbridge Times. Mr. Lewcon needs feedback, suggestions or any other comments from the Commission.

Hunting Whip Lane subdivision

The Conservation Commission received new plans from the Planning Board. Chairman Jones shall review the plans.

Mountainview Estates subdivision

The Conservation Commission received new plans from the Planning Board. Chairman Jones shall review the plans.

Minutes. **MOTION** by Mr. Klei for the May 17, 2010 Meeting Minutes, as amended and make a change with the **one (1)** amendment including, **Mountain View Estates off Albee Rd** the information noting “Discussion and areas of concern from the residents included problems with an excess about of water on their properties.” to be updated to “Discussion and areas of concern from the residents included problems with an excess amount of water on their properties.” Seconded by Mr. Holden, the motion carried unanimously.

Minutes. Meeting minutes dated May 3, 2010 was signed at the meeting.

OTHER ITEMS:

Pout Pond – The picnic tables were delivered by the assistance of the DPW the week of June 1st. Mr. Lewcon informed the Commission that the water sample is being transported to Microbac Laboratories by Fairwoods Pond volunteers and the Uxbridge Conservation Commission volunteers. The trails have all been up kept and mowed. ~~Mr. Lewcon will be donating sandpaper and supplies to the Uxbridge High School students for the assembling of the picnic tables used at Pout Pond.~~ Mr. Lewcon resupplied the Uxbridge High School students with the materials used for the assembling of the picnic tables

Legg Farm – The Commission discussed sending a letter to all the abutters of Legg Farm and Pout Pond to request to stop disposing of yard waste (including grass clippings) on either property. Mr. Lewcon requested a letter requesting the abutters to help become a conservation volunteer and to help beautify Pout Pond and Legg Farm. Following discussion, **MOTION** by Mr. Klei to issue a letter to all the abutters of Pout Pond and Legg Farm, to encourage everyone to not dispose of yard waste material on both properties. Seconded by Mr. Holden, the motion carried unanimously.

MOTION by Mr. Holden to adjourn the meeting at 10:10 P.M. Seconded by Mr. Klei, the motion carried unanimously.

Respectfully Submitted by Donna C. Hardy, Conservation Administrator



Al Jones, Chairman



Harold Klei



Russell Holden, Vice-Chair



Dave Lewcon

7/6/2010

Date

JUL 8 '10 AM 11:46

