

TOWN OF UXBRIDGE
CONSERVATION COMMISSION
21 SOUTH MAIN STREET
UXBRIDGE, MASSACHUSETTS 01569
508-278-8600, ext 2019

MEETING MINUTES
Tuesday, July 6, 2010

AUG 3 '10 AM 9:24



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

Minutes of the Uxbridge Conservation Commission regular meeting held on Tuesday, July 6, 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 Dave Lewcon and Larry Lench

Others present: Michael Szlosek, Town Manager, Selectman Desilets and Donna C. Hardy, Conservation Commission Administrator

MOTION by Mr. Lewcon to move Pout Pond (weed issue) – discussions with Aquatic Control Technology out of order. Seconded by Mr. Klei, the motion carried unanimously.

NEW BUSINESS

OTHER:

Pout Pond (weeds issue) – Mr. Dominic Meringolo, Senior Environmental Engineer with Aquatic Control Technology, Inc. was present and spoke about the project. 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. Usually, the treatment of these weeds is performed earlier in the year around the May-June timeframe. Now, it's become a serious safety issue due to the possibility of entanglement within the weeds. Mr. Meringolo informed the Commission, the cost to treat the bladderwort with Reward (herbicide) is \$3,250.00. Mr. Meringolo indicated this chemical has been approved for use in lakes and ponds by the MA-DEP. Mr. Meringolo feels that the treatment MAY have limited effectiveness at this point since the majority of the bladderwort is already mature. However, he feels it is still worth performing and if the results are not satisfactory, Mr. Meringolo will do a second treatment, if needed, at no additional cost. The process to handle the chemical is ~~in~~ less than 3 hours; however, the treatment takes up to 2 weeks for the weeds to decimate. He also indicated that this may be an annual problem with a high potential for reoccurrence in following years. Mr. Meringolo will submit an application permit to MA-DEP which may take up to a week to process. Mr. Meringolo advised there would be no application permit fee. Mr. Meringolo also indicated that he would need an administrative letter from the Uxbridge Conservation Commission indicating if the proposed treatment plan was found acceptable or not and if Aquatic Control Technology, Inc. may proceed. Discussion was brought forth, inquiring if the pond should be shut down and closed until this issue is taken care of. Chairman Jones, the Town Manager and Selectman Desilets all agreed that Pout Pond should be closed until further notice. A request was made to place information on the town's website, post on cable and add signs to Pout Pond. **MOTION** by Mr. Lewcon to close Pout Pond with no swimming or boating allowed until further notice. Seconded by Mr. Klei, the motion carried unanimously.

Mr. Michael Szlosek, Town Manager made a suggestion to the Uxbridge Conservation Commission to make a motion to request for a transfer of funds from the Reserve Fund FY 2010, if needed. Following discussion, **MOTION** by Mr. Klei to request a transfer from the Finance Reserve Fund for up to

\$3,250.00 for the herbicide treatment, to be brought up before the Finance Committee. Seconded by Mr. Lewcon, the motion carried unanimously.

On July 8, 2010, Mr. David Lewcon with the assistance of Diversified Signs in Uxbridge developed two (2) signs for Pout Pond. Signs posted at Pout Pond:

HIGH RISK OF WEED ENTANGLEMENT!

- **NO SWIMMING**
- **NO BOATING**

PER ORDER OF THE UXBRIDGE CONSERVATION COMMISSION

On July 12, 2010, an administrative letter was sent by email to Mr. Dominic Meringolo that the proposed treatment plan was found acceptable and Aquatic Control Technology, Inc. may proceed. Please notify this office 48 hours prior to the application. Also on July 12, 2010, Microbac Laboratories, Inc. was contacted by phone to inform that no water testing shall be done while the pond is temporarily closed. Once the pond is reopened, a call shall be made to begin the water testing.

OLD BUSINESS:

Public Hearings – none

Violations/Potential Violations

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). The Commission held a site visit on Saturday, May 22nd. A Cease and Desist was issued on June 30, 2010. The Commission shall provide guidance to the home owner and a soil testing will be done at a future date. Mr. Holden and Mr. Lewcon shall coordinate a date and time to do a site visit.

35 Brandy Lane (Map 7, Parcel 4819) – The Commission received an anonymous letter on May 24th, indicating a possible violation occurring at the property. Mr. Klei did a site visit at the residence. Mr. Klei noticed a large area of extended lawn, approximately 30 – 50' of trees have been cut. Following discussion, **MOTION** by Mr. Klei to issue a letter to the homeowners requesting their attendance to the next meeting on July 19th to discuss is the work done at the property is a potential violation. Seconded by Mr. Lewcon, the motion carried unanimously.

OTHER ITEMS:

Ledgemere Country IV & Ledgemere Country V – The Conservation Commission has received no new information. The Commission will continue discussions at a future meeting.

Public Hearings:

DEP 312-912, NOI, Lot 15B Crownshield Avenue (Map 29, Parcel 4829) – Construction of a water quality basin and associated grading in the 100' buffer zone. Attorney Jeffrey Roelofs and Mr. Peter Lavoie with Guerriere & Halnon were present. Mr. Lavoie explained to the Commission that the lot size is 122,000 square feet. The existing lot has an approved house location on it, a foundation hole has been started and an existing retaining wall has been constructed. Mr. Lavoie informed the Commission that the applicant plans to have the following done:

- 1) Convert existing drain manhole into a diverter manhole. Currently, a 30" RCP pipe enters and is directed into the wetlands, which is used as a basin.
- 2) The diverter manhole will have a 30" RCP in and a block wall built within it to be directed to the first flush into a proposed 18" RCP pipe at a 5% slope.
- 3) The new 18" RCP pipe will discharge into a grass swale with check dams which will flow into a fore bay and then into the basin.
- 4) Proposed outlet control structure will mitigate storm events and discharge into a plunge pool, which will then discharge as sheet flow into the 25' no disturb area before it enters the wetlands.
- 5) TSS removal will be 96%.
- 6) All work will be done within the existing cleared area.

- 7) Proposed evergreen screening has been screening has been proposed along the north property line.
- 8) MA PE will have to certify the construction of the basin once it has been completed and stabilized.

On June 29th, the Commission sent a list of questions/comments to Attorney Roelofs:

- 1) **What happens if the Town does not want the land donation? Does it remain Fafards' property with a Conservation Restriction and are they required to maintain it?**

Response: Under the agreement with the EPA, Fafard (or affiliates) will place a construction restriction on the property whether or not the Town accepts title to the property. Fafard has also committed to maintaining the infrastructure for 3 years. After that period, as an integral component of the stormwater infrastructure associated with Crownshield Avenue, it will be maintained by the same entity that maintains Crownshield Avenue.

- 2) **What is the timeline/schedule and additional requirements (EPA, etc) for the project once it is approved by the Uxbridge Conservation Commission?**

Response: Fafard has committed to completing construction within 90 days of the Order of Conditions becoming final (with the appeal period expired). It would record the construction restriction within the same period.

- 3) **Please consider plantings and a fence along the property to the north to create a border.**

Response: A row of evergreens has been added to the plans – extending from the road to the existing tree line. We do not believe a fence is warranted or even desirable from the perspective of maintenance or aesthetics.

- 4) **A letter will be required form a MA PE (geotechnical engineer) indicating the earth dike was placed in accordance with the plan requirements. This letter must include a discussion of the removal of topsoil and other organic material prior to fill placement as well as compaction tests results for each lift of fill placed. Full time observation of earth dike construction by the geotechnical engineer is required. The plan shall include these requirements.**

Response: Notes have been added to the plan responsive to this comment.

- 5) **Please consider hydro seeding and biodegradable erosion control mat for the dike and splash pool slopes due to steep slopes.**

Response: Notes have been added to the plan responsive to this comment.

An additional question came before the Commission.

- 1) **What happens if the town doesn't accept the street, who maintains it?**

Response: Responsibility may go to the homeowner or developer. The applicant is planning to request street acceptance from the town.

Following discussion, **MOTION** by Mr. Holden to approve NOI DEP #312-912, Lot 15B Crownshield Avenue for a standard Order of Conditions to be issued. Seconded by Mr. Lench, the motion carried 3-1-0 (Mr. Klei recused).

DEP 312-913, NOI, Mountainview Estates – Albee Realty Trust (Map 41, Parcels 1827, 1832, 1858, 1876, 1895, 1941 & 1977) – New roadway construction & installation of utilities within 100' of a wetland to provide access to a proposed residential subdivision. Mr. Mark Anderson with Heritage Design Group requests a continuance to the next scheduled meeting on July 19, 2010. MOTION by Mr. Klei to continue discussions of DEP #312-913, NOI, Mountainview Estates – Albee Realty Trust to the next scheduled meeting on July 19, 2010. Seconded by Mr. Holden, the motion carried unanimously.

DEP 312-xxx, NOI, Hunting Whip Lane subdivision, Marcia Ferro (Map 44, Parcel 4037) – Construction of an access roadway (driveway) to access three (3) single family homes within the buffer zone of a bordering vegetated wetland. Associated grading and utilities are also included in the work description. The Chairman opened the public hearing. Mr. Mark Anderson with Heritage Design Group was present and spoke on behalf of the applicant. Also present Ms. Marcia Ferro, applicant and owner of the property. Mr. Anderson advised the driveway/roadway is to be paved. Due to the proximity of the wetlands, low impact development shall be done at the site. A grass swale shall be done and will settle

before the wetlands. Discussion and areas of concern from the abutters included the concern of the habitats in the wetlands, frost heaves and the catch basin on the property. A site visit is scheduled for July 12th at 6:30 pm at Ms. Ferro's residence on Aldrich Street. The Commission shall continue discussions at their next scheduled meeting.

DEP 312-914, NOI, Alberto, 44 Connor Pass (Map 8, Parcel 4541) – Proposed project consists of an installation of an in-ground pool within 100' buffer zone at property. Mr. Paul Lavidiere with B&L Pools and Mr. James Alberto, the applicant were present. Mr. Lavidiere provided a copy of the as-built plot plans, indicating the placement of the pool. Approximately 62' from the corner of the house to the tree line edge. The Commission inquired where the erosion control barriers will be installed. A site visit is scheduled for July 8th at 6:00 pm to determine the exact placement of the home, pool and erosion controls.

RDA FY11-01 – Bernat Mill (Map 25, Parcel 157) – Proposed work includes the filling of the existing manmade raceway under the building slab and for a distance of 20' beyond the limits of the building. Mr. Mark Anderson with Heritage Design Group was present and spoke on behalf of his client. Mr. Anderson informed that the project is exempt from the intermittent stream and pond. Since the raceway is manmade, is clearly distinct from the Mumford River and does not have a perennial flow, the raceway should not be considered a River under the Massachusetts Wetlands Protection Act (M.G.L. c. 131, s 40) and it's implementing regulations (310 CMR 10.00 *et seq.*). Following discussion, **MOTION** by Mr. Klei to approve the **RDA FY11-01 – Bernat Mill** and issue a negative determinability based on the exemption from the Massachusetts Wetlands Protection Act. Seconded by Mr. Lewcon the motion carried unanimously.

RDA FY11-02 – David Moors, 65 King Street (Map 53, Parcel 887) – Proposed project consists of building a 16'x20' kitchen addition to the west side of the house. The corner edge of the existing house is approximately 98' from the wetlands buffer zone. Mr. Moors was unable to attend the meeting. **MOTION** by Mr. Klei to continue **RDA FY11-02 – David Moors, 65 King Street** to the next scheduled meeting on July 19, 2010. Seconded by Mr. Lench, the motion carried unanimously.

Violations/Potential Violations - none

OTHER ITEMS:

Conservation Commission Reorganization

MOTION by Mr. Klei to nominate Mr. Jones as Conservation Commission Chairman. Seconded by Mr. Lench, the motion carried unanimously (Mr. Jones abstained).

MOTION by Mr. Klei to nominate Mr. Holden as Conservation Commission Vice-Chair. Seconded by Mr. Lewcon, the motion carried unanimously (Mr. Holden abstained.).

MOTION by Mr. Klei to nominate himself as Conservation Commission Treasurer. Seconded by Mr. Mr. Holden, the motion carried unanimously (Mr. Klei abstained.).

MOTION by Mr. Lench to nominate himself as Conservation Commission Secretary. Seconded by Mr. Mr. Klei, the motion carried unanimously (Mr. Lench abstained.).

DEP 312-738, Request for Certificate of Compliance – Leonardo, 100 Paine Street (Map 37, Parcel 2264) – One story addition on wetland buffer zone to bordering vegetated wetland. Site visit scheduled for July 12, 2010 at 6 pm with Chairman Jones.

38 Saratoga Drive, Lot 12 – The Board of Health received revised plans dated June 21, 2010 and requests the Conservation Commission review revised plans. **MOTION** by Mr. Klei to request to notify the Board of Health, that DEP #312-909 - 38 Saratoga Drive were previously reviewed and accepted with a standard Order of Conditions issued. Seconded by Mr. Lewcon, the motion carried unanimously.

Minutes. **MOTION** by Mr. Klei for the June 21, 2010 Meeting Minutes, as amended and make changes with five (5) amendments including, Rivulet Pond Mill the information noting "If there is potential rain in forecast, it could result in problems for the habitats." to be updated to "When there is rain in the forecast,

the draining of the pond could result in problems for the habitats.” RDA FY10-08 – Barrows, 217 Douglas Street the information noting “Seconded by Mr. Lewcon, the motion carried 3-0-1.” to be updated to “Seconded by Mr. Lewcon, the motion carried 3-0-0.”; **Minutes. Angel of Hope/Peaceful Pond, off Quaker Hwy** the information noting “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.” to be updated to “Mr. Pomeroy informed the Commission that Ocean State Power provided a grant for the Angel of Hope project; however the grant expires August 16, 2010.”; **Pout Pond** to strike the sentence from the record “Work-off program is being pursued with the Uxbridge Police Department.”; **Pout Pond** the information noting “Aquatic Control Technology Inc. has been contacted and will be doing a free inspection in hopes to try to remove the “mill foil” or “bladderwort” weeds.” to be updated to “Aquatic Control Technology Inc. has been contacted and will be doing a free inspection in hopes to try to remove the “milfoil” or “bladderwort” weeds.” Seconded by Mr. Lewcon, the motion carried 4-0-0 (Chairman Jones abstained).

Minutes. Meeting minutes dated June 7, 2010 was signed at the meeting.

ANNOUNCEMENTS and CORRESPONDENCE – none

Other Items:

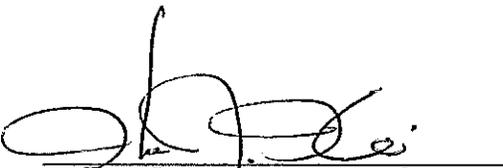
Pout Pond/Legg Farm – The Commission requests notification to all the email responses concerning Pout Pond. Follow-up email sent on July 12, 2010.

MOTION by Mr. Holden to adjourn the meeting at 10:08 P.M. Seconded by Mr. Holden the motion carried unanimously.

Respectfully Submitted by Donna C. Hardy, Conservation Administrator



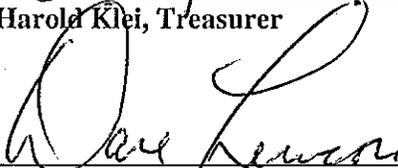
Al Jones, Chairman



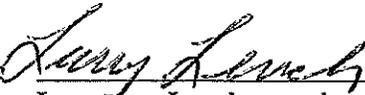
Harold Klei, Treasurer



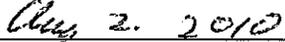
Russell Holden, Vice-Chair



Dave Lewcon, member



Lawrence Lench, member



Date

