



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

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MEETING MINUTES
June 20, 2011

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

Minutes of the Uxbridge Conservation Commission regular meeting held on **Monday, June 20, 2011**, at 7:00 P.M. in the Board of Selectmen's Room, Uxbridge Town Hall, 21 South Main Street, Uxbridge, MA:

Conservation Commission Board Members Present: Al Jones, Russell Holden, Larry Lench, Dave Lewcon and Michael Potaski

Conservation Commission Board Members Absent: Harold Klei

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

NEW BUSINESS

Conservation Commission Reorganization

MOTION by Mr. Lench to nominate Mr. Holden as Conservation Commission Chairman for fiscal year 2012. Seconded by Mr. Lewcon, the motion carried unanimously (Mr. Holden abstained).

MOTION by Mr. Potaski to nominate Mr. Lench as Conservation Commission Secretary for fiscal year 2012. Seconded by Mr. Lewcon, the motion carried unanimously (Mr. Lench abstained).

MOTION by Mr. Potaski to nominate Mr. Lewcon as Conservation Commission Treasurer for fiscal year 2012. Seconded by Mr. Lench, the motion carried unanimously (Mr. Lewcon abstained).

Currently, the Vice-Chairman position is unoccupied.

Chairman Jones passed over the reins to the newly elected Conservation Commission Chairman Holden.

OLD BUSINESS

Public Hearings:

RDA FY11-10 – J.W. Audet, Inc. – 265 North Main St (Map 12C, Parcel 4366) – Mr. Stephen O'Connell with Andrews Survey & Engineering was present and spoke on behalf of the applicant. Mr. O'Connell provided 3 documents to the Commission. Two documents titled "DEP Bordering Vegetated Wetland (310 CMR 10.55) Delineation Field Data Form" dates of delineation June 2, 2011 and B & C Associates "Wetland Resources" dated June 5, 2011. Mr. David Crossman, Sr. Wetland Biologist with B & C Associates commented on the site visit done on June 2, 2011. Following discussion, **MOTION** by Commissioner Jones to issue a Negative Determination of Applicability for **RDA FY11-10 – J.W. Audet, Inc.** Seconded by Commissioner Lewcon, the motion carried unanimously.

Violations/Potential Violations:

89 Johnson Road (Map 48, Parcel 1426) – Mr. Michael Dunphy, resident was present. Mr. Dunphy explained that he was cleaning up the yard. No fill has been brought into the location; however wood chips have been placed down on the yard. Mr. Dunphy indicated that he has several animals on the property, including 9

chickens, 1 rooster and 9 ducks. The Commission expressed concern if any excavation or clearing has occurred. Mr. Dunphy confirmed that excavation has been done on the land and an extensive amount of clearing has been done, including trees, top soil, sand and clay. Chairman Holden advised that there are wetlands in the front yard which connects to a pond in the rear of the back yard. Commissioner Holden also informed the resident that the trees cleared in the wetlands actually assist with the wetlands, holding a large portion of water. Wetlands often function like natural tubs or sponges, storing water (floodwater, or surface water that collects in isolated depressions) and slowly releasing it. Trees and other wetland vegetation help slow floodwaters. This combined action, storage and slowing, can lower flood heights and reduce the water's erosive potential. Chairman Holden inquired if Mr. Dunphy understands the Massachusetts Wetlands Protection Act guidelines and Agricultural Zone exemptions for this property. Mr. Dunphy did not review the guidelines. A future site visit shall be conducted prior to the next meeting. Following discussion, **MOTION** by Mr. Lewcon to continue discussions for the violation at 89 Johnson Road, to the next scheduled meeting on July 5, 2011. Seconded by Mr. Lench, the motion carried unanimously.

Other:

Concern of fertilizers being spread on Town owned lands near wetlands

MOTION by Commissioner Lewcon to move "Concern of fertilizers being spread on Town owned lands near wetlands." out of order to discuss "RDA FY11-11 – Russell, 45 Brandy Lane" application. Seconded by Commissioner Lench, the motion carried unanimously.

NEW BUSINESS

Public Hearings:

RDA FY11-11 – Russell, 45 Brandy Lane (Map 7, Parcel 4857) - The project proposed is to install an addition on the existing home (16.3' x 4' porch, 16.3' x 20' main room & 16.3' x 10' three season porch) and a detached garage 26' x 40'. Mr. Robert Russell, resident was present and discussed the project. Mr. Russell provided a new parcel lot plan with descriptions to the Commission. Chairman Holden expressed the differences between three (3) different applications: Request for Determination of Applicability, Notice of Intent and Abbreviated Notice of Resource Area Delineation. Following discussion, **MOTION** by Commissioner Jones to issue a Negative Determination of Applicability for RDA FY11-11 – Russell, 45 Brandy Lane. Seconded by Commissioner Lewcon, the motion carried unanimously.

MOTION by Commissioner Lewcon to move "DEP #312-912, Request for Certificate of Compliance – Uxbridge Single Family Realty Trust, LLC – Lot 15B Crownshield Ave." out of order to discuss. Seconded by Commissioner Potaski, the motion carried unanimously.

DEP #312-912, Request for Certificate of Compliance – Uxbridge Single Family Realty Trust, LLC – Lot 15B Crownshield Ave (Map 29, Parcel 4829) – Construction of a water quality basin and associated grading in the 100' buffer. Commissioner Jones and Commissioner Holden conducted a site visit on June 16th. Mr. Peter Lavoie with Guerriere & Halnon was present and discussed the project. Mr. Lavoie indicated that hay bales and erosion controls were added to this site. The Commission expressed a condition to be included with the Certificate of Compliance. Following discussion, **MOTION** by Commissioner Jones to issue a Certificate of Compliance for DEP#312-912, Uxbridge Single Family Realty Trust with 1 Special Condition including: To install a chain link fence along the stone wall where the vertical height is at or exceeds ten feet (10'). Seconded by Mr. Lench, the motion carried unanimously.

OLD BUSINESS

Other:

Concern of fertilizers being spread on Town owned lands near wetlands – Mr. Lewcon indicated that this discussion should be addressed at a future meeting, perhaps at the next season.

Uxbridge Wetlands Bylaw – The Commission reviewed the Uxbridge Wetlands bylaw draft and believes it was well written. However, the Commission discussed that when this bylaw is presented at Town Meeting, it may need explanations and instructions for each application submitted to the Conservation Commission to make

it easier for the homeowner to understand the process. The Commission shall continue discussions to the next scheduled meeting.

MOTION by Commissioner Jones to table discussions for the Meeting Minutes until the end of the meeting. Seconded by Commissioner Lewcon, the motion carried unanimously.

Violations/Potential Violations:

90 Homeward Ave (Map 18A, Parcel 776) – Resident requests to install an above ground pool on property, which is within the 50' buffer. Commissioner Holden conducted a site visit at this residence. Commissioner Holden noted the residence is within the 100-year flood plain and the wetlands are approximately 30' from the home. Commissioner Holden informed the resident that a Notice of Intent application will be needed.

Lot 15B, Crownshield Ave (Map 29, Parcel 4829) - Conservation Restriction – The Commission reviewed the Conservation Restriction provided by Town Counsel. Following discussion, **MOTION** by Commissioner Jones to approve the amended Conservation Restriction for Lot 15B, Crownshield Avenue. Seconded by Commissioner Lench, the motion carried unanimously. The Conservation Restriction document has been sent to Town Counsel and shall be signed by the Conservation Commission at the next scheduled meeting.

Laurel Brook Club, off Laurel Street (Map 43, Parcel 1164) – Inquiry of application needed for pond cleared and silt removed near bridge. Commissioner Holden indicated a Request for Determination of Applicability application will be needed.

NEW BUSINESS

Violations/Potential Violations:

272 West River Road (Map 13, Parcel 639) – Commissioner Lewcon did a site visit on the property. Commissioner Lewcon indicated a ~~large~~ number of trees have been cleared from the site. However, ~~the entire~~ a significant part of the property ~~is~~ may be in the buffer zone. On May 25th, a letter was sent to the residents to stop all work immediately to have the plans reviewed by the Uxbridge Conservation Commission on Monday, June 6th. The letter also indicated that the property owner attend this meeting to discuss the issue. Commissioner Lewcon spoke with the property owner about the project and plans. Following discussion, **MOTION** by Commissioner Lewcon to issue a Memorandum of Understanding letter for the property owners at 272 West River Road. Seconded by Commissioner Jones, the motion carried unanimously.

MINUTES. The Conservation Commission signed the April 19, 2011 Conservation Commission Meeting Minutes.

MINUTES. **MOTION** by Commissioner Jones to approve the Conservation Commission Meeting Minutes dated May 16, 2011 as amended. Seconded by Commissioner Lench, the motion carried unanimously.

MINUTES. **MOTION** by Commissioner Jones to approve the Conservation Commission Meeting Minutes dated June 6, 2011. Seconded by Commissioner Lench, the motion carried unanimously.

Pout Pond/Legg Farm – Commissioner Lewcon commented on several topics for discussion including: 1) Funding alternatives at Pout Pond, such as renting the North Cottage & and developing a seasonal fee structure for parking admittance to Pout Pond. 2) Conservation Restriction for Pout Pond. 3) Work Camper program at Pout Pond. 3) Signage at Pout Pond. 4) Plumbing services provided by White Eagle Plumbing and Electrical services provided by John Stratton. 5) Donation of beach sand and delivery by Pyne Sand & Gravel.

The north cottage is considered a utilitarian building and should be listed on endangered structure list. Following discussion, **MOTION** by Commissioner Lewcon to move forward with both funding alternatives for Pout Pond to the Board of Selectmen for future discussions. Seconded by Commission Jones, the motion carried 3-0-1. Commissioner Lewcon will discuss and work with the Department of Conservation and Restriction (DCR) about this subject.

Following discussion, **MOTION** by Commissioner Lewcon to move forward with discussions with DCR concerning a Conservation Restriction for the Pout Pond. Seconded by Commissioner Jones, the motion carried unanimously.

DEP #312-916, NOI, Triumvirate Environmental, Inc., 146 Mendon St (Map 19, Parcel 3621) – Mr. Nicholas Deane with LTI Uxbridge Stanley LTD Partnership submitted a letter requesting an Amendment of Order of Conditions. A public hearing is to be heard at the next scheduled meeting for July 5, 2011.

Correspondence:

The Commission received correspondence from the Town Manager's office concerning organic fertilizer being placed down on Wright's Dairy Farm.

286 Richardson Street (Map 34, Parcel 2215) – Resident is considering placing an addition onto the home; however it is approximately fifty feet (50') away from the wetlands. The resident has requested to come before the Commission at the next scheduled meeting to informally discuss the project and determine what type of application may be needed.

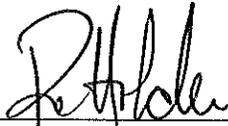
Resignation

Chairman Holden expressed gratitude and sincere thanks from the Town of Uxbridge and the Uxbridge Conservation Commission to Commissioner Jones and Commissioner Klei for all their hard work on the Uxbridge Conservation Commission.

MOTION by Commissioner Jones to adjourn the meeting at 10:00 P.M. Seconded by Commissioner Lewcon, the motion carried unanimously.

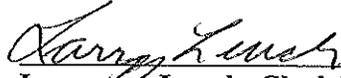
Respectfully Submitted by Donna C. Hardy, Conservation Commission Administrative Assistant.

Al Jones, Chairman

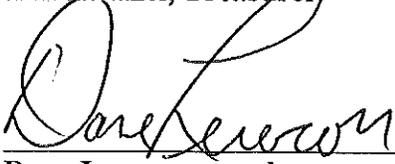


Russell Holden, Vice-Chairman

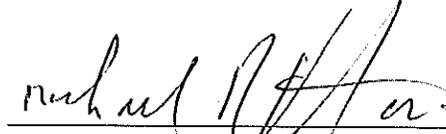
Harold Klei, Treasurer



Lawrence Lench, Clerk/Secretary



Dave Lewcon, member



Michael Potaski, Member

7/5/2011

Date