



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

Posted by
Uxbridge
Town Clerk

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MEETING MINUTES
November 21, 2011

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

Minutes of the Uxbridge Conservation Commission regular meeting held on **Monday, November 21, 2011**, at 7:00 P.M. in the Lower Town Hall room, Uxbridge Town Hall, 21 South Main Street, Uxbridge, MA:

Conservation Commission Board Members Present: Russell Holden, Tracy Tibedo, Dave Lewcon, Larry Lench and Michael Potaski.

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#312-931, NOI, ExxonMobil Pipeline Company on Ironstone Street (Map 45, Parcels 3831 & 3946) - The proposed project involves polymer wrapping of existing petroleum pipeline. Engineer's applicant is not currently present. **MOTION** by Commissioner Lench to table the discussion until engineer for "DEP#312-931, NOI, ExxonMobil Pipeline Company on Ironstone Street" is present to discuss the application. Seconded by Commissioner Lewcon, the motion carried 4-1-0.

Violations/Potential Violations:

89 Johnson Road (Map 48, Parcel 1426) – Commissioner Holden recently did a site visit on the property. The previous Enforcement Order issued on November 7th, have not been completed as of yet. Discussions shall continue at the next scheduled meeting.

102 Homeward Avenue (Map 18A, Parcel 791) – The Commission noted that the structure placed on the property has since been dismantled per the Enforcement Order issued on October 3, 2011. Discussions will continue at the next scheduled meeting.

MOTION by Commissioner Lench to bring back the discussion for the application listed as **DEP#312-931, NOI, ExxonMobil Pipeline Company on Ironstone Street**". Seconded by Commissioner Tibedo, the motion carried 4-0-1.

DEP#312-931, NOI, ExxonMobil Pipeline Company on Ironstone Street (Map 45, Parcels 3831 & 3946) - The proposed project involves polymer wrapping of existing petroleum pipeline. Commissioner Potaski recused himself. Mr. Seth Lajoie with Seth L. Lajoie and Associates, Inc. was present to discuss the application. Mr. Lajoie provided a construction sequence report and information about the bio-degradable fence to the Commission as originally requested. Discussion and areas of concern included the type of material that is placed in front of the silt fence (wood shavings), wetland mats and timeline of construction (project to be completed within 1-2 days). Following discussion, **MOTION** by Commissioner Tibedo to issue a Standard Order of Conditions with two (2) conditions including 1) Construction sequence and 2) Erosion control that will consist of the bio-fence/bio-degradable roll combined with wood shavings for the application listed as "DEP#312-931, NOI, ExxonMobil Pipeline Company on Ironstone Street". Seconded by Commissioner Lench, the motion carried 4-0-1. Commissioner Potaski returned to the meeting.

OLD BUSINESS: Violations/Potential Violations -

Albee Road (Map 40/41, Parcels 2432, 1694, 2466/1743) – Commissioner Holden continued discussions from the November 7, 2011 meeting relating to the following parcels.

13 Albee Road (Map 40, Parcel 2466) - Mr. James Berthelette, the resident came forward to discuss areas of concern. The areas of concern include the issue with a blocked up pipe on 4 & 20 Albee Road. When blockage occurs, the water flows directly onto 13 Albee Road and washes out his driveway. Recently, the resident at 4 Albee Road has made a dam that blocks up the pipe allegedly including yard waste, toilets, plastic material, trash, etc. Mr. Berthelette provided pictures of the location dated October 26th to the Commission. Ms. Donna Sanchez, resident at 20 Albee Road interjected, respectfully requesting Commissioner Lewcon to recuse himself from these discussions due to the friendly relationship Commissioner Lewcon has with Mr. Christian Carven at 4 Albee Road (both are beekeepers). Ms. Sanchez had not been recognized by the Chair and her comments, but was addressed later at the request of Commissioner Lewcon. Given the feedback received, Commissioner Holden addressed Commissioner Lewcon inquiring if this issue was a conflict of interest you may recuse yourself and you may also disclose anything that may bias your opinion in any way. Commissioner Lewcon did not believe there was a conflict of interest in this matter and does not see a reason to recuse himself. Mr. Berthelette noted that the Uxbridge Police Department has gone to the property and has pictures depicting the blockage. The Police indicated that the pipe would need to be unblocked. Other comments and concerns included the property behind 4 Albee Road with the water flow with large amounts of rain. Commissioner Lewcon doesn't believe it's a natural flow of water and that the water comes from approximately ½ acre of land that has been funneled from the property on Millville Road. Commissioner Holden noted to the audience and Commissioners to hear all the conversations from the residents prior to this discussion for 682 Millville Road. Discussions shall continue at the next scheduled meeting.

20 Albee Road (Map 41, Parcel 1743) – Ms. Donna Sanchez, the resident came forward to discuss areas of concern. Discussions and areas of concern included the blockage of the pipe, removal of debris (including cinder blocks, wood pallets, yard waste, pallets, trash, plastic material, basketball hoop, etc.) on 4 Albee Road which has not occurred, the location of the pond with the debris and lawn & tree cutting has occurred within a 25-foot buffer area from the resource area (the pond). On May 16, 2011, a Memorandum of Understanding letter was sent to the resident on 4 Albee Road indicating that any debris needed to be placed at a designated alternate location and not within the wetland resource area. Commissioner Tibedo commented that the resident at 4 Albee Road has a present violation on the site, with a history of dumping in this wetland, the dumping is still occurring and it has yet to have been cleaned up. This property is in violation and needs to be restored to its original condition prior to the dumping. Discussions shall continue at the next scheduled meeting.

672 Millville Road (Map 40, Parcel 1661) – Mr. DJ Salmon, the resident came forward to discuss areas of concern. Discussion and areas of concern included the area that the Commission may have thought was a pond on Mr. Salmon's property is actually a detention pond that was dug intentionally (the area was originally dry) to catch all the silt and debris that was running off from the property. Mr. Salmon dredges the detention pond out on a regular basis in order to keep material from flowing in it. Natural flow of water used to go thru the arbor vitae hedge and the field, however Mr. Carven diverted the water flow over to Mr. & Mrs. Sanchez' property. Additional discussions included if the resident at 4 Albee Road has contoured the land to divert the water (and changing the water flow), then a Notice of Intent application would be required. Discussions shall continue at the next scheduled meeting.

682 Millville Road (Map 40, Parcel 1694) – The resident was unable to be present at the meeting.

The Commission deliberated a few interventions that need to take place 1) any debris in the pipes, need to be removed with the assistance from the residents located at 4 & 20 Albee Road; 2) residents at 4 Albee Road, not have any debris that is located in the corner where the 3 parcels intersect (near the arbor vitae, the driveway and the back of the pond). Following discussion, **MOTION** by Commissioner Potaski to issue a Cease & Desist order to the residents at 4 Albee Road for any landscaping activity, to remove any debris near the wetland resource area and to make sure the pipe is cleared out. Seconded by Commissioner Tibedo, the motion carried 4-0-1. **MOTION** by Commissioner Potaski to continue discussions concerning properties listed above to the next scheduled meeting on December 5, 2011. Seconded by Commissioner Lench, the motion carried unanimously.

The Commission scheduled a site visit to be conducted on Saturday, December 3rd at 2:30 pm.

MOTION by Commissioner Lench to take "New Business-Violations/Potential Violations for 45 Brandy Lane" out of order to discuss. Seconded by Commissioner Tivedo, the motion carried unanimously.

NEW BUSINESS: Violations/Potential Violations – 45 Brandy Lane (Map 7, Parcel 4857) – A previous Negative Determination of Applicability was issued on June 20, 2011 for work concerning an installation of an addition on the existing home, which included a 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'. Currently, the potential violation is for landscaping that may have occurred outside the area (there is 20' wide easement, which is currently cleared). Commissioner Tivedo did a recent site walk the weekend of November 19th. Ms. Terri Russell, a resident at the property came forward to discuss the property. Approximately 60 trees were cut along the easement back in August 2011. Ms. Russell indicated that she spoke w/ Chairman Holden at a previous site visit in the summer of 2011 and thought that the Commissioner mentioned that the tree issue was not within the Conservation Commission jurisdiction. Any activity within a 100 foot wetland resource area is considered jurisdictional. Commissioner Tivedo mentioned that there was clearing (bushes, etc.) within 10 feet of the wetland resource area and Ms. Russell (property owners) would take full responsibility of this activity. Ms. Russell also indicated that there is a large abundance of rocks from the excavation and asked if she could move them. Chairman Holden indicated that as long as the rocks are outside the 100-foot wetland resource area, then they can be moved without asking permission from the Commission. Commissioner Tivedo suggested keeping the rocks at least outside the twenty-five foot buffer (per the Wetlands setback policy) and making an edge along the land (outside the wetland resource area). Chairman Holden is concerned about the drainage easement on the property and that it does not become additional yard area and it will get re-established. Ms. Russell indicated that she will make sure this does not occur. Ms. Russell inquired if she could remove any trees or shrubs that may have fallen due to the Hurricane Irene and also inquired if she could plant a garden, which is all within the 100 feet wetland resource area. The Commission indicated another Request for Determination application would need to be submitted explaining what new type of activity (such as removal of trees, boulders/rocks or planting of a garden) would need to be submitted. Following discussion, **MOTION** by Commissioner Tivedo to remove the Cease & Desist order on the property and ask that a Request for Determination of Applicability application be submitted by the residents at 45 Brandy Lane, Uxbridge concerning the landscaping to be done within the 100-foot resource area. Seconded by Commissioner Potaski, the motion carried unanimously. The application will be submitted in spring 2012.

Public Hearings:

DEP #312-916, Request for Amended Order of Conditions, Triumvirate Environmental Inc., 146 Mendon St (Map 19, Parcel 3621) – The proponent requests an Amendment to the Order of Conditions for a remediation construction status update and a deconstruction sequence update. Due to unanticipated amount of mobile no. 6 fuel oil entering the soil excavation during site dewatering activities, this has caused a delay in the excavation and live loading of petroleum contaminated soil. Mr. Paul Connors with Triumvirate Environmental was present and came forward to discuss. The coffer dam has been removed from the site as of November 18th. Commissioner Holden inquired if the retaining wall that is parallel and perpendicular to the canal, if it has been replaced. Mr. Nicholas Deane with Deane Redevelopment/LTI Uxbridge Stanley (applicant/owner) came forward to discuss the project. Mr. Deane has placed a sufficient amount of compacted good material to be sure that the bank is self-supporting (on the parallel side). Masons will be hired to re-build the retaining wall in the spring 2012. The retaining wall on the perpendicular side of the canal will be removed and future additional parking will be constructed.

Violations/Potential Violations:

79 River Road (Map 45, Parcel 1345) – On November 17th, a Cease & Desist order was issued to the property owners at 79 River Road, Uxbridge. For alleged unauthorized work within jurisdictional wetland resource areas and/or buffer zone, under the Massachusetts Wetlands Protection Act (Chapter 131, Section 40 of the General Laws of the Commonwealth of Massachusetts). Unauthorized work is being conducted in the 100-year floodplain. Mr. Dennis Tetreault and Mr. Jason Tetreault both of 79 River Road were present. Mr. Jason Tetreault came forward to discuss the property. On the edges of the road there are pipes located on the

driveways and owners are trenching the side of the road (placing catch basins on the property). The Commission recommended a Notice of Intent application be submitted. The Commission asked if a site visit can be done. Mr. Tetreault advised a site visit can be done, but to call ahead of time.

Other:

MINUTES. MOTION by Commissioner Tivedo to continue the discussion for the Conservation Commission Meeting Minutes until the next scheduled meeting on December 5, 2011. Seconded by Commissioner Lewcon, the motion carried unanimously.

MOTION by Commissioner Tivedo to table the discussion for "Processing". Seconded by Commissioner Lewcon, the motion carried unanimously.

DEP #312-302, Certificate of Compliance – Mr. Frank Lepizzera, a resident located at 710 Douglas Street, Lot 9R was present and came forward to discuss. On November 19th, Commissioner Tivedo did a site visit. Mr. Lepizzera indicated that there was no Certificate of Compliance that was issued over 16 years ago after the Order of Conditions was issued. Following discussion, **MOTION** by Commissioner Potaski to issue a Certificate of Compliance for DEP #312-302 for 710 Douglas Street, Lot 9R in Uxbridge. Seconded by Commissioner Lench, the motion carried unanimously.

Request for Certificate of Compliance for DEP #312-303 (720 Douglas Street, Lot 10R) – There was no one present to discuss the request. **MOTION** by Commissioner Tivedo to continue discussions until the next scheduled meeting on December 5th. Seconded by Commissioner Potaski, the motion carried unanimously.

Request for Certificate of Compliance for DEP #312-471 (217 East Street, Lot 6) - There was no one present to discuss the request. **MOTION** by Commissioner Tivedo to continue discussions until the next scheduled meeting on December 5th. Seconded by Commissioner Potaski, the motion carried unanimously.

189 Mendon St (Map 19, Parcel 3753, Zone AG) – The engineer handling this project requested postponement of discussion until December 19, 2011. **MOTION** by Commissioner Tivedo to table the discussion for 189 Mendon Street in Uxbridge. Seconded by Commissioner Potaski, the motion carried unanimously.

MOTION by Commissioner Tivedo to take "Any other business which lawfully come before the Commission for 175 Old Millville Road in Uxbridge" out of order to discuss. Seconded by Commissioner Lench, the motion carried unanimously.

175 Old Millville Road (Map 40, Parcel 2332) – Mr. Phil DeCosta, the resident of this property came forward to discuss. As of July 4, 2011, The Federal Emergency Management Agency (FEMA) has updated their flood plain panels. According to Firm Panel 1, 1036E for 175 Old Millville Road, this address is not in the 100-year floodplain zone. Mr. DeCosta received an Elevation Certificate from Andrews Survey & Engineering, Inc. and an updated flood insurance policy from their insurance company. The 100-year floodplain map on the Uxbridge GIS mapping system is incorrect per the most updated FEMA map. Mr. DeCosta indicated the previous owner may have had a Certificate of Compliance, however will need to research and if available will bring it to the next meeting. **MOTION** by Commissioner Potaski to continue discussions for the property located at 175 Old Millville Road in Uxbridge to the next scheduled meeting on December 5, 2011. Seconded by Commissioner Lench, the motion carried unanimously.

MOTION by Commissioner Tivedo to take "Any other business which lawfully come before the Commission for 127 Douglas Pike in Uxbridge" out of order to discuss. Seconded by Commissioner Lench, the motion carried unanimously.

Violations/Potential Violations: 127 Douglas Pike (Map 52, Parcel 1575) – Mr. Ronald Landry, resident at 141 Douglas Pike and Mr. Roland Ferschki, a resident at 115 Douglas Pike both came forward to discuss this

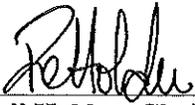
property. The abutters indicated to the Commission that there is running water, possibly a stream going through the fenced in area (fenced in area has horses and dogs). The animals' feces are going directly into the "stream" located on the property. The abutters have both noticed work activity commencing on the property and has extended her fence near the wetland resource area. Commissioner Holden advised that Best Management Practices will need to be followed in order to be exempt if within the Agricultural zone. The Commission discussed that it appears that this property is in violation of the Wetlands Protection Act. Mr. Ferschki provided pictures of the property to the Commission. The Commission shall be doing a site visit on the property. **MOTION** by Commissioner Potaski to continue discussions for the property at 127 Douglas Pike in Uxbridge to the next scheduled meeting on December 5, 2011. Seconded by Commissioner Tivedo, the motion carried unanimously.

246 -270 Quaker Hwy (Map 36, Parcels 4474, 2784, 3645 & 3534) – Commissioner Potaski discussed a previous site visit that was conducted on the property. There are drainage issues from one wetland to another to where the construction of the field area. The current plan indicates a few conditions to follow, such as: 1) build a berm outside the wetland area; 2) reconstruct as much as the culvert as possible; 3) and contain the area to the dug-out culvert. With the excavation of the culvert, it may allow the water to drain more efficiently.

Pout Pond – Pout Pond beach is closed for the winter season. There is continued work being done at the cottage. It appears there is still a yard waste dumping problem on the side of the pond located near Witek Street (the Commission is planning to install signage and a scouting camera).

MOTION by Commissioner Lench to adjourn the meeting at 10:12 P.M. Seconded by Commissioner Potaski, the motion carried unanimously.

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



Russell Holden, Chairman

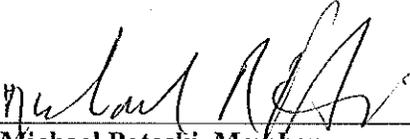
Vice-Chair (vacant)



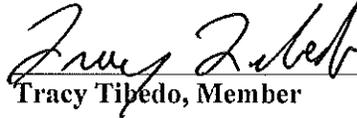
Dave Lewcon, Treasurer



Lawrence Lench, Clerk



Michael Potaski, Member



Tracy Tibedo, Member

1/3/2012

Date