

TOWN OF UXBRIDGE
CONSERVATION COMMISSION

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

MAY 17 10 PM 4:30



MEETING MINUTES
Monday, March 15, 2010

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

Minutes of the Uxbridge Conservation Commission regular meeting held on Monday, March 15, 2010, at 7:00 P.M. in the Board of Selectmen's Meeting Room, Uxbridge Town Hall, 21 So. Main St., Uxbridge, MA:

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

Conservation Commission Board Members Absent: Dave Lewcon

Others Present: Donna C. Hardy, Conservation Commission Administrator

OLD BUSINESS:

NOI - DEP# 312-902 Down East Realty, LLC, Tabor Road Parcel A (Map 41, Parcel 2117) Construction of a single family dwelling, septic system and associated grading. Mr. Mark Anderson with Heritage Design Group was present and spoke on behalf of applicant. Applicant has maintained a ~~25' setback and a~~ 50' setback off all wetlands and ~~disturbance~~. Following discussion, an Order of Conditions shall be issued with Special Conditions included. The Special Conditions to be included: 1.) Natural earthen berm between house and area. 2.) Wetland markers at every 75' and a deeded conservation restriction at 50' boundary. **MOTION** by Mr. Klei to accept DEP #312-902 Down East Realty, LLC, Tabor Road, Parcel A. Seconded by Mr. Holden, the motion carried 4-0.

ANRAD FY10-01 – DEP #312-910 – Guaranteed Builders, Inc. – 435 Douglas St / 0 Hazel St - (Map 22, Parcels 3283 and 2895) Depict the delineated boundaries of bordering vegetated wetland and the associated 100' buffer zones of approximately 70.59 acres. **MOTION** by Mr. Klei to continue the Public Hearing to the next scheduled meeting at the applicant's written request. Seconded by Mr. Holden, the motion carried unanimously.

Mr. Charles Katuska, P.W.S. came forward, requesting to speak with the Commission concerning a violation at this location. Chairman Jones requested to table discussion to under New Business – Violations/Potential Violations section.

Potential Wetland Violations: none

Other:

Potential Open Space and Recreation Plan (OSRP) – The Commission requests Ms. Hardy to contact Mr. Gino Carlucci, Jr. with the Conservation Foundation for additional grant information and to inquire if there is a ADA contact available at the Uxbridge Senior Center (~~disabled individual~~).

Request to waive filing and legal fee for Lycott Engineering (Inman Pond NOI application)

– Removal of the non-native, invasive water chestnut plant that is covering seven (7) acres of the 10-acre Inman Pond that straddles Mendon and Uxbridge. Ms. Anne Mazar with Town of Mendon, Land Use Subcommittee was present and spoke on behalf of the applicant. Ms. Mazar advised that the all the fees have already been taken care of by the Town of Mendon. **MOTION** by Mr. Klei to waive filing ~~or~~ and legal fees for the Inman Pond NOI application. Seconded by Mr. Holden, the motion carried unanimously.

Ms. Mazar also requests to have a contact on the Conservation Commission that may be able to speak with the Town of Mendon dealing with open space and grants.

DEP #312-711, Request for Certificate of Compliance – Wing, 277 Pond Street (Map 34, Parcel 3368) – Mr. Klei did a site visit at the residence on March 15, 2010 and noticed a visible ~~site visit~~ silt fence. **MOTION** by Mr. Klei to issue a Certificate of Compliance for DEP #312-711. Seconded by Mr. Tibbetts, the motion carried unanimously.

DEP #312-822, Request for Partial Certificate of Compliance – LW Tank Repair, 410 North Main Street (Map 12D, Parcel 281) Mr. Mark Anderson with Heritage Design Group was present and spoke on behalf of applicant. The site is located near the China Pacific Restaurant, right along the Mumford River. LW Tank Repair does inspections and repairs of containers. LW Tank Repair has a Class 1 license for constructing tanks and is DOT qualified to certify tanks. On 1/17/2006, they were issued an Order of Conditions to add on another building. LW Tank Repair is within the riverfront area. There has been disturbance in the river zone. Requirement is to improve and control the site. Four (4) drywells were installed and allowed to infiltrate (infiltrate roof runoff) owing to the sandy soil. Propose an earthen berm with trees. This was done using conifers to stabilize. The applicant is asking to be issued a partial Certificate of Compliance. The full Certificate of Compliance requires a full as-built. The berm has been a substantial project. In order for the applicant to get occupancy in the building, a partial Certificate of Compliance is requested. A letter from the Commission is needed. Final grading and paving would happen at a future date. The Commission would like to do a site visit. Mr. Holden did a site visit at the location on March 15, 2010. The trees are well planted at location. Mr. Holden advised a breach in the berm underneath, about 1' and coming through erosion barrier (hay bales). Also, concrete apron hasn't been graded properly. The earthen berm is approximately 10'x12' wide and planting is about 150' long. Mr. Anderson stated that the berm will be corrected; hay bales shall be replaced and will fix the erosion control. Final grading and paving to be done before Final Certificate of Compliance is issued. Mr. Anderson will be back in the summer of 2010 for Complete Certificate of Compliance.

The Commission members disagreed and felt that there might be a violation with the breach in the berm and unsure if the huge pond area around building is outside or inside the filtration unit. **MOTION** by Mr. Klei to issue a Partial Certificate of Compliance for DEP #312-822 for the building and building systems. Seconded by Mr. Tibbetts, the motion carried 3-1-0. The Commission will continue discussions at their next scheduled meeting.

NEW BUSINESS:

Public Hearings: none

Violations/Potential Violations – 435 Douglas St/0 Hazel St ((Map 22, Parcels 3283 and 2895) – Mr. Charles Katuska, P.W.S. was present and requested to speak with the Commission concerning violations that have occurred at this site. After much discussion with the Commission members and Mr. Katuska, a letter was drafted and sent by certified mail and email to the attention of Guy LaChance, Service Forester with DCR on Tuesday, March 16, 2010. In the letter sent, the Uxbridge Conservation Commission requested a “Stop Order” be issued. The reasons for the request are as follows:

1. The maps appended to the Forest Cutting Plan fail to identify the limits of protected wetland resource areas at the Location. Regardless of the status of the Forest Cutting Plan with respect to the Forest Cutting Practices Act, this omission alone means that the Plan is not entitled to the agricultural exemption from the MA Wetlands Protection Act. (See 304 CMR 11.02(4)(b))
2. The Landowner, through the actions of his licensed timber harvester, has failed to maintain the required 50% of the existing basal area of trees to remain in Bordering Vegetated Wetlands to be cut. Furthermore, tree harvesting work conducted in Bordering Vegetated Wetlands was performed this month under conditions when the soil was NOT frozen or dry or otherwise stable to support the equipment used. (See 310 CMR 10.04 - Agriculture (b) (14) (a.))
3. The Landowner, through the actions of his licensed timber harvester, has failed to maintain the required 50-foot Buffer Strip of existing vegetation along the Location's Douglas Street roadway frontage. (See 304 CMR 11.05(7)(c))

As a result of the Landowner's actions to date, approximately 2 acres of protected wetland resource area discharging to a cold-water trout stream have been logged off.

Cub Scouts, Pack 25, schedule Annual Spring clean-up at Pout Pond on Saturday, May 1, 2010. – Lisa Ahern, Committee Chair for Cub Scouts Pack 25 was present. The Commission provided Ms. Ahern a Special Permit for the Annual Spring clean-up.

Special Permit Application – Cub Scouts, Pack 25 (camping trip scheduled for June 4th – 6th) – Lisa Ahern, Committee Chair for Cub Scouts Pack 25 was present. The Commission provided Ms. Ahern a Special Permit for the camping trip scheduled for June 4-6, 2010.

DEP #312-862, Extension Permit for Order of Conditions – King Street Estates, 128 King Street (Map 53, Parcel lots 679 & 1465) Construction of a four (4) single-family dwelling, septic, well, driveway and associated grading. Due to economic conditions, the project has not proceeded. MOTION by Mr. Klei to issue an Extension Permit for Order of Conditions for DEP #312-862 for (3) three more years to April 9, 2013, pending a successful site visit. Seconded by Mr. Tibbetts, the motion carried unanimously 4-0. The Extension Permit for Order of Conditions to be signed at the next meeting on April 5, 2010.

ANNOUNCEMENTS AND CORRESPONDENCE:

Jason Harshaw, a potential buyer for the property on 0 Blackstone Street (Map 30, Parcel 4015) inquired the Commission if the property at this location is not restricted by wetlands. The frontage of the property is on Residential C zone and then it drops down 40' into the Agricultural zone. The Commission has no issues relating to this site.

John Foley, resident at 660 Millville Road came forward expressing a concern with the operation of the detention basin located to the south of Lee Street. When there is rainfall at the site and the pond level rises, there is a significant breakout from the detention basin embankment in addition to the discharge from the pond outlet which causes additional drainage issues at the cross culvert(s) under his driveway. He did indicate that the issues were brought up in the past to the Conservation Commission and the DPW, but nothing has been done to address his concerns. He understands that the project is currently going through street acceptance with the town. Mr. Klei will research the project and will do a site visit. Mr. Foley inquired if the basin is his responsibility to maintain. The Commission will continue discussions at the next scheduled meeting.

Victoria Penland, resident at 375 Hazel Street called March 15, 2010 stating she has an issue with an excessive amount of water on her property. Ms. Penland stated that she believes there are wetlands on her property and stated that the neighbor at 385 Hazel Street is blocking the drainage and culverts at site. The back up is going into her yard and septic system. Mr. Holden will be doing a site visit to the location. The Commission will continue discussions at the next scheduled meeting.

MINUTES. MOTION by Mr. Klei to table discussion of Meeting Minutes until the end of the meeting. Seconded by Mr. Tibbetts, the motion carried unanimously.

Discussions came up concerning a transfer of money needed to pay any remaining invoices due on the Conservation account. Mr. Klei proposed a request to transfer \$200 from the Wetlands RRA account to the Conservation Commission account (fully documented). **MOTION** by Mr. Klei to authorize a transfer of \$200 from the Wetland filing fees account for any Conservation Commission expenses, for the sole purpose of enforcing and hereby hearing the revisions of the Wetlands Protections Act. Seconded by Mr. Tibbetts, the motion carried unanimously. This amount of money can only be used for Wetlands Protection Act items (paperwork, paying phone bills, administrative salaries and any resources for the Administrative job).

POUT POND -

Mr. Mark Anderson with Heritage Design Group informed the Commission that work will commence at Pout Pond to begin next week.

The Uxbridge Senior Center has a senior work-opt program. Marsha Petrillo, Uxbridge Senior Center Coordinator confirmed that there is one volunteer to do a work-opt program for Pout Pond. The Uxbridge Senior Center is an asset to the community.

During the first week in March 2010, there is a supposed police log stating there were 6 young men that camped at Legg Farm and caused a fire at the site. Fire Department put it out. There is no secure area at Legg Farm. Mr. Dave Lewcon suggested a Land Use Regulations sign be placed at Legg Farm and Pout Pond. One format should be addressed for both locations. The Commission will continue discussions at their next scheduled meeting.

Also, the Commission received an application in the mail from Faith Fellowship Church inquiring if any assistance is needed at Pout Pond.

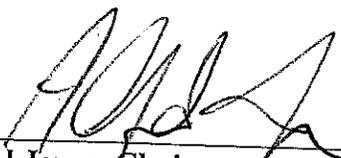
Uxbridge Conservation Commission Bylaw and Regulation Fee schedule – The Commission will continue discussions at their next scheduled meeting.

Uxbridge Conservation Commission Hotline information – Mr. Lewcon was to discuss this topic, however was unable to attend the Commission meeting. The Commission will continue discussions at their next scheduled meeting.

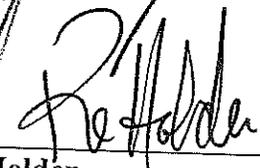
MOTION by Mr. Holden to approve the Conservation Commission Meeting Minutes dated March 1, 2010. Seconded by Mr. Klei, the motion carried without amendment 3-0-1.

MOTION by Mr. Holden to adjourn the meeting at 9:38 P.M. Seconded by Mr. Klei, the motion carried unanimously.

Respectfully Submitted by Donna C. Hardy, Conservation Administrator



Al Jones, Chairman



Russell Holden

Harold Klei


Dave Lewcon


Date 5/3/2010