



TOWN OF UXBRIDGE  
**CONSERVATION COMMISSION**

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

**MEETING MINUTES**  
Monday, April 5, 2010

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

Minutes of the Uxbridge Conservation Commission regular meeting held on Monday, April 5, 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 Dave Lewcon

**Others Present:** Donna C. Hardy, Conservation Commission Administrator

**OLD BUSINESS:**

**Violations/Potential Violations – 435 Douglas Street (Map 22 and 23 & Parcels 3283 and 2895) –** Mr. Mark Manganello with LEC Environmental Consultants, Inc. was present and spoke on behalf of the applicant. Discussion and issues of concerns from the Commission included: the sketch of the plan was poorly done, the Forest Cutting Plan was not adhered to, grubbing was done on the property, removal of blue flags on the property and the true requirements were not completed. Ms. Hardy will be sending a letter to DCR inquiring of any suggestions or recommendations DCR may have concerning this site's violation. By violation of this plan, the work becomes subject to the Wetlands Protection Act. Following discussion, **MOTION** by Mr. Klei to issue a violation, stating that the applicant violated the Forest Cutting Plan requirement of failing to maintain the required 50% of the existing basal area of trees to remain on site. Seconded by Mr. Lewcon, the motion carried unanimously.

**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. Mr. Mark Manganello with LEC Environmental Consultants, Inc. was present and spoke on behalf of applicant. Chairman Jones read the letters sent to the Service Forester with DCR and the Stop Order received by DCR. Following discussion, an Order of Conditions shall be issued with Special Conditions included. The Special Conditions to be included: 1) The Order of Resource Area Delineation (ORAD) is contingent upon the plan modification indicating the rear portion of Parcel 2895 was not delineated. This ORAD only approves the wetland flagging that is shown on the plans. The Commission requests to have a new plan stating exactly where the area is not delineated in the northern area of the parcel(s). **MOTION** by Mr. Klei to ~~accept~~ issue DEP #312-910 Order of Resource Area Delineation (ORAD) application for Guaranteed Builders, Inc at 435 Douglas St / 0 Hazel Street. Seconded by Mr. Holden, the motion carried unanimously.

**Old Business:**

**Violations/Potential Violations**

**Joseph Foley, 660 Millville Road (Map 40, Parcel 1634) –** Mr. Klei did a site visit at the location and took pictures of the catch basin from Patriot Way. Mr. Holden noted that the catch basin is not holding any water. The Commission inquired if there is a Certificate of Compliance on Lee Street or Millville Road. The Commission will need to issue a violation, however needs to speak with the DPW prior to one being issued. The Commission will continue discussions at their next scheduled meeting.

**Victoria Penland, 375 Hazel Street (Map 23, Parcel 368)** – Mr. Holden did a site visit at the location. Mr. Holden advised the Commission that there is a wetland on the left and a buffer to the right. Water is washing down the lawn and into the septic system. Also, Ms. Penland said there has been some construction at the neighbor's house. Mr. Holden suggested to Ms. Penland that a collar be placed on the entry of the septic system (place collar above septic system) to help prevent water washing down in it. Mr. Holden advised Ms. Penland that the Uxbridge Conservation Commission has no jurisdiction for this request.

**Potential Wetland Violations: none**

**Other:**

**Potential Open Space and Recreation Plan (OSRP)** – The Commission will continue discussions at their next scheduled meeting.

**DEP #312-862, Extension Permit for Order of Conditions – King Street Estates, 128 King Street (Map 53, Parcels 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. Mr. Holden did a site visit at the location. The site visit was deemed successful. The Commission signed the Extension Permit for Order of Conditions application.

**NEW BUSINESS:**

**Public Hearings: none**

**Violations/Potential Violations:**

**Joanne Bruyere, 621 Douglas Street (Map 27, Parcel 1696)** – ~~Mr. Holden did a site visit at the location. Mr. Holden stated there is a lot of water in the cellar, but none over the land. There is no violation at this location.~~ Resident was interested in constructing a channel distribution. Mr. Holden advised against it.

**Mountain View Estates, off Albee Road (Map 41 and Parcels 1891, 1871, 1849 & 1896) -**

The Commission and the DPW did site visits at the location. The DPW provided a report complete with pictures and a video of the location. Extensive soil erosion was observed by several Commission members at the entrance to the site. This erosion appears to have significantly impacted a wetland resource area adjacent to the entrance of the site. The Commission will be performing site visits over the next few weeks to evaluate the response to this violation. Following discussion, MOTION by Mr. Klei to issue a violation order letter to the owner of Mountain View Estates to immediately implement siltation practices, stormwater management and filtration remediation. Seconded by, Mr. Holden, the motion carried unanimously.

**Smart Realty Trust &/or Tingley Nichole Trustee, 9 Balm of Life Spring Road (Map 46, Parcel 4251)** – The Commission received a violation letter from the Board of Health concerning an anonymous tip from a resident. The tip received stated that there was trash waste on site and someone at the location was depositing trash from one container to another container, dropping trash along the way. The Blackstone River did not seem to be affected and no debris was placed in the river. The Commission forwarded the information to MA-DEP for assistance on how to handle the disposal of the trash at this site. The Commission also requests assistance from the Town Manager's office.

**LW Tank Repair, 410 N. Main Street (Map 12D, Parcel 281)** – Mr. Holden did a site visit at the location. Heritage Design Group sent pictures depicting that the issue has been addressed and the problem has been corrected.

**Other:**

**15 Henry Legg Road (Map 13, Parcel 3143)** – Mr. Paul Lavidiere with B&L Pools was present and spoke on behalf of the home owner. Mr. Lavidiere inquired if the land at 15 Henry Legg Road was on a conservation restriction land. The Commission advised that there is no issue at the property.

**Minutes.** **MOTION** by Mr. Holden to approve the March 15, 2010 Minutes, as amended and make changes with 5 amendments including, **NOI – DEP#312-902 Down East Realty, LLC, Tabor Road Parcel A** the information noting “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 deed restriction at 50’ boundary.” to be updated to “Applicant has maintained a 50’ setback off all wetlands. 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.”; **Potential Open Space and Recreation Plan (OSRP)** the information noting “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 contact available at the Uxbridge Senior Center (disabled individual).” to be updated to “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.”; **DEP #312-711, Request for Certificate of Compliance – Wing, 277 Pond Street** the information noting “Mr. Klei did a site visit at the residence on March 15, 2010 and noticed a visible site visit.” to be updated to “Mr. Klei did a site visit at the residence on March 15, 2010 and noticed a visible silt fence.” Seconded by Mr. Klei, the motion carried unanimously. March 15, 2010 minutes to be signed at the next scheduled meeting.

**ANNOUNCEMENTS AND CORRESPONDENCE:**

**Scott Lavalley, North Uxbridge Italian American Club (Map 14, Parcel 4215)** – The proposed project consists of a trench to be sized to accommodate the installation of a 1” natural gas line to the front of the building. Mr. Lavalley inquired what is needed from the Conservation Commission in order to have the gas line put in. The Commission informed Mr. Lavalley to fill out a Request for Determination of Applicability application.

**Randall Youngsma, 41 Chocolog Road (Map 39, Parcel 2355)** – Mr. Randall Youngsma came forward to inquire if he’s able to build a garage on his property. The Emerson Brook runs behind his property and will be approximately 130’ from the rear of potential garage to be built. Mr. Youngsma has been in contact with Andrews Survey & Engineering. The Commission requests a letter be prepared from Andrews Survey & Engineering concerning the square footage from his home to the brook.

**Mosquito Control Program** - Mr. Lewcon requested the Commission to have a discussion concerning the Mosquito Control Program. On May 11, 2010, the Spring Annual Town Meeting has a warrant article listed concerning this subject “Article 11: Revoke Participation in the Central Massachusetts Mosquito Control Project”. The Uxbridge Conservation Commission would like to have a portion of the monetary contribution allocated for the Central Massachusetts Mosquito Control Project channeled to account #0100-631-5242 Grounds Repairs and Maintenance (Pout Pond) account. Following discussion, **MOTION** carried by Mr. Klei recommending unfavorable action to the Spring Annual Town Meeting on May 11, 2010 regarding the continuation in the Central Massachusetts Mosquito Control Project. Seconded by Mr. Lewcon, the motion carried 4-0.

**OTHER ITEMS:**

**POUT POND –**

Ms. Hardy inquired when a letter can be sent to Microbac concerning the number of weeks for the (water) bacteria testing. Ms. Hardy shall also contact the Board of Health for additional information. Ms. Hardy also informed the Commission that \$810 is to be moved out of the Pout Pond account #0100-631-5552 for Water Testing and Laboratory Analysis account to the Pout Pond account #0100-631-5242 for Grounds Repairs and Maintenance account.

A question was asked of when the septic system(s) were pumped out at Pout Pond. Mr. Lewcon noted that the septic system(s) at Pout Pond was pumped out last fall 2009.

Mr. Lewcon also informed the Commission that the picnic tables at Pout Pond have been completely disassembled and have been put back together. High-end grade paint (cover stain) was bought at Koopman Lumber to paint the new picnic tables. Some of the remaining wood will be used for kiosk signs. Mr. Lewcon informed that the Uxbridge High School Art Department would like to build “Keep off grass” signs. Mr. Klei advised he has pressure treated wood available, if it is needed. The Commission will continue discussions at their next scheduled meeting.

~~Strike the following sentence from the record: Heritage Design Group and Pync Construction put a layer of clay down. It is a special blend and draught resistant.~~

**Gravel Permit Application (Pout Pond) –** The Town Manager’s office requests a gravel permit application be submitted.

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

**Legg Farm and Pout Pond, Land Use Regulations -** 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.

**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 would like to provide an update of educational information to the residents of Uxbridge. Mr. Lewcon would like to project an image of the Conservation Commission that is educational and an abundance of information. Mr. Lewcon would like feedback from the members to put together a separate web page on Facebook &/or Twitter concerning Pout Pond. 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.

**Minutes. MOTION** by Mr. Holden to approve the March 15, 2010 Minutes, as amended and make changes with 5 amendments including, **NOI – DEP#312-902 Down East Realty, LLC, Tabor Road Parcel A** the information noting “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 deed restriction at 50’ boundary. ” to be updated to

"Applicant has maintained a 50' setback off all wetlands. 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."; **Potential Open Space and Recreation Plan (OSRP)** the information noting "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 contact available at the Uxbridge Senior Center (disabled individual)." to be updated to "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."; **DEP #312-711, Request for Certificate of Compliance – Wing, 277 Pond Street** the information noting "Mr. Klei did a site visit at the residence on March 15, 2010 and noticed a visible site visit." to be updated to "Mr. Klei did a site visit at the residence on March 15, 2010 and noticed a visible silt fence." Seconded by Mr. Klei, the motion carried unanimously. March 15, 2010 minutes to be signed at the next scheduled meeting.

**MOTION** by Mr. Holden to adjourn the meeting at 10:02 P.M. Seconded by Mr. Klei, the motion carried unanimously.

Respectfully Submitted by Donna C. Hardy, Conservation Administrator

  
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Al Jones, Chairman

  
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Harold Klei

  
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Russell Holden

  
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Dave Lewcon

5/17/2010  
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Date

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