



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

MEETING MINUTES  
September 20, 2010



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

Minutes of the Uxbridge Conservation Commission regular meeting held on Monday, September 20, 2010, at 7:00 P.M. in the Board of Selectmen's Meeting Room, Uxbridge Town Hall, 21 S. Main St., Uxbridge, MA:

**Conservation Commission Board Members Present:** Vice-Chair Russell Holden, Harold Klei, Larry Lench and Michael Potaski

**Conservation Commission Board Members Absent:** Chair Al Jones and Dave Lewcon

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

**MOTION** by Mr. Klei to table discussion for DEP 312-915, NOI, Hunting Whip Lane subdivision, Marcia Ferro (Map 44, Parcel 4037). Seconded by Mr. Potaski, the motion carried unanimously.

**MOTION** by Mr. Klei to move DEP #312-916, Triumvirate Environmental, Inc. out of order. Seconded by Mr. Potaski, the motion carried unanimously.

#### OLD BUSINESS

DEP #312-916, NOI, Triumvirate Environmental, Inc., 146 Mendon St (Map 19, Parcel 3621) – Excavation of petroleum contaminated soil related to historic underground storage tank located w/in the buffer zone of the Blackstone Canal. Mr. Paul Connors with Triumvirate Environmental was present and spoke on behalf of the applicant. Mr. Connors informed the Commission that his client needs two (2) additional weeks to get funding put in place for this project. Mr. Connors provided draft copies of the Release Abatement Measure (RAM) plan for the project to the Commission. If work is to be done on the property, then it will begin fall 2010. If work is to be completed in spring 2011, then no contingency plan will be needed with M.C.P. Mr. Connor also advised that his client will be doing stacked trench boxes for excavation, instead of sheeting. Trench boxes can not be placed at the side of the building, but rather stabilized in vertically, instead. Trench boxes are twenty (20') long by ten (10') wide and are designed to stack on top of each other. The trench boxes are pre-categorized with disposal. The contaminated soil will be loaded on trucks and leave the site immediately, instead of stock piling done. Following discussion, **MOTION** by Mr. Klei to continue discussions of DEP #312-916, NOI, Triumvirate Environmental, Inc., 146 Mendon St to the next scheduled meeting on October 4, 2010. Seconded by Mr. Lench, the motion carried unanimously.

**MOTION** by Mr. Klei to take DEP 312-915, NOI, Hunting Whip Lane subdivision off the table and begin discussions. Seconded by Mr. Potaski, the motion carried unanimously.

DEP #312-915, 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. Mr. Mark Anderson with Heritage Design Group and Ms. Marcia Ferro, the applicant were both present. Mr. Anderson requests a two (2) week continuance. **MOTION** by Mr. Holden to continue the Public Hearing to the next scheduled meeting to October 4, 2010, at the applicant's verbal request. Seconded by Mr. Lench, the motion carried unanimously.

#### Violations/Potential Violations:

102 Homeward Avenue (Map 18A, Parcel 791) – Mr. Cesar Calderon was present. Mr. Calderon received the letter dated September 15, 2010 from the Commission requiring that the area be reseeded with a Conservation Design mix. Within two (2) weeks re-growth has occurred with root stalk coming up. The Commission agreed that seed mix needs to be placed in the bare areas at the site. The Commission recommends New England Conservation

mix with golden rod. Mr. Calderon will contact the Commission in a few weeks to inform of the re-growth of the property.

**127 Old Millville Road (Map 40, Parcel 742)** – Anonymous call from neighbor on August 2, 2010, concerning work being done on the property w/in the last 3 weeks such as excavation of trees and land. No trespassing signs posted everywhere on property. This site is located within the flood plain area and wetlands. Mr. Klei did a site visit on the property. Appears no earth removal has been done on site. However, landscaping is being done on the property. A letter was sent to the homeowner on September 22, 2010, indicating if future activity is to be done; the home owner must come before the Conservation Commission.

**0 Blackstone Street (Map 31, Parcel 4142)** – Agricultural area may be a dumping ground. Commission has tried to contact owner of property to do a site visit and has been unsuccessful. Commission has contacted MA-DEP for assistance. Mr. Klei did a site visit on the property. The Commission shall continue discussions at the next scheduled meeting.

**26 Boston Street (Map 12B, Parcel 2945)** – Local resident contacted the Commission to inform of violation at property. Activity on property going on for years, such as throwing trash, mattresses, yard waste, wheel rims, recycling material, shower stall, etc on property and on each dead end from School St to CVS. Property is less than 100 feet from the Saw Mill Pond. Mr. Lewcon did a site visit on the property. A Cease & Desist order was issued on September 2, 2010. Mr. Lewcon was not present at the meeting. The Commission shall continue discussions at the next scheduled meeting.

**175 Henry Street (Map 20, Parcel 3627)** – Mr. Lewcon and Mr. Lench will be doing site visits at the property. The Commission shall continue discussions at the next scheduled meeting.

**Ledgemere Country subdivision (including Lot 15B, Crownshield Ave, erosion control)** – Mr. Klei is an abutter to the property and recused himself from discussion. An Enforcement Order was issued on September 9, 2010. The violation has been stabilized and it appears all the work has been completed. Mr. Peter Lavoie with Guerriere & Halnon was present and spoke on behalf of his client to discuss the modifications to Lot 15B Crownshield Ave plans. Mr. Lavoie provided modifications/changes to the detention basin that is currently being constructed. Changes included to, increase the rock size to 50 pounds to be placed in the rip rap in one of the water quality swales; add a spill way; add a drop manhole halfway to have at the discharge point will be flatter and will be at 1% for the velocity for the plunge pool; increase the level spreader at one location and increase it to seventy-six (76') feet long which will provide a wider sheet flow; and the contractor will be placing a six (6') by six (6') pressure treated plank or post due to rocks, to allow it to be at a consistent level. Acting Chair Mr. Holden requested to be provided additional details of how the support will work. Mr. Lavoie informed the Commission that the current support at site is filter fabric and rip rap over an earth berm. The contractor is unable to keep it level and needs to have it more structural with the pressure treated wood and stones around it. Mr. Lavoie's client inquired if poly pipe could be used instead of RCP pipe. Mr. Benn Sherman, DPW Director addressed the Commission's concerns about the difference of the pipes. The poly pipe is less expensive and is easier to install. The pipe is approximately eighteen (18") inches in size. Mr. Sherman requested that the swale, the blossoms or water coming out of the pipe meet the design criteria for rip rap and sizing of rip rap. Also, Mr. Sherman noted that what the applicant is attempting to do on the level spreader is to promote a uniform flow. Lastly, Mr. Sherman recommends using a granite sill or granite curbing which is more permanent rather than using the pressure treated wood, which may deteriorate over time. Mr. Lavoie informed the Commission the pipe shall be installed by the following week. Mr. Lavoie will contact the contractor to inform that the Commission requires the granite sill or granite curbing to be used to provide more stability and last longer. Mr. Lavoie shall contact the Commission office to provide the updated change to the plans. Following discussion, MOTION by Mr. Holden to accept the changes made to the project and as a condition to accepting the changes, that there will be communication from Guerriere & Halnon about the pressure treated wood and what the alternative will be. Seconded by Mr. Lench, the motion carried unanimously. Mr. Klei returned to the Commission.

**Mountainview Estates (Map 41, Parcels 1827, 1832, 1858, 1895, 1941 & 1977)** – Mr. Mark Anderson with Heritage Design Group was present and spoke on behalf of the applicant. Mr. Anderson noted that two (2) weeks ago he was before the Commission to discuss the water runoff issues and site control of the project. Applicant has begun the process of stabilization at the site and all work will be completed by September 24, 2010. Mr. Anderson

provided a list to Chairman Jones of what is to be proposed at the site, which included revising the stone trench and placing a berm at site. Street sweeping was done at the site, the afternoon of September 20, 2010. Also, four-hundred feet (400') of pavement w/ stone trench, Mr. Anderson has required a 100' of additional stone or tire scrubber. Tires will be clean prior to getting to Albee Road. Check dams have been installed. Acting Chair Holden commented on the project and it doesn't appear that there has been large amount of progress at this site. Mr. Anderson requests a site visit with the Commission the weekend of September 25, 2010 to see the significant improvement at the site. Mr. Klei did a site visit approximately 2 weeks ago after the last rain storm event and noticed the amount of ground stone was not graded correctly; silt everywhere on the property and on the road. It appeared to be a mediocre attempt for the clean up for the property. Following discussion, MOTION by Mr. Klei to issue an Enforcement Order to Albee Road Realty Trust for failure to control siltation and stormwater from their site and recommend the applicants submit plans for remediation and containment within seven days to the Commission or prior to the next meeting. Seconded by Mr. Potaski, the motion carried unanimously.

#### **Other**

**Salt and Sand areas** – Mr. Benn Sherman, DPW Director provided a draft copy of “Street Sweeping, Handling, Storage & Disposal DPW S.O.P. No. 422-1”. Mr. Sherman welcomes any comments or suggestions the Commission may have addressing the document. Mr. Sherman noted that any stored piles that must be done, will need to be authorized by him directly.

**DEP #312-396, Request for Certificate of Compliance –LaFrance, Trustee of Stanphyl Road Acceptance Trust, Stanphyl Rd (Map 37, Parcel 1614)** – Residential subdivision roadway with mitigated measures. Mr. Harry Vandermeer, a resident on 120 Stanphyl Road was present. Acting Chair Mr. Holden had no issues concerning the wetlands on the property, however had a concern with the retention swale. Mr. Vandermeer and Acting Chair Mr. Holden will be setting up a future site visit. The Commission shall continue discussions to the next scheduled meeting.

**DEP #312-682, Request for Certificate of Compliance – First CP Realty Trust, Hartford Avenue West (Map 17, Parcel 641 & 651)** – Road construction including utilities, detention pond and related grading in a wetland buffer zone. Acting Chair Mr. Holden, Mr. Klei and Mr. Sotir Papalilo did a site visit on the property and have no issue or concerns. Following discussion, MOTION by Mr. Klei to issue a complete Certificate of Compliance for DEP #312-682, First CP Realty Trust. Seconded by Mr. Lench, the motion carried unanimously.

#### **NEW BUSINESS**

**Public Hearings** ~ none

**Violations/Potential Violations** ~ none

#### **Other**

**Uxbridge High School on Quaker Hwy (Map 35 & 36, Parcels 1987, 2784, 3534, 3645 & 4474)** – Ms. Leslie Fanger, Senior Project Manager and Ms. Diana Walden, Wetland Scientist with BSC Group were present. Ms. Fanger introduced the project to the Commission providing what environmental constraints and anticipated impacts were discovered. Feasibility study was conducted approximately a year ago. The study looked at the alternatives open to either renovating the current high school or to build a new high school. The study concluded that a new high school would be more feasible. Currently, the high school project is in the design and development phase. One detail that could not be done through the feasibility study was to look in detail at the delineation of the wetlands that have been done for the gravel removal. Ms. Fanger directed the Commission to the map indicating where both gravel pits are located near the placement of the high school. The property for the new high school is approximately one-hundred and fifty (150) acres, however the placement of the high school will only use approximately sixty (60) acres, and the remaining land will be left for future development. The schematic design phase allowed BSC Group to take a closer look at the resource areas. The delineation took place on three (3) separate occasions 1) gravel removal 2) Blackstone bikeway 3) the wall located on the southern portion of the map. Ms. Walden spoke of the majority of the wetlands that are on the site, which are the Blackstone River (to the east of the project site) and Emerson Brook (to the south of the project site). A few other spots indicated wetlands in the gravel pit area. Appeared that the operations over graveled the gravel pit area and the intent was to fill that area back up to its original elevation. Also, considered the well protection area, had a four hundred (400') feet buffer. Finally, BSC Group had a priority estimated habitat mapped by Natural Heritage and Endangered Species program that was associated with the Blackstone River. BSC Group thought a dragon fly was associated with the river and instead

found five (5) wood turtles near Emerson Brook, near the right-of-way. BSC Group coordinated with Natural Heritage that the wood turtle's population were discovered and will be part of their applications. Acting Chair Mr. Holden inquired about the pink color coded information on the map and what that indicates. Ms. Walden indicated that the area is not a wetland and is an upland isolated land area. Mr. Klei indicated that the area in reference is concerning a past violation from a previous owner (5+ years ago) of an over well development. During the schematic design phase a question was posed if the area could be encroached and it can not. Even with the constraint, the site design works very well. The final note to mention is that there will be a slight widening of Quaker Highway in order to make the access driveway safe. The wetlands along this area were evaluated and it does not appear that the road widening will cause an issue. Mr. Potaski questioned that originally the consideration was to have the access to the school site opposite from Mill Street, is it still going to be there. Ms. Fanger indicated it will not be feasible because of the steep grade. There will be double barrel access into the high school, similar to boulevard allowing one way in and one way out, for safety purposes. The school itself is exactly centered online with the center of the Blackstone River to be able to obtain a beautiful view of the river. The locker rooms are on the same elevation of the gravel pit and the future athletic facilities. Also, the school is oriented to take full advantage of solar gain and lighting, in attempt to try to do low impact development site design. Ms. Walden spoke indicating the various impacts that were anticipated for the project. The only direct impact to the bordering vegetated wetland is associated with the new proposed sewer line installation. BSC Group will be able to reduce the impacts from where the bike path was proposing of about eighteen hundred square feet (1800 sq. ft.) bordering vegetated wetland impact, but reduced to eleven hundred square feet (1100 sq. ft.), the majority of it would be temporary and this activity would be considered eligible as a limited project. It would be a permanent clear, but it would be a temporary fill. The area has a small area of river front, flood plain and is in the original natural heritage habitat. Another small area of impact that BSC Group is proposing, is an isolated wetland (southern area of map) that is not jurisdictional to the state or local regulations, yet it would be jurisdictional to the total impacts to the Army Corp or water quality certification. The intent is to submit the Notice of Intent application in mid-October 2010 for a public hearing in November 2010.

**MINUTES. MOTION** by Mr. Klei to approve the Conservation Commission Meeting Minutes dated September 7, 2010. Seconded by Mr. Mr. Potaski, the motion carried unanimously.

**Other Items:**

**Pout Pond/Legg Farm** – The lawn has been seeded at Pout Pond. The Worcester County Sheriff's Department work order release program has begun work at Pout Pond painting the beach house. The Community Yard Sale & Craft Fair on September 18<sup>th</sup> was very well attended. Acting Chair Mr. Holden and Mr. Lewcon recently had a site visit at Pout Pond discussing the land management plan and ecological benefits at Pout Pond.

**66 Douglas Street (Map 18B, Parcel 4659)** – Ms. Shannon Lambert, resident at property wants to take a pine tree down on her property; there is a brook directly behind property. The pine tree is close to her house and wants to have it removed. Ms. Hardy spoke with Chairman Jones on the phone on September 20<sup>th</sup> and Chairman Jones indicated that there was no issue with the removal of the tree only. However, if the stump was to be removed or if any grubbing was to be done, then a Request for Determination of Applicability application would need to be filed. Ms. Hardy left a voicemail for Ms. Lambert.

**Forest Cutting Plan at Aldrich Street/Old Sherman Road (Map 52, Parcel 2138)** – Appears that majority of the harvesting is to be done in Douglas, MA. The Commission questioned the following: 1) Where is the New England trunk line trail? 2) Is there an easement to cross the land? Acting Chair Mr. Holden shall be contacting Mr. Christian Krueger with Hull Forest Products to discuss the Forest Cutting Plan.

**277 North Main Street, Hellen Fuel Corporation (Map 12C, Parcel 4332)** – Discussion came up at the Planning Board meeting on September 8<sup>th</sup> discussing an ANR plan. Mr. Potaski inquired if there is a potential violation at this site with possible contamination on a separate parcel of land. Ms. Hardy shall be reviewing the September 8<sup>th</sup> Planning Board meeting DVD for additional information.

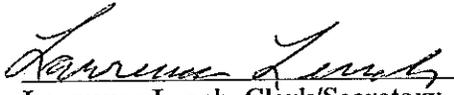
**MOTION** by Mr. Klei to adjourn the meeting at 9:10 P.M. Seconded by Mr. Lench the motion carried unanimously.

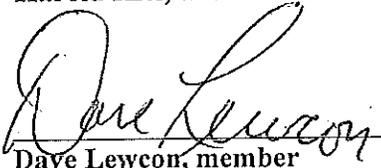
Respectfully Submitted by Donna C. Hardy, Conservation Commission Administrative Assistant

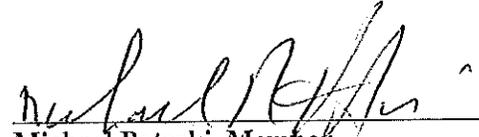
  
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Al Jones, Chairman

  
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Russell Holden, Vice-Chair

  
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Harold Klei, Treasurer

  
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Lawrence Lench, Clerk/Secretary

  
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Dave Lewcon, member

  
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Michael Potaski, Member

Oct 4 2010  
Date

