



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

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MEETING MINUTES
October 4, 2010

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

Minutes of the Uxbridge Conservation Commission regular meeting held on Monday, October 4, 2010, at 7:00 P.M. in the Board of Selectmen's Room, Uxbridge Town Hall, 21 S. Main St., Uxbridge, MA:

Conservation Commission Board Members Present: Chair Al Jones, Vice-Chair Russell Holden, Dave Lewcon, Harold Klei, Larry Lench and Michael Potaski

Others present: Donna C. Hardy, Conservation Commission Administrator

OLD BUSINESS

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. Anderson was present and spoke on behalf of the applicant. Mr. Anderson discussed details concerning a Deed Restriction for the abutters. Per the Deed Restriction, there will be a twenty (20') foot no cut buffer zone (easement) for Mr. Eli Richardson, Ms. Jane Gilmore and further away from Ms. Marcia Ferro's property. The Chairman opened the public hearing for comments. Discussion and areas of concern included an additional twenty (20') no cut buffer zone for Ms. Gilmore's property. Mr. Anderson indicated to Ms. Gilmore that plantings of white pine trees will be placed on Ms. Gilmore's property. Following discussion, **MOTION** by Mr. Klei to approve DEP #312-915, NOI, Hunting Whip Lane subdivision based on the drawings as discussed, dated September 7, 2010. Seconded by Mr. Lench, the motion carried 4-1-1.

MOTION by Mr. Klei to table discussion for DEP 312-916, NOI, Triumvirate Environmental, Inc., 146 Mendon St (Map 19, Parcel 3621). Seconded by Mr. Potaski, the motion carried unanimously.

MOTION by Mr. Klei to move Mountainview Estates (Map 41, Parcels 1827, 1832, 1858, 1895, 1941 & 1977) out of order. Seconded by Mr. Potaski, the motion carried unanimously.

Violations/Potential Violations:

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 and his applicant received the Enforcement Order issued on September 27, 2010. Mr. Anderson will be sending weekly reports to the Uxbridge Conservation Commission and to the EPA. Mr. Anderson sent an email on September 27, 2010 indicating the following progress for this subdivision:

- All catch basins, on and offsite were cleaned.
- On and offside roads have been swept (street sweeper).
- Reconstructed the pipe and stone curtain at the end of the pavement.
- Installed a stone tire scrubber on the uphill side of the curtain drain.
- Constructed a small settling basin at the end of the pavement, on the right side.
- Constructed new check dams on the entire left side of the road.
- Replaced hay bales and silt fence, where needed.
- Daily monitoring continued by contractor.

Mr. Anderson sent a follow-up email on October 7, 2010, indicating the following progress for this subdivision:

- Mr. Anderson, along with the contractor has checked and maintained the site on a daily basis.
- The asphalt has been removed from the property.
- Ongoing hay bale maintenance &/or replacement.

Chair Jones and Mr. Lewcon have both recently been to the project site and the site appears to be under control. Discussions included if the hay bales and silt fences in the front entrance have been modified and if the concrete and linoleum material on the site will be removed. Mr. Anderson indicated that the hay bales and silt fences in the front entrance have been replaced. Mr. Anderson and his client are unsure how the concrete and linoleum material was placed at the site, perhaps illegally dumped, however it will be removed on October 8, 2010.

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. Nicholas Deane with LTI Uxbridge Stanley LP and the applicant sent a written request for continuance to the next scheduled meeting. **MOTION** by Mr. Holden to accept the applicant's written request to continue the public hearing for DEP #312-916, NOI, Triumvirate Environmental, Inc. to the next scheduled meeting. Seconded by Mr. Klei, the motion carried unanimously.

Violations/Potential Violations:

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 has been unable to connect with the property owner. 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. A Cease & Desist order was issued on September 2, 2010. Mr. Lewcon did a site visit on the property and noticed partial removal of tires and trash from site, however not all the material has been removed. Mr. Lewcon will check with the Uxbridge Board of Health for assistance. The Commission shall continue discussions at the next scheduled meeting.

175 Henry Street (Map 20, Parcel 3627) – Mr. Lewcon did a site visit, however did not see a lot of activity on the property. Mr. Lewcon will be going back to do a site visit. The Commission shall continue discussions at the next scheduled meeting.

Other

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. Holden did a site visit on the property on October 1, 2010. Mr. Benn Sherman, DPW Director was present. Mr. Sherman indicated that two (2) roadway bounds need to be installed and the detention areas behind the houses need to be cleared. Following discussion, **MOTION** by Mr. Holden to issue a complete Certificate of Compliance for DEP #312-396, LaFrance, Trustee of Stanphyl Road Acceptance Trust, Stanphyl Rd. Seconded by Mr. Klei, the motion carried unanimously.

Forest Cutting Plan for Aldrich Street/Old Sherman Road (Map 52, Parcel 2138) – Mr. Christian Krueger, Licensed Forester with Hull Products, Inc. was present. Mr. Ralph Billington, resident at 992 Aldrich Street was also present. Mr. Billington provided pictures of the project site. Mr. Billington indicated that the creek on Aldrich Street is completely overflowing with torn trees and large boulders. The culvert has been damaged and water is flowing across Aldrich Street. Mr. Krueger has been informed by the state (DCR – District 5) that the culvert must be repaired. Mr. Krueger provided Chair Jones the agricultural exemptions for this project. Mr. Billington inquired if these agricultural exemptions are allowed if they violate wetlands. Mr. Holden informed

the audience that there are Best Management Practices that are followed while doing a Forest Cutting Plan (for additional information, view <http://www.mass.gov/dep/water/drinking/forstbmp.pdf>).

NEW BUSINESS

Public Hearings:

DEP #312-917, NOI Ronald & Judith Castonguay, 205 Oak St (Map 13, Parcel 3434) - The project involves replacing the existing homes septic system. The existing system is failed & a new Title 5 compliant system is proposed. The new leach field is within the buffer zone to a BVW. The limit of work will be surrounded by a row of erosion control to minimize disturbance to the nearby wetland. Mr. Mark Allen with Allen Engineering was present and spoke on behalf of the applicants. Mr. Allen discussed with the Commission that the existing lawn will be surrounded with hay bales and silt fencing. Following discussion, **MOTION** by Mr. Holden to issue a standard Order of Conditions for DEP #312-917, Ronald & Judith Castonguay. Seconded by Mr. Klei, the motion carried unanimously.

Violations/Potential Violations ~ none

Other

DEP #312-495, Request for Certificate of Compliance – Fred Hutnak Development Corporation, Buttermilk Way (Map 14, Parcel 1742, 1753, 1768, 1781, 2523, 2525, 2533 & 2672) – Mr. Stephen O’Connell with Andrews Survey & Engineering was present and spoke on behalf of the applicants. The subdivision was built over 10+ years ago and is functioning as intended. One (1) component of the stormwater system that has been omitted and not constructed and the applicant is in the process of requesting a waiver from the Planning Board. The approved plan has a sediment basin that is located almost halfway up to the right of the road; it was not intended to provide large volumes of detention for peak flow continuation, but instead for a plunge pool to allow sediment to settle out before discharge to wetland. In conjunction with the sediment basin, right above the hay bale line, a note listed on the plans as “seventy-two feet (72’) recharge units, staked two (2) high”, the correction to be noted is it should have been “seventy-two feet (72’) recharge units, stacked too high”. The intention with this design was to stack them on top of each other to give volume. The additional intention was to recharge storm water that entered into the sediment basin. However, after careful review with Andrews Survey & Engineering and Mr. Sherman, DPW Director both agreed this would be challenging to construct and would not serve as a valuable recharge feature. The elevation adjacent to the wetland and the elevation that are called for at these recharge units they would be sitting in-ground water or just above ground water most of the time throughout the year. The recharge that was intended to be recharged from those units is being accomplished by one detention basin towards the end of the road. Mr. Benn Sherman, DPW Director was also present and discussed a few comments to the Commission. An As-built/Acceptance Plan & Final Inspection for Buttermilk Way was completed by Mr. Sherman on October 19, 2009. Mr. Sherman indicated that there were a few items that were not consistent with the design plans approved by the Conservation Commission or Planning Board. The smaller basin was constructed, but the concern was that Mr. Sherman didn’t feel he had the ability to make the determination based on the fact that Commission and the Planning Board approved a set of plans and the items were not constructed. Mr. Sherman has spoken with the residents on Buttermilk Way and agrees that the banks have not over flown. The basin is very well maintained and very well manicured. Mr. Holden will be doing a site visit. Following discussion, **MOTION** by Mr. Klei to issue a Certificate of Compliance for **DEP #312-495**, contingent upon a pending a successful site visit. Seconded by Mr. Potaski, the motion carried unanimously.

RDA FY06-05 River Access Design for MA Dept. of Conservation & Recreation & River Farm State Park – Mr. Val Stegenoen, Park Supervisor with the Blackstone River & Canal Heritage State Park at the River Bend Farm Visitor Center and Mr. Jim Plasse with the Blackstone River Watershed Association were present. A Determination of Applicability was issued to MA Dept. of Conservation & Recreation on July 8, 2005. The project plans are to enhance the canoe access and the portage area near the Tri-River Health Center. Additional opportunities include entering the Blackstone River Canal as the water flows south, past River Bend Farm to Stanley Woolen Mill; portaging up and over the Blackstone River dam, where there is a set of control gates into the Rice City Pond; and portaging up, over and around the dam into the quick water of the Blackstone River

below the dam as it flows to another 1 ½ mile portage area within the state park or beyond a few miles to the Blackstone gorge. Year by year this area has increased the usage that the portages once again need to be stabilized with more erosion control. The portage area has slightly moved. The Blackstone River & Canal Heritage State Park at the River Bend Farm Visitor Center has received a Recreational Trails Grant from the Blackstone Valley River Watershed Association to do this work. Both parties come before the Commission asking for an extension to the Determination of Applicability. Chair Jones expressed in his viewpoint that since this request is a Determination of Applicability extension, that an administrative approval letter can be issued. Following discussion, **MOTION** by Mr. Klei to renew the Negative Determination of Applicability for another three (3) years with an administrator approval letter, contingent on a successful site visit for MA Dept. of Conservation & Recreation & River Farm State Park. Seconded by Mr. Potaski, the motion carried unanimously. Mr. Stegenoen requests the letter is sent directly to: River Bend Farm Visitor Center, Attn: Val Stegenoen, 271 Oak Street, Uxbridge MA 01569.

MINUTES. **MOTION** by Mr. Klei to approve the Conservation Commission Meeting Minutes dated September 20, 2010, as amended and make changes with one (1) amendment. Seconded by Mr. Holden, the motion carried unanimously.

Other Items:

Pout Pond/Legg Farm – Mr. Lewcon reported that there has been a lot of ATV activity damage at the Pout Pond ball field and Charles Street locations. Mr. Lewcon spoke with the previous developer/owner of the Pout Pond ball field – Mr. John Audet. When the property was being developed, a gate and fence was placed on the property. It may be possible that the previous developer gave a walking easement to someone on the cul-de-sac area on Wilson Drive. However, no easements were given for any motorized vehicles. Several locations and trails on Pout Pond have signs posted of “No motorized vehicle activity”, however the signs are either being destroyed or are being ignored. The concern at Pout Pond is the lawn. The lawn project has been completed and the lawn looks beautiful. Mr. Lewcon is concerned about the security at Pout Pond and how it should be handled.

New changes at Pout Pond include the recent paint work and the lawn project has been completed done in the last few weeks. In cooperation with the Worcester County Sheriff’s Department and the Uxbridge community, the beach house has been repainted.

Due to a recent article written and published in the Uxbridge Times concerning Pout Pond, Mr. Lewcon has received an abundant amount of phone calls. The majority of the phone calls were from volunteers angered of the article written. There is a mindset that feels that it would be nice if Pout Pond was the way it used to be back in the 1960’s or 1970’s. Times have changed, however one can understand how the public enjoys Pout Pond. The article is written about one (1) individual that claims to be a major influence at the Pond. Mr. Lewcon wanted to express appreciation to all the volunteers:

- Mr. Mark Anderson with Heritage Design Group for the ongoing support for the operation and maintenance of completing the lawn project.
- Mr. Rob Speroni of Douglas, an excavator came in and pulled out roots and trees, etc.
- Mr. Jim Pyne with Pyne Sand & Stone of Douglas did excavation.
- Mr. Gerry Lavallee, a resident on Charles Street, who worked for Pyne Sand & Stone at the time, also did some excavation work.
- Mr. Chris Dauphinais with C.P. Dauphinais of Sutton did the hydro-turf seeding for the lawn.
- Faith Fellowship Church continues their support of coming out twice a year to do “Sunday Service”, which includes yard and trail cleanup, welding to secure doors and filling in holes, etc.,
- Uxbridge High School Construction Tech. students reconstructed picnic tables.
- Uxbridge Conservation Commission, Town Manager’s office, Finance Committee, Board of Selectmen, Uxbridge Police Department and Uxbridge Animal Control all assisted in getting the weeds issue addressed.
- Mrs. Lillian Burnat organized a community Yard Sale & Craft Fair at the Uxbridge Town Common on September 18, 2010 and raised \$120.00 to help benefit Pout Pond.
- Mr. Wayne Richardson helped clear the weeds from the pond.

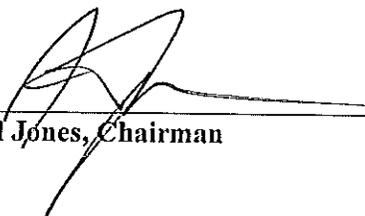
- Mr. Dick Souza, The Lawn Man was determined to help clear the weeds from the beach rakes the area and continues to try to address dog owners to leash their dogs on the beach.
- Ms. Marsha Tognazzi also assisted in the raking of the weeds.
- Mr. Stewart Dejong of Northbridge and involved with Uxbridge Fairwoods and Fairlawn Church in Whitinsville, would volunteer to bring the water sample to Microbac Labs in Worcester, MA.
- The Worcester County Sheriff's Department work order release program in painting the beach house.
- The Worcester County Sheriff's Department requested food is available for the work order release program. Several volunteers including Ms. Donna Hardy, Conservation Commission Administrative Assistant, Mrs. Ruth Lewcon, Mr. Dave Lewcon and Ms. Marsha Tognazzi provided homemade food and baked goods.
- The Uxbridge Farm and Fairgrounds for donating sand.
- The Department of Public Works for all of the assistance they provided throughout the year.
- Countless unnamed volunteers that are coming to the Pond and cleaning up the area.

Mr. Lewcon expressed dissatisfaction with the article and felt it upstaged all the volunteers that do help at Pout Pond. The Commission is very grateful for all the assistance received by the many volunteers of the community.

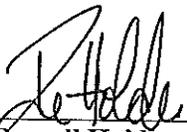
Salt and Sand areas - Mr. Holden had an additional comment requesting to be included in the recent draft copy of "Street Sweeping, Handling, Storage & Disposal DPW S.O.P. No. 422-1" provided by Mr. Benn Sherman, DPW Director. To include "Any reuse of salt and sand should be outside the bordering vegetated wetlands vegetation or two hundred feet (200') away from the river way" in the document.

MOTION by Mr. Lench to adjourn the meeting at 9:31 P.M. Seconded by Mr. Klei the motion carried unanimously.

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



 Al Jones, Chairman

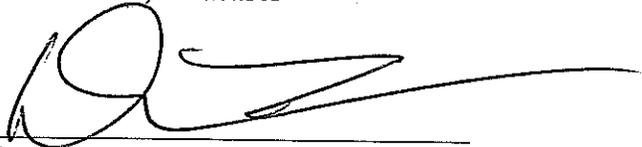


 Russell Holden, Vice-Chair

 Harold Klei, Treasurer



 Lawrence Lench, Clerk/Secretary



 Dave Lewcon, member

 Michael Potaski, Member

 Date

