



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



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MEETING MINUTES
May 16, 2011

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

Minutes of the Uxbridge Conservation Commission regular meeting held on **Monday, May 16, 2011**, at 7:00 P.M. in the Board of Selectmen's Room, Uxbridge Town Hall, 21 South Main Street, Uxbridge, MA:

Conservation Commission Board Members Present: Chairman Al Jones, Russell Holden, Larry Lench and Michael Potaski

Conservation Commission Board Members Absent: Dave Lewcon and Harold Klei

It being 7:00 pm, the meeting being properly posted, duly called and a quorum being present, Chairman Al Jones called the meeting to order.

OLD BUSINESS

Public Hearings:

RDA FY11-10 – J.W. Audet, Inc. – 265 North Main St (Map 12C, Parcel 4366) - continued to 6/6/2011 per request of applicant.

Other:

Concern of fertilizers being spread on Town owned lands near wetlands – Commissioner Lewcon was not available to attend the meeting. Commissioner Holden requests to continue discussions to the next scheduled meeting.

MOTION by Mr. Potaski to move the agenda item "Uxbridge Wetlands Bylaw" out of order until the end of the meeting. Seconded by Mr. Lench, the motion carried unanimously.

Lot 15B, Crownshield Ave (Map 29, Parcel 4829), Conservation Restriction – Chairman Jones advised a Certificate of Compliance application and a site visit will be needed prior to completing the conservation restriction. Chairman Jones shall contact the applicant's attorney, Attorney Jeffrey Roelofs to discuss this information.

NEW BUSINESS

Public Hearings ~ none

Violations/Potential Violations:

89 Johnson Road (Map 48, Parcel 1426) – The Conservation Commission office received an anonymous voicemail on April 18, 2011. The anonymous caller states the resident is digging a big hole and filling it in with wood chips and water. There is a large pile of plywood around the hole. The anonymous caller inquired if the resident is allowed to do this project. The week of May 9th, Ms. Hardy contacted the residents by telephone and e-mail requesting their presence for the May 16th

meeting. Commissioner Holden conducted a site visit on May 16th. Commissioner Holden advised a substantial amount of the property is wetlands. It appears that a large amount of timber harvesting has been done on the property. The Commission inquired if any Forest Cutting Plans have been issued. Ms. Hardy shall contact Guy LaChance with DCR to inquire if a Forest Cutting Plan has been issued. Chairman Jones shall do a site visit on the property. The Commission discussed issuing a Stop Work Order for this property. Following discussion, **MOTION** by Mr. Lench to issue a Stop Work Order letter to 89 Johnson Road of Uxbridge and to attend the next scheduled Conservation Commission meeting on June 6, 2011. Seconded by Mr. Holden, the motion carried unanimously. The Conservation Commission will continue discussions to the next scheduled meeting.

189 Mendon Street (Map 19, Parcel 3753) – Violation received on May 10th from Mr. Walter Podles, resident on Hecla Street concerned with the activity that is occurring on this property. It appears that the owner of the property is digging up the property and scraping the earth. Mr. Podles is concerned about the piles of material on the property and states that these piles may be contaminated material. Mr. Podles is aware that a Superseding Order of Conditions was issued to the property owner on December 21, 2006 by Massachusetts Department of Environmental Protection (MA-DEP) and an Extension Permit for the Superseding Order of Conditions was issued until December 21, 2012 by MA-DEP. Mr. Podles requests MA-DEP to conduct a soil test and site visit on the property. The Conservation Commission office contacted both the Commission members and MA-DEP to request a site visit be done on the property.

MOTION by Commissioner Holden to move the agenda item “Minutes” out of order until the end of the meeting. Seconded by Commissioner Lench, the motion carried unanimously.

Other:

25 Dunleavy Brook Drive (Map 16, Parcel 4195) – Mr. Scott Brown, resident of property was present and came forth to discuss the project. Mr. Brown inquired about the placement of a garden on his property, near wetlands. Commissioner Holden conducted a site visit on May 11th. Any area within the resource area is generally off limits for any activity. Chairman Jones suggested planting a garden within the border of the erosion control barriers area and to allow the pre-cut area to re-vegetate naturally. Following discussion, **MOTION** by Commissioner Holden to issue a Memorandum of Understanding letter to requesting a response from the resident indicating where the proposed garden will be on the property. Seconded by Mr. Lench, the motion carried unanimously.

Planet Fastpitch at 135 Ironstone Rd (Map 50, Parcel 1631) – Mr. Michael Yerka with Yerka Engineering, LLC is representing Ms. Denise Davis, owner of Planet Fastpitch. Mr. Yerka’s client is inquiring about placing a structure on the property, which is located near wetlands and within the riverfront. The owner would like to expand the structure to an additional 120’x120’, setup against an existing building. The building will be a metal and steel type skeleton with a canvas type material on the outside shell. Stormwater management regulations will need to be included with a Notice of Intent application. The Commission inquired if earth moving and leveling will be done on the property. Mr. Yerka is unsure at this time. Commissioner Holden inquired what the elevation is on site. Mr. Yerka advised it is a flat area, however unsure of the elevation at this time. Mr. Yerka advised that the area is not in an endangered species area.

Theresa Drive/Rockmeadow Road Extension – On the morning of April 19th, a multi-vehicle collision occurred at this location. Diesel fuel spilled onto the roadway as a result of the crash. Massachusetts Department of Environmental Protection (MA-DEP) and Clean Harbors were notified

of the spill. Ms. Hardy provided Release log reports received from MA-DEP to the Commission. Chairman Jones visited the area and it appears the tarps were removed at the site.

Pout Pond/Legg Farm – The Commission office received information from the Town Manager’s office regarding the proposed expansion of ball fields at Pout Pond. Commissioner Potaski advised the Board of Selectmen discussed this project about one month ago and that the property has changed ownership. The Commission has no further comments for this discussion.

MOTION by Commissioner Holden to move “Any other business, which lawfully comes before the board.” out of order to discuss **DEP #312-909 for 38 Saratoga Drive for a Certificate of Compliance** application. Seconded by Commissioner Lench, the motion carried unanimously.

DEP #312-909, 38 Saratoga Drive (Map 41, Parcel 2282) – Mr. Michael Deane with Guerriere & Halnon was present. Mr. Deane indicated that the closing is scheduled in 1 week; however the property is not complete. Backfill, loam, seeding and the paving of the driveway needs to be completed. Commissioner Holden prefers all work to be completed prior to signing the Certificate of Compliance. The Commission expressed concerns with the retention wall not listed on the original plan, if any erosion controls were on the site and advised hydro seeding will need to be done prior to the site visit. Mr. Deane explained that the original subdivision plan did not list all of the resource areas on the property. The Commission shall conduct a site visit on Monday, May 23rd at 6:30 pm. Following discussion, **MOTION** by Mr. Lench to issue a Certificate of Compliance for DEP #312-909, pending a successful site visit. Seconded by Mr. Potaski, the motion carried 3-0-1.

Other:

Uxbridge Wetlands Bylaw – Commissioner Holden inquired if an increase of jurisdiction needed to be included for this bylaw, such as isolated land within flooding and intermittent streams. The Commission agreed that additional information explaining to the residents why the bylaw is needed and how it may help them would be beneficial.

MINUTES. MOTION by Commissioner Lench to approve the Conservation Commission Meeting Minutes dated April 19, 2011 as amended. Seconded by Commissioner Holden, the motion carried 3-0-1.

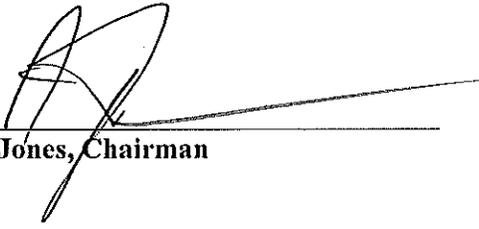
MINUTES. MOTION by Commissioner Lench to approve the Conservation Commission Meeting Minutes dated May 2, 2011 as amended. Seconded by Commissioner Holden, the motion carried 3-0-1.

45 Brandy Lane (Map 7, Parcel 4857) – The residents for this property have submitted a Request for Determination of Applicability application. The public hearing for this property is to be discussed at the next scheduled meeting on June 6, 2011.

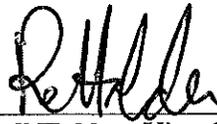
The Commission requests the talent bank form be sent by e-mail, prior to the next meeting.

MOTION by Commissioner Potaski to adjourn the meeting at 8:25 P.M. Seconded by Commissioner Lench, the motion carried unanimously.

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

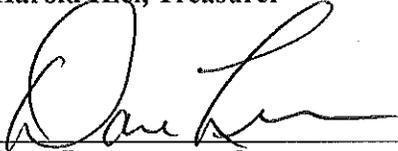


Al Jones, Chairman



Russell Holden, Vice-Chair

Harold Klei, Treasurer



Dave Lewcon, member



Lawrence Lench, Clerk/Secretary

Michael Potaski, Member

6/20/2011

Date