



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

Posted by  
Uxbridge  
Town Clerk

**MEETING MINUTES**  
September 19, 2011

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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 19, 2011**, at 7:00 P.M. in the **Lower Town Hall room, Uxbridge Town Hall, 21 South Main Street, Uxbridge, MA:**

**Conservation Commission Board Members Present:** Russell Holden, Dave Lewcon, Tracy Tibedo and Michael Potaski

**Conservation Commission Board Members Absent:** Larry Lench

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

**OLD BUSINESS**

**Public Hearings:**

**RDA FY12-01, Laurel Brook Club - 90 Laurel St (Map 43, Parcel 1164)** – Remove approximately 200 yards of silt and leaves on the upper Bazely Pond near the bridge on Laurel St. Decision made on application for a Negative Determination at the September 6<sup>th</sup> meeting.

**Violations/Potential Violations:**

**89 Johnson Road (Map 48, Parcel 1426)** – Commission members have previously done site visits at the property. MA-DEP is to conduct a site visit at this property. Discussions shall continue to the next scheduled meeting.

**102 Homeward Avenue (Map 18A, Parcel 791)** – The Commission members, along with the Uxbridge Building Commissioner have previously done site visits at the property. No applications have been received by the Building Department or Conservation Commission. Following discussion, **MOTION** by Commissioner Holden to issue an Enforcement Order requiring the homeowner at the property listed as 102 Homeward Avenue, Uxbridge to restore the land to its original condition, previous to any construction on this site and any fill (see pictures from previous violation dated May 2010). If the building is intended to be built, then a Notice of Intent application must be filed. Seconded by Commissioner Tibedo, the motion carried unanimously.

**187 West River Road (Map 13, Parcel 2453)** – Commissioner Lewcon recused himself. Commissioner Holden did a site visit on the property and discussed with the homeowner where the wetlands were located. Commissioner Holden informed the resident where the resident can cut up to, prior to the wetland. A Memorandum of Understanding letter will be issued to the resident indicating that in the area near the wetlands, where the highest water level is, no cutting allowed, no fertilizers to be used in the wetlands area and to refrain from doing any activity approximately 10' (ten feet) from the wetlands. Following discussion, **MOTION** by Commissioner Holden to issue a Memorandum of Understanding to the resident located at 187 West River Road, Uxbridge, siting the fact that should be no mowing at the highest flood stage of that isolated land that may cause flooding and a request from the Commission to not fertilize in that area at least 10' (ten feet) away from the wetlands. Seconded by Commissioner Potaski, the motion carried unanimously. Commissioner Lewcon returned to the meeting.

**Other:**

**Uxbridge Wetlands Bylaw** – Commissioner Tibedo suggested a timeline of when the comments can be forwarded and when this may go to Town Meeting. The Commission would like it to go before Town Meeting in the spring 2012. Discussions shall continue to the next scheduled meeting.

**DEP #312-770, Request for Certificate of Compliance – George Nydam, 92 Sutton St (Map 11, Parcel 3041)** – The homeowner was not present at the meeting. Commission members have previously done site visits at the property. Commissioner Holden has a concern with the property: an intermittent stream w/ a corrugated pipe that takes the water down. There is a PVC pipe that is contributing water to the stream. Most of wetland is not on this owner's property. Following discussion, **MOTION** by Commissioner Tibedo for **DEP #312-770, Request for Certificate of Compliance – 92 Sutton Street** until the next meeting. Seconded by Commissioner Potaski, the motion carried unanimously.

**NEW BUSINESS:**

**Public Hearings:**

**DEP #312-xxx, NOI, ExxonMobil Pipeline Company, 35 Balm of Life Spring Rd (Map 46, Parcel 3399)** – Commissioner Potaski recused himself. Trenching to depth of approximately 10' (ten feet) to facilitate preventive maintenance of petroleum pipeline. Dewatering of the excavation may be necessary. Mr. Jim Dick with Roux Associates was present to discuss the project on behalf of the applicant. Mr. Dick provided the Commission with the green certified return receipts and faxed receipt copies sent to MA-DEP divisions. Mr. Fred Horlean, Operations Manager for the Drive-in Self Storage in Uxbridge questioning 2 items: 1) the owner of the trailer (who rents with Drive-in Self Storage) hopes that they will not have to incur any charges that may occur by having to move the trailer. Mr. Horlean spoke with Mr. Dick about having this issue resolved. 2) If the fence for any reason had to be taken down, if it could be replaced, once the work is completed and when it would be replaced. Mr. Dick informed that after speaking with ExxonMobil, the company is willing to work with the abutter and the fence would be replaced the same day. Commissioner Holden went to the property for a site visit on September 19<sup>th</sup>. Following discussion, **MOTION** by Commissioner Tibedo to close the Public Hearing for **DEP #312-xxx, NOI, ExxonMobil Pipeline Company, 35 Balm of Life Spring Rd** and to issue a standard Order of Conditions, contingent on receiving the DEP file number. Seconded by Commissioner Lewcon, the motion carried 3-0-1. Commissioner Lewcon returned to the meeting.

**102 Homeward Avenue (Map 18A, Parcel 791)** – Mr. Cesar Calderon of 102 Homeward Avenue arrived and came forward to the Conservation Commission. Commissioner Holden informed the resident of the guidelines for a Notice of Intent application, concerning the project at this property. To date, the Uxbridge Conservation Commission office has not received a Notice of Intent application for this property. Including the construction of this building or the replacement of a building, a Notice of Intent application would need to be submitted. As a condition for accepting a Notice of Intent application, the terrain should be how it was for the Commission as of May 2010 for a previous violation. Looking at the property, it appears that there were some materials brought in (ground up pavement and any other materials) and were leveled off the surface so that it would be a flat and hard stable surface for the garage (building). This material should be removed and the structure that is on top of it should also be removed before you submit a Notice of Intent application. The Uxbridge Building Inspector could not attend the Conservation Commission meeting tonight, however is requesting that the property owner submit a permit for this department, too. The Commission reiterated to Mr. Calderon that all materials (ground up pavement, grind, other miscellaneous materials, etc.) and the structure need to be dismantled and removed from the property prior to the submittal of the Notice of Intent application. This area has been filled in; the area is within the flood plain and is within 200 feet from the riverfront (resource area). If the property owner is planning on building it and using it as a structure, a Notice of Intent application must be submitted.

**DEP #312-770, Request for Certificate of Compliance – George Nydam, 92 Sutton St (Map 11, Parcel 3041)** – Mr. George Nydam of 92 Sutton Street arrived and came forward to the Conservation Commission. Mr. Nydam explained to the Commission that the pipe is an existing drain that the previous homeowner placed

down. There is a double basement floor that has a PVC pipe come out of it because of the excess amount of water from the street. It keeps water from coming up into the basement floor. The design was part of the as-built plans. The homeowner and the Commission will attempt to locate the original plans.

**Violations/Potential Violations ~ none**

**MINUTES.** The Commission signed the Conservation Commission Meeting Minutes for August 15, 2011. The Conservation Commission Meeting Minutes for September 6<sup>th</sup> will be discussed at the next scheduled meeting.

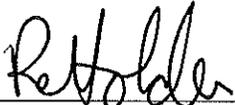
**Other:**

**Eagle Scout Project (Thomas Bullock)** – Mr. Thomas Bullock did not appear at the meeting. The Commission will continue discussions at a future meeting when Mr. Bullock is able to attend the meeting.

**Pout Pond** – Activity at the pond is slower with only a few visitors daily. Recently, more fishermen have visited the pond. The beach area is slowly being prepared for the winter. The seasonal Work Kamper will be leaving the site in approximately two (2) weeks. Faith Fellowship Church will be including Pout Pond in their Sunday in Service event on October 30<sup>th</sup>. Discussions also included the cottage on the Pout Pond property. It doesn't appear that there is any vandalism insurance that will cover the repairs to the cottage (only fire insurance). To date, the Town Manager, Building Commissioner, Finance Director and Board of Selectmen Chair Mr. Desilets have visited the cottage and aware of the project and current conditions. Commissioner Lewcon will be attending the next Public Safety Committee on October 6<sup>th</sup> to discuss safety issues and the number of cars allowable in the parking lot for Pout Pond.

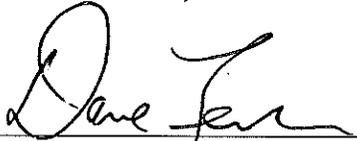
**MOTION** by Commissioner Potaski to adjourn the meeting at 8:31 P.M. Seconded by Commissioner Lewcon, the motion carried unanimously.

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



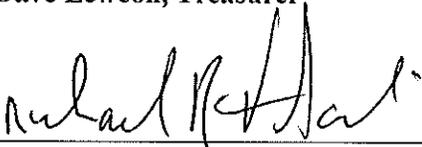
Russell Holden, Chairman

Vice-Chair (vacant)



Dave Lewcon, Treasurer

Lawrence Lench, Clerk



Michael Potaski, Member

Tracy Tibedo, Member

10/17/2011

Date