



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

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MEETING MINUTES  
Monday, March 19, 2012

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

Minutes of the Uxbridge Conservation Commission regular meeting held on Monday, March 19, 2012, 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:** Russell Holden, Larry Lench, Dave Lewcon and Michael Potaski.

**Conservation Commission Board Members Absent:** Tracy Tivedo

**Others present:** Donna C. Hardy, Conservation Commission Administrative Assistant

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

Chairman Holden addressed the audience present that when wanting to speak, to come up to the microphone to address their concerns and sign in.

**OLD BUSINESS: Public Hearings**

**DEP #312-xxx, NOI, Bedrock Crossing, LLC at 79 River Road (Map 45, Parcel 1345)** – The proposed project is to install piping for roadway drainage. Bedrock Crossing, LLC sent a written request requesting a continuance to the next scheduled meeting on April 2, 2012. Following discussion, **MOTION** by Commissioner Potaski to continue the Public Hearing discussions for the application listed as “DEP #312-xxx, NOI, Bedrock Crossing, LLC at 79 River Road” to the next scheduled meeting on April 2, 2012. Seconded by Commissioner Lewcon, the motion carried unanimously.

**Violations/Potential Violations:**

**7 Dutch Hill Road (Map 10, Parcel 3625)** – **MOTION** by Commissioner Potaski to continue discussions for “7 Dutch Hill Road” to April 17, 2012. Seconded by Commissioner Lewcon, the motion carried unanimously.

**127 Douglas Pike (Map 52, Parcel 1575)** – **MOTION** by Commissioner Potaski to table discussions for “127 Douglas Pike” until the resident is present. Seconded by Commissioner Lench, the motion carried unanimously.

**209 River Road (Map 45, Parcel 4053)** – The Conservation Commission signed the Enforcement Order issued to this property and shall be mailed shortly.

**NEW BUSINESS**

**Public Hearings ~ none**

**Violations/Potential Violations:**

**77 Industrial Drive (Map 45, Parcel 727); 0 Industrial Drive (Map 45, Parcel 4786) and 66 Industrial Drive (Map 40, Parcel 4748)** – Commissioner Holden read the Quitclaim Deed for the trustees of “The Cnossen Realty Trust”, page 1 #2. Outdoor Storage.

**77 Industrial Drive (Map 45, Parcel 727)** – The use of the land should be at least 200’ away from the Riverfront area. Every 10’ (ten feet) a marker needs to be installed (concrete footing) or posts and up to 200’. Following discussion, **MOTION** by Commissioner Potaski to issue an Enforcement Order with the following conditions: 1) Have clear indicators or markers indicating every 10’ and up to 200’ from the Riverfront Area. 2) Must notify the Conservation Commission within 30 days. Seconded by Commissioner Lench, the motion carried unanimously.

**66 Industrial Drive (Map 40, Parcel 4748)** – A previous Order of Conditions issued to this property; see MA-DEP #312-737. The Commission reviewed the Order of Conditions standard conditions including white pine tree plantings and swale construction. All restored area to be restored with conservation seed mix. Mr. Mark Haldeman, owner of this property came forward to discuss. Mr. Haldeman tried to keep all activity outside the 100’ buffer. The activity is within the 100-200’ buffer zone area. Per the Order of Conditions, the area should be allowed to re-grow naturally. It appears that the area near the storage area has been disturbed. Following discussion, **MOTION** by Commissioner Potaski to issue an Enforcement Order with the following condition: 1) all landscaping activities and storage of materials within 200’ of the Riverfront area must cease. Seconded by Commissioner Lench, the motion carried unanimously.

**0 Industrial Drive (Map 45, Parcel 4786)** – The property owners came forward and informed the Commission that other than ATVs, no maintenance activity is occurring on the property. Following discussion, **MOTION** by Commissioner Potaski to remove this property from the agenda, no further discussions needed. Seconded by Commissioner Lewcon, the motion carried unanimously.

**672 Millville Road (Map 40, Parcel 1661)** – A baffle has been installed at the property. Mr. DJ Salmon, the homeowner was present and came forward to discuss. Mr. Salmon provided the Commission with a document packet including the proposed project, design concept, design background, plan designs, memorandum from EcoTec, a construction sequencing plan and a water quality maintenance plan. Discussion and areas of concern included the depth of the swales (3’), straw wattles or silt socks for erosion control and placement of material dredged out of basin. Mr. Salmon requested that the neighbor on 4 Albee Road be notified to follow a procedure similar to this property. Following discussion, **MOTION** by Commissioner Lench to issue an Enforcement Order with the following conditions: 1) Implementation of written plans received on 3/19/12 with small additions. 2) Inspection by Conservation Commission to be completed when silt fence is installed and as needed during construction with property owner's permission and notice within 1 year of installation to be sure design is working properly. 3) To be done on or before 7/19/2012 (120 days). Seconded by Commissioner Potaski, the motion carried unanimously.

Mr. Salmon inquired about the record request submitted to the Conservation Commission pertaining to the above ground storage tank. The Commission advised Mr. Salmon that the Uxbridge Conservation Commission has no jurisdiction for this matter.

**Other:**

**Uxbridge Wetlands Bylaw - MOTION** by Commissioner Potaski to continue discussions for the “**Other: Uxbridge Wetlands Bylaw**” until May 7, 2012. Seconded by Commissioner Lench, the motion carried unanimously.

**MOTION** by Commissioner Lench to bring “**Violations/Potential Violations: 127 Douglas Pike (Map 52, Parcel 1575)**” out of order to discuss. Seconded by Commissioner Potaski, the motion carried unanimously.

**127 Douglas Pike (Map 52, Parcel 1575)** – Commissioner Holden noted that there is an intermittent stream located behind the property with bordering vegetated wetlands (including such vegetated plants as skunk cabbage, sweet pepper bush and red maples to name a few). Ms. Aida Schreiber, the homeowner of the property was present and came forward to discuss. Ms. Schreiber indicated that she is raising German shepherd dogs, not horses. The wetland on the property is currently being altered with sediment or other materials (including erosion and animal feces). Other discussions and areas of concern included having a representative of the Uxbridge Conservation Commission conduct a site visit on the property to indicate exact placement of the horse fence and having a manure maintenance plan. Following discussion, **MOTION** by Commissioner Potaski to issue an Enforcement Order with the following conditions: 1) Horse fence must be moved outside 25’ of wetland resource area; 2) Animal feces/manure must be removed from area and placed outside 50’ of wetland resource area. Seconded by Commissioner Lewcon, the motion carried 3-1-0.

**Violations/Potential Violations:**

**40 Douglas Street (Map 24A, Parcel 713)** – Mr. Stephen O’Connell with Andrews Survey & Engineering, Inc. was present and spoke on behalf of the property owner. Mr. O’Connell provided plans to the Commission concerning this property. Discussion and areas of concern included installation of erosion control measures and restoration procedure for the property. Following discussion, **MOTION** by Commissioner Lench to issue a Memorandum of Understanding for the property located at 40 Douglas Street with the following conditions:

1. Installation of Erosion Control Measures
  - a) Erosion control measures including a silt fence and hay bales/equivalent shall be placed on the site as indicated on drawing number C-11, Riverfront Restoration Plan no. 1.
  - b) Upon installation of the erosion control measures the applicant will contact the Conservation Commission.
  - c) Upon contact by the applicant, member(s) of the Conservation Commission will conduct a site visit to verify proper installation of the erosion control measures before further work begins.
2. Restoration Procedure
  - a) Refer to Drawing number-11, Riverfront Restoration Plan – any areas that have been disturbed on the site between the split-rail fence and Drabbletail Brook (with the exception of outflows) shall be restored as per the Riverfront Restoration Plan no. 4.
3. Coordination with the Commission.
  - a) The Uxbridge Conservation Commission shall retain the right to inspect the area.

Seconded by Commissioner Potaski, the motion carried unanimously.

**Other:**

**177 River Road (Map 45, Parcel 3166) and 330 River Road (Map 46, Parcel 4319)** – Discussions shall continue at a future meeting, the Commission does not have a valid phone number available to connect with property owner. **MOTION** by Commissioner Potaski to continue discussions for the property located at 177 River Road/330 River Road to a future meeting. Seconded by Commissioner Lench, the motion carried unanimously.

**Processing:**

**DEP #312-824, Vanderzicht, Lot #1 – 180 Williams St (6 Dutch Hill Rd) (Map 10, Parcel 2959) Request for Enforcement Order** – Mr. Keith VanderZicht, property owner came forward to discuss. Mr. VanderZicht sent a letter to the Commission’s office on March 13<sup>th</sup> to request an Enforcement Order for this property. Following discussion, **MOTION** by Commissioner Potaski to issue an Enforcement

Order with the following conditions: 1) Install retaining walls; 2) Replicate wetlands as per approved Notice of Intent. Seconded by Commissioner Lench, the motion carried unanimously.

**MOTION** by Commissioner Potaski to bring “Any other business which lawfully comes before the board” out of order to discuss “Lot 1, 20 Waterman Way”. Seconded by Commissioner Lench, the motion carried unanimously.

**DEP #312-729, Request for Certificate of Compliance at Lot 1, 20 Waterman Way (Map 48, Parcel 4136)** – **MOTION** by Commissioner Potaski to issue a Partial Certificate of Compliance to “DEP #312-729 for Lot 1, 20 Waterman Way in Uxbridge”. Seconded by Commissioner Lewcon, the motion carried unanimously.

**Minutes:**

**MOTION** by Commissioner Potaski to approve the Conservation Commission Meeting Minutes dated February 6, 2012 (as amended). Seconded by Commissioner Lench, the motion carried unanimously.

**MOTION** by Commissioner Potaski to approve the Conservation Commission Meeting Minutes dated February 21, 2012. Seconded by Commissioner Lench, the motion carried unanimously.

**Violations/Potential Violations:**

**170 Hecla Street (Map 25, Parcel 2442)** – A Cease & Desist order was to be issued for March 19, 2012. Discussion and areas of concern included if the Notice of Non-compliance was for a specific area or the entire parcel.

**NOI, ANRAD, RDA application checklist approval** – **MOTION** by Commissioner Potaski to accept the “NOI, ANRAD and RDA application checklist” for approval. Seconded by Commissioner Lench, the motion carried unanimously.

**Formerly reinstate standard Order of Conditions** – **MOTION** by Commissioner Potaski to approve the newly edited Uxbridge Standard Conditions to be included with the Order of Conditions (#20-#40). Seconded by Commissioner Lench, the motion carried unanimously.

**Pout Pond and Legg Farm** – Discussions and areas of concern included rainbow trout placed into Pout Pond per MA Wildlife & Fisheries (approximately 200 trout), the gate at Pout Pond will be closed at sunset. Aquatic Control Technology may re-inspect the pond to determine if the weeds require ratification.

**Peaceful Pond letter to DPW** – **MOTION** by Commissioner Potaski to approve the “Peaceful Pond letter to the DPW” as amended. Seconded by Commissioner Lewcon, the motion carried unanimously.

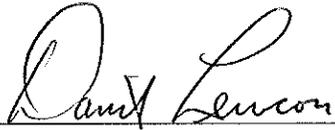
**MOTION** by Commissioner Lench to adjourn the meeting at 10:20 P.M. Seconded by Commissioner Potaski, the motion carried unanimously.

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



Russell Holden, Chairman

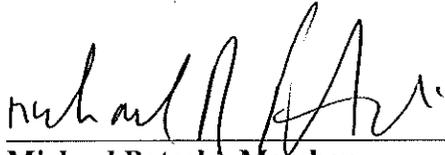
Vice-Chair (vacant)



David Lewcon, Treasurer



Lawrence Lench, Clerk



Michael Potaski, Member

Tracy Tibedo, Member

4/2/12

Date