



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

APR 23 2012 PM 03:53

MEETING MINUTES
Monday, April 2, 2012

Posted by
Uxbridge
Town Clerk

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

Minutes of the Uxbridge Conservation Commission regular meeting held on **Monday, April 2, 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, Tracy Tibedo and Michael Potaski.

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. The Commission noted that an Enforcement Order was issued on March 6, 2012. The deadline is one week overdue. Commissioner Lewcon did a site visit on March 20th (and included pictures to the Commission) and Chairman Holden did a site visit on April 2nd. Mr. Stephen O'Connell with Andrews Survey & Engineering, Inc. came forward to discuss the project. Mr. O'Connell recently was retained by the applicant. Mr. O'Connell informed the Commission, that MA-DEP provided comments stating that the application is incomplete and additional information is required. Mr. O'Connell will be working with the applicant and sending a revised NOI to the Commission and MA-DEP. On Friday, March 30th, silt fences and straw wattles were delivered to the site. Following discussion, **MOTION** by Commissioner Tibedo 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 17, 2012. Seconded by Commissioner Potaski, the motion carried unanimously.

Violations/Potential Violations:

77 Industrial Drive (Map 45, Parcel 727) – An Enforcement Order was to be issued for this property. Chairman Holden spoke w/ one of the business owners (property owner) reiterating the requirements of the EO that stakes be placed every 10' of the 200' Riverfront area. The property owner indicated that the stakes will be placed within the next few days. Chairman Holden also suggested filing a RDA or NOI application. Commissioner Lewcon did a site visit recently and indicated erosion issues and ATV activity all need to be addressed (and included pictures to the Commission). Following discussion, **MOTION** by Commissioner Tibedo to continue discussions for "**Violations/Potential Violations: 77 Industrial Drive**" to the next scheduled meeting on April 17, 2012. Seconded by Commissioner Lench, the motion carried unanimously.

NEW BUSINESS

Public Hearings:

DEP #312-938, NOI, Hecla Farm Group, 170 Hecla Street (Map 25, Parcel 2442) – Proposed construction of a commercial agricultural farm and commercial farm stands. Construction activities include the construction of a 40' wide, 1250' long gravel drive. Work activities are within bordering land subject to flooding and buffer zone to bordering vegetated wetlands. MA-DEP issued a file number for this project. MA-DEP also provided comments for this project: 1) If changes in topographic grade are proposed, cut and fill calculations must be submitted which demonstrate that General Performance Standards found under 310 CMR 10.57(4) have been complied with. 2) An alternatives analysis for work in Riverfront Area (310 CMR 10.58) must be provided. 3) Information on how General Performance Standards under 310 CMR 10.58(4) are being met for work in Riverfront Area must also be provided.

Mr. Michael Yerka with Civil Site Engineering, LLC and Mr. Gary Vecchione (applicant) with Hecla Farm Group, LLC were present. Mr. Yerka came forward to discuss the project. Discussion and areas of concern from the Commission included a site visit conducted on March 28th indicating almost all of the wetland flags are on site, however a few will need to be replaced; the red line on the plans (expected line of work) needs to be contiguous, including proposed limit of site work; indication of where farming is to take place, to include the number of acres of farming; ½% grading on northwest portion of land; erosion control measures; tire scrubbers; street sweepings; limit width of proposed gravel access road; previous dump on site (primarily bottles and cans); if project is candidate for a peer review of water resource areas. Mr. Vecchione informed the Commission that a site visit can be done prior to finalizing the Order and a condition can be added to include 100' – 180' of a no cut/no build area in the southeast corner of the lot.

Commissioner Holden opened the public hearing to the audience.

Discussion and areas of concern from the audience included if the pond on the property is considered a vernal pool or not; type of chemicals and runoff from site; re-grading; tree removal; if livestock is allowed (new NOI would be required) and potential pumping of water from the pond (new NOI would be required).

Chairman Holden noted a few items are needed prior to the closing of the public hearing:

- 1) Operation Maintenance Plan is required.
- 2) Follow-up letter/comments are required from Natural Heritage and Endangered Species Program.
- 3) Alternative analysis is required, along with comments from the Commission.
- 4) Road is to be narrowed in flood zone.
- 5) Clarity of plans, including the limited areas needs to be placed on the plans/maps.
- 6) Erosion controls need to be listed on the plans.
- 7) The dump site needs to be indicated on the plans.

Following discussion, **MOTION** by Commissioner Tibedo to continue the public hearing for the application listed as **“DEP #312-938, NOI, Hecla Farm Group, 170 Hecla Street”** to the next scheduled meeting on April 17, 2012. Seconded by Commissioner Lench, the motion carried unanimously.

DEP #312-937, NOI, Dale Bangma, 575 Hazel Street (Map 22, Parcel 597) – The proposed project is construction of a single family home, septic system, well and associated site work with driveway crossing. MA-DEP issued a file number for this project. MA-DEP also provided comments for this project: Based upon the information submitted in and with your Notice of Intent a separate 401 Water Quality Certification application form is not required. Provided that: (a) activities are conducted in compliance with MGL c.131, §40 (the Wetlands Protection Act) and the Final Order of Conditions permitting the activities does not result in the loss of more than 5,000 square feet cumulatively of

bordering and isolated vegetated wetlands and Land Under Water and/or the dredging of more than 100 cubic yards of Land Under Water; (b) the Final Order of Conditions requires at least 1:1 replacement of Bordering Vegetated Wetlands pursuant to 310 CMR 10.55(4)(b); (c) the project is not listed in 314 CMR 9.04(1) through (11) including: discharge of dredged or fill material to any Outstanding Resource Water; any part of a subdivision unless deed restricted, so long as the discharge is not to an Outstanding Resource Water see 314 CMR 9.04(3); activities exempt from MGL c.131, §40 (except for normal maintenance and improvement of land in agricultural or aqua-cultural use); discharge of dredged or fill material to an isolated vegetated wetland identified as rare and endangered species habitat; loss of any salt marsh; activities subject to an individual 404 permit.

Mr. Stephen O'Connell with Andrews Survey & Engineering, Inc. was present and spoke on behalf of the applicant. Discussion and areas of concern included the placement of a driveway at the northeast or northwest corner of the property and the possible movement of the house placement to exclude the 100-foot buffer zone. Mr. O'Connell indicated that this would be difficult due to topography and ledge. A site visit is scheduled for April 10th to review the site conditions. Following discussion, **MOTION** by Commissioner Tivedo to continue discussions for the application listed as "**DEP #312-937, NOI, Dale Bangma, 575 Hazel Street**" to the next scheduled meeting on April 17, 2012. Seconded by Commissioner Potaski, the motion carried unanimously.

MOTION by Commissioner Potaski to take "Any other business which may lawfully come before the Conservation Commission" out of order to discuss "**Violations/Potential Violations: 4 Dutch Hill Road**". Seconded by Commissioner Lench, the motion carried unanimously.

Mr. Brian VanderZicht, property owner came forward to discuss. Mr. VanderZicht provided tax receipts and tax returns to the Commission indicating he harvested wood on the property. Chairman Holden inquired if there were any documents attaching the parcel to the receipts and noted that the documents provided do not address the wetland issues. Mr. VanderZicht indicated he cleaned out the area for a farm. The Commission expressed that the activities done on this property are not exempt from the Wetlands Protection Act (WPA). The Enforcement Order still in effect and that the property owner needs to contact a wetland scientist about wetland replication. The Commission reviewed the Agricultural exemptions in the WPA handbook. Mr. VanderZicht inquired if the Commission had a contact for National Grid's wetland scientist team. The Conservation Commission office will connect with National Grid to get the appropriate contacts and forward the information to Mr. VanderZicht. Discussions will continue at a future meeting.

Minutes:

MOTION by Commissioner Potaski to approve the Conservation Commission Meeting Minutes dated March 5, 2012 (as amended). Seconded by Commissioner Lench, the motion carried 4-0-1.

MOTION by Commissioner Potaski to approve the Conservation Commission Meeting Minutes dated March 19, 2012. Seconded by Commissioner Lench, the motion carried 4-0-1.

Other: Processing: Recent site visits:

65 River Road (Map 45, Parcel 1315) – Chairman Holden did a recent site visit on the property. Chairman Holden spoke with Mr. Benn Sherman, Uxbridge DPW Director about the concern of water runoff from this property to 79 River Road. The Planning Board is overseeing the stormwater management at the site. The Commission would intervene if there was to be sediment/water runoff from both properties (within Commission's jurisdiction).

170 Hecla Street (Map 25, Parcel 2442) – Commissioner Lench inquired if DPW is currently reviewing the amount of dirt coming out/off the road and if the sidewalks are being destroyed. The Commission office will forward the inquiry to the DPW office.

Pout Pond and Legg Farm – Commissioner Lewcon thanked Imperial Ford in Mendon, MA for a generous donation that was recently made. There appears to be erosion coming off the lawn and going directly behind the beach house. Commissioner Lewcon suggested a berm be created to stop the water from continuing to flow. A site visit is scheduled for April 11th. Other discussions included additional trout to be placed into Pout Pond and the Work Kamper will be coming in May 2012.

Correspondence: The Conservation Commission received a letter from Mr. Stephen O’Connell with Andrews Survey & Engineering, Inc. dated March 30, 2012 received April 2, 2012 to “Request for Extension of Order of Conditions for MA-DEP #312-751”. Ms. Hardy reviewed the file for #312-751. An Order of Conditions was issued on March 31, 2004 and expired on March 31, 2007. An Amended Order of Conditions was issued on March 9, 2007 and expired on March 9, 2010, however with the Extension Permit Act the Amended Order of Conditions would expire on March 9, 2012. Both orders have since expired. The Commission will review the file and discussions shall continue to a future meeting.

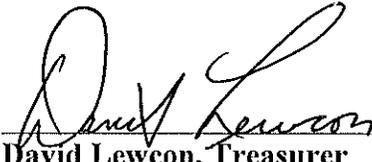
MOTION by Commissioner Potaski to adjourn the meeting at 9:42 P.M. Seconded by Commissioner Lench, the motion carried unanimously.

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

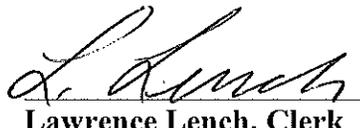


Russell Holden, Chairman

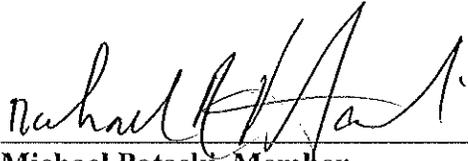
Vice-Chair (vacant)



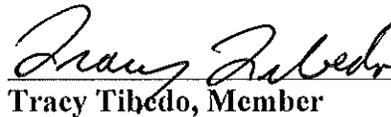
David Lewcon, Treasurer



Lawrence Lench, Clerk



Michael Potaski, Member



Tracy Tihedo, Member

4/17/12

Date