



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

MEETING MINUTES
Monday, May 21, 2012

Received by
Uxbridge
Town Clerk

JUN 27 '12 PM03:02

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

Minutes of the Uxbridge Conservation Commission regular meeting held on Monday, May 21, 2012, at 7:00 P.M. in the Board of Selectmen's Room, Uxbridge Town Hall, 21 South Main Street, Uxbridge, MA:

Conservation Commission Present: Russell Holden, Larry Lench, Dave Lewcon, Michael Potaski, Tracy Tibedo and 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

RDA FY12-05, Paul Phillips at 30 School St (Map 12B, Parcel 2962) – Project description: 21' above ground swimming pool with a 6" sand base and 12' x 20' deck adjacent to pool (100' west to river, 125' north to canal). Ms. Sandra Phillips, resident of 30 School Street was present and came forward to discuss the project. During a recent site visit, the property was staked or marked for the placement of the pool, but was not staked or marked off for the deck. The Commission agreed that a Request for Determination of Applicability (RDA) could not be acted upon given that it referred to both a pool and deck and the deck had not yet been marked at the property. However, an administrative sign off of the building permit for the pool only could go forward given that it meets the criteria for an exemption to the WPA. The resident will contact the commission when the deck project is proposed. A Memorandum of Understanding (MOU) letter shall be sent to the resident indicating the result of the discussion.

Violations/Potential Violations:

77 Industrial Drive (Map 45, Parcel 727) – The Commission office received notification that the property owners were conducting activity w/in 200' of the Riverfront area. Activity included, but not limited to storing of stumps, yard waste and other miscellaneous debris. Commissioner Holden had conducted a site visit and submitted photos of the parcel. Mr. Jeff Johnson has placed rebar markers every +/-10 feet along the 190ft riverfront area. Within the included riverfront area all debris has been removed and some hydro seed was applied. The commission agreed that the violation had been satisfactorily addressed. There is no documentation stating this property was in compliance in the past. Other discussions of concern included a filing of a Notice of Intent application for this property in order for it to be recorded.

Violations/Potential Violations:

190 Hazel Street (Map 17, Parcel 4822) – Chairman Holden did a drive-by site visit on May 21st and provided pictures of the property to the commission. Cold Spring Brook runs through a portion of the property. Discussion and areas of concern included having the property owner store wood debris and small engine machinery further from the brook perhaps on the other side of the garage. Following discussion, **MOTION** by Commissioner Tibedo to direct resident to move all material twenty-five feet (25') away from the brook for the property located at 190 Hazel Street. Seconded by Commissioner Potaski, the motion carried 4-0-1. An Enforcement Order will be issued to the property owner.

Violations/Potential Violations:

4 Albee Road (Map 40, Parcel 2432) (violation of Enforcement Order) - Mr. Christian & Mrs. Erin Carven and Mr. Neil Collins an Environmental Consultant were all present and came forward to discuss the property. Mr. Collins provided the commission with infrared pictures from 1985 depicting the status of the lawn being maintained at that time. Discussion and areas of concern included that the swale on the property needs to be stabilized, a silt fence could be installed, and the installation of check dams made with pea stones may need to be installed every ten feet (10') to control the water flow from the swale and discussion of a maintenance program such as the stones and silt fence being refreshed every three (3) years. Mr. Carven agreed with the discussion comments and will comply with what the commission recommends.

Mr. DJ Salmon, an abutter on 672 Millville Road came forward to discuss the property. Mr. Salmon indicated that he bought his property back in 1997, but previously worked on the property near 672 Millville Road since 1983. For the property at 4 Albee Road, Mr. Salmon indicated that the south side of the pond was previously mowed and mulched and that the north side of the pond was mowed only once a year, but was not regularly maintained. The pond is a manmade pond back in the 1960's. Mr. Salmon is concerned with the use of check dams of pea stone and suggested a larger stone approximately 6" size is needed.

Mrs. Carven commented to the commission inquiring how often she can maintain the grass near the pond. The Commission discussed the wetland setback policy and minor activities within the Wetlands Protection Act.

Mr. Carven indicated back in 2002/2003, Ms. Rachel Landry (Conservation Agent for the Town of Uxbridge at that time) informed the property owners that six to eight inches and up to one foot (6" – 8" up to 1') was the setback for the maintenance of the pond. No documentation was forwarded to the Commission concerning the above statement.

Commissioner Tibedo addressed Mr. Carven asking why he violated the Enforcement Order. Mr. Carven indicated he feels that there is a safety concern w/ animals coming out of the pond (such as snakes, frogs, turtles and muskrats). No concern for safety of children for falling into the pond.

Commissioner Tibedo thought that the safety concern is not a valid reason to violate the Enforcement Order. Due to time constraints, the Commission tabled the discussion for the property, until the end of the meeting.

20 Albee Road (Map 41, Parcel 1743) – Mr. Dominic Sanches came forward to discuss his property. Commissioner Holden informed the property owner that due to the delicate matter with 4 Albee Road present, Commissioner Holden made the executive decision to place 20 Albee Road on the next scheduled meeting agenda.

129 Mendon Street (Map 19, Parcel 3591) – Mr. Russell Trottier, property owner was present and came forward to discuss the property. Mr. Trottier has torn down the previous shed on the property

and installed a new 12'x16' raised shed (with pressure treated posts). Commissioner Holden indicated that the shed is within a resource area (floodplain) and exemptions do not apply for the property. A Notice of Intent application would need to be filed with the Commission including an alternative analysis within the next sixty (60) days. Mr. Trottier will come to the Conservation Commission office to collect the necessary information for this type of application required.

Other:

Uxbridge Wetlands Bylaw – **MOTION** by Commissioner Tibedo to table discussions for “Other: Uxbridge Wetlands Bylaw” until the end of the meeting. Seconded by Commissioner Lench, the motion carried unanimously.

NEW BUSINESS

Public Hearings ~ none

Violations/Potential Violations:

91 Quaker Highway (Map 30, Parcel 3382) – The Commission office received notification on May 14th that it appeared that the property owner was expanding the yard right up to the stream (skunk cabbage indicated on site near stream). A Cease & Desist order was issued by certified mail on May 16th. Mr. Ralph True was present and came forward to discuss the property. The Cease & Desist order was signed by someone doing work on the property and not the owner. Mr. True provided pictures of the property and indicated what has occurred on the property. The Commission shall be doing a site visit on Friday, May 27th at 5:00 pm at the residence. Discussions shall continue until the next scheduled meeting.

Old Business: Violations/Potential Violations:

4 Albee Road (Map 40, Parcel 2432) – Following discussions, **MOTION** by Commissioner Lench to issue an Enforcement Order for the property located at 4 Albee Road: 1) Any remaining swale property is to be covered with rip rap and a lined check dam with stones. 2) A two (2') foot no mow zone going around the entire pond from the high water mark. Deadline for the rip rap and check dams will be within thirty (30) days of the completion of the construction sequencing plan for 672 Millville Road. Seconded by Commissioner Potaski, the motion carried unanimously.

MINUTES. MOTION by Commissioner Potaski to table discussions for the Conservation Commission Meeting Minutes dated May 7, 2012 until the next scheduled meeting. Seconded by Commissioner Lench, the motion carried unanimously.

Other: Uxbridge Wetlands Bylaw – Commissioner Holden provided the board with the “Jurisdiction” of the Town of Uxbridge Wetlands Protection Bylaw (draft), which included vernal pools, potential vernal pools, intermittent streams, channels and forest cutting plans. Discussions shall continue at the next scheduled meeting.

Other: Processing: Recent site visits:

37 Crown & Eagle Road (Map 12B, Parcel 3051) – Commissioner Holden will be doing a site visit on Tuesday, May 22nd @ 4:30 pm.

36 Elizabeth Street (Map 25, Parcel 814) – The Commission informed the resident that the property needs to be marked where the pool shall be placed. Once marked or staked to contact the Commission office for a site visit.

Peaceful Pond (Map 12A, Parcel 2224) – Commissioner Lewcon provided the commission with pictures of the sidewalk leading up to Peaceful Pond. If anyone wants to remove the weeds leading up to Peaceful Pond, must contact the Conservation Commission office. No herbicides or pesticides can be used, because the chemicals may flow directly into the pond. **MOTION** by Commissioner Lewcon to send a letter to the group that manages the property at Peaceful Pond (i.e. Uxbridge DPW or the Blackstone Valley Angel of Hope committee) to remind of such activities to not spray weeds with any type of herbicide or pesticide and to contact the Conservation Commission office of any further activities. Seconded by Commissioner Potaski, the motion carried unanimously.

Pout Pond and Legg Farm – Commissioner Lewcon thanked Unibank in Uxbridge, MA for the generous donation recently made. Commissioner Lewcon indicated that there are a lot of people fishing at Pout Pond and are leaving a lot of debris behind (such as fish nets, hooks, empty bait containers, rubber worms, fishing line, etc.). The picnic tables have been completely restored. Discussions and areas of concern included having a restriction for sensitive conservation areas, such as a “Keep Out sign, sensitive wetland conservation area” for a restriction of harming black frogs, snakes and turtles; Dick, the lawn guy coming back out to mow the lawn this year; water testing has begun at the pond; the cottage rental agreement is still under discussion with the town; lastly based on Article 97 (M.G.L.), the Conservation Commission has governance over Pout Pond.

Any other business which may lawfully come before the Conservation Commission – CMRPC – Blackstone Valley Prioritization Project will be appearing at the town on May 29th with the BOS.

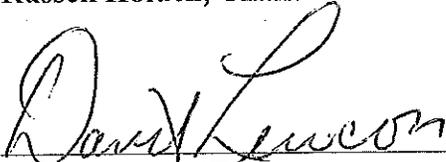
MOTION by Commissioner Lench to adjourn the meeting at 10:00 P.M. Seconded by Commissioner Potaski, the motion carried unanimously.

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



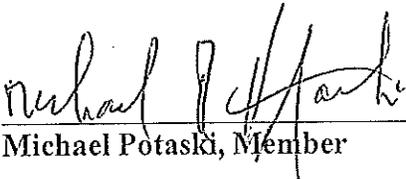
Russell Holden, Chairman

Vice-Chair (vacant)

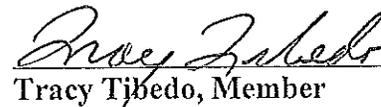


David Lewcon, Treasurer

Lawrence Lench, Clerk



Michael Potaski, Member



Tracy Tibedo, Member

6/25/12

Date