



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

Posted by  
 Uxbridge  
 Town Clerk

**MEETING MINUTES**  
 Monday, August 6, 2012

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

Minutes of the Uxbridge Conservation Commission regular meeting held on **Monday, August 6, 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, Dave Lewcon, Michael Potaski, Lawrence Lench and Donna C. Hardy, Conservation Commission Administrative Assistant

**Conservation Commission Absent:** Tracy Tibedo

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:**

**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. Mr. Stephen O'Connell with Andrews Survey & Engineering, Inc. sent a request to the Commission to be granted a continuance for this project until September 4, 2012. **MOTION** by Commissioner Lench to grant a continuance for the application listed as "DEP #312-xxx, NOI, Bedrock Crossing, LLC at 79 River Road" to the September 4, 2012 scheduled meeting. Seconded by Commissioner Potaski, the motion carried unanimously.

**Violations/Potential Violations:**

**170 Hecla Street (Map 25, Parcel 2442)** – Cease & Desist issued to property owner including information lacking "dump area" not clearly delineated and wetland flags were missing. On July 21<sup>st</sup>, images were taken indicating that the property owner was conducting activity within the wetlands. Discussion and areas of concern included that the applicant place a physical barrier indicating the precise 25' no-disturb zone around pond on site. The barrier shall consist of rebar/wooden stakes at least every ten feet and connected by landscaping tape &/or similar material. **MOTION** by Commissioner Lench to issue an Enforcement Order for the property located at 170 Hecla Street, stating the following: "The applicant shall place a physical barrier indicating the precise 25' no-disturb zone around pond on site. The barrier shall consist of rebar/wooden stakes at least every ten feet and connected by landscaping tape &/or similar material." Seconded by Commissioner Potaski, the motion carried 3-1.

**Other:**

Uxbridge Wetlands Bylaw – **MOTION** by Commissioner Potaski to continue discussions for the Uxbridge Wetlands Bylaw to the September 4, 2012 meeting. Seconded by Commissioner Lench, the motion carried unanimously.

**NEW BUSINESS: Public Hearings**

**RDA FY13-01, Guaranteed Builders, Inc. at 6 Long Meadow Road (Map 32, Parcel 834)** - Construction of 24'x28' garage and associated site work within lawn area. Ms. Tracy Sharkey with Guaranteed Builders, Inc. was present and came forward to discuss the project. Discussion and areas of concern included the placement of the wetland flags and hay bales; and that a larger map/plan of the scale would be needed. **MOTION** by

Commissioner Potaski to continue the public hearing for the project listed as “**RDA FY13-01, Guaranteed Builders, Inc. at 6 Long Meadow Road**” to the next scheduled meeting on August 20, 2012. Seconded by Commissioner Lench, the motion carried unanimously.

**RDA FY13-02, Talmage Solar Engineering on behalf of Mark Investment LLC, at 500 West Hartford Avenue (Map 16, Parcel 3881)** – The project consists of approximately 3.5 +/- MW solar farm to be installed on a parcel of land adjacent to Hartford Avenue West. Mr. Matt Randall with Talmage Solar Engineering was present and came forward to discuss the project. Discussion and areas of concern included 1) Additional wetland was discovered on the property and was indicated on the plans; 2) If tree trimming occur. Tree trimming will occur on the western edge of the property; 3) Maintenance of terrain/grass. Some mowing will occur on the property, but most areas will only be weed-whacked.; 4) Drive-in access/area will be paved and access will be for police & fire only. Following discussion, **MOTION** by Commissioner Potaski to close the Public Hearing and issue a Negative Determination of Applicability for the application listed as “**as RDA FY12-03, Talmage Solar Engineering on behalf of Mark Investment LLC, at 500 West Hartford Avenue**”. Seconded by Commissioner Lench, the motion carried unanimously.

Commissioner Potaski recused himself.

**DEP #312-941, NOI, BSC Group on behalf of New England Power Company for a project located on an existing right-of-way in the Town of Uxbridge.** -The proposed project is for the construction, reconstruction, operation & maintenance of overhead public utilities. Ms. Lee Curtis with BSC Group was present and came forward to discuss the project. Discussion and areas of concern included the temporary impacts within the town, the limit of work to be conducted, a rare species of wood turtles and a marble salamander was found on the property. The wood turtle is a “take habitat” and issuance will be with a CMP (Conservation Management Pack). The project schedule will be approximately 2 years of construction with multiple phases. The towers will be steel structures with approximately 115,000 volts (replacement of the current steel wire structures). The alternative analysis has possibilities routing through Millbury to North Smithfield, RI. An additional meeting shall be conducted at the Uxbridge Senior Center on Tuesday, August 7<sup>th</sup>. An official abutter’s notification was not originally conducted; however it is currently being compared with the Assessor’s office. Additional concerns included if the noise from the wires will affect the habitats. The wires do tend to give off a crackling noise; however this will not affect the habitats. **MOTION** by Commissioner Lench to continue the public hearing for the project listed as “**DEP #312-941, NOI, BSC Group on behalf of New England Power Company for a project located on an existing right-of-way in the Town of Uxbridge**” to the next scheduled meeting on August 20, 2012. Seconded by Commissioner Lewcon, the motion carried unanimously.

Commissioner Potaski returned to the meeting.

#### **Violations/Potential Violations:**

**4 No Way (Map 14, Parcel 1033)** – A site visit was recently conducted and it appears organic matter and lawn refuse was placed in the wetland. Ms. Maryann Tognazzi, property owner was present and came forward to discuss her property. Discussion and areas of concern included what the long term maintenance was for the property

**4 Albee Road (Map 40, Parcel 2432)** –Discussion and areas of concern included that some property owners in town feel that there are different expectations for properties in town and discussed the 25’ wetlands setback. Ms. Erin Carven came forward to discuss the property. Ms. Carven advised that she has abided by the 2’ setback and will move forward with the Enforcement Order status.

**MINUTES. MOTION** by Commissioner Potaski to continue the discussion for the Conservation Commission Meeting Minutes dated June 25<sup>th</sup>, July 2<sup>nd</sup> & July 16, 2010 until the next scheduled meeting on August 20, 2012. Seconded by Commissioner Lench, the motion carried unanimously.

Commissioner Lench recused himself.

**Other:**

**DEP #312-929, Request for Certificate of Compliance – Constellation Solar Net Metering, LLC at 0, 67 & 70 Commerce Drive (Map 40, Parcel 2954, 2595 & 2863) –** Construction of a 2.0 Megawatt AC rated solar electrical generating facility in a former gravel pit. Mr. Stephen O'Connell with Andrews Survey & Engineering was present and came forward to discuss the property. Discussions included a site visit scheduled for August 8<sup>th</sup>. Discussions will continue for the next scheduled meeting.

**DEP #312-832, Request for Certificate of Compliance – Louise Brothers at 25 East Street (Map 31, Parcel 1942) –** Single family residential dwelling, septic and driveway. Mr. Stephen O'Connell with Andrews Survey & Engineering was present and came forward to discuss the property. Discussions included a site visit to be scheduled by each of the Commission members separately. Discussions will continue for the next scheduled meeting.

**DEP #312-74, Request for Certificate of Compliance – Louis Desruisseaux at 10 Brookside Drive, Lots 3-10 (Map 18C, Parcel 1058) –** Mr. Stephen O'Connell with Andrews Survey & Engineering and Attorney James Roberti were present and came forward to discuss the property. Discussion and areas of concern included that some of the lots are designated to Open Space. The courts confirmed that the Planning Board did not have the authorization to indicate land as "Open Space". Open Space, Parcel #4 the wooded area has ledge on it, but no wetlands. Following discussion, **MOTION** by Commissioner Lench to issue a "Partial Certificate of Compliance for DEP #312-74, Louis Desruisseaux at 10 Brookside Drive, Lots 3-10" pending a successful site visit. Seconded by Commissioner Potaski, the motion carried unanimously. Site visit shall be conducted prior to the end of the business day on August 15<sup>th</sup>.

**Processing: Recent site visits**

**MOTION** by Commissioner Lench to take "300 Quaker Highway" out of order to discuss the property. Seconded by Commissioner Potaski, the motion carried unanimously.

**300 Quaker Highway (Map 35, Parcel 4474) –** Mr. Luke Grady with Shawmut Designs and Ms. Leslie Wanger with BSC Group were both present and came forward to discuss the property. Discussion and areas of concern included review of the northern part of the parcel for replacement of the berm and riprap swale. The swale area needs to be re-created and re-established with the placement of additional riprap. A picture will be taken of the water flowing to the channel.

**MOTION** by Commissioner Potaski to take "332 Douglas Street" out of order to discuss the property. Seconded by Commissioner Lench, the motion carried unanimously.

**332 Douglas Street (Map 23, Parcel 1595) –** Mr. David Phoenix, property owner was present and came forward to discuss the property. Discussions and areas of concern included that there is an intermittent stream on the property located behind the proposed single family house and there is a concern that the stream is the beginning of Drabbletail Brook. The Commission recommended the property owner fill out a Request for Determination of Applicability application/plans depicting the wetlands and submits all the documentation to the Conservation Commission office.

**147 Linwood Street (Map 6, Parcel 4385) –** The Commissioners did a site visit on the property and there are no wetlands on the site. Property is not in the Conservations jurisdiction.

**474 East Street (Map 41, Parcel 2944) –** Mr. Bruce Marchand is placing a barn on the property and has recently staked the property. The Commission will call to schedule a site visit.

**672 Millville Road (Map 40, Parcel 1661) –** Commissioner Potaski commented that the property site has been significantly overbuilt concerning the detention basin. A future site visit will be conducted on the property. Commissioner Holden will contact the property owner for future discussions.

**80 River Road (Map 45, Parcel 1453)** – Inquiry from residents, of why there are “bubbles” coming up from the river bed. On August 1<sup>st</sup>, Mr. Benn Sherman, DPW Director contacted the Conservation Commission office to inform that the Waste Water Treatment Plant has a permitted discharge to the Blackstone River (US-EPA and MA-DEP). There is a diffuser in the river and bubbles are the treated discharge.

**22 Douglas Street (Map 24A, Parcel 729)** – Approximately 2 weeks ago, there was a 45-gallon fuel spill on the property. The Uxbridge Police Department was notified. The fuel did not go directly into the ground, but came close to Drabbetail Brook. Two floating booms were placed in the brook and the contaminated materials were delivered to an off-site treatment plant.

**MOTION** by Commissioner Potaski to take “**415 Pond Street**” out of order to discuss the property. Seconded by Commissioner Lench, the motion carried unanimously.

**415 Pond Street (Map 39, Parcel 1255)** – On August 6<sup>th</sup>, the Commission was notified of a violation on the property. Disposal of packaged raw meat placed on the embankment of Emerson Brook. Mr. Wayne Tucker with the Uxbridge Board of Health contacted the property owner and conducted a site visit on 8/6/12. Mr. Tucker has informed by the property owner that the material would be removed on 8/6/12. Future discussions and a site visit will be conducted with Mr. Tucker.

**Any other business which may lawfully come before the Conservation Commission** – The Commission received an invitation for the new Uxbridge High School ribbon cutting ceremony.

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

**415 Pond Street (Map 39, Parcel 1255)** – On August 6<sup>th</sup>, the Uxbridge Board of Health contacted the Conservation Commission office to report a violation. The report was originally received by the Uxbridge Board of Health and the Uxbridge Police Department and is as follows: Disposal of packaged raw meat placed on the embankment of Emerson Brook. Board of Health contact Mr. Wayne Tucker contacted Mr. Michael Moore (homeowner) to conduct a site visit on August 6<sup>th</sup>. Mr. Tucker was informed by Mr. Moore that the material would be removed on August 6<sup>th</sup>. The Uxbridge Police Department provided a police log report and pictures of the property. The Board of Health has sent a letter to the homeowners of a violation of the Massachusetts State Sanitary Code. The Commission believes that the Board of Health is handling the situation and recommends it be handled by the Board of Health. If any additional issues arise, the Commission shall connect with the Board of Health. Chairman Holden shall contact the Board of Health contact Mr. Tucker to set up a future site visit of the property.

**Lot 3, Wanda Way (plans)** – Plans received from the Board of Health to have the Commission review the plans.

**Mail** - Invitation received to the new Uxbridge High School ribbon ceremony on August 20th.

Ms. Hardy, Conservation Commission Administrative Assistant left the meeting at 10:00 pm.

**Peaceful Pond, Pout Pond and Legg Farm** – Discussion and areas of concern included the following: 1) The need for more people/volunteers to help at the pond; 2) Income of donations received \$7200 (swimming lessons, general donations, parking passes, etc.); 3) Three (3) Senior Work-off programs currently at the pond; 4) Swimming lessons/staffing; 5) Establish jobs for high school students for next summer 2013; 6) The need for two (2) Work Campers for each season (current Work Camper puts in 15 hour days); 7) Suggestion of paying someone to be a Work Camper \$300 a week for the amount of work required; 8) Increase for parking passes \$5 a day or \$50 season pass; 9) A concert to be held on August 11<sup>th</sup>, pending weather; 10) Maintenance of the trails; 11) Cottage w/ related expenses and concerns for the rental agreement (Article 97 land); 12) Approximately \$15,000 owed for the individual that is fixing up the cottage, however the individual will accept

a Promissory Note for the amount due. Will any installments or 1099 will be issued for the amount due. Rental will begin as soon as the tenant moves into the cottage; 13) Auxiliary group/committee that wants to begin assisting at the pond; 14) Concerns of having the Recreation Committee assisting with Pout Pond or partner with the Conservation Commission; 15) Inquiring if Board of Health Agent will conduct the E.Coli testing at the pond. Mr. Sean Hendricks, Town Manager responded to the question and stated that it is not possible due to budget constraints. Mr. Lewcon saves the Commission \$70 each week in taking the water sample and bringing it directly to Microbac Inc.; 16) Commissioner Potaski suggested that bats should not be nesting at the pond or have any bat houses placed at the pond. Commissioner Potaski handed out a flyer with statistics stating that bats can contain rabies. Sometimes mosquitos are more apparent with the bats in the area.

**4 Dutch Hill Road** – Mr. Keith VanderZicht, property owner came forward to discuss the property. Mr. VanderZicht is requesting a site visit from the commission based off the restoration plan. Chairman Holden shall be scheduling a future site visit. Chairman Holden advised that Mr. VanderZicht is beyond the Enforcement Order deadline; Mr. VanderZicht understands the situation/concern. Commissioner Lewcon noted that the Commission is not required to do site visits; they are trying to work with the property owner.

**MINUTES. MOTION** by Commissioner Potaski to continue the Conservation Commission Meeting Minutes dated June 25<sup>th</sup>, July 2<sup>nd</sup> & July 16, 2012 to the next scheduled meeting. Seconded by Commissioner Lench, the motion carried unanimously.

**MOTION** by Commissioner Potaski to adjourn the meeting at 10:45 P.M. Seconded by Commissioner Lench, the motion carried unanimously.

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

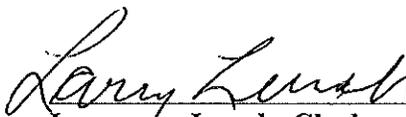


Russell Holden, Chairman

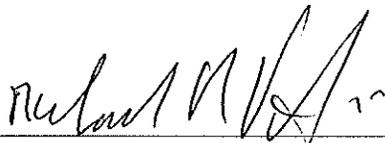
Vice-Chair (vacant)



David Lewcon, Treasurer



Lawrence Lench, Clerk



Michael Potaski, Member

Tracy Tibedo, Member

OCTOBER 1, 2012

Date