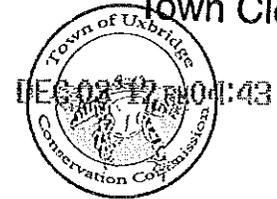


Town of Uxbridge
Conservation Commission
21 South Main Street
Uxbridge, Massachusetts, 01569
508-278-8600, x 2013



Posted by
Uxbridge
Town Clerk

Conservation Commission Minutes
Monday, November 5, 2012
7:00-10:51

*Board of Selectmen's Room, Uxbridge Town Hall, 21 South Main Street, Uxbridge, MA
Please note some items may have been taken out of agenda order.*

Conservation Commission Present: Russell Holden (Chair), Dave Lewcon, Michael Potaski, Tracy Tibedo
Conservation Commission Absent: Lawrence Lench
Commission Staff Present: Jennifer Steel, Conservation Agent

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

- DEP #312-xxx, NOI, Bedrock Crossing, LLC at 79 River Road (Map 45, Parcel 1345)
 - Applicant: Jason Tetrault, Engineer: Andrews Survey
 - Proposal: Install piping for roadway drainage.
 - Update: Applicant is seeking continuation.
 - Discussion: Ask applicant to renotify abutters one month prior to the next public hearing wherein discussion will ensue, because original application was received 3/29/12.
 - Motion and VOTE: Moved to continue hearing until 11/19/12 and ask applicant to renotify abutters as noted above. (Moved: Russ Holden, Second: Dave Lewcon, Vote: 4:0:0.)

- DEP #312-941, NOI, Power Lines, on an existing right-of-way in the Town of Uxbridge.
 - Applicant: New England Power Company, Engineer: BSC
 - Proposal: Construct, reconstruct, operate & maintain new overhead power lines, roads, and pads public utilities.
 - Update: Awaiting plans from Nat. Heritage. Applicant is seeking continuation.
 - Motion and VOTE: Moved to continue hearing until 11/19/12. (Moved: Tracy Tibedo, Second: Dave Lewcon, Vote: 4:0:0.)

- DEP #312-944, ANRAD, off Albee Road (Map 41, Parcels 1827, 1832, 1858, 1876, 1895, 1941 & 1977).
 - Applicant: Hill Financial Company, Inc., Engineer: Goddard Consulting, LLC
 - Proposal: To obtain approval of the wetland boundaries.
 - Update: Jennifer and Russ walked every line with Scott Goddard on 9/24/12. A few flags were moved and added. Awaiting revised plan.
 - Presentation by Scott Goddard
 - New plans presented tonight reflect: (1) accurate lot lines, new title block information, and new flag locations.
 - Motion and VOTE: Moved to accept revised plan, close hearing, and issue ORAD via mail to Mr. Goddard. (Moved: Mike Potaski, Second: Tracy Tibedo, Vote: 4:0:0.)

- **Violation: Brian VanderZicht, 7 Dutch Hill Road (originally 180 Williams St, Lot 1), Map 10, Parcel 3625**
 - **Update:** Jennifer met with Mr. Vanderzicht and spoke with DEP Phil Nadeau.
 - **With regard to tree cutting:**
 - In wetlands, to be exempt from the Wetland Protection Act and Regulations, forestry operations must be <50 cords annually, entirely for personal use, or be under an approved DCR plan.
 - In uplands, one does not need exemption from or permission of the Conservation.
 - **With regard to harvesting rocks:**
 - Rocks are not considered an agricultural commodity. Harvest of rocks is not an agricultural activity.
 - In wetlands, rock harvest is only exempt from the regulations if collecting rocks from existing plowed fields.
 - In uplands, a mining permit may be needed to harvest rocks.
 - **With regard to new clearing in wetlands or buffer zones:**
 - Any new clearing (i.e, cut-over woods that is not allowed to regrow to trees), any new agriculture, any new irrigation pond, etc. must all be permitted as new agriculture (i.e., it is not exempt, but may be able to be permitted).
 - Jennifer sent an email summarizing DEP's analysis of the situation
 - Jennifer conducted a site visit with Mr. Vanderzicht on 11/5/12. Some of the property was walked, some finger wetlands were noted, and it was decided to arrange a meeting with DEP to clarify the regulations to Mr. Vanderzicht. Jennifer will arrange such a meeting and will inform the Commission of the day and time.
- **Violation: 4 and 20 Albee Rd.**
 - Jennifer received call from State Ethics Commission and has drafted memo to both parties to clarify conservation status for the Commission's review and approval.
 - **Motion and VOTE:** Moved to add 672 Millville Rd to the memo, have Russ Holden review memo with Jennifer Steel, and send final draft to Commission for review prior to sending. (Moved: Tracy Tibedo, Second: Mike Potaski, Vote: 4:0:0.)
- **Uxbridge Wetlands Bylaw**
 - **Motion and VOTE:** Commission continued hearing until date uncertain (Moved: Tracy Tibedo, Second: Mike Potaski, Vote: 4:0:0.).

NEW BUSINESS

- **DEP #312-945, NOI, Blackstone River Greenway, railway corridor, south of River Road and east of Route 146.**
 - **Applicant:** Mr. Dan Driscoll with Department of Conservation & Recreation, Engineer: Vanasse Hangen Brustlin, Inc.
 - **Proposal:** Construction of a paved trail which will involve earthwork to obtain appropriate grades, tree trimming and vegetation clearing where needed, and related stormwater management structure installation. There will be a small wetland replication area installed.
 - **Update:** Applicant seeks continuation until November 19, 2012. Jennifer and Russ walked the whole site. Flagging was conservative and accurate. Plans seem appropriate. Awaiting DEP file number.
 - **Motion and VOTE:** Commission voted to continue hearing until November 19, 2012. (Moved: Tracy Tibedo, Second: Mike Potaski, Vote: 4:0:0.).

- Floodplain is at 250' elevation, so this work is above that. (3) Downstream canal will be minimally affected because of sedimentation in pipe and limited input from main stem of the river. (4) A pipe under the building is "not preferred" solution.
- Michael Robert, resident: Building is unstable and situation is worsening, likely because of plates in the roadway and truck traffic over them
 - Mike Potaski, Uxbridge Housing Association: (1) Abutter notification was to the letter of the law, but did not include Crown and Eagle that is one party that has an interest in the impact on the downstream flow regime. (2) Sedimentation in the canal system is a problem. (3) Stagnation in the canal is a problem (mosquitoes and stench were terrible this past summer). (4) Peaceful Pond does not provide adequate flow to alleviate stagnation. (5) Uxbridge Housing spent lots of money on canal rehabilitation and on culvert reconstruction. (6) Consider installing a 24" pipe to allow continued flow.
 - Art Allen, EcoTec: (1) Performance standards for bank and LUW are being met. BLSF is not involved.
- Jurisdiction
 - In an Area Subject to Protection: perennial stream
 - An Activity: filling, grading and altering drainage
 - Will Alter the Condition: yes.
 - Questions Posed by Conservation
 - Determine nature of filing and the standards that are being met
 - BLSF must be incorporated -- address flood storage
 - Engineering calculations are necessary (10" pipe? vs 24" pipe downstream)
 - Clarify process and plan details in every regard (flood calcs and before and after scenarios, dewatering plan, dam construction details, drain line WQ treatment proposals, etc.)
 - Comments and Questions Posed by DPW
 - Emergency overflow swale – need flood/flow calculations for proper riprap and slope design
 - Cofferdams – need to be permanent, need more detail on design
 - Drain and sewer piping – need clarification of pipe elevations, locations, linkages, and crossings (taking into account pipe diameter and thickness, to ensure crossings and angles will all work together)
 - Abandoned channel – need clarification of water regime expected
 - Fill – need clarification about method and location of fill to be used
 - Bridge – need clarification of bridge replacement proposal
 - Coordination with town – need details about "joint" at parcel boundary
 - Motion and VOTE: Commission voted to continued hearing until 11/19/12 (Moved: Tracy Tibedo, Second: Dave Lewcon, Vote: 3:0:0.).
 - Mike Potaski rejoined the Commission.

Violations/Potential Violations

Processing

- Minutes
 - September 4th 2012 Meeting Minutes approved as amended. (Moved: Mike Potaski, Second: Tracy Tibedo, Vote: 4:0:0.)
 - October 1st, 2012 Meeting Minutes approved as amended. (Moved: Mike Potaski, Second: Dave Lewcon, Vote: 3:0:1.)
- Sign Documents

- COC: DEP #312-869, 371 Aldrich Street, Carl Merchant. Septic system upgrade. (Moved to take item out of order: Tracy Tibedo, Second: Mike Potaski, Vote: 4:0:0.) (Moved to issue COC: Tracy Tibedo, Second: Mike Potaski, Vote: 4:0:0.)
 - COC: DEP #312-801, 11 Buffum Road, Thomas Harrington. Proposed repairs to an existing sewage disposal system. (Moved to issue COC: Tracy Tibedo, Second: Mike Potaski, Vote: 4:0:0.)
 - COC: DEP #312-918, 11 Buffum Road, Thomas Harrington. Rebuild of house that burned down. (Moved to issue COC: Tracy Tibedo, Second: Mike Potaski, Vote: 4:0:0.)
 - COC: DEP #312-581, 171 Eric Drive, Previous homeowners: Thomas & Beth Elliot. Construction of filling of the right side of the driveway to level about ten feet (10'), then slope down to the wetland. Jennifer Steel will conduct a site visit.
 - COC: DEP #312-840, 171 Eric Drive, Tracy Tibedo. 22'x32' addition on pre-existing driveway. Jennifer Steel will conduct a site visit.
 - COC: DEP #312-934, Crown and Eagle Road, Uxbridge Housing. Rebuild of collapsing "culvert" and drainage improvements in front patio area. (Moved to issue COC: Tracy Tibedo, Second: Dave Lewcon, Vote: 3:0:1.)
- Discuss Signature of Documents
 - COC: DEP #312-841, Pout Pond. Boardwalk. Interest in extending boardwalk. No action taken on COC request.
 - COC (Partial): DEP #312-471, Lot 3 Cedar Woods I, 31 Giacomo Way. Construction of roadways & utilities with point source discharge located within the buffer zone. (Note: A partial Certificate of Compliance was issued to Lot 3 under 312-471, but in error, because it was for Cedar Woods II, Lot 3, 15 Patriot Way Book #40429, Page 95.) Jennifer Steel will arrange with owner for a site visit to address the clearing behind house that has recently occurred.
 - COC: DEP #312-916, 146 Mendon Street, Nicholas B. Deane. Excavation of petroleum contaminated soil related to historic underground storage tank located within the buffer zone of the Blackstone Canal. Russ and Mike made a site visit and determined the site was not ready for a CoC because (1) a 55-gallon drum remains on site, (2) sandy bank is suffering erosion, and (3) a pipe is discharging to the river. Jennifer Steel will address the issues with the owner.
 - COC: DEP #312-857, 25 Brandy Lane, Michael Pasacane. Construction of a garage and upgrade of existing septic system. Garage is 2 feet longer than proposed, deck and stairs added behind garage, hot-tub with deck added in back yard. Jennifer Steel will address will address the unpermitted activities with the owner.
 - COC: DEP #312-811, 25 Albee Road, Hill Financial Services. Will be addressed 11/19/12.
 - COC: DEP #312-892, Southeast bank of Blackstone River @ Mendon Street, Blackstone River Watershed Association (BRWA). Will be addressed 11/19/12.
 - COC: DEP #312-893, Northwest bank of Blackstone River @ Millville Road, Blackstone River Watershed Association (BRWA). Will be addressed 11/19/12.
 - Discussions
 - Breakdown Agenda – Commission is in favor of the new format
 - Public Agenda – Commission is in favor of the new format
 - Administrative Approval Form – Commission is in favor of the new form, as amended
 - E.O. Close Out form – Commission is in favor of the project to close out old EOs and of the new form, as amended, to facilitate that effort
 - Unpermitted work in Wetland or Buffer form – Commission is in favor of the new form, as amended

- Living with Wetlands brochure – Commission is in favor of the form, as amended. David Genereux will get us an estimate for 5,000 to go out with tax bill on Dec 31. Commission will consider distributing it through the schools as well.
- **Notifications**
 - 7 Dutch Hill – wetland replication SV – letter states anticipated improvements next year.
 - NSTAR – doing maintenance of power lines E-W across south Uxbridge – replacing 10 poles in BVW, using swamp mats and erosion controls -- exempt.
 - National Grid – doing maintenance of power lines N-S across south Uxbridge – replacing 10 poles in BVW, using swamp mats and erosion controls – some is exempt.
- **Peaceful Pond, Pout Pond & Legg Farm**
 - Pout Pond rental agreement and payment of bills
 - Jennifer Steel noted Finance Director’s concern that the Occupancy License is premature without a second egress and without a market rate set.
 - Dave Lewcon noted a market analysis had concluded that \$600/mo was an appropriate rate. Jennifer Steel will let the Finance Director know about that outcome.
 - Questions were raised about where the rental income would be deposited, termination agreements, and open bidding for the rental
 - Rental Agreement has been edited to be an Occupancy License, to allow 2 cars, and to change “will” to “may” in the non-payment section (Moved to sign Occupancy License as amended. Moved: Dave Lewcon, Second: Tracy Tibedo, Vote: 4:0:0.)
- **Administrative Approvals**
 - A binder will be established for tracking all Administrative Approvals, and all Administrative. Approvals will be reported to the Commission.
- **Recent site visits (other than for NOIs, RDAs, EOs and COCs)**
 - 6 Long Meadow – pre-constr. SV – sent email requiring a new plan
 - Deanna Dr. – New in-ground swimming pool being installed. It appears to be outside wetland buffer, based on drive-by.
 - 328 Elmwood –Planning Board application
 - 310 Elmwood – clearing in what looked like wetlands – ask PB, Building, BOH
 - Hannaford Plaza – wants to store salt.
 - 125 Glendale – gravel migrating from neighbor, should be solved when driveway is paved
- **Future site visits to be conducted (other than for NOIs, RDAs, EOs and COCs)**
- **Any other business which may lawfully come before the Conservation Commission.**
 - Uxbridge standard special conditions – Jennifer Steel removed conditions redundant of the state conditions and organized the remaining conditions, for use with all future OOCs. This was met with approval of the Commission

ADJOURN 10:51pm (Moved to adjourn. Moved: Dave Lewcon, Second: Tracy Tibedo, Vote: 4:0:0.)



TOWN OF UXBRIDGE
 CONSERVATION COMMISSION
 21 SOUTH MAIN STREET
 UXBRIDGE, MASSACHUSETTS 01569
 508-278-8600, x 2013 or 2020



Conservation Commission Meeting Minutes
 Board of Selectmen's Room, Uxbridge Town Hall, 21 South Main Street, Uxbridge, MA

Respectfully submitted by Ms. Jennifer Steel, Conservation Agent

R. Holden

Russell Holden, Chairman

 Vice-Chair (vacant)

David Lewcon

David Lewcon, Treasurer

 Lawrence Lench, Clerk

Michael Potaski

Michael Potaski, Member

 Tracy Tibedo, Member

[Signature] 11/19/12 Date

