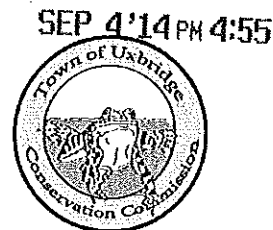


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Uxbridge  
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Town of Uxbridge  
Conservation Commission  
21 South Main Street  
Uxbridge, MA 01569  
508-278-8600 x 2020



Conservation Commission Minutes  
Monday, August 18, 2014  
Board of Selectmen Meeting Room, Uxbridge Town Hall

ORIGINAL

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

**Present:** Chair Russell Holden, Treasurer Jim Hogan, Clerk Jeffrey Shaw, Member Mike Potaski and Temporary Administrator Beth Pitman.

**Absent:** Member Tracy Tibedo.

It being 6:30 pm, the meeting being properly posted, duly called and a quorum being present, the meeting was called to order by the Chair.

#### PUBLIC HEARINGS

1. NOTICE OF INTENT (NOI), 312-9xx, 49 Easy Street (Map 14, Parcel 2663)

Applicant: Joel Guadagnoli

Representative: Andrews Survey & Engineering, Inc.

Project description: removal of trees around the home/yard, minor grading and garden/tree/shrub plantings, and construction of new fieldstone wall within the 100' buffer zone of bordering vegetated wetlands (BVW).

o Discussion: Steve O'Connell of Andrews Survey & Engineering, Inc., filling in for Paul Hutnak of ASE, representing the Applicant was present. The Chair and Mr. Hogan had conducted a site visit on August 14, 2014. The Chair asked about the area west of the river, being called a pond. Mr. O'Connell stated the River Protection Act only applies to conditions of rivering characteristics of which there are some over 200 yards away so it doesn't apply. However it does fall under the Wetland Protection Act. The Chair will place a call to the DEP to confirm that the Commission is doing the correct thing in regard to pond vs. river front. The Chair asked for the following: 1) more clarification of where/how the water is flowing; 2) flood elevation shown on the plan; 3) existing footbridge shown on the plan; 4) work within 25' of wetlands shown on the plan; 5) green cards from abutter mailing; and, 6) phased implementation plan for project. Mr. Hogan shared concern with the trees being cut down, and the Applicant having a construction sequence of work done over a period of years. Applicant stated that six (6) trees are being removed; some are potential hazard to the house. Discussion continued regarding work within 25' of wetlands, any effect of that (beneficial or adverse), and types of plants for replanting.

o **MOTION:** I, Mr. Potaski, move that the Public Hearing for the Notice of Intent for the project located at 49 Easy Street be continued to the next regularly scheduled meeting on September 2, 2014. Seconded by Mr. Shaw, the motion passed unanimously.

2. A NOTICE OF INTENT (NOI), 312-980, has been filed by MassDOT-Highway Division for a project located at 4 Albee Road, (Assessor's Map 40, Parcel 2432), Uxbridge. The general project description is an "after the fact" filing for the installation of a replacement drinking water supply well within the 100-foot buffer zone to the bank of a pond.

o Discussion: Susan McArthur of MassDOT, representing the Applicant, informed the Commission that drilling outside the buffer zone had been unsuccessful, an erosion control barrier is in place, and a new working well is within the buffer zone of the pond. There is a

connection between 4 Albee and 13 Albee that needs to be defined, but that work will occur inside the well, excluding the connection to the house. After brief discussion, motion was made.

- **MOTION: I, Mr. Potaski, move that the Commission grant the standard Order of Conditions with the revised Notice of Intent 312-980 and Attachment A to be included in submission of the deed. Seconded by Mr. Hogan, the motion passed unanimously.**

## ACTIVE WETLAND CASES

1. ABBREVIATED NOTICE OF RESOURCE AREA DELINEATION (ANRAD), 230 & 255 Chocolog Rd. (Assessor's Map 39 & 44, Parcel 4254 & 345) – *continued from 8/4 meeting*  
Applicant: FIKOW, LLC.  
Representative: Andrews Survey & Engineering, Inc.  
Project description: verification of delineated BVW and Bank  
Discussion: Steve O'Connell of Andrews Survey & Engineering, Inc., representing the Applicant, stated that Goddard Consulting has been engaged for the ANRAD. He anticipates that he will have recommendations and updated maps from Goddard for the next meeting.
2. NOTICE OF INTENT (NOI), 312-9xx, 79 River Rd (Map 45, Parcel 1345), cont'd awaiting comments from MA-DEP  
Applicant: Bedrock Crossing LLC  
Representative: Andrews Survey & Engineering  
Project description: Fill ILSF, grade and create gravel lot.  
**MOTION: I, Mr. Hogan, move that the Commission continue the Public Hearing for the NOI for 79 River Road to the next regularly scheduled meeting on September 2, 2014. Seconded by Mr. Shaw, the motion passed unanimously**

## WETLAND UPDATES/ISSUES

1. Certificate of Compliance: BJ's property
  - Discussion: Steve O'Connell of Andrews Survey & Engineering, Inc. was present, not on behalf of BJ's, and stated that two lots at the southern end of the property were being cut out to be sold. During the title search, it was discovered the Order of Conditions never received a Certificate of Compliance, and is asking for a partial Release now. The MA-DEP number is 312-792. The land is primarily forested and never went into BJ's name; it's owned by Makepar Corporation. The Chair stated that he feels that the Commission has done its due diligence with multiple site visits in the past that it doesn't require another site visit.
  - **MOTION: I, Mr. Potaski, move that the Commission grant a partial Certificate of Compliance for Order of Conditions MA DEP #312-792, covering Lots 3 and 4 as shown on the plan registered with Worcester District Registry of Deeds, specifically found in Plan Book 835, Plan 25. Seconded by Mr. Shaw, the motion passed unanimously.**

## POTENTIAL VIOLATIONS

1. 836 Aldrich Street
  - The Chair shared the background with the Commission: sound and odor complaints brought to BOH and the Commission, conducted site visit with BOH Chair Tucker, Animal Control Officer Gareri, ZOE Scott and two Uxbridge police officers, and site visit pictures. BOH Chair Tucker commented the noise from approximately 70 dogs, barking at feeding time especially (8a and 4p). The Chair proposed 3 time-sensitive violations for the Enforcement Order (EO) for discussion. Mr. Potaski suggested wording be included that piping inflows must be blocked with cement and/or an engineered solution to stop flow into wetlands. The final EO is on file in the office.

- **MOTION: I, Mr. Potaski, move that the Commission issue an Enforcement Order for 836 Aldrich Street, verbiage as amended. Seconded by Mr. Hogan, the motion passed unanimously.**

#### **OTHER**

- Uniquely Uxbridge: The Chair stated that Uniquely Uxbridge is having a campfire at Pout Pond on September 6. Pout Pond Recreation Committee has purchased a ½ barrel for the fire, and is looking for approval from the Commission.
  - **MOTION: I, Mr. Potaski, move that the Commission approve the campfire, and the Chair to notify the Committee of the decision via email. Seconded by Mr. Hogan, the motion passed unanimously.**
- Lee Reservoir (Uxbridge Rod & Gun Club) Water Treatment: Mr. Potaski recused himself as he's a member of the Rod & Gun Club. Ralph True, Sr. on behalf of the Rod & Gun Club contacted the office, requesting signed approval of the water treatment plan. Lycott Environmental had submitted the plan and form via email to the office, with the recommended management of last year's designated areas. The Commission had a brief discussion.
  - **MOTION: I, Mr. Hogan, move that the Commission accept the 2014 Proposed Management Plan for Lee Reservoir as written and submitted on August 13, 2014 by Lycott Environmental for MA-DEP file #312-942. Seconded by Mr. Shaw, the motion carried unanimously (3-0-0).**
- Invoices: Microbac invoices for Pout Pond water testing have been received by the office. There was discussion regarding the appropriate approving body – Conservation vs. Pout Pond Recreation Committee. No action or motion was made as the Chair will confirm the appropriate body with the Town Manager.

#### **PROCESSING**

- Site Visit Update
  - Mr. Shaw updated the Commission that he walked Henry Legg: saw a coyote, no piles of trash. DCR owns the property and should be walking it, but it usually defaults to Conservation. He mentioned that Dave Lewcon has been doing the mowing and the path is easily followed.
- Meeting Minutes
  - The Commission requested electronic copies for review in advance of the meeting from the office. No other action or motions were taken.

#### **ANY OTHER BUSINESS WHICH MAY LAWFULLY COME BEFORE THE CONSERVATION COMMISSION**


- The Commission had brief discussion on a few issues of concern to the members: Hecla Street Enforcement Order and VanderZicht NOI to be filed.

At approximately 8:56pm, MOTION by Mr. Hogan to adjourn the meeting. Seconded by Mr. Potaski, the motion carried unanimously.

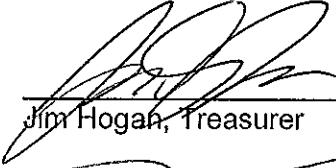
Respectfully submitted,  
Beth A Pitman  
Temporary Conservation Administrator



Russell Holden, Chairman



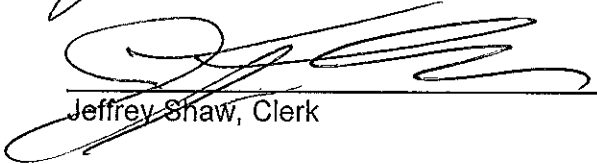
Michael Potaski, Member



Jim Hogan, Treasurer

*absent*

Tracy Tibedo, Member



Jeffrey Shaw, Clerk

*28 September 14*

Date