

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



**Conservation Commission Meeting Minutes  
March 20, 2023**

**Present:** Jeff Shaw, Lauren Steele, Russell Holden, Paul Balutis, and Conservation Agent Emily Petro

**Absent:** Jim Clancy and Philip Bertuglia

**CALL TO ORDER:**

It being approximately 6:30 pm, the meeting being properly posted, duly called, and a quorum being present, the meeting was called to order by the Chairperson followed by the pledge of allegiance.

**WETLAND UPDATES AND ISSUES**

**1. Pout Pond Eagle Scout Project presented by Sam Ferrage**

- Sam Ferrage, provided copies of his plans and explained his proposal to construct a canoe and kayak storage rack for Pout Pond. The placement of the rack is proposed on the backside of the building placed on gravel to level the area and keep it off ground, which could erode underneath it. The rack is approximately 20' long by 6' wide by 7' high and will be made from pressure treated 4x4s. The wood will be stained prior to assembly to extend the life of the rack. The rack will be assembled at Pout Pond but all the parts will be prepped of site. Sam proposed April 1<sup>st</sup> as the date to assemble and install the rack.
- Mr. Shaw explained that the original plans were for the rack to be attached to the building. Sam decided to make it a free-standing unit, after conferring w/ the building inspector who had concerns about its proximity to the electrical service and whether the building could handle the weight. Sam explained the intended users are guests at pout pond. The recreation committee would like to keep the beach free of canoes and kayaks when not in use to maximize space for the public swimming area and this provides a way for them to be stored away from the beach area.
- Mr. Holden explained that the area in which the rack is being installed is considered critical habitat. The sensitive time is April 15<sup>th</sup> through mid-June – so as long as the April 1 timeline is accurate he should be fine. Sam's deadline is April 15 (his 18<sup>th</sup> birthday so he is confident it will be installed before the timeframe).
- **Motion:** Mr. Balutis made a motion to approve the proposed eagle scout project for pout pond. Ms. Steele seconded, and the motion passed unanimously by vote of 5-0-0.

**PUBLIC HEARINGS**

**1. Notice of Intent (NOI) DEP #312-11XX, Elmstreet Extension, Map 11, Parcel 2436**

**Applicant:** James Smith

**Representative:** Mark Allen, Allen Engineering & Associates, Hopedale, MA

**Project Description:** Installation of an infiltration basin located within 100' of a Bordering Vegetative Wetland (BVW)

The Applicant requested to continue the public hearing to the next meeting as they prepare materials requested by the Commission and await DEP file number assignment.

**Motion:** Ms. Steele made a motion to continue the public hearing for the Elmstreet Extension NOI to the next meeting of the Conservation Commission. Mr. Balutis seconded, and the motion passed unanimously by 5-0-0.

**2. Notice of Intent (NOI) DEP #312-1146 Lot 15, 189A, 189B, 189C, & 189D Crownshield Avenue, Map 29, Parcel 3766**

**Applicant:** Scotland Yard, LLP Milford MA

**Representative:** John Federico, Guerrier and Halnon, Milford MA

**Project Description:** Construction of a 4-unit condominium building with associated driveways, utilities and grading within 100 ft of a Bordering Vegetative Wetland (BVW). *Continued, Public Hearing opened 2/6/2023*

The Applicant requested to continue the public hearing. It was mentioned that an incorrect filing fee was noted by DEP.

**Motion:** Ms. Steele made a motion to continue the public hearing for Crownshield Avenue to the next meeting of the Conservation Commission. Mr. Balutis seconded, and the motion passed unanimously by 5-0-0.

## WETLAND UPDATES AND ISSUES

1. 287 North Main Street – Flammable & Combustible License Application
  - The Conservation Commission was copied on a Public Hearing notice for the application for a Flammable & Combustible License at 287 North Main Street. This is an existing fuel business but the lots were recently split and so a license is required for both lots. There are no new tanks or increase in capacity planned at this time. It was noted that they don't have the capacity for quantity they are licensed and if they wanted to reach "capacity" a new tank would need to be installed. Members reviewed the resource areas in the area (underground stream that daylights just over 200 feet away) and noted as it stands now it is out of their jurisdiction. Members agreed they didn't have any comments to pass along to BOS for this public hearing. Mr. Shaw mentioned that there will be a second public hearing notice for 277 N. Main which is also already existing.
  - There was brief discussion about this type of sign off and what would be the appropriate procedure going forward. An option discussed was having the agent or department (not the Commission) be the sign off so projects w/ no impact on any resource areas can be promptly signed off. Leaving a comment was also suggested to ensure the applicant understands that the sign off does not give permission to make any additional alterations to the property – everyone agreed this is would be a good idea.
2. Discussion of site compliance regarding active & expired Orders of Conditions
  - 142 S. Main Street – there may be an expansion of a driveway perhaps w/o a permit w/in resource area (potential violation). After a brief search it was determined that there was a prior violation at the site in 2009 and conservation signs were required to be placed. Ms. Petro agreed to investigate further (see if the signs are still in place, see if any work encroached on a resource area).

## REPORTED/ONGOING VIOLATIONS

1. DEP# 312-1086 — Tea Party Drive
  - **Presentation:** Mark Arnold with Goddard Consulting attended on behalf of FRE to review the 3/15/23 Ledgemere Country Basin 3 Improvements Stormwater Pollution Plan. Mr. Arnold explained he was brought in because of he is a Certified Professional in Erosion and Sediment Control (CPESC) and this particular area requires a little more expertise than just traditional erosion control measures. He said that FRE's goal is to complete the work in a 7-day period when there is going to be no more than a 1/4" of rain forecast to eliminate the risk of erosion during a rainstorm during the work itself. They want to make sure the Commission is comfortable. Graves has reviewed the document and didn't have any comments. Mr. Arnold said they will be responsible for choosing the time to work but will look to Graves to identify any risks prior to starting – they will not proceed if Graves identifies any risks with the timeframe chosen.
  - Mr. Arnold went over the 2 phases of the project: 1) Preconstruction which will include erosion controls placed, brush cut w/o grubbing, all appropriate materials brought on site. This will be followed by a Grave's review and once approved they will be ready for phase 2 as soon as they have a dry period. 2) Construction will include vegetation grubbing, constructing the riprap access ramps and improving existing riprap, enlarging the existing 1" orifice to a 3" orifice, and adding a T pipe, hydroseed, tackifier, erosion mat and work their way out. Mr. Arnold also went over the proposed Daily Stabilization Measures which include hydroseeding, using a tackifier and installing double erosion mats. He said their goal is to have strict oversight in getting the basin to the stable point w/ the volume and size it needs. All the steps are also on the site plan. He also noted that this is not for finalization - the basin will likely still need to be maintained and it will need to be re-inspected before final sign off.
  - **Discussion:** Mr. Holden asked what type of sediment control is being used to delineate the limit of work because the plan states that "*accumulated sediment must be removed before it has accumulated to 1/2 of the above ground height of any perimeter control*". If it's silt fence that could be a 1' of sediment. Mr. Arnold said it will be a triple layer of staked bails and silt fence and acknowledged Mr. Holden's concern but thought with all the other measures in place for clean-up it would be unlikely to build up. They agreed to replace the text *accumulated to 1/2 of the above ground height* with *accumulated to 3" above ground height*. Mr. Holden noted that step 2.4 includes the word grub and Mr. Arnold said that shouldn't be there and agreed to strike it. Mr. Holden asked whether the Mirafi geotextile fabric (placed under the riprap) could be specified in the basin improvements plan – Mr. Arnold agreed – he did note that it is specified in the site plan.
  - Members expressed concerns because the plan doesn't include the Conservation Commission as part of the process. They emphasized the differences between the Conservation Commission's and the Planning Board's responsibilities, focus, and jurisdiction as it relates to the project and ongoing violations. Mr. Arnold acknowledged and expressed he

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has and his intention going forward is to include the Commission in all aspects. He agreed to add the Commission or its agent to the sections discussed.

- Mr. Holden requested having tarps available onsite is specified in the plan. He also asked whether Mr. Arnold thought there would be the ability to preserve any native topsoil (possibly from the slopes) and whether there was a specific area on site to store it. Mr. Arnold agreed to add to the narrative where the native topsoil will be taken from and stored on site.
  - Mr. Arnold agreed to complete a redline version of the document w/ all the changes discussed.
  - Mr. Shaw asked whether the applicant has discussed the general EO re # of foundations open, and amount of ground disturbance allowed at any one time with Mr. Arnold. He said he was aware and described his knowledge of the site and special soils in the area. There was discussion about where the silt that is getting into the basin coming from... Mr. Arnold said this is how evaluates sources of sediment... how clean is the existing system (catch basins, etc) making sure the curblines and road is swept clean, watch for micro erosion from the lawns. He has not seen this basin w/ water in it. Video taken after the last rainstorm was reviewed and discussed. Mr. Arnold agreed to look further into the issues the next time he is on site.
2. 620 Hartford Avenue East - Still waiting for a response from the property owner.
3. 619/629 Quaker Highway
- Kevin Powers, the property owner, attended the meeting. Ms. Petro displayed the aerial photographs of the site and explained the OOC has expired in 2021 – she asked whether any work remained. Mr. Powers explained the project is finished and that he is just waiting for warmer weather to spread loam and seed. He said the dirt piles on site are loam to be to the soils onsite to help grass grow. Mr. Powers said the water drains off the right side of the property through a riprap area.
  - Ms. Petro asked the timeline for completion and whether the property is for sale. Mr. Powers said it is for sale and members explained the issues that can come up during a sale if there is an open OOC. Mr. Powers said he understood and hoped to officially close out the permit prior to sale. He said his priority is to hydroseed in May and work to close out the permit. Ms. Petro explained to Mr. Powers that an as-built plan will also be required with a CoC request.
  - Members discussed the options for permitting the remainder of work and agreed the recent EO could be amended w/ conditions agreed upon. Erosion control was discussed, and it was agreed that Ms. Petro would assess existing controls to determine whether they are adequate.
  - Mr. Powers asked whether he could place millings in place of asphalt for the approved paved and some unpaved areas. Members said it was ok that it was better than asphalt as it is permeable. They asked for some type of letter documenting the change to which Mr. Powers was amenable.
  - Everyone agreed the next steps are for Ms. Petro to inspect erosion control and members will update the EO next meeting. Mr. Powers is planning to finalize the work in May/June and arrange for an as built plans to be prepared.
4. 650 Quaker Highway
- Received no response yet. There was discussion regarding the Building permit process and that the Building Inspector has to issue the permit w/in 30 days unless there are building code issues (even if Conservation would not necessarily sign off w/o an RDA or NOI). If an applicant would choose to move forward the Commission has the ability to issue enforcement and also has the ability to hold up the process during the occupancy sign off.
5. 102 Homeward Avenue
- Ms. Petro visited the site the day of the meeting and displayed photos from her visit. The homeowner cleaned up and organized the vehicles, equipment, parts, tires, scrap metal, construction debris, port-a-potty etc. It appears he is using the property as a yard for his landscaping business. The property is located in the residential A&B zoning districts.
  - Everyone agreed the items need to be removed and because there are regulations about stockpiling used tires, Ms. Petro agreed to discuss further w/ the homeowner and notify boh and dep solid waste.
6. DEP File #312-1100 44 Hollis Street
- The EO to both parties is in its final stages and expected to be mailed out this week.

### PROCESSING

#### 1. Minutes 3/6

**Motion:** Mr. Holden made a motion to approve the March 6, 2023 Conservation Commission meeting minutes. Ms. Steele seconded and the motion passed by vote of 4-0-0.


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**ADJOURNMENT-NEXT MEETING SCHEDULED FOR MONDAY, April 3, 2023**

**Motion:** Ms. Steele moved to adjourn the March 20, 2023, meeting of the Conservation Commission. Mr. Balutis seconded, and the motion passed unanimously by vote of 6-0-0.

Respectfully Submitted,

Melissa Shelley, Land Use Administrative Assistant

  
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Jeff Shaw, Chairman