



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



## Conservation Commission Meeting Minutes June 20, 2023

**Present:** Paul Balutis, Jim Clancy, Russell Holden, Lauren Steele and Conservation Agent Emily Petro

**Absent:** Jeff Shaw, Philip Bertuglia

RECEIVED TOWN CLERK  
2023 JUN 15 PM 2:53

### CERTIFICATE OF COMPLIANCE

#### 1. 312-1128 444 Elmwood Avenue

**Presentation:** Frank Niro, Esq., attended on behalf of the Knapik Builders to request a CoC for 444 Elmwood Ave. He stated that they had requested the COC prior and were denied because the development of the Conservation Restriction (CR) was still in process. The CR has been reviewed and approved by the Commission, BOS, and the State Department of Energy and Environmental Affairs. A recorded copy was provided to the Commission. As-builts were provided with an engineering review letter stating the work was complete in compliance with the OOC.

Mr. Holden asked whether anyone had been to the site recently and members reviewed the jurisdictional areas related to the construction of the SFH on the parcel (the driveway was slightly inside the 100' buffer zone). It was also noted that the application for the COC noted 434 and Mr. Niro explained that it was originally one property that was divided into two lots. Members reviewed aerial images and approved plans.

**Motion:** Mr. Balutis made a motion to issue a Certificate of Compliance for 312-1128, 444 Elmwood Ave. Ms. Steele seconded, and the motion passed unanimously by vote of 4-0-0.

#### 2. 312-1118 139 Campanelli Drive

**Presentation:** Alex Ferguson, Campanelli Co., attended on behalf of the COC request for request. He explained that the request had been continued during the June 5 meeting to allow for more vegetation growth in some areas where it was very sparse. He said they continued to seed and water and the grass has grown in substantially over the past 2 weeks. Photographs of the areas from June 5 and June 20 were displayed and compared. Ms. Petro and Mr. Balutis both visited the site and agreed with Mr. Ferguson's assessment.

**Motion:** Mr. Clancy made a motion to issue a Certificate of Compliance for 312-1118. Ms. Steele seconded, and the motion passed unanimously by vote of 4-0-0.

### PUBLIC HEARINGS

#### 1. Abbreviated Notice of Resource Delineation (ANRAD), DEP #312-1150 23 Old Lackey Dam Road (Map 15, Parcel 1433)

**Applicant:** Jim Berkowitz

**Representative:** Goddard Consulting, Inc., Northborough

**Project Description:** Filed to confirm resource areas present on or near the site. (public hearing opened 6/5/23)

The applicant requested a continuance while working on third party review.

**Motion:** Mr. Balutis made a motion to continue the public hearing for DEP 312-1150. Mr. Clancy seconded, and the motion passed unanimously by vote of 4-0-0.

#### 2. Notice of Intent (NOI) DEP #312-1149, 11-95 Freedom's Way

**Applicant:** Gray Wolf Development, LLC

**Representative:** MidPoint Engineering & Consulting, Webster

**Project Description:** The proposed project is for construction of two detention basins within the 100-foot Buffer Zone to a Bordering Vegetated Wetland.

The applicant requested a continuance while under review of the Uxbridge Planning Board.

**Motion:** Mr. Balutis made a motion to continue the public hearing for 312-1149, Freedom's Way, to the next meeting of the Conservation Commission. Mr. Clancy seconded, and the motion passed unanimously by vote of 4-0-0.

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### 3. Notice of Intent (NOI) DEP #312-11XX, 740 Hartford Avenue East (Map 8, Parcel 2318)

**Applicant:** Merit Management, LLC

**Representative:** Grady Consulting, LLC

**Project Description:** The proposed project is for construction of a single-family home with associated sewage disposal system and supporting utilities to occur within the 100-foot Buffer Zone to a Bordering Vegetated Wetland

**Presentation:** Rob Carlson, Grady Consulting attended on behalf of the applicant. He explained the property is situated on the North side of Hartford Ave. with a small portion located in Mendon. It is currently a wooded lot with a BVW and they are proposing a SFH with septic and well with all work taking place in Uxbridge. Mr. Grady provided a review the of the site plans with resource areas identified in color. He said they pushed the work as close to the street and away from the wetland as possible. He noted that the application for the septic system has been submitted to BOH. Mr. Grady identified the setbacks of the following items from the wetland: well - 64', house - 73', septic tank – outside 100', leeching field – 89', proposed driveway closest point - approximately 50', closest limit of work (grading along the right side of the lot) – 35'. He said the majority of limit of clearing is outside 50' buffer. A silt sock surrounding the limit of clearing is being proposed for erosion control. There will be a construction entrance located off Hartford Ave E close to where the driveway will be. Mr. Grady also pointed out the proposed small retaining walls associated with the grading for the raised septic system.

Members asked about soil stockpiling. Mr. Grady said stockpiling areas are noted on the plan near the catch basin. Members looked at the existing storm drains and suggested adding erosion control around the stockpile areas or basin to mitigate any runoff. Mr. Grady agreed to add to construction notes. Members reviewed aerial images of the site. DEP has not yet assigned a number.

Mr. Clancy asked for clarification regarding moving the existing overhead electric (moving just the street pole or installing a new pole). Mr. Grady said they are leaving it up to the contractor and if it's left in place they will need an easement. Mr. Clancy said if it is moved, it should be included on the plan with some type of erosion control.

**Motion:** Ms. Steele made a motion to continue the public hearing for 740 Hartford Avenue East to the July 3 meeting of the Conservation Commission. Mr. Clancy seconded, and the motion passed by vote of 4-0-0.

### 4. Request for Determination of Applicability (RDA) 217 River Road, (Map 45, Parcel 4066)

**Applicant:** Uxbridge Pro Storage

**Representative:** N/A

**Project Description:** Installation of electric pole and transformer within the 200-foot Riverfront Area of the Blackstone River.

**Presentation:** Ron Parsons attended on behalf of the request for determination. Mr. Parson explained that National Grid is installing another pole on the property located approximately 160' from the Blackstone River and they asked he obtain permission from the local Conservation Commission. A plan and photographs showing the location of the new pole were reviewed. National Grid will be installing a new pole and a transformer on a pad to increase service from 400 amps to 800 amps. The installation will take place on a surface of crushed asphalt millings.

The only concern mentioned was that any sediment taken out for the installation be removed from the site. Mr. Parsons said he expects National Grid to auger, place pole, backfill and remove any excess material left over from the installation. There was also discussion about conditioning erosion control around the work.

**Motion:** Ms. Steele made a motion to issue a Negative Determination of Applicability with a special condition that any surplus material generated by the installation process is removed from the site and temporary installation of erosion control is placed around the construction. Mr. Clancy seconded, and the motion passed by vote of 4-0-0.

## WETLAND UPDATES AND ISSUES

### 1. Discussion of site compliance regarding active & expired Orders of Conditions

- **Water Chestnut Pull at Whitin Pond** taking place on June 24<sup>th</sup>. Sign up is on the BOH webpage.
- **Metacomet Land Trust** is holding their annual meeting at UHS on June 21<sup>st</sup> and they have a Rebecca Colby from Mass Wildlife will be providing a presentation on Coldwater Streams and the Fish that live in them.

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- **Mass Wildlife released Bio Maps** and are offering outreach to cities and towns. Members thought would be a great idea to have them come in and Ms. Petro agreed to coordinate.
- **170 Rivulet Street Survey** – Ms. Petro reviewed a recent update and question provided by Turning Point Engineering, the company completing the survey. All the property lines have been staked except for the line between 170 and 176 Rivulet St. where there are some encroachments and staking that line would go through 176's driveway.
  - Using a BOH septic design plan, Turning Point identified these encroachments as a driveway, retaining walls, a patio, and steps. This plan also includes a 125' long x 20' wide right-of-way along 125' along the same property line. The only record of the right-of-way is in the abutters deed and prior deeds for the abutting property back to about 1947. In other words, they cannot find where previous owner of 170 Rivulet granted the right of way. The wording of the right of way is as follows: *together with a right-of-way along for all purposes for which public street could be used over land adjoining the above described premises on the southerly side thereof said right-of-way be 20' x 125' along the entire southerly side of the above described premises in adjoining the same to said Rivulet Street.*
  - Turning Point believes the right-of-way is probably legitimate but it is debatable whether the right-of-way can be used for the items shown on the septic design plan such as the retaining wall, patio and steps. They have asked whether the Commission is prepared for how the abutters will react having stakes set in their driveway and whether we would like them to stake the right-of-way. Members reviewed the septic design plan to view the right-of-way and the encroachments.
  - Members discussed the most appropriate approach to take with the abutter. They agreed not to stake the property line down the center of the driveway but to ensure that permanent pins be placed at roadway and at the southerly property corner. Additionally, members agreed they would like to see the west side of the easement staked. There was discussion and agreement to talk Town Counsel about the encroachments on the easements before communicating with the abutters.

### REPORTED/ONGOING VIOLATIONS

1. **DEP# 312-1086 — Tea Party Drive** – Basin 3 reconstruction completed and Ms. Petro inspected the site last week and will continue to check back in.
2. **620 Hartford Avenue East** - no new updates
3. **650 Quaker Highway** – no new updates
4. **102 Homeward Avenue** – no new updates, Ms. Petro agreed to follow up
5. **DEP File #312-1100 44 Hollis Street** – the representative from Goddard Consulting reached out to Ms. Petro but she was unable to reach her before this meeting.
6. **Cobblers' Knoll – Turner Farm Road** – no updates since last meeting.

### PROCESSING

1. Minutes 6/5/23
  - Passed over

### ADJOURNMENT-NEXT MEETING SCHEDULED FOR Monday, July 3, 2023

**Motion:** Mr. Balutis made a motion to adjourn the June 20, 2023 meeting of the Conservation Commission. Ms. Steele seconded, and the motion passed unanimously by roll call vote of 4-0-0.

Respectfully Submitted,

Melissa Shelley, Land Use Administrative Assistant

  
Jeff Shaw, Chairman