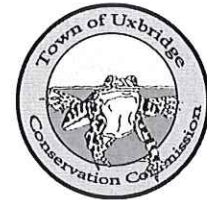




Town of Uxbridge  
Conservation Commission  
21 South Main Street  
Uxbridge, MA 01569  
508-278-8600 x 2020



**Conservation Commission Meeting Minutes  
April 5, 2021  
Remote Meeting**

REC'D UXB TOWN CLERK  
2021 MAY 10 AM 10:58

**Present:** Chair Jeff Shaw, Vice Chair, Jim Hogan, Treasurer Lauren Steele, Clerk, Russ Holden, Members Dale Bangma, Jessica Cleary and Mark Richardson, and Conservation Agent Michèle Grenier

**CALL TO ORDER**

It being approximately 6:30pm, the meeting being properly posted, duly called, and a quorum being present digitally, the Chair called the meeting to order. He stated the following to explain the purpose for the remote meeting: *"Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor's March 15, 2020 Order imposing strict limitations on the number of people that may gather in one place, this meeting of the Uxbridge Conservation Commission is being conducted via remote participation. Although, no in-person attendance of members of the public will be permitted, the Town of Uxbridge has made every effort to ensure the public can adequately access the proceedings in real time via technological means. This meeting is being streamed on Uxbridge Community Television and Zoom per the instructions on the agenda alternatively members of the public can call in by calling 301-715-8592 and using meeting i.d. All motions will be voted on by roll call vote in alphabetical order by last name."*

**Roll Call:** Bangma – present, Cleary – present, Hogan – present, Holden – present, Richardson – present, Shaw – present. Ms. Steele arrived approximately 5 minutes after the meeting began.

**CERTIFICATE OF COMPLIANCE REQUEST**

**1. Pine Grove Circle DEP# 312-445 (00:01:00 – 00:08:51)**

- Mark Wickstrom attended on behalf of the applicant. The Order of Conditions was for a ten-lot add-on to subdivision constructed approximately 23 years ago. Seven of the ten lots had drainage requirements and were issued partial releases. Mr. Wickstrom tried to locate documentation (as-builts) through the engineer of record and the Town but was unable. He provided the recorded plans and releases of Covenant by the Planning Board; all the lots were released. He believes lot 6 must have fell through the cracks and was only identified through a title search for an upcoming real estate transaction.
- Ms. Grenier visited the site and reported that all the houses have trees and grass and that lot 6 (#47) is nowhere near any resource areas. Members agreed a partial COC could be issued given the age of the project, lack of any violations and the Agent's assessment of the property.

**Motion:** Mr. Hogan moved to issue a Partial Certificate of Compliance for DEP #312-455 as 47 Pine Grove Circle (Lot 6) is compliant. Mr. Holden seconded, and the motion passed unanimously by roll call vote of 7-0-0 (Mr. Bangma – aye, Ms. Cleary – aye, Mr. Hogan – aye, Mr. Holden – aye, Mr. Richardson – aye, Ms. Steele – aye, Mr. Shaw – aye).

**PUBLIC HEARINGS**

**1. Notice of Intent (NOI) DEP #312-11\_\_ 0 Old Elmdale Road, Map 25, Parcel 3979 (00:08:52 – 00:10:32)**

**Applicant:** Aris Group, LLC, 100 Church St. Whitinsville, MA

**Representative:** Andrews Survey & Engineering, Mendon St., Uxbridge MA

**Project Description:** The proposed project is for the development of a subdivision, "Elmdale Estates", within 100 feet of Bordering Vegetated Wetlands, including Bordering Land Subject to Flood alteration and alteration within the 100ft and 200ft of the West River riverfront.

*\*Mr. Bangma recused himself from discussion per the conflict of interest law.*

The applicant's representative requested a continuance to the next meeting April 20, 2021.

**Motion:** Mr. Hogan moved to continue 0 Old Elmdale Road to the April 20, 2021 meeting of the Conservation Commission. Mr. Holden seconded, and the motion passed unanimously by roll call vote of 6-0-0 (Ms. Cleary – aye, Mr. Hogan – aye, Mr. Holden – aye, Mr. Richardson – aye, Ms. Steele – aye, Mr. Shaw – aye).

## Conservation Commission Meeting Minutes continued – Monday, April 5, 2021

### 2. Notice of Intent (NOI) DEP #312-1114 40 & 100 Lackey Dam Road (00:10:35 – 00:49:46)

**Applicant:** Scannell Properties, 8801 River Crossing Boulevard, Indianapolis, IN

**Representative:** Beals and Thomas, Southborough

**Project Description:** The construction a 646,000-sf warehouse distribution center and associated stormwater management systems, paved parking area, and access drives. Associated work is proposed within the 100-foot Buffer Zone.

**Presentation:** Dan Feeney, Beals & Thomas, presented on behalf of the applicant during the hearing. Leo Leighton, Scannell Properties and Mary Kate Chenowith, Beals and Thomas were also in attendance. Beals & Thomas are the civil engineers, surveyors, and wetland scientists for the proposed project.

Mr. Feeney shared his screen showing the proposed project and provided the following key details: (i) the project is situated in 3 towns – Uxbridge, Sutton and Douglas; (ii) the site is approximately 70 acres – 31 acres in Uxbridge, 31 acres in Sutton and 8 in Douglas; (iii) wetland resource areas are scattered throughout the perimeter of the site – a large BVW in the NE portion and another wetland system on the W portion are in Uxbridge and 3 other isolated wetlands on the project site outside Uxbridge; (iv) drainage areas to the wetlands under existing conditions are somewhat limited from onsite sources – the NE wetland has a fair amount of runoff from the National Grid easement; (v) the proposed warehouse distribution facility is approximately 646,000 sq. ft.; (vi) the proposed erosion control is shown as the blue line on the plans and is detailed as being straw bales with silt fence; (vii) access is off Lackey Dam Road in Uxbridge; (viii) an end user has not yet been identified.

Mr. Feeney described the work to take place within the Commission's jurisdictional areas in Uxbridge (i) the completion of an emergency access drive (requested by public safety officials) on the NE portion of the site inside National Grid's easement and (ii) the regular access drive comes through the 100' buffer zone near the "a-series" wetland and (iii) a detention basin is within the 100' buffer zone.

**Member Discussion:** During the plan review, Members requested areas identified as snow storage along the Emergency Access road be moved to the opposite side due to the proximity to the wetland. Snow management signage was discussed and Mr. Feeney understood the concerns and agreed to update the plan accordingly.

Mr. Feeney explained the project is in front Planning Boards in all three towns and joint meetings have been held. He also noted that Graves Engineering has completed a review of the engineering and stormwater design of the project. It was noted that peer review documents are available on the each of the town's Planning Board webpages.

Mr. Richardson inquired whether green roof was considered to reduce the amount of impervious surface. Mr. Feeney responded that it was evaluated but it was his understanding that cost was the reason it was not utilized – he also noted the advantage of having highly permeable surface in the area.

Members agreed to coordinate a site visit once key items are staked.

**Public Questions:** Jim MacNeill, 55 Lackey Dam Road, inquired whether there will be a buffer between the building and Lackey Dam Road. Mr. Feeney explained that through the Planning Board process they've been working with a sound consultant/engineer to mitigate sound and visual impact on the abutters. The corner of the proposed building is 155' from the property line and he pointed out a retaining wall and a proposed sound barrier on the plan. Additionally, there is a line of existing trees that will remain and additional landscaping proposed to screen the retaining and sound walls.

Pat Hannon, inquired whether the trailer parking spaces in Uxbridge are for loaded or empty trailers and whether any hazardous materials are expected to be present. Mr. Feeney explained trailers entering the lot will either be directed to a loading or parking spot and so the parked trailers may be loaded or empty. There is not expected to be any no hazardous materials being stored or transported in and out of the facility. He also asked whether there is water and sewer on Lackey Dam Rd. Mr. Feeney said water will be extended to the site from an existing line from Sutton as part of the project – no sewer a septic system will be utilized.

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Paul Balutis, 40 Taft Hill Lane, asked whether the emergency access will be gated road. Mr. Feeney said it will be with only National Grid and the Fire Dept having access. He asked for some details about the infiltration basin which Mr. Feeney provided. He also asked whether there are plans for fueling and/or vehicle washing on site – to which Mr. Feeney replied there are none.

**Motion:** Mr. Holden moved to continue 40-100 Lackey Dam Road to the April 20, 2021 Conservation Commission meeting. Mr. Richardson seconded, and the motion passed unanimously by roll call vote of 7-0-0 (Mr. Bangma – aye, Ms. Cleary – aye, Mr. Hogan – aye, Mr. Holden – aye, Mr. Richardson – aye, Ms. Steele – aye, Mr. Shaw – aye).

### 3. Notice of Intent (NOI) DEP #312-1113 30 Lackey Dam Road, Map 15, Parcel 0655 (00:49:48 – 00:58:25)

**Applicant:** Nouria Energy Group, Inc., 326 Clark St., Worcester, MA

**Representative:** Ayoub Engineering, Inc., 414 Benefit St., Pawtucket, RI

**Project Description:** The proposed project is to completely raze and rebuild a 7,150sf Convenience store w/ drive-thru; new gasoline dispensers and 2 electric vehicle charging spaces.

**Discussion:** Mark Wickstrom, Wickstrom Morse LLC, attended on behalf of the applicant. The two issues brought up by the Commission have been addressed in the plan (i) the snow storage area and signage have been updated and (ii) the landscaping plans were revised to include native plantings. He noted that the area was staked so members who wanted to visit the site were able to see the limit of work. Mr. Holden visited the site and inquired about what appeared to be a sewage structure on site. Mr. Defusco explained the proposed septic system will be replacing the existing septic system in the same location – they are the same size but the new system has been designed to handle the larger flow.

No members of the public commented during the hearing.

**Motion:** Mr. Holden moved to approve DEP#312-1113 Lackey Dam Road and issue an Order of Conditions with the Uxbridge Standard Special Conditions and one additional Special Condition that the planting plan is approved by the Conservation Agent. Ms. Steele seconded, and the motion passed unanimously by roll call vote of 7-0-0 (Mr. Bangma – aye, Ms. Cleary – aye, Mr. Hogan – aye, Mr. Holden – aye, Mr. Richardson – aye, Ms. Steele – aye, Mr. Shaw – aye).

### 4. Notice of Intent (NOI) DEP #312-1112 137 Carney Street, Map 24B, Parcel 2991 (00:58:25 – 01:08:57)

**Applicant:** Michael Yerardi, Hudson MA

**Representative:** Green Hill Engineering, 10 Main Street, Sturbridge, MA

**Project Description:** The proposed project is for the repair of a septic system within the 100' buffer zone

**Presentation:** Sam, presented on behalf of Green Hill Engineering who represents the applicant. She explained the project is to replace a cesspool that failed Title 5 with a septic system that will be approximately 55' from the wetland. The new system is proposed to be placed behind the house because of lot size limitations and a town water line in front of the house. Site plans were shared with Commissioners. Sam said they do not anticipate any impact to the lot or resource area. Straw waddles will be used for erosion control.

**Discussion:** Members were comfortable with the plan and discussed whether this application could have been submitted as an RDA. No members of the public provided any comments during the meeting.

**Motion:** Mr. Bangma moved to approve DEP #312-1112 for 137 Carney Street and to Order of Conditions with the Standard Uxbridge Special Conditions. Mr. Hogan seconded, and the motion passed unanimously by roll call vote of 7-0-0 (Mr. Bangma – aye, Ms. Cleary – aye, Mr. Hogan – aye, Mr. Holden – aye, Mr. Richardson – aye, Ms. Steele – aye, Mr. Shaw – aye).

## REPORTED/ONGOING VIOLATIONS

### 1. 111 Linwood Street (01:08:58 – 01:20:47)

- The Conservation office was notified of a backhoe working near a resource area (a potential violation) and Ms. Grenier visited the property. Three trees were removed one of which was located in the 25' no disturb zone. The homeowners Josh and Kayla Sables attended the meeting and explained they were working to improve their back yard and unknowingly violated the WPA. Specifically, they are looking to loam and seed the back yard. They were appreciative of Ms. Grenier's assistance in helping them appropriately progress with the work. Ms. Grenier's recommended adding a silt fence along the 25' no disturb zone and replace the tree that was inside the 25'.

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- Members briefly discussed the resource areas in that neighborhood and an underground pipe that goes under the driveway.
  - Everyone agreed an RDA would be an appropriate process to finalize his work.
2. DEP# 312-1063 — Tea Party Drive (01:20:49 – 01:34:13)
- Dale McKinnon with G&H Engineering attended the meeting. He informed everyone that there was a complaint from an abutting homeowner of smell and noise coming from the gas generator being used to pump the detention basin (Basin 3). To mitigate, the gas generator was temporarily replaced with a newer quieter version until electrical service is turned on and an electric generator can be used.
  - Mr. McKinnon explained they were before the Planning Board recently to address the issue and that Graves engineering may be inspecting Basin 3. Mr. McKinnon recommended members of the Commission be included in that review. He noted that Fafard FRE would like to have the enforcement lifted but he and Mr. Garner prefer to wait until the spring rains are over before making the basin 3 operational. Commissioners agreed with waiting.
  - He also mentioned they will be going for street acceptance for Hyde Park Circle in the fall. They will be repaving the road and making Basin 2 operational (removing silt, etc).
  - The agent reminded the applicant that the Order of Conditions for Tea Party Drive is set to expire this June.
3. DEP# 312-1022 — Forest Glen/Spring Hill Rd. (01:34:15 – 01:44:57)
- Ms. Grenier reported they did a very good job with the work – she was on site while they were working on it. She has a final inspection the following day and will provide photos during the next meeting. She noted it held up well during a recent rainstorm.
  - Mr. Balutis, 40 Taft Hill Lane, asked whether they have they put up the slurry wall/support where the wall blocks had shifted? Ms. Grenier replied yes – they were working on that when she was on site and she described it as type of form. Mr. Balutis had a question about green roofs which led to a discussion about how the town can promote and work towards green infrastructure particularly on projects with a lot of impervious surface.

### WETLAND UPDATES/ISSUES (01:45:03 – 01:52:55)

1. 44 Hollis Street Discussion DEP #312-1100
- The office was contacted about work occurring on the site. Ms. Grenier and Mr. Shaw visited the site on 2 separate occasions and found a wetland, intermittent stream crossing with no erosion control. The tree company crossed and took down every tree and cleared the lot for the dwelling. The agent was not called prior to starting work or to examine erosion control as required by the Order of Conditions. She called the applicant and told him to stop work and to attend our meeting on 4/5/21, he agreed and told me her started to put in the erosion control.
  - Damon Tinio, attended the meeting and apologized for the misunderstanding - he noted this is his first time working in Uxbridge in a lot of years. He explained he typically has the trees cut before placing the erosion control so it does not become damaged during tree removal. He said all the silt sock is in and staked except for the area where the crossing is going.
  - He would like to proceed with the development of the lot in the following sequence: cut the driveway in and stabilize the area, complete the wetland crossing, utilize the wetland soils to complete the replication area so everything has a chance to become established and start growing this spring, begin work upland. A 12' pipe is being utilized in the crossing. Mr. Tinio also said he plans to put a double barrier around the crossing and replication area – silt sock and silt fence. He agreed to keep in close contact with the Agent during the project.
  - Members were satisfied with Mr. Tinio's plan to move forward.

### PROCESSING (01:52:57 – 01:57:46)

1. Meeting Minutes Review 3.15.21
- **Motion:** Ms. Cleary moved to accept the 3.15.21 meeting minutes of the Conservation Commission as amended. Mr. Hogan seconded, and the motion passed by roll call vote of 7-0-0 (Bangma – aye, Cleary – aye, Hogan – aye, Holden – aye, Richardson – aye, Steele – aye, Shaw – aye).

### ANY OTHER BUSINESS, WHICH MAY LAWFULLY COME BEFORE THE CONSERVATION COMMISSION (01:57:48 – 02:09:06)

- Ms. Cleary noted a typo on the agenda – the DEP # for Tea Party Drive is 312-1063.
- There was a quick discussion about the file sharing, the Conservation Database, and the Town Website.

### ADJOURNMENT-NEXT MEETING SCHEDULED FOR TUESDAY, April 20, 2021

**Motion:** moved to adjourn the April 5, 2021 Conservation Commission Meeting. seconded, and the motion passed unanimously by vote of 7-0-0 (Bangma – aye, Cleary – aye, Hogan – aye, Holden – aye, Richardson – aye, Steele – aye, Shaw – aye).

**Conservation Commission Meeting Minutes continued – Monday, April 5, 2021**

Respectfully Submitted,  
Melissa Shelley, Land Use Administrative Assistant



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Jeff Shaw, Chairman