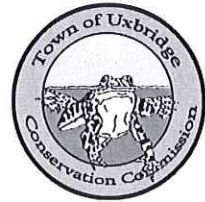




Town of Uxbridge  
Conservation Commission  
21 South Main Street  
Uxbridge, MA 01569  
508-278-8600 x 2020



**Conservation Commission Meeting Minutes  
March 1, 2021  
Remote Meeting**

**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 – here, Cleary – here, Holden – here, Richardson – here, Steele – here, Shaw – here, Mr. Hogan – present but had technical issues

**PUBLIC HEARINGS**

**1. Notice of Intent (NOI) DEP #312-11\_\_ 0 Old Elmdale Road, Map 25, Parcel 3979 (00:02:35 – 00:47:24)**

**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 the hearing per the conflict of interest law.*

**Motion:** Mr. Richardson moved to open the public hearing for 0 Old Elmdale Road. Ms. Cleary seconded and the motion passed unanimously by roll call vote of 6-0-0 (Cleary – aye, Hogan – aye, holden – aye, Richardson – aye, Shaw – aye, Steele – aye)

**Presentation:** Jude Gauvin, Andrews Survey and Engineering, attended on behalf of Aris Group. DEP has not yet assigned a file number. Mr. Gauvin explained last year the Commission denied their continuance request due to lack of information and progress. They are now in the final review with the Planning Board and in a position to resubmit the NOI. The project overview is to extend Old Elmdale road 600' to a T turnaround and create 2 new subdivision roads (cul-de-sacs). Resources on the site include 3 certified vernal pools, wetlands, riverfront, and floodplain. The new extension portion of Old Elmdale must be raised significantly to get the proper drainage, flow and access with the grades of the road. Two retaining walls are being proposed to bring everything to grade. They are not proposing to fill or cross over any wetland areas but they are proposing filling the "floodplain" to get past the site (between a cvp and the west river). A compensatory storage area is located on the eastern portion of the site. A 24" culvert at the 223 elevation is being proposed so the floodwaters will drain into the vernal pool. The number of lots being proposed is 19 (down from 21) and 1 infiltration basin is located in the lower half of the subdivision.

A 5-year phasing plan has been developed for the gravel removal and is included in the plans. Each phase is expected to take approximately one year to complete, is under 5 acres and contains approximately 90K cu yards of material. 20-30 trucks per day

**Questions/Discussion:** Members expressed concern that the Habitat Evaluation Forms are almost three years old and requested they be updated. They also requested they include an assessment of the impact of migratory species between the vernal pools. To that point, the Agent recommended replacing the 24" culvert with a wider culvert to ensure species can migrate between vernal pools. Concern for the vernal pools' ability to survive I

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once all the trees are removed was discussed. The Agent suggested either huge replanting or not to allow gravel removal. It was noted that the wildlife specialist signature on pg. 27 of the filing is missing.

Members asked what the criteria was for the phases – Mr. Gauvin said stabilization and how much gravel could realistically be taken out per year and backed into it.

*\*Mr. Richardson left the meeting temporarily but returned prior to the conclusion of the discussion.*

There was an inquiry about the extension of Old Elmdale and the ability to handle the estimated 20-30 trucks/day for 5 years removing gravel. Mr. Gauvin explained in that area, they would, install the culvert, put the retaining walls in and bring the road up to subgrade to allow the trucks to go in and out. Mr. Shaw recommended that be Phase 1 (the concern being if it's part of phase 1 it has the potential to be completed at the end of the phase). Tree removal was also discussed and members agreed that there should be separate cutting events for each phase and until each phase has been deemed complete by the Agent or Commission the next phase may not be entered into.

Signage was discussed and every agreed on No Dumping Snow at T end of Old Elmdale and signs in the applicable house lots indicating sensitive areas. There was also agreement that any house lots within jurisdiction will require their own NOI.

Mr. Holden pointed out the importance of the vernal pools not having a permanent link to the river – it has to allow water in but it can't be at an elevation where water can get in generally any other time except the spring. Timing restrictions should be taken into consideration so that activity on the site is paused when there is migration to and from the vernal pools (March and April – adults going down; when the vernal pools dry up and the frogs travel back to the woods).

Mr. Gauvin agreed to contact David Crossman, the Wetland Biologist who completed the initial report for a more current assessment with a focus on the migratory ability between the vernal pools.

Mr. Shaw asked about the status of the widening of the existing portion of Old Elmdale Road (not the extension). Mr. Gauvin said because it's a town road it will require its own NOI; initially AS&E's client has only engaged them in seeing if the road could actually be widened with a sidewalk within the right of way; Mr. Gauvin said now that they are down to just a few items with the Planning Board they are going to the next step of looking at the profile to determine the grading implications. Members understood the need for it to be a separate submittal but thought it highlighted the importance in know the "entire plan" (if possible run the submittals concurrently) – it doesn't make sense to remove all the gravel if the road can't be built to specifications to serve the development.

Steve Kirby – 12 Jodie Circle – noted that he did receive notification on 2/12 but that it wasn't return receipt. He expressed whether the vernal pools would be able to survive the development.

**Motion:** Mr. Hogan moved to continue the 0 Old Elmdale NOI to the March 15 meeting of the Conservation Commission. Ms. Steele seconded and the motion passed unanimously by vote of 6-0-0 (Cleary – aye, Hogan – aye, Holden – aye, Richardson – aye, Shaw – aye, Steele – aye).

*\*Mr. Bangma returned to the meeting.*

2. **Notice of Intent (NOI) DEP #312-11\_\_ 30 Lackey Dam Road, Map 15, Parcel 0655 (00:47:35 – 01:08:14)**  
**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 within the 200ft Mumford River riverfront.

**Presentation:** Attorney Mark Wickstrom, Wickstrom Morse, attended on behalf of the applicant. He introduced the team Tom Healy and Mike Dumorant, Nouria Energy, & Rich Defuso, Landscape Architect, Ayoub Engineering.

Mr. Wickstrom reviewed the plan to demolish the Shell Station and replace it with a larger structure (almost double in size) that will house the current convenience store and Dunkin' as well as a new deli-style sandwich shop (Amatos) with interior and exterior seating. There will be 10 pumping stations – each including 2 fueling stations; 3 diesel stations under their own canopy; and 2 electric charging stations. The property touches the

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riverfront area but the project itself is outside riverfront and the 100' buffer zone. The project has been submitted to the Planning Board and hearings are set to begin within the next 3 weeks.

Mr. Defuso shared the existing conditions plan, pointing out the area to be developed and resource areas. He provided a review of the proposed layout – the development is completely outside the riverfront area. There will be an extensive stormwater system which he reviewed the plan along with the grading design. There will be no pavement run off from the site – it will all be captured, treated and infiltrated. He noted the soil conditions are good for infiltration and the ground water is very deep (it was not encountered during the test pits). Utilities include propane (gas is not avail); a new a water service; underground electrical; and a septic system. Mr. Defuso also reviewed the erosion control plans noting that soil stockpiling can be occur far from the resource areas.

**Questions/Discussion:** Mr. Hogan recommended no snow dumping signs along of the corner of the rear truck lane. Ms. Grenier recommended landscaping be native plants and Mr. Defuso said they could be modified to be native to the Massachusetts area.

Paul Balutis, Taft Hill Lane, asked whether they will reuse the existing septic and field? Mr. Defuso said it will be located in the same area and will be re-built to accommodate the updated flow.

The DEP file number has not yet been assigned.

**Motion:** Mr. Hogan moved to continue 30 Lackey Dam Road NOI to the March 15 meeting of the Conservation Commission. Mr. Richardson seconded and the motion passed unanimously by vote of 7-0-0 (Bangma – aye, Cleary – aye, Hogan – aye, Holden – aye, Richardson – aye, Shaw – aye, Steele – aye).

### **REPORTED/ONGOING VIOLATIONS (01:08:30 – 01:44:01)**

1. DEP# 312-1086 — Tea Party Drive
  - Dale McKinnon, G&H, attended the meeting. They provided an updated plan with a proposed 400' swale intercept behind the houses on Tea Party Dr. and then a catch basin connected to the existing drainage system. The purpose being to shorten the overland flow and increase erosion control on the site. G&H would like this to be documented as an administrative change. Members clarified that this is under their jurisdiction due to the EO. No formal determination was made because members not have a chance to review the plan – Mr. McKinnon agreed to resend.
2. DEP# 312-1022 — Forest Glen/Spring Hill Rd.
  - Ms. Grenier provided an update her recent site visit. Nothing has been done, everything was snow covered and there was a small track of water going through. She sent letters certified mail but has not received an return receipts.
  - Mr. Balutis, an abutter expressed frustration with the lack of communication from the developer. There was a discussion about the Commission's enforcement authority and jurisdiction as it relates to this project.

### **WETLAND UPDATES/ISSUES (01:44:02 – 01:48:53)**

1. Newell Road / Depot Street – Solar Project DEP #312-1054
  - The work has begun and Mr. Holden has walked the site a few times and brought some comments back to Commissioners: the erosion control installation looks great but came out when trees were removed; no wetland flags were installed although our conditions require. Mr. Shaw indicated he agreed and spoke with someone on site about repairing the erosion controls. Ms. Grenier also has plans to be on site the day after the meeting to address the flags and erosion control repairs.

### **PROCESSING (01:48:55 – 01:50:16)**

1. Meeting Minutes Review 2.16.21

**Motion:** Ms. Steele moved to approve the 2.16.21 Conservation Commission Meeting Minutes as written. Mr. Holden seconded, and the motion passed by vote of 6-0-1 (Bangma – aye, Cleary – aye, Hogan – aye, Holden – aye, Richardson – abstain, Steele – aye, Shaw – aye).

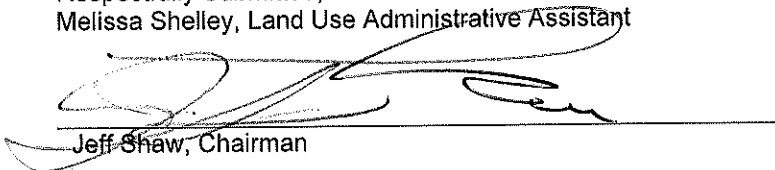
### **ANY OTHER BUSINESS, WHICH MAY LAWFULLY COME BEFORE THE CONSERVATION COMMISSION**

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**ADJOURNMENT-NEXT MEETING SCHEDULED FOR MONDAY, March 15, 2021**

**Motion:** Mr. Hogan moved to adjourn the March 1, 2021 Conservation Commission Meeting. Ms. Steele seconded, and the motion passed unanimously by vote of 7-0-0 (Bangma – aye, Clear – aye, Hogan – aye, Holden – aye, Richardson – aye, Steele – aye, Shaw – aye).

Respectfully Submitted,  
Melissa Shelley, Land Use Administrative Assistant



Jeff Shaw, Chairman