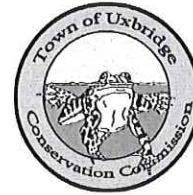




Town of Uxbridge  
Conservation Commission  
21 South Main Street  
Uxbridge, MA 01569  
508-278-8600 x 2020



**Conservation Commission Meeting Minutes  
May 3, 2021  
Remote Meeting**

REC'D UXB TOWN CLERK  
2021 JUN 2 AM 10:19

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

**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:** Dale Bangma – here, Jessica Cleary – here, Russ Holden – here, Mark Richardson – here, Lauren Steele – here, Jeff Shaw – here

**CERTIFICATE OF COMPLIANCE**

**1. Partial Certificate of Compliance DEP #312-595 49 Saratoga Road, Map 41, Lot 3034 (00:01:40 – 00:06:44)**

**Discussion:** Ms. Grenier visited the property and reported that it is outside any resource areas and is completely vegetated in a mature neighborhood. She recommended issuing a *partial* Certificate of Compliance because the lots were included in the Order of Conditions for the entire subdivision.

**Motion:** Mr. Holden moved to issue a Partial Certificate of Compliance for DEP#312-595, 49 Saratoga Road. Mr. Bangma seconded, and the motion passed unanimously by roll call vote of 6-0-0 (Bangma – aye, Cleary – aye, Holden – aye, Richardson – aye, Steele – aye, Shaw – aye).

**PUBLIC HEARINGS**

**1. Request for Determination (RDA) Providence Worcester Railroad (00:06:45 – 00:18:35)**

**Applicant:** TE Associates, 46 Sawyer Street, South Portland, ME

**Representative:** TEC Associates, 46 Sawyer Street, South Portland, ME

**Project Description:** Vegetation control, no work is proposed within wetland resource areas

**Discussion:** Tom Lewis, TE Associates, attended on behalf of the applicant. Mr. Lewis explained that railroads in Massachusetts manage vegetation under the Rights of Way Regulation which is administered under the Department of Agricultural Resources. A five-year vegetation management plan is required and the existing plan went up for renewal at the end of 2020. Part of the renewal process is to obtain a determination of the boundaries of the resource areas. Mr. Lewis shared maps of the railroad located in Uxbridge highlighting buffer zones, river crossings, and well head recharge areas. He noted that resource areas are clearly marked on the tracks with aluminum plates on the railroad ties. The State has a sensitive area materials list and only products approved may be used near any resource areas. Stronger materials may be used in upland areas but from a practical standpoint the Railroad just uses sensitive area materials everywhere. Members agreed the request is straightforward.

Paul Balutis, 40 Taft Hill – asked how the herbicides are administered and Mr. Lewis explained a tanker truck is on the tracks with a spray boom and that weather (wind) is taken into consideration when scheduling.

**Motion:** Mr. Holden moved to issue a negative determination of applicability for the Providence Worcester Railroad vegetation control as submitted. Mr. Bangma seconded, and the motion passed unanimously by roll call vote of 6-0-0 (Bangma – aye, Cleary – aye, Holden – aye, Richardson – aye, Steele – aye, Shaw – aye).

**Conservation Commission Meeting Minutes continued – Monday, May 3, 2021**

**2. Notice of Intent (NOI) DEP #312-11\_\_ 0 Old Elmdale Road, Map 25, Parcel 3979 (00:18:36 – 00:21:55)**

**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.

**Discussion:** *Mr. Bangma recused himself per the conflict of interest law.* The applicant requested to continue to the 5/17/21 meeting of the Conservation Commission.

**Motion:** Mr. Holden moved to continue the public hearing for 0 Old Elmdale Road to the 5/17/21 meeting of the Conservation Commission. Ms. Cleary seconded, and the motion passed unanimously by vote of 5-0-0 (Cleary – aye, Holden – aye, Richardson – aye, Steele – aye, Shaw – aye).

**3. Notice of Intent (NOI) DEP #312-1114 40 & 100 Lackey Dam Road (00:21:58 – 00:46:45)**

**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 and Thomas, attended on behalf of the applicant. He explained they are continuing on with the permitting – NOI's & Site Plan Reviews and Stormwater Permitting in Uxbridge, Sutton and Douglas. He shared revised plans and went over what has occurred since the last meeting: (i) more infiltration was added on the northerly portion of the site as a result of the stormwater reviews; (ii) snow storage and plowing signage was added along the emergency access road; (iii) daylighted a pipe that manages the emergency access road drainage in response to a comment from Graves. This work will require 250 sq. ft of disturbance inside the 25' no disturb; (iv) Buffer Zones were added to the plans in all three towns. Mr. Feeney requested continuing the public hearing until the site plan reviews are close to complete and plans are considered final.

**Member Comments:** Mr. Richardson said he'd would have liked to see more green infrastructure, such as a green roof, considered for a project of this size where large amounts of land are being converted to impervious surface. Mr. Bangma noted his history working on the site and concurred with Mr. Feeney's description of the soils onsite and said he doesn't foresee problems with ground water erosion because of the material on site. Members discussed a site visit with Mr. Feeney and tentatively scheduled Sat 5/8/21 pending landowner permission.

**Public Comment:** Paul Balutis, 40 Taft Hill Road asked for more detail regarding the outflow pipe and infiltration basin. Mr. Feeney provided the detail requested (water is coming down the emergency access road, collected in catch basins, treated in a water quality structure, and discharged into riprap).

**Motion:** Mr. Holden moved to continue DEP#312-1114 40 & 100 Lackey Dam Road to the 5/17/21 meeting of the Conservation Commission. Mr. Bangma seconded, and the motion passed unanimously by roll call vote of 6-0-0 (Bangma – aye, Cleary – aye, Holden – aye, Richardson – aye, Steele – aye, Shaw – aye).

**4. Notice of Intent (NOI) DEP #312-11\_\_ 100 and 139 Campanelli Drive Map 28, Parcels 2075, 2895 (00:46:51 – 01:15:34)**

**Applicant:** Russel Dion, Campanelli Uxbridge II, LLC, Braintree, MA

**Representative:** David Mackwell, Kelly Engineering Group, Braintree, MA

**Project Description:** The proposed project is for the construction a 450,800 sf warehouse building within 100-feet of Bordering Vegetated Wetlands

**Presentation:** David Mackwell, Kelly Engineering, attended on behalf of the applicant. Russell Dion, Campanelli, Inc was also in attendance. Mr. Mackwell shared his site plans and provided a review of the development of the last remaining lots of the Campanelli Industrial Park. Lot 3 will include the 450,800 sq. ft. warehouse with 110 trailer stalls/loading docks, and a 309 car parking lot. Lot 2b is a parking area comprising of 137 trailer stalls. The wetlands were delineated prior to the

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construction of the roadway and the line is still active for one more year, after which they would be delineated again if the project is not yet complete.

Mr. Mackwell shared the resource map and noted Ecotec is the applicant's wetland consultant. No filling of wetlands is being proposed but a driveway will be constructed between two wetland systems with minor disturbance inside the 25'. He shared plans for Lot 2b and reviewed the proposed drainage system and the grading. A stormwater permit is being pursued with the Planning Board and Graves Engineering is reviewing the project. Dep has not yet assigned a number so Mr. Mackwell requested a continuance to the next meeting of the Commission.

**Member Comments:** Mr. Bangma asked whether replication was considered for the disturbance into the 25' no disturb. Mr. Mackwell said they are planning to enhance areas vs. a true replication and offered to work with Ecotec and the Commission to identify a satisfactory plan. Mr. Holden expressed concern that one of the wetlands may become isolated and inquired whether any plans to provide communication were considered (wetland series ca and eecb). Mr. Mackwell wasn't sure there is a hydrological connection but offered to assess the grades and report back. Mr. Holden emphasized wildlife connectivity should also be considered and Mr. Mackwell agreed to address. Members also inquired whether impervious surface was considered for paved areas as the project is entirely circumvented by wetlands. Mr. Mackwell said they have yet to use impervious pavement with industrial projects due to the heavy truckloads. He said they could investigate it for the car parking area and would respond formally. The importance of considering green infrastructure (swales and recharge areas, green roof, etc) was also discussed.

**Public Comment:** Paul Balutis, 40 Taft Hill Road, asked to see the map detail for the wetland systems.

**Motion:** Mr. Holden moved to continue 100 & 139 Campanelli Drive to the 5/17/21 meeting of the Conservation Commission. Mr. Bangma seconded, and the motion passed unanimously by roll call vote of 6-0-0 (Bangma – aye, Cleary – aye, Holden – aye, Richardson – aye, Steele – aye, Shaw – aye).

### **REPORTED/ONGOING VIOLATIONS**

1. DEP# 312-1086 — Tea Party Drive (01:16:30 – 01:34:28)
  - Dale McKinnon, G&H attended the meeting. He reported a new rain report has been submitted by Patrick Garner after 1" of rainfall. He said he had been to the site May 1 and everything looked good. Mr. Shaw agreed the site looks acceptable (sweepings were not picked up but swept into straw waddles and neighbors are still complaining about the constant noise of the generator. Mr. McKinnon said they a quieter generator was installed and they are still waiting on National Grid for service.
  - Mr. McKinnon also informed the Commission they he submitted a request to extend the Order of Conditions which expires in August. He will not be able to attend the next meeting but members agreed it could be discussed without a representative present. Mr. McKinnon said CoC requests should be coming shortly for the Hyde Park OoCs.
2. DEP# 312-1022 — Forest Glen/Spring Hill Rd. (01:34:35 – 01:43:00)
  - The commission was provided with a video of the stream and the culvert area. Paul Balutis, 40 Taft Hill Rd, reported that the stream is "up to its old tricks" - it continues to split above the culvert, go underground, and bubbles up at the plywood. Mr. Shaw, Mr. Bangma and Ms. Grenier agreed to get on site as soon as possible to evaluate and pass along the information to the engineer.

### **WETLAND UPDATES/ISSUES**

1. 44 Hollis Street Discussion (01:43:02 – 01:51:44)
  - Ms. Grenier reported that the builder applied for a building permit to begin construction of the house. The wetland crossing had still not been completed a week ago (last time the agent was onsite). Members questioned whether the wetland crossing that was proposed to occur first will now happen. It was also noted there is no DEP sign onsite. Due to these issues in addition to those discussed during the last meeting (land clearing w/o notifying the CC and incursion into the resource area) members discussed issuing a stop work order.

**Motion:** Mr. Holden made a motion to issue a stop work order for DEP #312-1100 44 Hollis Street in anticipation of a site visit and a discussion with the proponent during the next meeting. Mr. Richardson seconded, and the motion passed unanimously by roll call vote of 6-0-0 (Bangma – aye, Cleary – aye, Holden – aye, Richardson – aye, Steele – aye, Shaw – aye).

### **PROCESSING (01:51:45 – 01:56:36)**

- Meeting Minutes Review 4/5/21 and 4/20/21

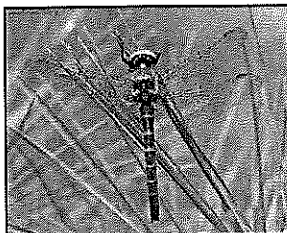
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**Motion:** Ms. Cleary moved to accept the 4/5/21 Meeting Minutes as written. Mr. Holden seconded and the motion passed unanimously by vote of 6-0-0 (Bangma – aye, Cleary – aye, Holden – aye, Richardson – aye, Steele – aye, Shaw – aye).

**Motion:** Ms. Steele moved to accept the 4/20/21 Meeting Minutes as written. Mr. Richardson seconded and the motion passed by vote of 3-0-3 (Bangma – abstain, Cleary – abstain, Holden – abstain, Richardson – aye, Steele – aye, Shaw – aye).

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

- Mr. Holden reported that an endangered species of dragonfly, the Ringed Boghaunter, last seen at Pout Pond in 2012 has been seen again!



**ADJOURNMENT-NEXT MEETING SCHEDULED FOR Monday, May 17, 2021**

**Motion:** Mr. Holden moved to adjourn the May 3, 2021 Conservation Commission Meeting. Mr. Richardson 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).

Respectfully Submitted,  
Melissa Shelley, Land Use Administrative Assistant

  
Jeff Shaw, Chairman