



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



**Conservation Commission Meeting Minutes
May 17, 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: Cleary – here, Hogan – here, Richardson – here, Steele – here, Shaw – here. Mr. Holden arrived shortly after roll call.

PUBLIC HEARINGS

1. Request for Determination (RDA) (00:01:45 – 00:03:55)

Applicant: Jason Sable

Representative: 111 Linwood

Project Description: Backyard reseeding, fence and shed

Motion: Mr. Hogan moved to temporarily table discussion for 111 Linwood Ave. Ms. Cleary seconded, and the motion passed unanimously by roll call vote of 5-0-0 (Cleary – aye, Hogan – aye, Richardson – aye, Steele – aye, Shaw – aye).

The applicant did not attend and the following motion was made at the end of the meeting.

Motion: Ms. Cleary moved to continue the RDA for 111 Linwood Ave to the June 7, 2021 meeting of the Conservation Commission. Mr. Holden seconded, and the motion passed unanimously by roll call vote of 5-0-0 (Cleary – aye, Hogan – aye, Holden – aye, Richardson – aye, Shaw – aye).

2. Request for Determination (RDA) 32 Crown and Eagle Road, Map 12B, Parcel 3023 (00:03:56 – 00:05:15)

Applicant: William Kessler, Homeowner, 32 Crown and Eagle Road

Project Description: Restore area inside 25' no disturb area

The applicant was not available to attend.

Motion: Mr. Hogan moved to continue the RDA for 32 Crown and Eagle Road to the June 7, 2021 meeting of the Conservation Commission. Ms. Cleary seconded, and the motion passed unanimously by roll call vote of 5-0-0 (Cleary – aye, Hogan – aye, Richardson – aye, Steele – aye, Shaw – aye).

Mr. Holden arrived at the meeting.

3. Notice of Intent (NOI) DEP #312-11__ 0 Old Elmdale Road, Map 25, Parcel 3979 (00:05:36 – 00:06:58)

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.

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The applicant's representative requested to continue to the next meeting as they await the completion of the habitat study.

Motion: Mr. Richardson moved to continue the hearing for 0 Old Elmdale Road to the June 7, 2021 meeting of the Conservation Commission. Mr. Hogan seconded, and the motion passed unanimously by roll call vote of 6-0-0 (Cleary – aye, Hogan – aye, Holden – aye, Richardson – aye, Steele – aye, Shaw – aye).

4. Notice of Intent (NOI) DEP #312-1114 40 & 100 Lackey Dam Road (00:07:05 – 00:26:07)

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.

Discussion: Dan Feeney, Beals and Thomas attended on behalf of the applicant. He reported that there have not been any new revisions since the last meeting. They are now meeting individually with each of the three Planning Boards to finalize the review process – joint meetings were held first. Because the increased infiltration design has not yet been approved, Mr. Feeney requested the public hearing be left open.

There was discussion related to questions that arose during a site visit related to the width of the emergency access road. Mr. Feeney shared plans and explained the location and design were limited by the National Grid easement and requirements.

Motion: Mr. Hogan moved to continue the hearing for DEP #312-1114 40 & 100 Lackey Dam Road to the June 7, 2021 meeting of the Conservation Commission. Mr. Hogan seconded, and the motion passed unanimously by roll call vote of 6-0-0 (Cleary – aye, Hogan – aye, Holden – aye, Richardson – aye, Steele – aye, Shaw – aye).

5. Notice of Intent (NOI) DEP #312-1118 100 and 139 Campanelli Drive Map 28, Parcels 2075, 2895 (00:26:10 – 00:55:40)

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. DEP #1118 was assigned with comments. Mr. Mackwell shared his screen and provided an overview of the entire subdivision highlighting the lots associated with this NOI. He also provided a response to the 4 comments that came up during the last meeting: (i) A wildlife crossing will be installed between wetlands CA and BC. The crossing is proposed where the two wetland systems are closest and will meet the openness ratio recommended in the Massachusetts Stream Crossing Standards. A sketch of the crossing was provided to the Commission (ii) Pervious pavement cannot be incorporated per the Massachusetts Stormwater Management Standards Volume 2 Chapter 2 (pervious pavement is not suitable for facilities classified with a higher pollutant load). (iii) Bio swales were able to be incorporated within the car parking lot and detail was provided. (iv) A green roof is not feasible for this project because of building code requirements for solar readiness and skylights for these types of facilities.

Mr. Mackwell also provided a response to the 2 technical comments provided by DEP. He said the first comment related to adequate separation to seasonal high groundwater was addressed during the Graves Engineering review. The second comment requires the applicant to obtain a Water Quality Certificate unless the proponent places a deed restriction limiting the amount of fill because they qualify as a Real Estate Subdivision. Mr. Mackwell explained they are not proposing any fill and they are well under the allowable 5k sf for the entire Campanelli Subdivision.

Discussion: Members discussed conditions with Mr. Mackwell. Everyone agreed that oversight of the construction and implementation of the wildlife crossing by an environmental consultant should be required.

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Public Comment: Paul Balutis, 40 Taft Hill Drive, asked for clarification on the wildlife crossing and water connections. And Mr. Mackwell provided the information he was looking for.

Motion: Ms. Steele moved to close the public hearing for DEP #312-1118 100 and 139 Campanelli Drive. Mr. Holden seconded, and the motion passed by roll call vote of 5-0-1 (Cleary – aye, Hogan – abstained, Holden – aye, Richardson – aye, Steele – aye, Shaw – aye).

Motion: Mr. Holden moved to issue an Order of Conditions for DEP #312-1118, 100 and 139 Campanelli Drive with the Standard Uxbridge Special Conditions and the following two additional special conditions. Mr. Richardson seconded, and the motion passed by roll call vote of 5-0-1 (Cleary – aye, Hogan – abstained, Holden – aye, Richardson – aye, Steele – aye, Shaw – aye).

1. A wildlife specialist will be onsite to supervise the installation of the wildlife corridor.
2. Specifications of the wildlife crossing will be provided and approved by the Conservation Commission or it's agent prior to the start of work.

Before leaving, Mr. Mackwell provided some information on a parcel Campanelli wishes to donate to the town because they have no use for it. It is located on Douglas Street Map 22 Lot 4854. He explained this portion of land is cut off from the remainder of its parcel by 146 – the primary parcel being developed by Amazon (515 Douglas Street). Members continued discussion later in the meeting in accordance with the published agenda.

6. Notice of Intent (NOI) DEP #312-1115 Albee Road Culvert Replacement (00:59:41 – 01:22:50)

Applicant: Town of Uxbridge Department of Public Works

Representative: Philip Paradis, Beta Group Inc, Norwood, MA

Project Description: Albee Road culvert replacement over a pond outlet and intermittent stream

Presentation: Paul Hutnak, Uxbridge DPW and Phil Paradis, Beta Group Inc. attended the public hearing. Mr. Hutnak provided a brief background from a town standpoint. The request is being made to improve flow and safety in Uxbridge. He explained that the Albee Road culvert is undersized and degraded, causing water to back up in the pond and overtop its banks and flood Albee Road during heavy rain events. Other factors to be considered include permeable soils under the road that allow water to seep around the culvert under the road. Through the MVP program they were able to obtain the grant funds to design it in year one (last year) and permit it in year two (this year).

Mr. Paradis, shared photographs of the culvert outflow and plans depicting the replacement and provided the following details of the proposal and project: (i) replace the 10' headwalls with 12" headwalls and the existing 15" corrugated metal pipe culvert with an 18" reinforced concrete pipe culvert (ii) install anti-seep I collars on both sides of the roads (iii) install a new guardrail system to meet current minimum safety standards (iv) the contractor will be responsible to develop a control of water plan (v) during construction Albee Rd. will be temporarily closed during the duration of the project (vi) erosion control will be placed at the project limits (vii) resource areas include inland bank of a pond and intermittent stream and land under water, 100' buffer zone to inland bank and bvw – although bvw is present on site no bvw alteration is proposed.

Discussion: Mr. Holden inquired about the land owners' knowledge of the proposal. Mr. Hutank responded that the property owners on each side have been informed and provided plans and both signed right of entry agreements for the DPW to enter their land. There was also a discussion about recent beaver activity in the area and ways to address. There was discussion among members with the representatives about how best to condition controlling the water since the contractor will be responsible – to avoid erosion on the downstream side with all the head of water on the upstream side. The importance of timing – working during low flow was also highlighted.

No members of the public commented during the hearing.

Motion: Mr. Holden moved to close the public hearing for DEP #312-1115 Albee Road Culvert Replacement. Mr. Hogan seconded, and the motion passed unanimously by roll call vote of 6-0-0 (Cleary – aye, Hogan – aye, Holden – aye, Richardson – aye, Steele – aye, Shaw – aye).

Motion: Ms. Steele moved to issue an Order of Conditions for DEP #312-1115 Albee Road Culvert Replacement, with the Standard Uxbridge Special Conditions and the following two additional special conditions. Mr. Hogan seconded, and the

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motion passed unanimously by roll call vote of 6-0-0 (Cleary – aye, Hogan – aye, Holden – aye, Richardson – aye, Steele – aye, Shaw – aye).

1. The work shall be performed during low flow stream conditions or a timeframe approved by the Conservation Commission.
2. Plan for de-watering and control will be submitted and approved by the Conservation Commission or it's Agent prior to the start of work.

7. Notice of Intent (NOI) DEP #312-1116 Hazel Street Culvert Replacement (01:22:53 – 01:37:47)

Applicant: Town of Uxbridge Department of Public Works

Representative: Philip Paradis, Beta Group Inc, Norwood, MA

Project Description: Hazel Street culvert replacement over Farrel Brook

Presentation: Paul Hutnak, Uxbridge DPW and Phil Paradis, Beta Group Inc. attended the public hearing. Mr. Hutnak described the Hazel Street culvert as an existing old stone culvert that was identified as a candidate for replacement under a DER restoration/increase habitat program. The design was funded through DER as part of the program and Chapter 91 funds will be used for the replacement. Because the design was funded through the DER grant it must meet stream crossing standards.

Mr. Paradis shared plans provided the following additional details about the project: (i) the 5.5' W x 6.5'H stone culvert will be replaced with a 22'L x 12.6'W x 5'H open bottom culvert (ii) new wingwalls will be installed upstream and a retaining wall downstream (iii) a new guardrail will be installed to meet safety standards (iv) modified rock fill will be placed at the four quadrants of the bridge to stabilize the new footings and slopes (v) resource areas include inland bank; bwv; land under water, riverfront and 100' buffer zone to in land bank and bwv.

Discussion: Mr. Holden asked whether there is any anticipated increase or decrease in flow and Mr. Paradis explained there is not – a hydrologic analysis was completed and the nature of the river is that the stream returns to its pre-change conditions a few 100' past the culvert.

The Agent reported she walked the wetland lines and confirmed they all appear accurate. There was a discussion about construction sequencing and potential conditions with the representative.

No members of the public commented during the hearing.

Motion: Ms. Cleary moved to close the public hearing for DEP #312-1116 Hazel Street Culvert Replacement. Mr. Hogan seconded, and the motion passed unanimously by roll call vote of 6-0-0 (Cleary – aye, Hogan – aye, Holden – aye, Richardson – aye, Steele – aye, Shaw – aye).

Motion: Mr. Holden moved to issue an Order of Conditions for DEP #312-1116 Hazel Street Culvert Replacement, with the Standard Uxbridge Special Conditions and the following two additional special conditions. Mr. Hogan seconded, and the motion passed unanimously by roll call vote of 6-0-0 (Cleary – aye, Hogan – aye, Holden – aye, Richardson – aye, Steele – aye, Shaw – aye).

1. The work shall be performed during low flow stream conditions or a timeframe approved by the Conservation Commission.
2. Plan for de-watering and control will be submitted and approved by the Conservation Commission or it's Agent prior to the start of work.

8. Notice of Intent (NOI) DEP #312-1117 Sutton Street Culvert Replacement (01:37:48 – 01:49:44)

Applicant: Town of Uxbridge Department of Public Works

Representative: Philip Paradis, Beta Group Inc, Norwood, MA

Project Description: Replace a deteriorating culvert that carries Sutton Street over a perennial stream.

Motion: Ms. Cleary made a motion to open the public hearing for the Sutton Street Culvert Replacement. Mr. Hogan seconded, and the motion passed unanimously by roll call vote of 6-0-0 (Cleary – aye, Hogan – aye, Holden – aye, Richardson – aye, Steele – aye, Shaw – aye).

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Presentation: Paul Hutnak, Uxbridge DPW and Phil Paradis, Beta Group Inc. attended the public hearing. Mr. Hutnak explained that this proposal is to replace 2 existing 36" corrugated metal pipe culverts that are undersized, degraded and partially obstructing streamflow. The funding was awarded through the MVP process as with the Albee Road project.

Mr. Paradis shared photographs, the plan and described the project as follows: (i) the excavate out the deteriorated twin 36" culverts (ii) the headwalls on both ends will be replaced and will now be parallel with the road (iii) a sediment trap will be installed to support the outfall pipes (v) a shelf will be added for wildlife crossing and the bottom is natural (vi) the replacement culvert is 14.25' W x 3.5' H (vii) a new guardrail will be installed to meet safety standards (viii) resource areas include inland bank, land under water, riverfront area and 100' buffer zone to inland bank and bvw.

Discussion: Members had a brief discussion about the location of the culvert. There was consensus among that the same conditions apply to this project as the previous projects discussed.

No members of the public commented during the hearing.

Motion: Mr. Holden moved to close the public hearing for DEP #312-1117 Sutton Street Culvert Replacement. Ms. Cleary seconded, and the motion passed unanimously by roll call vote of 6-0-0 (Cleary – aye, Hogan – aye, Holden – aye, Richardson – aye, Steele – aye, Shaw – aye).

Motion: Mr. Holden moved to issue an Order of Conditions for DEP #312-1117 Sutton Street Culvert Replacement, with the Standard Uxbridge Special Conditions and the following two additional special conditions. Mr. Hogan seconded, and the motion passed unanimously by roll call vote of 6-0-0 (Cleary – aye, Hogan – aye, Holden – aye, Richardson – aye, Steele – aye, Shaw – aye).

1. The work shall be performed during low flow stream conditions or timeframe approved by the Conservation Commission or its Agent.
2. Plan for de-watering and control will be submitted and approved by the Conservation Commission or it's Agent prior to the start of work.

REPORTED/ONGOING VIOLATIONS (01:49:55 – 02:08:34)

1. DEP# 312-1086 — Tea Party Drive
 - No new items to discuss. It was noted that a new rain report was submitted by Patrick Garner and that the electric service has now been turned on and the gas generator will be switched over to an electric.
2. DEP# 312-1022 — Forest Glen/Spring Hill Rd.
 - Mr. Shaw and Mr. Bangma visited the site to inspect the brook and culvert. They reported brook appeared to be travelling into and through the culvert. Other issues observed outside the Commission's purview included: water coming through the top of the culvert when you are inside it; sinkholes; catch basins below the stream crossing completely filled with silt with nothing is flowing out of the outflow. They made recommendations to the contractor onsite during their visit but to date those recommendations were not executed. These items do not appear to be impacting any wetlands at this time and unless there is a violation there isn't really anything the Commission can do.
3. 620 Hartford Ave
 - Rupert Cohen represented the property owner Mr. Gunson during the discussion. Mr. Gunson was also present for the discussion. Ms. Grenier explained that it was reported to her that a dock was placed in the river. She explained under Chapter 91, a license from the state and an Order of Conditions from the Commission are required to place a dock on the river. Additionally, it was noted that there is RV stored on the property and that Mr. Gunson should confirm with the Building Inspector whether this is allowable.
 - Mr. Gunson explained his permanent residence is in Maryland. He was not aware of the dock regulations and it is a portable dock and that he will take whatever necessary steps are required for proper permitting.

WETLAND UPDATES/ISSUES (02:08:40 – 02:23:31)

1. Discussion on gift of land, Douglas Street Map 22 Lot 4854
 - David Mackwell, Kelly Engineering described the property. It is a portion of the parcel being developed by Amazon across Route 146. Specifically, they are looking for a recommendation from the Commission to submit to the BOS.
 - Members viewed the property on GIS and had discussion about whether it had any conservation value and whether it should include a conservation restriction. They agreed to walk the property before making a final recommendation.

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PROCESSING (02:23:31 – 02:45:00)

1. Meeting Minutes Review 5/3/21

Motion: Ms. Steele moved to approve the May 3, 2021 Conservation Commission meeting minutes as written. Ms. Cleary seconded, and the motion passed by vote of 5-0-1 (Cleary – aye, Hogan – abstain, Holden – aye, Richardson – aye, Steele – aye, Shaw – aye).

2. Signatures / Certificate of Vote Discussion


Motion: Ms. Cleary moved to replace the Conservation Agent, Michele Grenier with the Conservation Commission Chairman, Jeff Shaw and/or the Conservation Administrator, Melissa Shelley on the Certificate of Vote document that provides authority to sign on behalf of the Commission. Mr. Richardson seconded, and the motion passed by vote of 5-0-0 (Cleary – aye, Hogan – abstain, Holden – aye, Richardson – aye, Steele – aye, Shaw – aye).

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

ADJOURNMENT-NEXT MEETING SCHEDULED FOR Monday, June 7, 2021

Motion: Mr. Hogan moved to adjourn the May 17, 2021 Conservation Commission Meeting. Mr. Holden seconded, and the motion passed unanimously by vote of 5-0-0.

Respectfully Submitted,
Melissa Shelley, Land Use Administrative Assistant



Jeff Shaw, Chairman