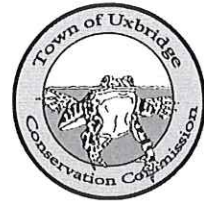




Town of Uxbridge  
Conservation Commission  
21 South Main Street  
Uxbridge, MA 01569  
508-278-8600 x 2020



**Conservation Commission Meeting Minutes  
June 7, 2021  
Remote Meeting**

**Present:** Chair - Jeff Shaw, Vice Chair - Jim Hogan, Treasurer - Lauren Steele, Clerk - Russ Holden, Members - Dale Bangma and Jessica Cleary

REC'D UXB TOWN CLERK  
2021 JUN 28 AM 9:41

**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, Hogan – here, Holden - here, Steele – here, Shaw – here.

**PUBLIC HEARINGS**

**1. Request for Determination (RDA) (00:01:30 – 00:03:05)**

**Applicant:** Jason Sable

**Representative:** 111 Linwood

**Project Description:** Backyard reseeding, fence and shed

The applicant was not in attendance at the meeting and members decided to visit the site in the absence of the agent due to the amount loam proposed to be brought in (200 yards indicated in the RDA). Mr. Bangma agreed to perform an informal inspection.

**Motion:** Mr. Hogan moved to continue the RDA for 111 Linwood to the June 21, 2021 meeting of the Conservation Commission. Ms. Cleary seconded, and the motion passed unanimously by roll call vote of 6-0-0 (Bangma – aye, Cleary – aye, Hogan – aye, Holden – aye, Steele – aye, Shaw – aye).

**2. Request for Determination (RDA) 32 Crown and Eagle Road, Map 12B, Parcel 3023 (00:03:06 – 00:08:34)**

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

**Project Description:** Restore area inside 25' no disturb area

Mr. Kessler contacted the Chairman and he is still not available to attend. Mr. Shaw described the proposed work as he saw it from the street – he was not on site. Members agreed it would be valuable for a member to get on site.

**Motion:** Mr. Hogan moved to continue the RDA for 32 Crown and Eagle Road to the June 21, 2021 meeting of the Conservation Commission. Ms. Cleary seconded, and the motion passed unanimously by roll call vote of 6-0-0 (Bangma – aye, Cleary – aye, Hogan – aye, Holden – aye, Steele – aye, Shaw – aye).

**3. Notice of Intent (NOI) DEP #312-11\_\_ 0 Old Elmdale Road, Map 25, Parcel 3979 (00:08:34 – 00:11:33)**

**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.

## Conservation Commission Meeting Minutes continued – Monday, June 7, 2021

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

There was no representative at the meeting, and it was noted that a DEP # has not yet been assigned. During the previous meeting the applicant's representative requested to continue as they await the completion of the habitat study. Mr. Shaw agreed to follow up with Mr. Gauvin for a status update.

**Motion:** Mr. Holden moved to continue the hearing for 0 Old Elmdale Road to the June 21, 2021 meeting of the Conservation Commission in anticipation of the habitat evaluation. Mr. Hogan seconded, and the motion passed unanimously by roll call vote of 5-0-0 (Cleary – aye, Hogan – aye, Holden – aye, Steele – aye, Shaw – aye).

### 4. Notice of Intent (NOI) DEP #312-1114 40 & 100 Lackey Dam Road (00:07:05 – 00:15:54)

**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:** There was no representative in attendance for the matter. The NOI peer review report from Ecotec was provided to the Commission and it was noted that DEP did not have any comments related to the Uxbridge portion of the project.

**Motion:** Ms. Steele moved to continue the hearing for DEP #312-1114 40 & 100 Lackey Dam Road to the June 21, 2021 meeting of the Conservation Commission. Mr. Hogan seconded, and the motion passed unanimously by roll call vote of 6-0-0 (Bangma – aye, Cleary – aye, Hogan – aye, Holden – aye, Steele – aye, Shaw – aye).

*Item not on agenda: Ken Handfield, entered a message into the chat related to a potential filing to remove hazard trees. Mr. Richardson observed the site but was not at the meeting and Mr. Shaw agreed to contact Mr. Handfield the following day. (00:15:54 – 00:19:15)*

*Mr. Hogan briefly stepped away from the meeting and returned.*

### 5. Notice of Intent (NOI) DEP #312-1118 79 River Road, Map 45, Parcel 1345 (00:19:20 – 00:43:40)

**Applicant:** River Road Properties Group, LLC

**Representative:** McCarty Engineering

**Project Description:** The proposed project is the replication of wetlands previously altered and a proposed drinking well within 100 feet of bordering vegetated wetlands.

**Motion:** Mr. Bangma moved to open the public hearing for 79 River Road DEP #312-1119. Ms. Cleary seconded, and the motion passed unanimously by vote of 5-0-0 (Bangma – aye, Cleary – aye, Holden – aye, Steele – aye, Shaw – aye)

**Presentation:** Brian Marchetti, McCarty Engineering presented the project on behalf of the applicant River Road Properties, LLC. The site is being prepared to operate a marijuana retail facility which will occupy 3000 sq ft of the 20,000 sq ft existing building. The remaining square footage will be refitted for a marijuana grow facility. No activities will take place outside the building and all the work is out of the buffer zone. The expansion of the use requires a public well be installed and in order to meet the setback requirements there is only one location to place it which is at the edge of a bvw. Additionally, Gary Dulmaine of DEP informed McCarty Engineering that the previous owner had a superseding OC to restore wetlands where work was done under a previous filing – and that restoration was never completed. River Road LLC as the new owner takes ownership and they worked with Mr. Dulmaine and Ms. Grenier to develop a plan for the work. Specifically, an unpermitted access driveway must be removed and the open channel connection to the 2 wetlands be restored. A total of 8000 sq ft of wetland will be restored. Mr. Marchetti shared his screen and reviewed the site, the resource areas and the work in more detail. DEP #312-1119 was assigned to the NOI and the comments were reviewed – it's acceptable, don't need a water quality certification as long as they do not waiver from the plan and OC. Mr. Marchetti reviewed the restoration of the channel - EcoTec developed the extensive planting plan.

## Conservation Commission Meeting Minutes continued – Monday, June 7, 2021

**Discussion:** Commissioners familiar with the site were happy with the plan to complete the restoration. Mr. Marchetti estimated work to start within a month. Mr. Bangma recommend a slurry pit and Mr. Marchetti explained it's already included and pointed it out on the plans. Members did not recommend any changes to the plans or conditions for the project – everyone agreed it will improve the site.

No members of the public commented during the hearing.

**Motion:** Mr. Hogan moved to close the public hearing for 79 River Road DEP #312-1119 and issue an Order of Conditions with the Uxbridge Standard Special Conditions. Ms. Steele Seconded, and the motion passed unanimously by roll call vote of 6-0-0 (Bangma – aye, Cleary – aye, Hogan – aye, Holden – aye, Steele – aye, Shaw – aye).

### 6. Notice of Intent (NOI) DEP #312-11xx 24 Farnum Lot 1 Map 24A, Parcel 1553 (00:43:45 – 01:14:43)

**Applicant:** Bevilacqua Homes, LLC

**Representative:** Allen Engineering & Associates, Hopedale, MA

**Project Description:** The proposed project is the construction of two (2) single-family dwellings within 100' of bordering vegetated wetlands.

*\*Mr. Bangma recused himself from the remaining 3 public hearings per the conflict-of-interest law.*

**Motion:** Ms. Cleary moved to open the public hearing for 24 Farnum St. Lot 1. Mr. Holden seconded, and the motion passed unanimously by roll call vote of 5-0-0 (Cleary – aye, Hogan – aye, Holden – aye, Steele – aye, Shaw – aye).

**Presentation:** Mark Allen, Allen Engineering, attended the meeting on behalf of the applicant. The work proposed is w/in 100' of the wetland at 24 Farnum St. (the property was recently divided via Planning Board ANR). The wetlands were flagged by David Crossman and details were provided as part of the NOI. Stormwater management to the property and improvements to the stormwater runoff is part of the project.

Mr. Allen – shared a property map and explained they were made aware (through a site visit w/ abutters) of the large amount of high velocity run-off traveling down gradient to the properties abutting to the north (including Koopman Lumber). They are proposing to add a drainage basin on a parcel to the NE so it can be intercepted treated and slowly released. Mr. Allen explained this wasn't part of the initial filing and they are still in the process of working out the details with the abutters. A revised plan will be forthcoming for review and Mr. Allen requested continuing discussion to the first meeting in July.

**Discussion:** Members planned a site visit for Sat June 26<sup>th</sup> 10:00am.

Joe Sandford, 19 Farnum provided his observations and described the existing stream running partially under and above ground and inquired how it will be addressed (the water flowing down Farnum). Mr. Allen explained how all of his questions will be evaluated. He also noted that approximately 6 years ago a large portion of the lot was cleared and fill was added.

Timothy Shimko, 5 Farnum Street, provided another consideration - the Cote Lane development which has not yet been started. There was a discussion regarding stormwater system proposed for that development and what impacts it may have.

**Motion:** Mr. Holden moved to continue 24 Farnum Lot 1 to the July 6 meeting of the Conservation Commission. Ms. Cleary seconded, and the motion passed unanimously by vote of 5-0-0 (Cleary – aye, Hogan – aye, Holden – aye, Steele – aye, Shaw – aye).

### 7. Notice of Intent (NOI) DEP #312-11xx 24 Farnum Lot 2 Map 24A, Parcel 1555 (01:14:44 -

**Applicant:** Bevilacqua Homes, LLC

**Representative:** Allen Engineering & Associates, Hopedale, MA

**Project Description:** The proposed project is the construction of three (3) single-family dwellings within 100' of bordering vegetated wetlands.

**Motion:** Mr. Hogan moved to open the public hearing for 24 Farnum St. Lot 2. Ms. Steele seconded, and the motion passed unanimously by roll call vote of 5-0-0 (Cleary – aye, Hogan – aye, Holden – aye, Steele – aye, Shaw – aye).

**Presentation:** Mark Allen, Allen Engineering, represented the applicant. Everyone agreed the discussion was the same as the prior hearing and to continue discussion during the first meeting in July after the site visit.

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**Motion:** Mr. Holden moved to continue 24 Farnum Lot 2 to the July 6 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, Holden – aye, Steele – aye, Shaw – aye).

### 8. Notice of Intent (NOI) DEP #312-11xx 116 Hartford Avenue West Fairwoods (01:16:58 – 01:33:15)

**Applicant:** Michael Bangma, Fairwoods Christian Recreational Society

**Project Description:** The proposed project consists of controlling nuisance aquatic vegetation with a proposed aquatic herbicide treatment and the installation of a submerged aeration system into Fairwoods Pond.

**Motion:** Mr. Hogan moved to open the public hearing for 116 Hartford Ave West. Ms. Steele seconded, and the motion passed unanimously by roll call vote of 5-0-0 (Cleary – aye, Hogan – aye, Holden – aye, Steele – aye, Shaw – aye).

**Presentation:** Michael Bangma, Fairwoods Board President was in attendance and Joe Attarrato, Water and Wetlands, a lake and pond management company, presented the project to the Commission. Background – in 2011 the pond was hydro raked and treated for milfoil under an RDA which has expired. Ms. Grenier advised submitting a new RDA but DEP responded and said an NOI is required. The NOI has a few different parts – first is the milfoil control. The milfoil has come back w/ a vengeance and Mr. Attarato explained the negative aspects and the various controls they have explored. They chose a new aquatic herbicide w/ a very low use rate – ProcellaCOR - they can treat the entire 4 acre pond w/ less than a gallon of product. It works like a contact herbicide – very quick working; in and out of the system quickly; it is a systemic product impacting the roots of the milfoil providing 3+ years of control; it is very selective – works on milfoil but does not impact lilies and other native species.

The second part is the dealing w/ the muck created by the decomposing due to leaf cover and dense milfoil. Mr. Attarrato went over the various methods to improve the water quality and explained why they chose aeration. They are proposing a compressor-based system w/ w cabinet feeding air through weighted hoses to diffuser discs. He explained how this process improves the water quality. Diquat was included to be used as a spot maintenance tool and copper-based algaecides are listed only to be used if necessary.

**Discussion:** Members asked where the aerator will be located. Mr. Attarato shared an aerial image w/ the plans where the "RA6" system will be placed on the shore line (a box the size of an end table) and the air hoses & bottom diffuser will be placed (along the bottom). Ms. Cleary inquired whether any product could make its way to Taft Pond – Mr. Attarato said it should not due to how quickly it will dissipate.

A DEP number has not yet been assigned. No members of the public provided any comment during the hearing.

Mr. Holden noted the streams contributing to the pond may be considered Natural Habitat in the next revision of NHESP maps.

**Motion:** Mr. Hogan made a motion to continue discussion for 116 Hartford Ave East to the June 21, 2021 meeting of the Conservation Commission in anticipation of a DEP number. Ms. Cleary seconded, and the motion passed unanimously by roll call vote of 5-0-0 (Cleary – aye, Hogan – aye, Holden – aye, Steele – aye, Shaw – aye).

### REPORTED/ONGOING VIOLATIONS (01:33:15 – 01:40:08)

*\* Items were taken out of published agenda order.*

#### 1. DEP# 312-1022 — Forest Glen/Spring Hill Rd.

- There was no one in attendance from the development. Mr. Shaw reported that he and Mr. Bangma visited the site and they believed the objective of shoring up the wall and directing the water through and out of the culvert had been accomplished. It was mentioned that the storm drains have not been cleaned out and everyone agreed it's difficult for the Commission to affect that change. The bank has not been vegetated either. They agreed the Commission should provide a letter pointing out the items to be addressed: clean catch basins and revegetate the bank that was needed to be disturbed for the culvert work.

#### 2. 620 Hartford Ave – a portable / temporary dock was installed along the riverfront edge. The property's owner resides in Connecticut and uses the property for recreation. The prior agent brought it to the attention of the Commission and members discussed how to address. Everyone agreed to follow up w/ a letter in writing to request an update from the owner.



## Conservation Commission Meeting Minutes continued – Monday, June 7, 2021

### 3. DEP# 312-1086 — Tea Party Drive (01:48:50 – 02:13:55)

- Dale McKinnon, G&H, attended to provide an update he had been on site today. One of the complaints was that they were sweeping to the edge of the right of way and he brought that to their attention. A second concern was the soil erosion in the trench that goes out to the electrical lines – they are proposing to fill in about 20' of that trench near the property line and then put in a crushed stone. A third concern was the outfall of basin 2 onto Hyde Park Circle – Mr. McKinnon requested a site visit to discuss options.
- Mr. Shaw mentioned the rain reports are helpful, but he noticed a lot of the recommendations are not implemented. There was further discussion with Mr. McKinnon regarding when they can open the basin – he expressed that he nervous about opening it due to the recent large rain events and the risk of an overflow. They also discussed the noise complaints and Mr. McKinnon is meeting with Fafard and he said he'll emphasize the need to use the electric pump.
- Mr. Bangma summarized the Commission's need to see plan with the end game (when the town takes it over we will not be pumping water and we don't want it to over top). Mr. McKinnon said his plan was to have it all operational up by this summer but the recent 4" storm scared him, and he is trying to do what he thinks is best for the site. Everyone agreed on the importance of tidiness, a clamp down on construction crews, and keeping the silt from flowing down in there.
- A site visit was scheduled for 9:00 6/12.

### WETLAND UPDATES/ISSUES

#### 1. Extend Order of Conditions Request for DEP 312-1064, Tea Party Drive Roadwork (01:40:08 – 01:48:48)

- Mr. McKinnon, G&H, attended the meeting. He requested at least a one-year extension but thought it may take two years to complete the entire project.

**Motion:** Mr. Shaw moved to extend the Order of Conditions for DEP #312-1064 Tea Party Drive for one year. Mr. Holden seconded, and the motion passed unanimously by roll call vote of 6-0-0 (Bangma – aye, Cleary – aye, Hogan – aye, Holden – aye, Steele – aye, Shaw – aye).

### PROCESSING (02:14:00 – 02:45:00)

#### 1. Meeting Minutes Review 5/17/21

**Motion:** Mr. Holden moved to approve the May 17, 2021 Conservation Commission meeting minutes as written. Ms. Cleary seconded, and the motion passed by vote of 6-0-0 (Bangma – aye, Cleary – aye, Hogan – aye, Holden – aye, Steele – aye, Shaw – aye).

Mr. Hogan announced this would be his last Conservation Commission for at least a year. He has been asked by the Town Moderator to fill a vacancy on the Finance Committee and he agreed – as a result he can no longer be a member of any other town boards. He wished the Commission the best and offered to be of assistance if ever needed. Members expressed their gratitude for all his time and efforts dedicated to the Commission over the years. Mr. Hogan will be missed:(

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

**Motion:** Mr. Bangma moved to adjourn the June 7, 2021, Conservation Commission Meeting. Mr. Holden seconded, and the motion passed unanimously by vote of 6-0-0 (Bangma – aye, Cleary – aye, Hogan – aye, Holden – aye, Steele – aye, Shaw – aye).

Respectfully Submitted,  
Melissa Shelley, Land Use Administrative Assistant



Jeff Shaw, Chairman