

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



**Conservation Commission Meeting Minutes
June 21, 2021
Remote Meeting**

Present: Chair - Jeff Shaw, Treasurer - Lauren Steele, Clerk - Russ Holden, Members - Mark Richardson and Jessica Cleary

PUBLIC HEARINGS

1. Request for Determination (RDA) (00:00:45 – 00:06:05)

Applicant: Jason Sable

Representative: 111 Linwood

Project Description: Backyard reseeding, fence and shed

REC'D UXB TOWN CLERK
2021 JUL 14 PM 12:01

The applicant was not able to attend the meeting. The Chairman noted that Mr. Bangma went by the site and estimated 20-25 yards was brought in to level the yard. Members agreed the RDA should reflect the actual amount of loam brought in (200 yards indicated in the RDA).

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

* Please note – the public hearings were taken out of published agenda order to accommodate a representative's request.

2. Notice of Intent (NOI) DEP #312-1114 40 & 100 Lackey Dam Road (00:06:15 – 00:23:22)

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 presented to the Commission on behalf of the applicant. He said all third-party review comments have been satisfied. Sutton Conservation Commission closed the public hearing and issued an OOC and he is meeting with the Douglas Conservation Commission after this meeting and expects an OOC to be issued. Sutton & Douglas Planning Boards have closed their public hearings and are working on Decisions and the Uxbridge Planning Board is expected close this week.

Mr. Feeney reviewed the 6/10/21 plan set and pointed out minor revisions made since the last meeting (tractor trailers may not turn left turn from the site; increased EV charging stations; the northern tractor trailer parking lot has been scaled back – and will only be built if necessary). He went over the ground water issues on the western side near the isolated wetland and explained the subsurface infiltration system designed to ensure it doesn't loose water if the ground water is reduced. Members inquired whether there is a maintenance schedule for the storm drains and Mr. Feeney explained there is an operation and maintenance schedule in the stormwater documents and there is also a draft SWPPP. Members discussed potential conditions with Mr. Feeney.

No members of the public offered any comment during the meeting.

Motion: Ms. Steele moved to close the hearing for DEP #312-1114 40 & 100 Lackey Dam Road. Mr. Richardson seconded, and the motion passed unanimously by vote of 5-0-0 (Cleary – aye, Holden – aye, Richardson – aye, Steele – aye, Shaw – aye).

Motion: Mr. Holden moved to issue an Order of Conditions for DEP #312-1114 40 & 100 Lackey Dam Road with the Uxbridge Standard Special Conditions and the following additional three conditions:

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1. The Storm Water Pollution Prevention Plan (SWPPP) and ongoing reports are provided to the Uxbridge Conservation Commission.
2. An Operation and Maintenance Plan for the storm drains on the emergency access road are provided to the Uxbridge Conservation Commission.
3. A draft of the text for the signage is provided to the Conservation Commission or its agent prior to the start of work.

Ms. Steele seconded, and the motion passed unanimously by vote of 5-0-0 (Cleary – aye, Holden – aye, Richardson – aye, Steele – aye, Shaw – aye).

3. Request for Determination (RDA) 32 Crown and Eagle Road, Map 12B, Parcel 3023 (00:23:23 – 00:23:59)

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

Project Description: Restore area inside 25' no disturb area

Mr. Kessler contacted the Chairman – he will be available and plans to attend the July 7 meeting.

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

4. Notice of Intent (NOI) DEP #312-11__ 0 Old Elmdale Road, Map 25, Parcel 3979 (00:24:00 – 00:43:53)

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.

Presentation: Jude Gauvin, Andrews Survey and Engineering attended the meeting on behalf of the applicant. He reviewed the updated habitat evaluation completed by B&C Associates. It was noted that there were no significant habitat changes, that the trees were relatively the same size, there are 3 Certified Vernal Pools and no mapped endangered species on the site. The report recommended incorporating two cross culverts under the road so there is a connection between two of the vernal pools and establishing a regimented dust control procedure.

Discussion: The Chairman inquired whether they have plans to file an NOI to expand Old Elmdale Road which would be required to be able to remove the necessary amount of gravel to level lots for the subdivision. Mr. Gauvin went over their options because it is two separate applicants (i) file all together as one large project or (ii) file separate so issues can be flushed out before the client spends the money to design the roadway upgrades. He also offered the option of conditioning work on the subdivision (including gravel removal) only be allowed to begin once an OOC is issued for the expansion of the road.

Public Comment: Steve Kirby, 12 Jodie Circle. He provided with the Commission photographs of turtle nests on the property he obtained after discussions with the previous Conservation Agent.

Members discussed and agreed there should be third party review of the recent Habitat Evaluation and to include the Mr. Kirby's photographs.

Motion: Mr. Holden moved to continue the hearing for 0 Old Elmdale Road to the July 19, 2021 meeting of the Conservation Commission. Ms. Steele seconded, and the motion passed unanimously by vote of 5-0-0 (Cleary – aye, Holden – aye, Richardson – aye, Steele – aye, Shaw – aye).

Please note - Steve Matellian, 49 Old Elmdale Road, arrived later to the meeting and asked Commissioners for an update on the project. Commissioners reviewed what was discussed with the representative related to project sequencing and the possibility of conditioning the widening of Old Elmdale (01:09:12 – 01:17:17).

5. Notice of Intent (NOI) DEP #312-11xx 24 Farnum Lot 1 Map 24A, Parcel 1553 (00:45:21 – 00:45:54)

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.

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Passed Over – the public hearing was continued to the July 7, 2021 Meeting during the June 6, 2021 meeting.

6. Notice of Intent (NOI) DEP #312-11xx 24 Farnum Lot 2 Map 24A, Parcel 1555

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.

Passed Over - the public hearing was continued to the July 7, 2021 Meeting during the June 6, 2021 meeting.

7. Notice of Intent (NOI) DEP #312-1120 116 Hartford Avenue West Fairwoods (00:45:55 – 00:48:45)

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.

Discussion: A DEP # was assigned with no comments. Mr. Bangma, Fairwoods Christian Society Board President, attended the meeting. There was no further discussion – members were happy with the solutions proposed to improve the health of the pond.

No members of the public offered commend during the meeting.

Motion: Ms. Steele moved to close the hearing for DEP #312-1120 116 Hartford Ave West. Ms. Cleary seconded, and the motion passed unanimously by vote of 5-0-0 (Cleary – aye, Holden – aye, Richardson – aye, Steele – aye, Shaw – aye).

Motion: Mr. Holden moved to issue an Order of Conditions for DEP #312-1120, 116 Hartford Ave West with the Uxbridge Standard Special Conditions, based upon the plans submitted. Ms. Steele seconded, and the motion passed unanimously by vote of 5-0-0 (Cleary – aye, Holden – aye, Richardson – aye, Steele – aye, Shaw – aye).

REPORTED/ONGOING VIOLATIONS (00:48:47 – 01:09:11)

1. DEP# 312-1086 — Tea Party Drive

- Dale McKinnon, G&H, attended the meeting. Mr. McKinnon, Mr. Shaw & Mr. Pereira, the site supervisor, walked the site on 6/12/21. Mr. McKinnon reported that things were looking better than reported in the most recent rain report. He said they are making improvements on the west side of Tea Party Dr. to contain the runoff (paving driveways and placing sod). Additionally, they will be installing the downstream defender where the piping goes out to Basin 3 at Tea Party Drive. Mr. McKinnon emphasized that he would like to continue to postpone the opening of Basin 3 to prevent silt from going into the intermittent stream. He explained none of the basins are "infiltration basins" due to the silty soils on site.
- Mr. McKinnon submitted 5 CoC requests for lots on Hyde Park Circle and asked whether Commissioners could vote on them during the next meeting if possible – a site visit was planned for July 1 at 6:30pm.
- Mr. Shaw asked for follow up on why Basin 15 was running silty water – Mr. McKinnon agreed to check into it.

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

- No one from the site was in attendance. The chairman noted that all the work around the culvert was complete except for an area to be reseeded where the equipment was brought in to do the repairs.

PROCESSING (01:17:20 – 01:26:27)

1. Meeting Minutes Review 6/7/21

Motion: Ms. Steele moved to approve the June 7, 2021 Conservation Commission meeting minutes as amended. Mr. Holden seconded, and the motion passed by vote of 4-0-1 (Cleary – aye, Holden – aye, Richardson – abstain, Steele – aye, Shaw – aye).

2. The following items were discussed that were not on the Agenda because they could not be reasonably anticipated within 24 hours of the meeting:

- 26 Maple Street** – homeowner called for advice on removing hazard trees. Mr. Richardson visited the site and recommended they file an RDA to remove them all. He reported that there are (2) 24" diameter double trunked Red Oaks each w/ one trunk fallen and one rotted out and (1) single trunked Red Oak. The property abuts Whitin Pond and there is no way to keep the material on site without it sliding into the pond. (01:22:00 – 01:25:55)
- 63 Linwood Street (DEP#312-1101)** – The commission received a complaint of silt from the active work on site making its way to the roadway. Mr. Holden noted he drove by the site and reported that in some areas the leveled-out soil is as high as the silt fence; hay was used instead of straw and it is now starting to grow; and some areas of erosion control

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looked patched up. He suggested the erosion control should be re-established on the front side. Members agreed to send a letter to the applicant requesting erosion controls be reestablished. (01:25:56 – 01:31:07)

- **50 Depot Street (DEP #312-1106)** – Mr. Holden reported some of their erosion control has broken through and possibly gone on National Grid's property and some areas are ineffective due to the soil grade. He suggested that they re-establish erosion controls everywhere along the river front. He shared photographs with the other commissioners. Members agreed to send a letter to the applicant requesting erosion controls need to be reestablished along the riverfront (01:31:09 – 01:33:55)
- **Campanelli Land Donation** (Map 22 Parcel 4854) – Mr. Holden provided a follow up to Commissioners – he visited the site and reported that there is water flowing onto the parcel through an outfall pipe coming from underneath 146 – not sure where the outflow originates. He noted that the environmental report provided to the Town Manager did not include the outflow – it was primarily completed to ensure there was no hazardous material was onsite. The Town has agreed receive the land donation (01:34:30 – 01:46:08).
- **Meetings** – Members discussed the updated guidance related to the Open Meeting Law and remote meetings. Everyone agreed they would like to meet in person but also offer the public the opportunity to participate remotely. Specifically, they discussed having one Commissioner monitor the chat during the meeting. Ms. Shelley offered to confirm a hybrid meeting is an option with the Town Manager and Cable Access Director (01:46:08 – 01:57:57)
- **Pout Pond** – Mr. Holden reported a lot of bike trails that are not part of the official trail guide behind the pond (trees have been cut and stacked to the site). Members agreed to send an letter to all the Pout Pond abutters asking them to contact the Commission if they see any activity (01:57:58 – 02:06:00).

ADJOURNMENT-NEXT MEETING SCHEDULED FOR Monday, June 21, 2021

Motion: Mr. Holden moved to adjourn the June 21, 2021, Conservation Commission Meeting. Mr. Richardson seconded, and the motion passed unanimously by vote of 5-0-0 (Cleary – aye, Holden – aye, Richardson – aye, Steele – aye, Shaw – aye).

Respectfully Submitted,
Melissa Shelley, Land Use Administrative Assistant



Jeff Shaw, Chairman