

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



Conservation Commission Meeting Minutes July 6, 2021

Present: Chairperson - Jeff Shaw, Treasurer - Lauren Steele, Clerk - Russ Holden, Members - Mark Richardson and Jessica Cleary, Paul Balutis, and Philip Bertuglia

PUBLIC HEARINGS

REC'D UXB TOWN CLERK
2021 JUL 20 AM 9:42

1. Request for Determination (RDA) (00:00:50 – 00:02:00)

Applicant: Jason Sable

Representative: 111 Linwood

Project Description: Backyard reseeding, fence and shed

The applicant was not able to attend the meeting but he did confirm via email that 200 cubic yards of loam has been brought in (approximately 10 dump trucks). Mr. Holden would like to visit the site before making the determination and agreed to coordinate w/ the Applicant.

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

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

Project Description: Restore area inside 25' no disturb area

Presentation: Mr. Kessler, the homeowner, attended the meeting. The RDA was submitted because Ms. Grenier, the prior Conservation Agent stopped work at Mr. Kessler's property due to its proximity to a resource area. He was leveling and reseeding an area that had previously been a garden and squaring off his backyard – unaware there was any "protected area" on his property. After speaking with Ms. Grenier, Mr. Kessler agreed pull back the area he was planning to seed to the existing lawn line and plant the remaining area with New England Wetland Mix. He reported that the new plants and ground cover has begun to grow. Members discussed the area with Mr. Kessler.

Motion: Mr. Holden moved to issue a Negative Determination of Applicability for the work at 32 Crown and Eagle as per the design submitted and the description given. Mr. Richardson, seconded and the motion passed unanimously by vote of 7-0-0.

3. Notice of Intent (NOI) DEP #312-11__0 Old Elmdale Road, Map 25, Parcel 3979 (00:12:12 – 00:13:14)

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: The Public Hearing was continued to the July 19, 2021 meeting of the Conservation Commission during the June 21st meeting. Members noted that DEP has not yet assigned a number.

4. Notice of Intent (NOI) DEP #312-1121 24 Farnum Lot 1 Map 24A, Parcel 1553 (00:13:15 – 00:15:15)

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.

Discussion: The applicant submitted a request via email to continue discussion until August as they work on updates to the plan to address what they can about the long-standing stormwater issues in the area. Mr. Shaw and Ms. Cleary performed a site visit and Mr. Shaw also met with DPW to discuss their part in reducing the water issues in the area.

Motion: Mr. Holden moved to continue DEP #312-1121 and #312-1122 to the August 2 meeting of the Conservation Commission per the request of the project's proponent. Ms. Steele seconded and the motion passed unanimously by vote of 7-0-0.

Conservation Commission Meeting Minutes continued – Tuesday, July 6, 2021

5. Notice of Intent (NOI) DEP #312-1122 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.

**discussed and voted on during the previous item (Lot 1 24 Farnum)*

6. Notice of Intent (NOI) DEP #312-11xx 354 & 358 Douglas Street (00:15:17 – 00:16:10) & (01:13:10 – 01:55:08)

Applicant: Logan Huffman, Eastland Partners, Worcester MA

Representative: Turning Point Engineering, Sutton, MA

Project Description: The construction of a residential subdivision road and associated earthwork, utilities, and stormwater management facilities. The project proposes work within the buffer zone to a Boarding Vegetated Wetland (BVW) along with BVW fill and replication within the 100-foot Buffer Zone to a BVW.

Motion: Mr. Holden moved to table the discussion for 354 and 358 Douglas Street while awaiting the applicant. Mr. Balutis seconded, and the motion passed unanimously by vote of 7-0-0.

The item was picked up during the Wetland Updates and Issues portion of the meeting. Mr. Balutis recused himself from discussion because he is an abutter.

Presentation & Discussion: Steve O'Connell, Turning Point Engineering attended on behalf of the applicant Eastland Partners. He described the project and said the primary reason for the NOI is due to the wetland crossing to construct the subdivision roadway. There is some additional minor work in the wetland buffer zone. The proposed crossing is a three-sided box culvert that will meet the Army Corps standards in openness ratio (approx. 10'). It will be replacing an approximate 18" corrugated metal pipe that runs under an existing cart path on the site.

There was further review of project plans – 18 lots comprised of 2 cul-de-sacs; 1 acre lots; town sewer and water and natural gas, two stormwater infiltration basins will service the site. Mr. O'Connell said he has had several meetings the Uxbridge Planning Board and Graves has completed their review. They wanted to wait to close that public hearing in case any changes were identified during the Commission's review. No DEP file number has been assigned yet.

The wetland alteration, that is part of the crossing, consists of 2740 sq. ft of fill and a replication area of 3298 sq. ft. is being proposed. Mr. O'Connell noted that it exceeds the performance standards as it is 1 ½ to 1 ratio. He also said they will utilize the soils on site and there is a coordinated effort to plan preparing the replication area prior to the removal of hydric soils so the materials can be placed immediately on site - the protocols are all identified on sheet 9.2 of the plans.

Mr. O'Connell provided a more details of the work involved with the culvert and the replication area - 20 linear feet of bank and 85 sq. ft. of land under water will be created – improvements over todays conditions. Mr. O'Connell described how they plan to perform the work. Access to the property was also discussed with the members in more detail.

Erosion controls were reviewed in more detail and Mr. O'Connell pointed out the locations on the plan. He also said the project will require a National Pollutant Discharge Elimination System permit (NPDES) through the EPA which requires SWPPP. He noted other projects completed by the applicant in town.

Mr. Holden inquired whether the clearing is planned to be all at once or if it could be phased. Mr. O'Connell said there is 17.8 acres of total disturbance and explained the excavation areas that are needed for the cuts are also needed for fill. He said it's possible the roadway will be cut first and lots cut individually. The stormwater system will be installed first prior to any major clearing and this client only "strips" areas when they are prepared to excavate and do the work. Additionally, he described how the basins are taken from temporary to permanent (be excavated 1' or more above final grade until it is time for approval when it is excavated to its final grade) – details in the SWPPP.

A site visit was discussed and tentatively planned for Sat 7/24/21 9:00am. Mr. O'Connell said the wetland flags were placed in the fall and he will make sure the site staked out prior to the visit.

Motion: Mr. Holden moved to continue the 354 and 358 Douglas Street to the August 2, 2021 meeting of the Conservation Commission. Ms. Cleary seconded, and the motion unanimously passed by vote of 6-0-0.

REPORTED/ONGOING VIOLATIONS

1. DEP# 312-1086 — Tea Party Drive (00:16:14 – 34:47)

- *Mr. Bertuglia recused himself from discussion because he is an abutter.*
- Pat Garner submitted a rain report (4.8" received in the past few days) and Mr. McKinnon reported that they "held up pretty well" – he was told the electric pumps were on and that the basin did not overflow.
- Mr. Shaw reported the plan to dewater the basin to the floc tank located upland is not being implemented. Instead, silted untreated water is being pumped into the woods. He also noted that silt is also going past the dug channel and discharging into an abutting property. Mr. McKinnon agreed to ensure that the 2 hoses are installed and running into the floc tank.

Motion: Mr. Balutis moved to allow the proponent 72 hours to stop discharging water directly into the woods by guiding it from the basin to the floc tank with hoses or a Cease and Desist Order will be issued unless an alternative solution is presented and approved by Commission or a representative thereof. Mr. Holden seconded, and the motion passed unanimously by vote of 6-0-1 (*Mr. Bertuglia abstained from vote because he was recused from discussion*).

2. DEP# 312-1022 — Forest Glen/Spring Hill Rd. (00:34:47 – 00:39:54)

- *Mr. Balutis recused himself from discussion because he is an abutter.*
- The chairman noted that he observed water is coming in through the seams inside the culvert. After discussion members agreed to issue a correspondence informing the owner that the area where intervention occurred, needs to be replanted and notifying them that there is water entering the culvert from places other than the stream which leaves the potential for failure especially if it freezes and thaws (and to copy Planning Board and DPW).

WETLAND UPDATES AND ISSUES (00:39:55 – 01:13:07)

1. Certificate of Compliance Request for DEP# 312-1046 – Lot 8B Hyde Park Circle

- *Ms. Steele recused herself from the CoC requests for Hyde Park Circle because she is an abutter. The following 5 CoC requests for Hyde Park Circle were essentially discussed together.*
- Mr. McKinnon noted there had been a site visit on 7/16/21 and that the locations of the roof infiltration chambers have been added to the applicable plans.
- Mr. Shaw concurred they walked the whole site and that the lots were completed, grass is grown in, swale is in place and functioning as proposed, and erosion controls are still in place.
- A conveyance from the swale to the basin is located on this lot 8B. The lot contains a portion of the 24" pipe that runs in the riprap swale along the lots on the west side of Hyde Park Circle.
- Mr. Shaw observed an outflow on this lot that could be problematic. Mr. Holden recommended postponing issuing the certificate on Lots 8B, 8C, and 8D until one more look can be had. A site visit was scheduled with Mr. McKinnon the following day.

2. Certificate of Compliance Request for DEP# 312-1047 – Lot 8C Hyde Park Circle

- This lot includes most of the long swale that leads to the detention basin. Mr. Shaw reported this lot was complete in his opinion, he did not observe any problems with the lawn or swale on the property.
- It was noted that the outflow on 8B also may impact this lot.

3. Certificate of Compliance Request for DEP# 312-1049 – Lot 8D Hyde Park Circle

- Nothing specific was discussed about Lot 8D but as it is somewhat connected to the other lot 8's members held back on this lot also.

4. Certificate of Compliance Request for DEP# 312-1050 – Lot 10C Hyde Park Circle

- Members agreed Lot 10C was in compliance with the OoC.
- It was also noted that the agenda contained a typo (Lot 10A was really 10C)

5. Certificate of Compliance Request for DEP# 312-1051 – Lot 10D & 10E Hyde Park Circle

- It was noted Lots 10D and 10E are combined because the lots were split after the OoC was issued (from one, eight-unit lot, to two, 4 unit lots). Members agreed this lot was also in compliance with its OoC.

Motion: Mr. Balutis made a motion to issue a Certificate of Compliance for DEP 312-1050 Lot 10C Hyde Park Circle and DEP 312-1051 Lot 10 D & 10E Hyde Park Circle. Mr. Holden seconded and the motion passed by vote of 5-0-1 (*Mr. Bertuglia abstained from vote*).

* *The chair took the meeting out of order to return to the Public Hearing for 354 and 358 Douglas Street discussion.*

6. Certificate of Compliance Request for DEP #312-1112 – 137 Carney Street (01:55:09 – 01:56:54)

Conservation Commission Meeting Minutes continued – Tuesday, July 6, 2021

- Mr. Shaw visited the site and reported the area where the septic system was replaced was fully re-grown. He recommended issuing the Certificate of Compliance.

Motion: Ms. Steele moved to issue a Certificate of Compliance for DEP #312-1112, 137 Carney Street. Ms. Cleary seconded and the motion passed by vote of 6-0-1 (*Mr. Bertuglia abstained from vote*)

7. Discussion of site compliance regarding active & expired Orders of Conditions (01:55:30 – 2:25:55)

- Turner Farm Road (Cobblers Knoll Subdivision) – Mr. Holden walked the site after the recent rain. He explained that the site has a longtime violation with an enforcement order & DEP involvement. Their stormwater management BMP failed. The following were some of the issues he observed: grass swales inconsistent, pipes under the driveways are inconsistent, water is sheet eroding on the easement – all seeding was washed away into wave lines. He also described erosion and erosion control measure problems at the houses being built across the street from the drainage structures having a significant impact. He noted at least 2 people have silt in their wells. He contacted our DEP circuit rider today but had not yet heard back. Mr. Shaw provided some background – the developer sold off 4 lots to another builder – those lots were permitted through the RDA process with conditions. The planning board has currently put a hold on any new building in the development until the stormwater management is complete.
- Mr. Holden recommended issuing a Cease and Desist until the builder stabilize the lot and provide a plan on how water will be managed until everything is stabilized. There was discussion and members agreed that at a minimum the builder take care of the storm water management in front of their lot and immediately stabilize their lot. Mr. Shaw agreed to develop an enforcement order (stopping the flow of any sediment off the parcels under construction, reducing the velocity of water coming off the sites and appear at the next meeting).

Motion: Mr. Shaw moved to issue an Enforcement Order that the developer shall stop all flow of sediments from the lots under construction and slow the velocity of the water exiting said lots on Turner Farm Road within 72 hours and appear at the next meeting for discussion. Mr. Holden seconded, and the motion passed unanimously by vote of 7-0-0.


PROCESSING

1. Meeting Minutes Review 6/21/21 (02:25:55 – 02:33:00)

Motion: Ms. Steele moved to approve the 6/21/21 Conservation Commission meeting minutes as written. Ms. Cleary seconded and the motion passed by vote of 5-0-2 (*Mr. Balutis and Mr. Bertuglia abstained*).

ADJOURNMENT-NEXT MEETING SCHEDULED FOR Monday, July 19, 2021

Respectfully Submitted,
Melissa Shelley, Land Use Administrative Assistant


Jeff Shaw, Chairman