

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



**Conservation Commission Meeting Minutes  
July 19, 2021**

REC'D UXB TOWN CLERK  
2021 AUG 9 AM 10:19

**Present:** Chairperson - Jeff Shaw, Treasurer - Lauren Steele, Clerk - Russ Holden, Members - Paul Balutis, and Philip Bertuglia

**PUBLIC HEARINGS**

**1. Request for Determination (RDA) (00:00:20 – 00:02:32)**

**Applicant:** Jason Sable

**Representative:** 111 Linwood

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

**Update:** The applicant is out of town until 7/25. Mr. Holden is going to try to view the work/property before the August 2 meeting and the administrator will invite him to attend our next meeting in person or on zoom if easier for him.

**Motion:** Mr. Holden moved to continue the RDA for 111 Linwood Street to the August 2 meeting. Mr. Balutis seconded, and the motion passed unanimously by vote of 5-0-0.

**2. Notice of Intent (NOI) DEP #312-1123 0 Old Elmdale Road, Map 25, Parcel 3979 (00:02:12 – 00:4:40)**

**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.

**Update:** The applicant submitted a written request to continue to the August 2 meeting. It was noted that DEP issued a file number with comments and that the Uxbridge Planning Board denied the project w/o prejudice due to inactivity.

**Motion:** Mr. Holden moved to continue DEP #312-1123 0 Old Elmdale Road to the August 2 meeting of the Conservation Commission. Ms. Steele seconded, and the motion passed unanimously by vote of 5-0-0.

**3. Notice of Intent (NOI) DEP #312-1121 24 Farnum Lot 1 Map 24A, Parcel 1553**

**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.

No discussion because this public hearing was continued to the August 2, 2021 Meeting of the Conservation Commission Meeting during the 7/6/21 meeting.

**4. 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.

No discussion because this public hearing was continued to the August 2, 2021 Meeting of the Conservation Commission Meeting during the 7/6/21 meeting.

**5. Notice of Intent (NOI) DEP #312-11xx 354 & 358 Douglas Street**

**Applicant:** Logan Huffman, Eastland Partners, Worcester MA

**Representative:** Turning Point Engineering, Sutton, MA

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**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.

No discussion because this public hearing was continued to the August 2, 2021 Meeting of the Conservation Commission Meeting during the 7/6/21 meeting.

### REPORTED/ONGOING VIOLATIONS

#### 1. DEP#s 312-1086 — Tea Party Drive (00:05:50 – 30:12)

- Dale McKinnon, Guerrier & Halnon, attended the meeting on behalf Uxbridge Multi Family Realty, LLC.
- Mr. McKinnon described the issues caused by all the rain (1) there was an overflow of the emergency overflow at basin 3 and pumping out of a basin out of a basement and (2) a hose created a leak out of the swale and it went down behind the riprap and came out at the bottom of the armored slope. Additionally, it was determined that a 12" pipe collapsed causing water to flow from one of catch basins. A new Enforcement Order was issued as a result that required the clean out of Basin 3.
- Mr. McKinnon said they have hired a professional to repair the leak in the swale (proposing a concrete slurry where the water caused a leak). They are currently bypassing the existing leaking swale and use the secondary swale so it is now flowing into the sediment pond instead of the basin.
- Members reviewed the Enforcement Order issued July 9, 2021 because of the emergency spillway overflow and it's impacts. After discussion they agreed to add a 30-day timeline to complete cleaning he Basin.
- Mr. McKinnon requested they be allowed to fix drainage and connections as well. He explained a contributing factor is that the foundation drains are lower than the curtain drains – he would like to implement the design to connect the foundation drains to the subdrains as designed. Commissioners agreed to add the project proponent will connect the foundation drains to the sub-drains to ensure its draining into watershed/stream as intended and designed.
- **Motion:** Mr. Holden made a motion to ratify the Enforcement Order for DEP 312-1086 Tea Party Drive issued on July 9, 2021 with the additions agreed upon during the meeting. Ms. Steele seconded, and the motion passed unanimously by vote of 4-0-1 (*Mr. Bertuglia abstained from vote*).

*Please note: The agenda was taken out of published order to accommodate the representative.*

### WETLAND UPDATES AND ISSUES (00:33:30 – 00:52:07)

#### 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.*
- Mr. McKinnon, Guerrier and Halnon, attended on behalf of Multi Family Realty, LLC. He said he would be withdrawing the request for Lot 8B because the town is requiring them to change the slope of Basin 2 to a 3:1 slope. They plan to complete the work in the fall and agreed to submit the revised calculations to the Commission and will be filing an amendment to the NOI.
- Mr. Holden visited the lots and reported new rip rap installed on lot 8B & a potential violation on lot 8D. Mr. Shaw noted a portion of 8C includes Basin 2. Mr. Holden shared photographs of his visit and there was discussion.
- Mr. McKinnon expressed they are not in a hurry, and requested he be allowed to withdraw all three of the requests without prejudice at this time and wait for the changes to be complete and operational. He said he will submit all three when the germination is complete for the basin everything else is fixed. He also agreed to look at the areas Mr. Holden pointed out where erosion control was removed that did not have any type of landscaping or seeding placed.

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

- Included in discussion above

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

- Included in discussion above

*The meeting returned to the published agenda order*

### REPORTED/ONGOING VIOLATIONS

#### 2. 32 & 44 Turner Farm Road (lots 33 and 34) (work permitted under RDA) (00:52:24 – 01:17:29)

- Nicole Almeida a member of John D'Agostino's team (sitework and septic installation) attended on behalf of Arraho, Realty Trust. She said she met Mr. Shaw on site as they were completing lots 33 (blue house) and 34 (corner lot w/ foundation) after the violations occurred. She said these two lots required additional erosion control measures even prior to all the rain and recognized the amount of silt leaving the site after the rain events. To try to control the situation, additional silt socks, silt fence and waddles surrounding the lots were immediately added. She said it is too wet to use

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any equipment and all the work is being completed by hand. She asked for an extension to finish the lots noting it's the 3<sup>rd</sup> time they've graded seeded and loamed the lots.

- Mr. Holden recommended adding additional erosion control on lot 33. The current erosion controls are located at the bottom of the slope and not completely tied in, so the silt is just going under the fence - not piling up behind. Members agreed, it would be useful to add at least 2 more lines of erosion control up the slope and ensure the silt fence is completely tied in. Ms. Almeida noted they have been receiving poor quality erosion control materials and their plan is to remove everything, regrade reinstall erosion controls and also use jute blanket and hydroseed.
- Members emphasized that the priority of the Commission is to control the erosion and that that cannot wait for the grading. It was described as "sheet eroding" across the street and that a rip rap dam had to be installed in front of the drainage structure because so much water is coming down the hills. There was discussion about other lots also contributing even possibly creating to the problem, but everyone agreed measures must be taken to control the speed of the water and silt coming off these lots immediately.
- Ms. Almeida acknowledged the Commission's concerns and said her crew and someone from Andrews would be out there the following day at 7:00am. She agreed to install more effective erosion control methods tomorrow and to keep in contact with the Chairperson.

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

- No discussion

## WETLAND UPDATES AND ISSUES (01:17:30 – 02:10:28)

### 4. Discussion of site compliance regarding active & expired Orders of Conditions

- Cobbler's Knoll Subdivision Turner Farm Road DEP#312-1013
  - The Chairperson reported that there was a complete blowout of the emergency overflow structure of the existing basin. Mr. Holden also provided a description of the blow out and members reviewed photographs.
  - There was brief discussion about the history of the sub-division and the conservation design incorporated in the plans. DEP 312-1013 was the filing number for the subdivision and DEP 312-979 was the number associated with ANRAD filing in 2014.
  - Commissioners reviewed historical information and discussed the most appropriate way to proceed given DEP's involvement. It was determined the Order of Conditions has probably expired as the last action was an extension request in December 2019 in which a one-year extension was granted.
  - Members mentioned the Stormwater Bylaw was instituted in 2018 and noted this project was prior, so SWPPP were required not to be provided to the Commission. Members agreed on the importance requiring SWPPPs for any major projects in the future so they cannot easily fall off the radar.
  - There was a more discussion among members about the site itself, the entities involved in developing (FIKOW) and permitting the site (DEP/EPA) and the existing conditions after the 20+days of rain received this July. Mr. Shaw tried but was unable to determine whether SWPPP reports have been submitted to the Town or its engineer.
  - Mr. Holden agreed to reach out to the DEP circuit rider for advice.

## PROCESSING

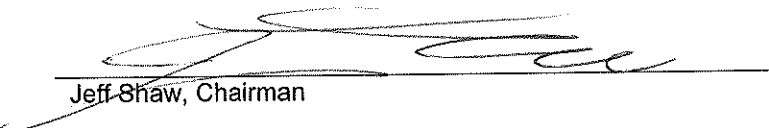
### 1. Meeting Minutes Review 7/5/21 (02:10:48 – 02:15:30)

**Motion:** Mr. Balutis moved to approve the 7/5/21 Conservation Commission meeting minutes as written. Ms. Steele seconded and the motion passed by vote of 5-0-2 (*Mr. Balutis and Mr. Bertuglia abstained*).

## ADJOURNMENT-NEXT MEETING SCHEDULED FOR Monday, August 2, 2021

**Motion:** Mr. Balutis moved to adjourn the meeting of the Conservation Commission. Ms. Steele seconded, and the motion passed unanimously by vote of 5-0-0.

Respectfully Submitted,  
Melissa Shelley, Land Use Administrative Assistant



Jeff Shaw, Chairman