

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

REC'D UXB TOWN CLERK  
2021 SEP 16 PM 1:50



**Conservation Commission Meeting Minutes  
August 16, 2021**

**Present:** Jeff Shaw, Lauren Steele, Russell Holden, Paul Balutis, Philip Bertuglia – participated remotely

**PUBLIC HEARINGS**

**1. Notice of Intent (NOI) DEP #312-1123 0 Old Elmdale Road, Map 25, Parcel 3979 (00:16:56 – 01:08:33)**

**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.

**Discussion:** Peer review of the habitat analysis is in progress and the applicant requested to continue to 9/7/21 meeting.

**Motion:** Mr. Holden moved to continue DEP #312-1123 0 Old Elmdale Road to the September 7 meeting of the Conservation Commission. Ms. Steele seconded, and the motion passed unanimously by roll call vote of 5-0-0 (Holden – aye, Shaw – aye, Steele – aye, Balutis – aye, Bertuglia – aye).

**2. Notice of Intent (NOI) DEP #312-1121 24 Farnum Lot 1 Map 24A, Parcel 1553 (00:01:47 – 00:39:00)**

**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.

**Presentation/Discussion:** Mark Allen, Allen Engineering represented the applicant during the hearing. Steve Bevilacqua, the developer also attended and offered comment during the hearing.

Mr. Allen reviewed the plans for lot 1, which had not been revised since the site visit. He said the two residential units will be utilizing a roof infiltration system and there is a very small infiltration basin to collect the small amount of water runoff from the driveway. There is also a "belt and suspenders" type of culvert system so that if the wetland were to surcharge it would have a place to go. He said the pre-imposed conditions are very well handled on both the lots for lot 1.

There was brief discussion as to why there are separate lots. Mr. Allen said it was partially a zoning compliance issue – the size of the lot is currently undersized so the way in which condos get proper zoning is you must have so many square feet per unit; additionally, he noted that future deed transfers are made much easier with separate units. They have already legally divided the lots.

Snow storage signage and conservation markers were discussed.

Members inquired and there was discussion as to how the storm drains will maintained given that the roads will remain private. Mr. Allen explained that Lot 1 will have a Condominium Association of two units, and each of their deeds will spell out the Operation and Maintenance Plan (OMP) that includes routine inspection and cleaning of the manholes, the inspection ports and the outfall - at a minimum recommend 2x per year. The OMP also calls out for the small sediment bay and infiltration basin be maintained at least 4x per year.

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Members inquired what units will be included in the Homeowners Association (HOA). Mr. Bevilacqua responded that his hopes are to have all five units included – he is working w/ his attorney now to develop the agreements. There was discussion about how to best condition the order to ensure the storm water structures are maintained by all of the units because they all contribute to the system. There was agreement with the applicant to the conditions discussed.

**Motion:** Ms. Steele moved to close DEP #312-1121 24 Farnum Street Lot 1. Mr. Balutis seconded, and the motion passed unanimously by roll call vote of 5-0-0 (Holden – aye, Shaw – aye, Steele – aye, Balutis – aye, Bertuglia – aye).

**Motion:** Mr. Holden move to issue an Order of Conditions for DEP #312-1122 for 24 Farnum Street Lot 1 with the Uxbridge Standard Special Conditions and the following additional conditions:

1. The Operation and Maintenance plan must include all units on the Homeowners Association (HOA) and specify that together they are responsible for the maintenance of the drainage structures shall be included in any HOA agreements.
2. Any and all reference to the maintenance of the drainage structures in the HOA agreement must the approval of the Uxbridge Conservation Commission Chairperson or it's agent.
3. If there is a change in ownership to a unit, new owners must be provided with any HOA agreements that include the drainage structure maintenance requirements.

Ms. Steele seconded, and the motion passed unanimously by roll call vote of 5-0-0 (Holden – aye, Shaw – aye, Steele – aye, Balutis – aye, Bertuglia – aye).

### 3. Notice of Intent (NOI) DEP #312-1122 24 Farnum Lot 2 Map 24A, Parcel 1555 (00:39:01 – 01:10:01)

**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.

**Presentation/Discussion:** Mark Allen, Allen Engineering represented the applicant during the hearing along with Anthony Bevilacqua, the developer. Mr. Allen shared the site plan and explained this is a larger lot that could allow for three units. He said those three units are similar lot 1 with connections to a slightly larger underground Caltech system. He noted the difference from this plan to the last plan resulted from a very informative sidewalk which he described – they found a breach in a berm that they believe the DPW built back decades ago to intercept the water that runs from south to north in this location. To mitigate they created a berm that will send the water where it should go. Mr. Allen further detailed that the berm, in conjunction with cleaning the existing drainage and re leveling it, will take the water that comes off the hill and get it into the structure at the end of Farnum Street, as opposed to what happens today, which is the water breaches the berm goes behind the house wreaks havoc downstream to the abutter's property. He went over the cross section plans of the berm. Mr. Allen explained in order to accomplish this they mitigated the wetland impacts of approx. 515 sq. feet with a two to one wetland replication at 1100, square feet.

Another change to the plan discussed was the changes to elevation of unit 5 up 3' and 4 up 2' to ensure the water drains to the stormwater basin and complete the stormwater management of the lot. Mr. Allen provided a review of the flow of the stormwater.

Members discussed conditioning the construction of the swale to be completed along with the installation of the erosion control - ahead of other construction activities and Mr. Allen agreed that would be effective and appropriate. Members also agreed that the conditions agreed upon for Lot 1 apply to this application also.

DEP Comments were reviewed with Mr. Allen and commissioners appeared to be satisfied with his responses.

**Motion:** Mr. Shaw moved to close DEP #312-1121 24 Farnum Street Lot 2. Mr. Holden seconded, and the motion passed unanimously by roll call vote of 5-0-0 (Holden – aye, Shaw – aye, Steele – aye, Balutis – aye, Bertuglia – aye).

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**Motion:** Mr. Holden move to issue an Order of Conditions for DEP #312-1122 for 24 Farnum Street Lot 2 with the Uxbridge Standard Special Conditions and the following additional conditions:

1. The installation of the berm and swale along with erosion control shall occur within the first steps of construction ahead of any other activities on the site to the satisfaction of the Conservation Commission Chairperson or it's agent.
2. Erosion control for the roadway be installed with special consideration to the stormwater drop inlets to the satisfaction of the Conservation Commission Chairperson or it's agent.
3. The Operation and Maintenance plan must include all units on the Homeowners Association (HOA) and specify that together they are responsible for the maintenance of the drainage structures shall be included in any HOA agreements.
4. Any and all reference to the maintenance of the drainage structures in the HOA agreement must meet the approval of the Uxbridge Conservation Commission Chairperson or it's agent.
5. If there is a change in ownership to a unit, new owners must be provided with any HOA agreements that include the drainage structure maintenance requirements.

Ms. Steele seconded, and the motion passed unanimously by roll call vote of 5-0-0 (Holden – aye, Shaw – aye, Steele – aye, Balutis – aye, Bertuglia – aye).

### 4. Notice of Intent (NOI) DEP #312-1124 354 & 358 Douglas Street (01:10:13 – 01:24:15)

**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 Bordering Vegetated Wetland (BVW) along with BVW fill and replication within the 100-foot Buffer Zone to a BVW.

*\*Mr. Balutis recused himself from discussion because he is an abutter to the project.*

**Presentation/Discussion:** Steve O'Connell, Turning Point Engineering Attended on behalf of the applicant. There has been a site walk since the public hearing was opened. Planting detail has been added to the plan as requested during the prior meeting. Mr. O'Connell explained a wetland scientist, reviewed the location, and agreed that it was appropriate. There will be a total of 100 plantings – all detailed in the plans and selected by the wetland scientist. There were some concerns with hemlock trees in the wetland replication area and the wetland scientist agreed some should be removed. It was noted that the replication work will be under the supervision of the wetland scientist.

Mr. O'Connell's intention is to provide the final plan set to both Conservation and the Planning Board by the next meetings. No abutters provided any comments.

**Motion:** Mr. Holden moved to continue DEP#312-1124 354 & 358 Douglas Street to the September 7, 2021 meeting of the Conservation Commission. Ms. Steele seconded, and the motion passed by roll call vote of 4-0-0 (Holden – aye, Shaw – aye, Steele – aye, Bertuglia – aye, Balutis – recused from vote).

### 5. Notice of Intent (NOI) DEP #312-1126 186 Providence Street (01:24:21 – 01:51:42)

**Applicant:** Tom Corbett ZP Battery Devco LLC

**Representative:** Caron Environmental Consulting, LLC, Westminster, MA

**Project Description:** The proposed project consists of the construction of a battery energy storage system (BESS). The proposed BESS includes five battery storage systems on concrete pads, transformers on concrete pads, underground electric connections, standpipes, a gravel driveway, fencing, stormwater features and appurtenances. Portions of the work is proposed within the 100-foot Buffer Zone to Bordering Vegetated Wetlands.

**Presentation/Discussion:** Tom Corbett, ZP Battery Devco, LLC, attended the meeting. He noted there was a site walk on September 7<sup>th</sup>. Mr. Holden inquired about the drainage on the opposite site of Providence Rd that washes through the property. Mr. Corbett described how it will be handled and pointed it out on the plans – he said it will take all the water coming off Providence Street drained into the hydrolic system in a much more controlled manor.

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Mr. Holden inquired as to potential for water to enter the property from the neighboring parcel with steep slopes towards the property. Mr. Corbett pointed out the flow on the plans – saying it will naturally flow around the grades and into the basin or their storm trench.

There was a suggestion to build the retaining wall near the wetland edge first – for extra protection of the wetland. Mr. Corbett said he thought that or that to be the natural course of construction. There was then a detailed of the construction sequencing on the plan. Mr. Corbett agreed to update the construction sequence to ensure the wetlands are protected during the period when the ground is grubbed and there are still stabilized slope. Everyone agreed it makes sense to employ additional erosion control barrier until the site is stabilized and the drainage structures are installed. Mr. Corbett agreed to update the construction phases as discussed.

**Motion:** Mr. Balutis moved to continue the public hearing for DEP #312-1126 186 Providence Street to the next meeting of the Conservation Commission. Mr. Holden seconded, and the motion passed unanimously by roll call vote of 5-0-0 (Holden – aye, Shaw – aye, Steele – aye, Balutis – aye, Bertuglia – aye).

### **REPORTED/ONGOING VIOLATIONS**

#### **1. DEP# 312-1086 — Tea Party Drive (01:52:15 – 02:14:07)**

- Elizabeth Mainini G&H in for Dale McKinnon, Wellington Pereira, Site Supervisor, and Angela Conforti, Fafard Counsel all attended the meeting. They were following up on the request to extend the deadlines established in the 7/19/21 Enforcement Order and to provide an update on the stabilization of the site. They were hoping for an extension to the end of September to stabilize the site so they may begin work on scouring the basin to make it operate as designed. Ms. Mainini also noted that the most recent report from Patrick Garner was mostly favorable.
- Members agreed the items they requested during the last meeting were completed and they were not opposed to extending the order. There was discussion as to what can be accomplished in the next 3 weeks and when can we expect to have the basin operational. The representative committed to completing the following items: Install five (5) driveways on the east side of Tea Party Drive; Install additional erosion control barrier; Subgrade parcels next to the curbing on the east side of Tea Party Drive; Install mats, sod and hydroseed on the east side of Tea Party Drive; Loam and stabilize open areas on the east side of Tea Party Drive; The site should be prepared by October 4, 2021 to begin process of completely draining and scarifying the basin bottom to accommodate stormwater runoff to meet original engineered design criteria
- **Motion:** Mr. Holden moved to extend the Enforcement Order for DEP#312-1086 until October 4 to allow the applicant to install 5 driveways, to add at least one additional control barrier, to subgrade some of the parcels next to the curbing, add in mats and sod in the appropriate areas, and complete the groundwater drainage connections. The expectation is the site will be prepared to bring the process of cleaning the basin by October 4. Ms. Steele seconded, and the motion passed by roll call vote of 4-0-1 (Holden – aye, Shaw – aye, Steele – aye, Balutis – aye, Bertuglia – recused).

#### ***Item not on Agenda because it could not be anticipated 48 hours in advance: (02:14:15 – 02:29:22)***

- Steve O'Connell, Turning Point Engineering requested to ask the Commission's advice related to a recently permitted retreat lot at the end of **Cassie Lane** Subdivision off Hazel Street. He provided members with a plan of the property. He explained access is a 40' strip of land off the cul-de-sac and the wetlands have been flagged on the lot. Soil testing is required and to get the equipment in for the soil testing will require them to cross the flagged wetland. He said he would plan to find the narrowest path and there will be no tree removal. He was looking for guidance and said once identifies the location out he will flag the area he plans to cross and notify the Commission. Mr. O'Connell said a small excavator will be used and have access to swamp mats if necessary. He expected to be in and out in one day. Members agreed to take a look after Mr. O'Connell flagged the area.

#### **2. DEP# 312-1013 — 255 Chocolog Road, Cobblers Knoll Subdivision (02:29:30 - 02:35:10)**

- Members agreed to leave the item on the agenda and to collect information that could be included on an Enforcement Order.

#### **3. DEP# 312-1022 — Forest Glen/Spring Hill Rd. (02:35:10 – 02:37:05)**

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- Members agreed to remove the item from the agenda and Mr. Shaw agreed to check out the site to see if vegetation is growing in work area.

### **WETLAND UPDATES AND ISSUES**

#### **1. Certificate of Compliance Request for DEP#312-1078 182 Williams Street (02:37:10 - 02:44:31)**

- There was no representative in attendance for discussion. Mr. Holden inspected the site and reported the following items: (i) there is an ECB on the plan which is supposed to be the limit of work and there is plenty of work beyond it (ii) there are 2 conservation signs, well placed but not the Feno spike type – outside one of the signs is a foundation drain w/ rocks over the top of it for protection; mowing beyond the sign 6-8 feet; there is also mowing beyond the second sign and an area cleared with a trampoline.
- Members thoroughly reviewed the plans provided and couldn't not locate the foundation drain. Mr. Holden also reviewed photographs of the area. Members agreed not to issue the CoC at this time until further information can be provided. They agreed to write a letter to the applicant and their representative informing them they were unable to issue the Certificate, identifying the items discovered during the site visit and requesting they attend the next meeting.

**Motion:** Mr. Shaw moved to continue the Certificate of Compliance request for DEP#312-1078 182 Williams Street to the next meeting of the Conservation Commission. Ms. Holden seconded, and the motion passed unanimously by roll call vote of 5-0-0 (Holden – aye, Shaw – aye, Steele – aye, Balutis – aye, Bertuglia – aye).

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

### **PROCESSING (02:44:40 - 02:52:10)**

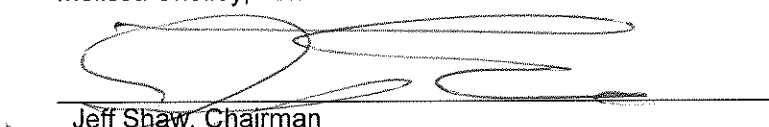
#### **1. Meeting Minutes Review 8/2/21**

**Motion:** Mr. Holden moved to approve the 7/19/21 meeting minutes as amended during the meeting. Ms. Steele seconded, and the motion passed by vote of 5-0-0.

### **ADJOURNMENT-NEXT MEETING SCHEDULED FOR TUESDAY September 7, 2021**

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

Respectfully Submitted,  
Melissa Shelley, Land Use Administrative Assistant

  
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Jeff Shaw, Chairman