



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



**Conservation Commission Meeting Minutes
August 2, 2021**

REC'D UXB TOWN CLERK
2021 SEP 16 AM 11:50

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

PUBLIC HEARINGS

1. Request for Determination (RDA) (00:00:20 – 00:16:55)

Applicant: Jason Sable

Representative: 111 Linwood

Project Description: Backyard reseeding, fence and shed

Update: Mr. Holden visited the property and provided a description of the area to the members. He observed a small wetland with an intermittent stream coming out of it that did not appear to be part of a drainage system. The new lawn is at the end of the intermittent stream. He reviewed the purpose of the RDA and said based on what he saw, he believes the WPA applies. There was some disturbance of the intermittent stream as it came out of the wetland. He thoroughly examined the area but could not find any connections to the storm drainage system. Members agreed they did not have enough information to issue a negative determination and that it would be appropriate for an after the fact NOI to be submitted.

Motion: Mr. Holden moved to issue a positive determination of applicability for 111 Linwood Street. Mr. Richardson seconded, and the motion passed unanimously by vote of 7-0-0.

Motion: Mr. Holden moved to issue a violation with the stipulation that homeowner submit an NOI for the work completed within 60 days. Ms. Steele seconded, and the motion passed unanimously by vote of 7-0-0.

2. Notice of Intent (NOI) DEP #312-1123 0 Old Elmdale Road, Map 25, Parcel 3979 (00:16:56 – 00:18:33)

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.

Update: The applicant's representative requested to continue the public hearing to the August 16, 2021 meeting because he is on vacation this week.

Motion: Mr. Holden moved to continue DEP #312-1123 0 Old Elmdale Road to the August 16 meeting of the Conservation Commission. Ms. Steele seconded, and the motion passed unanimously by vote of 7-0-0.

3. Notice of Intent (NOI) DEP #312-1121 24 Farnum Lot 1 Map 24A, Parcel 1553 (00:18:34 – 00:19:37)

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.

Update: The applicant requested to continue the public hearing to the August 16, 2021 meeting.

Motion: Mr. Holden moved to continue DEP #312-1121 and DEP #312-1122 24 Farnum Street Lots 1 and 2 to the August 16 meeting of the Conservation Commission as per the request of the applicant. Ms. Cleary seconded, and the motion passed unanimously by vote of 7-0-0.

4. Notice of Intent (NOI) DEP #312-1122 24 Farnum Lot 2 Map 24A, Parcel 1555

Applicant: Bevilacqua Homes, LLC

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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.

Update: The applicant requested to continue the public hearing to the August 16, 2021 meeting. Members continued the public hearing as part of the motion prior for Lot 1.

5. Notice of Intent (NOI) DEP #312-1124 354 & 358 Douglas Street (00:19:37 – 00:21:00)

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.

Update: The applicant requested to continue as they revise plans after a site visit.

Motion: Ms. Steele moved to continue DEP312-1124 354 & 358 Douglas Street to the August 16 2021 meeting of the Conservation Commission. Mr. Bertuglia seconded, and the motion passed by vote of 6-0-1 (Mr. Balutis abstained from vote).

6. Notice of Intent (NOI) DEP #312-1126 186 Providence Street (00:21:01 – 00:52:14)

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.

Motion: Mr. Shaw moved to open the public hearing for DEP #312-1126 186 Providence Street. Ms. Cleary seconded, and the motion passed unanimously by vote of 7-0-0.

Presentation: Tom Corbett, ZP Battery Devco, LLC, Charles Caron, Caron Environmental, and Kevin McGeary, Fuss and O'Neil attended the hearing on behalf of the owner. Mr. Corbett provided revised plans based on Uxbridge Planning Board and Graves review. Proposed is a 5 mega wat battery storage system that absorbs the solar power from the street side feeders for later use. Everything is pad mounted, 20' access drive in and entire site is gated. Mr. Caron described the area for Commissioners and said he delineated the wetlands last December – data sheets are included in the application. The entire project is outside the 25' and the majority of work that is in the buffer zone is the storm water basin. Kevin McGeary provided an update of the engineering review and revisions to the plan – increased the width of the infiltration berm to 10', added an access drive graded at 15% to get to the basin, and added rip rap to emergency spillway. Total limit of work is 1.1 acres, total amount of gravel .3 acres, .3 acres inside the fence, 3200 sq ft of concrete pads, 515 sq ft of pavement, and in. basin is 2300 sq ft. Construction sequence will be as follows: erosion Controls installed 1st, clear and grub, grade as necessary, build pads, stabilize, remove erosion controls at the end of construction. Mr. McGeary reviewed the stormwater system.

Discussion: This system is to serve the grid structure in general – not a specific solar array. The batteries are Lithium Ion which will require replacement over time. They are not expected to leak but they are contained. Mr. Corbett explained his meeting with Uxbridge Fire Department and safety measures incorporated into the system. The planting plan was reviewed, and the applicant agreed to include native species arborvitae. There was discussion about temporary stabilization measures to be used during construction (as soon as stumps are removed, wood chips, jute mats will be used on slopes 3:1 or steeper.

A site visit scheduled for 9/7/21 at 9:00am and the representatives agreed to have certain areas staked.

Motion: Mr. Holden moved to continue the public hearing for DEP #312-1126 186 Providence Street to the next meeting of the Conservation Commission. Mr. Balutis seconded, and the motion passed unanimously by vote of 7-0-0.

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7. Notice of Intent (NOI) DEP #312-1125 117 Carney (00:52:19 – 01:09:14)

Applicant: Brandy Beaudette, Uxbridge, MA

Representative: Civil Site Engineering, Uxbridge MA

Project Description: The project is for a septic repair located in a buffer zone to a BVW.

Motion: Ms. Steele moved to open the public hearing for DEP #312-1125 186 Providence Street. Mr. Holden seconded, and the motion passed unanimously by vote of 7-0-0.

Presentation: Brad Vecchione, Civil Site Engineering, attended on behalf of the applicant. He explained the current cesspool is not functioning and the homeowners are using a portable john. They are proposing a Presbi system, and the septic tank and pump chamber are located in the 50' buffer. The plan and buffer zones were reviewed. The wetland delineation was performed by Margaret Bacon on May 5, 2021. Mr. Vecchione explained the existing cesspool will be removed and straw waddles will be used for erosion control. The system has been approved by the BOH.

Discussion: DEP number was assigned without comments. During review of the plan, it was noted that the erosion controls around the existing cesspool were not identified – an oversight. The applicant agreed to add it as well as a narrative of the construction sequence of the cesspool removal. Members agreed, because of the urgency to the homeowner, to issue the OoC with the condition that the plans are revised as discussed and approved by the Chairman or a Commissioner before the issuance of the Order.

Motion: Ms. Steele moved to issue an Order of Conditions for DEP #312-1125, 117 Carney Street, with the Uxbridge Standard Special Conditions and the following 2 additional conditions

1. The erosion control will be accurately reflected on the plan
2. A narrative will be added to the plan that reflects how the existing cesspool will be removed, filled and stabilized that approved by the Conservation Commission or its agent.

REPORTED/ONGOING VIOLATIONS

1. DEP# 312-1086 — Tea Party Drive (01:09:15 – 02:00:33)

- Dale McKinnon, G&H representing Uxbridge Multi Family Realty, Wellington Pereira, Site Supervisor, & Angela Conforti, in-house counsel for Fafard attended the meeting to provide a site status update and discuss the Enforcement Order issued 7/19/21 and related Pat Garner (the environmental consultant) Rain Report #28. Mr. Garner recommended and the other parties are requesting a 7-week extension on the 30-day timeframe to have the basin operation.
- Mr. Pereira went over the work to be completed during that time: 7 driveways have been installed along the West Side of Tea Party – this reduces the amount of silt that can leave the site; they are currently working on the drain behind the houses and as that work completes they are right behind stabilizing with strips of sod along the driveways and curbs; 4 more driveways are being installed along the east side of Tea Party; they expect all this work to be complete by the end of August; at that time they will work on the basin – they expect that it would take approximately 3-4 weeks to have it operational. The sod will be watered with a tanker truck for the first few weeks – not an irrigation system.
- Mr. McKinnon provided more detail about the work on the drains – the foundation drains are being connected to the existing outfalls on the east side, so it goes under the armored slope and feed the stream.
- There was a discussion as to how to track the progress. Members expressed frustration that the recommendations in the rain reports are not implemented and there was discussion with the representatives.
- Everyone agreed to wait until the next meeting to act on extending the time frame of the 7/19/21 EO. The representatives agreed to have following items to be completed by the next meeting: all sod installed and hydroseeding complete on west side of Tea Party, drain work should be completed, provide a status report on open items from Rain Report #27, Mr. Garner to visit the site the weekend prior to the next meeting. It was noted that the work on the east side of Tea Party will continue beyond 2 weeks – beyond the next meeting.

2. DEP# 312-1013 — 255 Chocolog Road, Cobblers Knoll Subdivision (02:00:40 - 02:15:10)

- Mr. Holden reported he was able to connect with the circuit rider and provide her with the information that she agreed to pass along. She advised that the Commission should act in normal fashion. Mr. Shaw drove by the Turner Farm lots and reported it was better – additional silt fences up the slope were installed on the and the yards appeared to be starting to stabilize. These are the last two lots with permits – the remainder of the development is on hold through the Planning Board.
- It was noted that the emergency spillway is equal or lower than the stormwater containment structure – everything going in is going out as silted water. The Order of Conditions has expired in Dec 2020 but may still be valid for some time

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because it would have expired during the Covid 19 pandemic and included in legislation allowing for the extension of certain permits.

- Members agreed to move forward they would visit the site and document the issues to be included in a future enforcement order.

3. DEP# 312-1022 — Forest Glen/Spring Hill Rd. (02:15:10 – 02:20:05)

- No new items discussed. The only open item related to the wetlands is revegetating work area around the culvert repair. It was noted there are stormwater issues to be addressed under the purview of the Planning Board.

WETLAND UPDATES AND ISSUES

1. Certificate of Compliance Request for DEP#312-1078 182 Williams Street (02:20:10 - 02:31:50)

- Byron Andrews, Andrews Survey and Engineering, attended on behalf of the applicant. He reported he visited the site, and everything was stabilized, and markers were in place.
- Mr. Holden reported he drove by the site but did not see the markers and because there was some question regarding the specifics of the conservation markers everyone agreed to continue to the next meeting to ensure both markers are installed per the plan.

2. Discussion of site compliance regarding active & expired Orders of Conditions (02:31:50 – 02:40:29)

- Brief Discussion related to the Castles of Scotland Yard – Mr. Holden scaled down to the riverbed and there is at least 6" of sediment. In his opinion, it is not coming from the Fafard Development and questioned whether there's construction further upstream. Ms. Steele estimated it could be from run off and rainwater that go into storm drains and provided a description of the area to Commissioners. Members considered options for this unique situation because it's a long time completed condo development. They agreed the Condo Association, the entity that may be managing the catch basins, should be notified and invited to a meeting to discuss.

PROCESSING (02:40:40 - 02:50:10)

1. Meeting Minutes Review 7/19/21

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 5-0-2 (Mr. Richardson and Ms. Cleary abstained from vote).

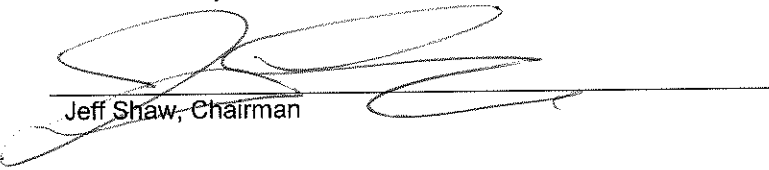
2. MACC Membership Dues

Motion: Mr. Holden moved to approve the expenditure of \$570.00 from the Conservation funds for MACC membership dues for fiscal year 2022. Ms. Steele seconded, and the motion passed by vote of 7-0-0.

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

Motion: Mr. Shaw moved to adjourn the meeting of the Conservation Commission. Mr. Balutis seconded, and the motion passed unanimously by vote of 7-0-0.

Respectfully Submitted,
Melissa Shelley, Land Use Administrative Assistant


Jeff Shaw, Chairman