



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



Conservation Commission Meeting Minutes October 4, 2021

Present: Jeff Shaw, Russell Holden Paul Balutis, Jessica Cleary, Mark Richardson, Philip Bertuglia and Lauren Steele and administrator Melissa Shelley

REC'D UXB TOWN CLERK
2021 DEC 1 AM 10:48

CERTIFICATE OF COMPLIANCE REQUESTS

1. DEP#312-1078 182 Williams Street (00:01:16 – 00:17:45)

- Byron Andrews represented the homeowner during the hearing. He provided a revised plan and reviewed the updates.
- Members agreed before a Certificate of Compliance can be issued the project must meet the conditions as it was approved and per the plan. They asked that permanent feno spikes replace the existing snow stakes and let the area beyond the limit of work revert to its natural state. Mr. Andrews thought the applicant would be amenable to the request and agreed to inform the homeowner.
- **Motion:** Mr. Balutis moved to deny the CoC request for 182 Williams Street. Mr. Holden seconded, and the motion passed unanimously by vote of 7-0-0.

PUBLIC HEARINGS

1. Request for Determination of Applicability (RDA) FY2022-01 465 Mendon Street (Map 14 Parcel 3587)

Applicant: Merlin Amstutz

Representative: Civil Site Engineering, LLC

Project Description: Repair/Replace existing failed septic system in the approximate same location as the existing and improvements to an existing driveway. (00:17:47 – 00:24:00)

Motion: Mr. Holden made a motion to table the discussion while awaiting applicant representation. Mr. Steele seconded, and the motion passed unanimously by vote of 7-0-0.

No one attended on behalf of the RDA and members agreed to continue the hearing to the next meeting.

Motion: Ms. Steele made a motion to continue the public hearing for the RDA for 465 Mendon Street to the next meeting of the Conservation Commission. Mr. Holden 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) (00:24:25 – 00:26:48)

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.

The Commission received a request from the representative to continue the hearing until the 11/15/21 meeting of the Conservation Commission. Andrews Survey and Engineering has merged with DiPrete Engineering a new team has been assigned to the project.

Motion: Mr. Balutis made a motion to continue the public hearing for DEP #312-1123 to the November 15 meeting of the Conservation Commission. Ms. Cleary seconded, and the motion passed by vote of 6-1-0.

3. Notice of Intent (NOI) DEP #312-1127 671 Quaker Highway (Map 45 Parcel 3895)

Applicant: John Palmer, McIntyre Loam, Hopkinton Ma

Representative: Summit Engineering and Survey, Inc.

Project Description: Construction of a water quality basin, driveway and access roadway around a proposed warehouse building that falls within the 100' buffer to a vegetated wetland. The project also consists of truck and trailer parking, employee and customer parking, and proposed drainage system.

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No discussion - this public hearing was continued to the 10/18/21 meeting during the previous meeting.

4. Notice of Intent (NOI) DEP #312-11xx 90 Elmdale Road (Map 31 Parcel 185) (00:28:02 – 00:55:39)

Applicant: Jonathan Whipple, Webster, MA

Representative: Insite Engineering Services, LLC, North Smithfield, RI 02896

Project Description: The construction of a single-family home with driveway, septic system, and private well within a riverfront area.

Motion: Mr. Holden made a motion to open the public hearing for 90 Elmdale Road. Mr. Balutis seconded, and the motion passed unanimously by vote of 7-0-0.

Presentation: Ed Avizinis, professional wetland/soil scientist attended the meeting on behalf of the applicant Jonathan Whipple who also attended the meeting. Mr. Avizinis originally flagged the site in January of 2020 when he worked with Natural Resource Services. Resource areas include three rivers that converge on the site (Blackstone, West, and Still Corner Brook), associated Bordering Vegetated Wetlands and Bordering Land Subject to Flooding. NHESP maps were reviewed and not applicable.

Mr. Avizinis described the project and shared site plans and aerial images of the site. He said the biggest hurdle they faced was access to the upland area where the house will be located. Access to the site begins off a right of way off Elmdale Road east of the mill complex and consists of a 10' wide 1000' long gravel driveway. The house and accessory structure are completely out of jurisdiction – the driveway is the only work in jurisdiction. There are no impacts to the inside the 50' buffer zone – portions of the driveway are in between the 50- and 100-foot buffer zones and a fair amount is in the 200' riverfront area. Mr. Avizinis reviewed the riverfront standards set forth in Section 10.584 of the WPA. He also explained alternatives were explored but it was determined that this design was the least impactful. There is a total of 14.36 acres of riverfront and they are proposing 9350 sq. ft. (1.5%) of impact.

Abutter Richard Johnston, 323 Blackstone Street provided a description of the resource areas in the area and expressed his concern for the health of those resources if the project is developed.

Members acknowledged that a DEP number has not yet been assigned and coordinated a site visit for the weekend prior to the next meeting.

Motion: Mr. Balutis made a motion to continue the public hearing to the 10/18/21 meeting of the Conservation Commission. Ms. Steele seconded, and the motion passed unanimously by vote of 7-0-0.

REPORTED/ONGOING VIOLATIONS

1. DEP# 312-1086 — Tea Party Drive (00:55:48 – 01:56:33) * *Mr. Bertuglia recused himself from discussion*

- Dale McKinnon, Guerrier and Halnon, attended on behalf of Multi-Family Realty LLC and Wellington Pereira, Fafard attended remotely. Mr. McKinnon reported on the progress made towards stabilizing Tea Party Drive since the previous meeting.
- Mr. McKinnon provided a plan & reviewed the proposed improvements to Basin 3 - replacing first 18" of existing soil with coarse gravel to improve permeability; adding sediment forebay; providing a bench around the perimeter to meet the 5 to 1 slope minimum of 15' access requirement; a drain outlet opening increased from 1" to 3". The proposed changes meet the Atlas 14 design requirements vs the previously accepted TP 40. Mr. McKinnon said the proposed changes will allow basin to meet the requirement of draining in 72 hours. The plans have been submitted to Planning and Graves Engineering as well as DPW for a formal review.
- Mr. Pereira provided a more detailed update on the status of Tea Party Drive. He said they are ready to begin work on the basin as soon as they receive the directive. There was a discussion with Members about where the silt is actually coming from and how it can be prevented in the future. Crownshield Avenue was identified as another area that needs to be addressed. Mr. McKinnon confirmed they are ready to remove 2' of the silts on top of the original grades of the basin but will not make the proposed improvements until they the Commission is satisfied that the run off to the basin is adequate. It was also noted that any changes to the basin must be managed through and amendment to the NOI.
- **Motion:** Mr. Holden made a motion to amend the open Enforcement Order to include the following action items. Ms. Steele seconded, and the motion passed by vote of 6-0-0.
 1. Begin process of completely draining and scarifying the bottom of Basin 3 on October 5, 2021 to accommodate stormwater runoff to meet original engineered design criteria. This work shall be completed no later than end of business day October 7, 2021. Any additional land disturbance is prohibited, with the exception of work required by the gas company, until Basin 3 is functioning as designed.

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2. Install mats, sod and hydroseed all exposed areas on Tea Party Drive (and Crownshield) by October 18, 2021
3. Loam and stabilize all exposed areas on Tea Party Drive (and Crownshield) by October 18, 2021.
4. A qualified erosion control specialist shall continue to inspect entire site after any rain event of .25 inches or greater and submit a report by e-mail to mshelley@uxbridge-ma.gov as to the performance of erosion controls, stormwater management system, and any remediation steps taken. Report shall be due within 72 hours following the end of the rain event.
5. Ensure that all exposed areas are stabilized on a nightly basis.
6. Provide an accurate accounting of why there is still silt entering Basin 3 and where it is coming from.

* Mr. Bertuglia returned to the meeting.

2. DEP# 312-1013 — 255 Chocolog Road, Cobblers Knoll Subdivision (01:56:51 - 01:58:25)
 - No new updates. There is currently no active work on the site. It was noted that a new developer may take over the project and new NOI's would be required for any work.
3. DEP# 312-1104 — 515 Douglas Street (01:58:33 – 01:59:31)
 - The start of the clean-up was delayed due to rain. The Commission has been receiving on-time updates from Campanelli and clean-up will be under the direction of Art Allen, Ecotec.
4. Commerce Drive Well Site (01:59:35 - 02:01:43)
 - Members have permission and agreed to visit the site to review the restoration progress.
5. Discussion of site compliance regarding active and expired Orders of Conditions (02:04:00 – 02:10:42)
 - The Castles at Scotland Yard Condominium Development – Mr. Holden and Mr. Shaw re-visited the site for further inspection. They determined most of the sediment in the brook is coming from three street drains. Mr. Shaw agreed to touch base with the DPW. Members also agreed to draft a letter to the HOA for Castles at Scotland Yard to determine if appropriate measures to maintain the structures is documented and maintained.

PROCESSING

1. Meeting Minutes Review 9/7/21 (02:10:45 – 02:15:00)
 - **Motion:** Ms. Cleary made a motion to approve the 9/21/21 meeting minutes written. Mr. Etzold seconded, and the motion passed by vote of 4-0-1 (Mr. Holden abstained).

ANY OTHER BUSINESS, WHICH MAY LAWFULLY COME BEFORE THE COMMISSION

ADJOURNMENT-NEXT MEETING SCHEDULED FOR Monday, October 4, 2021

Motion: Ms. Steele moved to adjourn the 10/4/21 meeting of the Conservation Commission. Ms. Richardson seconded, and the motion passed unanimously by vote of 7-0-0.

Respectfully Submitted,
Melissa Shelley, Land Use Administrative Assistant


Jeff Shaw, Chairman