

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



**Conservation Commission Meeting Minutes
November 1, 2021**

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

Absent: Mark Richardson, Tomas Etzold and Philip Bertuglia

REC'D UXB TOWN CLERK
2021 DEC 13 PM 12:43

PUBLIC HEARINGS

1. Request for Determination of Applicability (RDA) FY2022-02 278/282 N. Main Street (Map 12C Parcel 3859)

Applicant: Razy Realty LLC

Project Description: Removal of trees (00:01:00 – 00:22:32)

Motion: Mr. Holden made a motion to open the public hearing for FY22-02 278 N Main Street. Mr. Balutis seconded, and the motion passed unanimously by vote of 5-0-0.

Presentation: Rob Chaille, owner of Razy Realty presented his petition to the Commission. He is requesting to remove approximately 9 trees and some ground brush along the edge of the parking lot to accommodate a seating area for an ice cream shop he is opening on the property. Mr. Chaille noted the trees he is requesting to remove are mostly dead and shallow rooted that could pose a safety concern for the customers. Cold Spring Brook runs through a channel along the northerly portion of the lot.

Discussion: Members agreed to take a look at the site and the trees before making a determination. Mr. Chaille agreed to mark the trees he wants to remove. During discussion Mr. Chaille mentioned the possibility of adding covered patio & fence in the future. Members advised him that a separate RDA may be required but they will consider it during their visit to the site and asked Mr. Chaille to mark the area. There were no comments from members of the public.

Motion: Mr. Balutis made a motion to continue the public hearing for RDA FY22-02 278 N Main Street until the November 15 meeting of the Conservation Commission to allow for a site visit. Ms. Steele seconded, and the motion passed unanimously by vote of 5-0-0.

2. Request for Determination of Applicability (RDA) FY2022-03 294 Oak Street (Map 13 Parcel 1037) (22:32 – 35:21)

Applicant: Carl Delorey

Representative: Civil Site Engineering, LLC, Uxbridge, MA

Project Description: Repair/Replacement of a failed septic system in the approximate location of the existing system.

Presentation: Brad Vecchione, Civil Site Engineering, attended on behalf of the Applicant. Mr. Vecchione reviewed the plan to remove the failed cesspool and replace it with an infiltrator septic system. Resource areas were reviewed and all the work will be outside the 50' buffer zone in an established lawn. The old system will be filled with crushed stone.

Discussion: Members reviewed the plans, erosion control measures and the resource areas. Mr. Shaw had been to the site and concurred that the work will be within an existing lawn. Mr. Balutis inquired as to the status with the BOH and Mr. Vecchione said they have approved the plan. There were no comments from members of the public.

Motion: Mr. Balutis made a motion to close the public hearing for RDA 22-03 for 294 Oak Street. Ms. Cleary seconded, and the motion passed unanimously by vote of 5-0-0.

Motion: Mr. Holden made a motion to issue a Negative Determination of Applicability for RDA 22-04 for 294 Oak Street. Ms. Cleary seconded, and the motion passed unanimously by vote of 5-0-0.

3. Notice of Intent (NOI) DEP #312-1123 0 Old Elmdale Road (Map 25, Parcel 3979)

Applicant: Aris Group, LLC, 100 Church St. Whitinsville, MA

Representative: Andrews Survey & Engineering, Mendon St., Uxbridge MA

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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 and alteration within the 100ft and 200ft of the West River riverfront.

Motion: Mr. Holden moved to continue the public hearing for 0 Old Elmdale to the November 15 meeting of the Conservation Commission. Mr. Balutis seconded, and the motion passed unanimously by vote of 5-0-0.

4. Notice of Intent (NOI) DEP #312-1127 671 Quaker Highway (Map 45 Parcel 3895) (00:36:47 – 00:51:50)

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 within the 100' Buffer Zone to a Bordering Vegetated Wetland. The project also consists of truck and trailer parking, employee and customer parking, and proposed drainage system.

Presentation: Dan McIntyre represented the Applicant John Palmer of McIntyre Loam, also present. Pete Lavoie, Summit Engineering was also in attendance. Mr. McIntyre updated members on progress and revisions made to the plans since the last meeting: CC site visit, all Graves Engineering comments have been addressed with the exception of one related to the lighting plan, DEP comments have been addressed. In response to comments made during the Conservation site walk, the depression in the wooded area was placed on the plan and the shape of the detention basin was revised to avoid that area. They also beefed up their erosion controls around the temporary sediment ponds.

Discussion: There was discussion Construction Sequence which members anticipated to be on the revised plans. Mr. McIntyre & Mr. Lavoie confirmed there was a brief construction sequence developed but it was only located on the Erosion Control Plans. After discussion the Applicant agreed that that section would be expanded upon and placed on the site plans as a condition of approval.

Motion: Mr. Holden made a motion to issue an Order of Conditions for DEP 312-1127, 617 Quaker Highway, with the Uxbridge Standard Special Conditions and the following additional Special Conditions:

1. The construction sequence shall be added to the site development plans
2. The tree line along the wetland shall remain intact until after the major portion of the site is at grade to minimize disturbance and mitigate any impacts on the resource area

The motion was seconded by Mr. Balutis and passed unanimously by vote of 5-0-0.

5. Notice of Intent (NOI) DEP #312-11xx 90 Elmdale Road (Map 31 Parcel 185) (00:52:26 – 00:58:51)

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.

Updates: Mr. Whipple, the Applicant, attended the meeting. DEP number has not yet been assigned to the project. Members visited the site October 30th and commented that a section of the driveway appeared to be close to the property line and may encroach on the setback requirement (within the last 200 feet). Mr. Whipple acknowledged the concern and agreed to look into and ensure the stakes were property designated.

Motion: Mr. Holden moved to continue the public hearing for 90 Elmdale Road to the November 15 meeting of the Conservation Commission. Ms. Steele seconded, and the motion passed unanimously by vote of 5-0-0.

6. Notice of Intent (NOI) DEP #312-1129 35 Commerce Drive (Map 40 Parcel 3855) (00:58:55 – 01:37:11)

Applicant: Jay Lemire, Unilock, Uxbridge MA

Representative: Farland Corporation, Dartmouth MA

Project Description: The expansion of their complex with a 44,700+/- S.F. building and necessary site improvements within the Buffer Zone of a Bordering Vegetated Wetland.

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Presentation: Jay Lemire, Plant Manager for Unilock and Stevie Carvalho, Farland Corp attended the meeting on behalf of the application. DEP assigned a file number just before the meeting comments included: ensuring 40% of TSS (total suspended solids) are removed prior to infiltration and a response from Natural Heritage is received prior to closing the hearing. The TSS comment was also identified during the Graves review and is being addressed. A small portion of the property is mapped endangered species habitat and they are awaiting the response from Natural Heritage.

Discussion: Several members visited the site. A comment that arose was that wetland in the northern portion of the site has a very steep side – would it be possible shift everything up the hill 10-15' so it is not on the steep slope and possibly eliminating the need for the retention wall. Mr. Carvalho responded that the spacing is required for vehicle maneuverability around the lot and to keep everything outside the 25' buffer zone. Mr. Lemire provided some more detail and said they spend months working on different traffic pattern scenarios taking customer and operational needs into consideration. There are two roadways and if they pushed the building south anymore they would not be able to receive customers at the customer service entrance. And they require the proposed width of the rear access road to handle raw material deliveries made with cement trucks and 18 wheelers. Making the building smaller was also explored and the proposed size is the smallest they could go to accommodate their manufacturing processes.

There was discussion about protection of the wetland during construction of the retaining wall given it's proximity to the 25 no disturb zone. It was also noted that the resource area is a unique vernal pool system that contains brine shrimp. Mr. Carvalho described construction of the wall – build the base first which is already on the downhill and work your way up in lifts. The wall will also have some geotextile fabric for reinforcement. There is an engineering plan for the wall itself and Mr. Lemire agreed to provide it. The need for very particular erosion control (possibly taller and more robust) due to the slope was discussed. The Applicant agreed to discuss further with their contractor (in house) and provide some sort of a construction sequence for the wall and more detailed erosion control.

Mr. Holden inquired about recent tree clearing the Mr. Carvalho said it was done for soil testing holes as they were trying to confirm seasonal ground water. Snow removal/storage and the need for signage near the wetland was discussed. Mr. Lemire mentioned there will be an additional free-standing rail and fence before the retaining wall which should act as additional protection. There was a brief review of the storm water system and the sequence of construction.

Everyone agreed to continue to the next meeting and the applicant will provide the following: details for the wall construction; site construction sequence; erosion control; natural heritage response. There were no comments from members of the public.

Motion: Ms. Steele made a motion to continue the public hearing for DEP 312-1129, 35 Commerce Drive, to the next meeting of the Conservation Commission. Mr. Balutis, seconded, and the motion passed unanimously by vote of 5-0-0.

7. Notice of Intent (NOI) DEP #312-11xx 434 Elmwood Avenue, Lot 2 (Map 49 Parcel 3998) (01:39:36 – 01:40:13)

Applicant: Ron Knapik, Knapik Builders, Grafton, MA

Representative: Land Planning Inc., N. Grafton MA

Project Description: The construction of a single-family home with driveway, septic system, and private well within Buffer Zone to a Bordering Vegetated Wetland.

The applicant requested to continue discussion to the next meeting while awaiting the DEP number to be assigned.

Motion: Mr. Balutis made a motion to continue the hearing for 434 Elmwood Avenue to the next meeting of the Conservation Commission. Ms. Steele seconded, and the motion passed unanimously by vote of 5-0-0.

REPORTED/ONGOING VIOLATIONS

1. DEP# 312-1086 — Tea Party Drive (01:40:13 – 02:45:25)

- **Representatives Comments and Discussion:** Wellington Pereira, site supervisor attended the meeting in person and Elizabeth Manini with Guerrier & Halnon and Patrick Garner, Wetland Scientist attended via zoom. Wellington reported it's a work in progress, they have some issues w/ grading but everything is stabilized, for the most part the basin is functioning and the water is leaving clean. A hiccup on Crownshield with a grading and silt fence – water was running clear into the backyards below because some of the catch basins were clogged w/ leaves. They are working on the grading issues w/ G&H now.
- Mr. Shaw was on the site on Thursday 10/28 reported the basin was filled with silted water. He also inquired why they have erosion controls at the slow drain? Wellington wants to maintain this to ensure they catch any fines (the soil is so

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fine it stays suspended for a long time). Photos of Mr. Shaw's visit were reviewed and discussed with Wellington (overtopped silt fence). Mr. Garner told Commissioners he was on site 10/27/21 where his observations were similar to Mr. Shaw's but when he was there again after another large rain event 10/30/21 the was running clear with no sign of erosion or turbidity. He recommended, due the variability, that Fafard to leave the mitigation in place.

- Another issue identified was water running and pooling in some of the back yards on Tea Party Drive. Photos and video were reviewed. Wellington explained he reached out to G&H and they were working on a solution (change in grading) to ensure it doesn't happen again. Ms. Manini. In for Dale McKinnon with G&H, provided her input - she thought grading changes will fix the water pooling problem in the back yards. She said they've been focused on getting clean water into the basin by stabilizing the site and this issue has not yet been addressed. They plan to work in small areas to regrade, so they are not seeing these little rivers running through yards. Members suggested another contributing factor was that the catch basin were full of leaves and the silt socks were clogged – they recommended better regular maintenance of the catch basins and clearing them prior to rain events.
 - Another issue identified during the recent heavy rain events is that water is not flowing through the roof drains into the system but spewing out. Wellington said they are aware and that the chambers may need to be enlarged (underground, each addressed individually)
 - There was a brief overview of the stormwater system – all the catch basins are tied into one drainage system that discharges into the basin. This is a separate system than the foundation drains go to – they discharge at the bottom of the armored slope. Wellington expects work on the grading to begin right away and they have been addressing individual problems with homeowners. Members asked for a complete plan of the underground storm structures.
 - **Abutters Comments:** The following abutters provided their observations and concerns to the Commission: Mike Bresciani 49 Tea Party Drive – moved in July and hasn't been able to use his yard because it's been dug up 3 or 4 times, its worse w/ each storm, no grass has grown in three growing seasons, excited about the swale at the top; very concerned for the winter, encouraged by the recent interactions with Wellington. Kristin and Brennon McDonald 29 Tea Party Drive – no vegetation, backyard dug up 3 times, issues with the bulkhead, pooling under the back deck, sink holes forming around the house, concerns for safety of children and pets. David Mines 45 Tea Party – similar concerns as the others, has been unable to leave the driveway several times due to flooding on the road after heavy fast rains, sink holes, water in the basement, wants his children to be able to use the yard, there is no soil there only clay.
 - **Member Discussion:** How to proceed with the Enforcement Order was discussed with the Wellington and Ms. Manini. They would like a clear understanding of what will allow them to get the Enforcement Order lifted. She did not believe the recent flooding is an environmental issue. Members differed because this originally started with siltation in the river due to an improperly installed drainage structure – which is still not functioning as designed. The EO states that it will function as designed and that all sites must be stabilized on a nightly basis.
 - **Motion:** Mr. Holden made a motion to continue the Enforcement Order as written because of continuing issues with the drainage system. Mr. Balutis seconded, and the motion passed unanimously by vote of 5-0-0.
 - **Further Discussion:** Members and the Applicants agreed the number one priority is to get the silt out of the water that is getting to the basin. As-built plans were requested to ensure the subdrains are connected properly. Ms. Manini also agreed to provide an updated grading plan or presentation as to how the flooding in the backyards will be addressed.
2. DEP# 312-1013 — 255 Chocolog Road, Cobblers Knoll Subdivision (02:45:35 – 02:48:40)
- Mr. Shaw gave an update on the 2 houses currently under construction and explained that another developer may take over the entire project. At that point the Commission and the Planning Board can work to ensure the long-term problems on the site get fixed. Members agreed to leave the item on the agenda.
3. DEP# 312-1104 — 515 Douglas Street (02:49:15 – 02:55:08)
- Work slow due to rain but plan in place and weekly updates have been provided to the Commission on time.
4. Commerce Drive Well Site – request to close EO (02:55:08 – 03:04:25)
- Several members were able to visit the site. There were questions as to whether the fine had ever been paid to DEP and whether the vernal pools on site were certified by Natural Heritage. Some of the invasive species range may have expanded (black locust and autumn olive). The number of proposed plantings was difficult confirm (eastern red cedar and white pine). Everyone agreed a coordinated visit with EcoTec (Art Allen, wetland scientist who developed the restoration plan) would be beneficial to confirm the regrowth has met the expectation of the plan. Ms. Shelley agreed to draft an email to Mr. Crossen.

WETLAND UPDATES AND ISSUES

1. Discussion of site compliance regarding active & expired Orders of Conditions

PROCESSING (03:05:00 – 03:07:30)

1. Meeting Minutes Review 10/4/21 & 10/18/21

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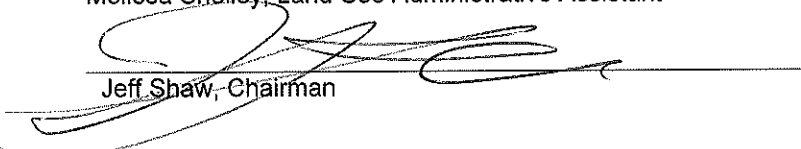
- Motion: Ms. Cleary made a motion to approve the October 4, 2021 meeting minutes as written. Mr. Shaw seconded and the motion passed by vote of 5-0-0.
- Motion: Ms. Cleary made a motion to approve the October 18m 2021 meeting minutes as written. Mr. Holden seconded and the motion passed by vote of 4-0-1.

ANY OTHER BUSINESS, WHICH MAY LAWFULLY COME BEFORE THE CONSERVATION COMMISSION

ADJOURNMENT-NEXT MEETING SCHEDULED FOR Monday, November 15, 2021

Motion: Ms. Cleary moved to adjourn the 11.1.21 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



Jeff Shaw, Chairman