



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



**Conservation Commission Meeting Minutes
March 7, 2022**

Present: Jeff Shaw, Paul Balutis, Russell Holden & Lauren Steele (in person), Philip Bertuglia & Tomas Etzold (remote)

Absent: Jessica Cleary

CALL TO ORDER:

It being approximately 6:30 pm, the meeting being properly posted, duly called, and a quorum being present, the meeting was called to order by the Chairperson followed by the pledge of allegiance.

CERTIFICATE OF COMPLIANCE REQUESTS:

1. 312-758 - 48 Elizabeth Street

- Members of the Commission visited the site on 3/5/22. Everyone agreed the site is fully vegetated and stable but wanted to ensure the two four-unit condos were constructed as one project and not two separate OoC's. A brief search of the Commission's Orders of Conditions and the DEP website only located one order associated with all 8 lots.
- Beth Butler, 23 Gloria Street, offered some background information as she was an abutter during construction of the condominium's development. She noted that the units were all constructed at the same time.
- **Motion:** Mr. Balutis made a motion to approve the Certificate of Compliance request for DEP 312-758 Elizabeth Street. Ms. Steele seconded and the motion passed unanimously by roll call vote of 6-0-0 (Shaw – aye, Balutis – aye, Holden – aye, Steele – aye, Bertuglia – aye, Etzold – aye).

2. 312-955 – 363 Quaker Highway

- John Wrona, prior landowner of 363 Quaker Highway is seeking a Certificate of Compliance for DEP 312-955 to release a \$5000 escrow holdback after the sale of his property. The project was for 3-megawatt solar field. The property was divided & sold after the project was constructed the solar field's address is 385 Quaker Highway but the OoC is attached to 363 Quaker Highway. There was no construction on what is now 363 Quaker Highway and it is not located near any resource areas. Members explained a site visit and as-built plans & a letter/application from EIP Energy (the owners) would be required to issue the CoC. It was also noted that there was a violation and replication area on site. Members suggested Mr. Wrona to reach out to his land attorney who helped divide and sell the land to determine if there is an easier way correct this. Mr. Wrona was amenable to pursuing this avenue.

3. 312-1063 - 620 Aldrich Street

- Doug Morris, Andrews Survey and Engineering, attended on behalf of the applicant. He explained that work never began on the project and the owner is exploring other options to access the property. She understands a new NOI is required for any new proposed work on the lot.
- **Motion:** Mr. Holden made a motion to issue the Certificate of Compliance as requested for DEP 312-1063. Mr. Balutis seconded and the motion passed by roll call vote of 6-0-0 (Shaw – aye, Balutis – aye, Holden – aye, Steele – aye, Bertuglia – aye, Etzold – aye).

PUBLIC HEARINGS

1. Abbreviated Notice of Resource Delineation ANRAD, DEP #312-1132 West Street (Maps 37 / 38, Parcels 2468 / 1788)

Applicant: Kevin Cox, Milford MA

Representative: Stephen Chmiel, Carver, MA

Project Description: The ANRAD is being filed to obtain approval of the wetland boundaries. *Public hearing opened 2/7/22*

The representative requested to continue to the March 21, 2022 meeting of the Conservation Commission as they await completion of the third-party review.

Motion: Mr. Holden made a motion to continue the public hearing for DEP 312-1132 to the March 21, 2022 meeting of the Conservation Commission. Ms. Steele seconded motion passed by roll call vote of 6-0-0 (Shaw – aye, Balutis – aye, Holden – aye, Steele – aye, Bertuglia – aye, Etzold – aye).

2. Notice of Intent (NOI) DEP #312-1136 232 Millville Road/240 South Main Street (Map 30, Parcels 1926 / 2077)

Applicant: Big Y Foods, Inc., Springfield MA

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Representative: Luke DiStefano, Bohler Engineering MA, LLC, Southborough MA

Project Description: The proposed development is a new ±54,185 SF Big Y grocery store and separate ±5,000 SF retail building. The associated proposed work impacting the 100-foot buffer zone includes portions of the new buildings, parking/access areas, utility and stormwater infrastructure, lighting, and landscaping improvements. *Public hearing opened 2/7/22*

Presentation: Luke DiStefano, Bohler Engineering, attended the meeting on behalf of Big Y Foods. He explained that since the last meeting – they have been through 2 rounds of comments w/ the Planning Board and DPW and they are confident everything has been addressed. A lot of the comments were related to whether the soils of the basin would be conducive to infiltration – a detention basin was designed as a backup and soil testing at the site of the basin was completed. The soil testing showed the soils are excellent so they are back to the original design.

Discussion: Members inquired whether a formal response had been prepared for DEP's comments – they had not but Mr. DiStefano offered to review each one. (i) asked for additional test pits – completed and confirmed the that there is least 3' of separation to groundwater (2) related to 80% tss removal required – their drainage report demonstrates that through treatment they can meet the 80%. Mr. DiStefano explained they shifted the sewer line so the retaining wall will not cross over it and that resulted in some grading in the 25-foot buffer. He also reviewed the stormwater treatment measures at the site in more detail.

DEP comment #5 says the infiltration basin outlet is required to be at least 50' from resource areas. Members inquired whether a smaller footprint was considered so the encroachment into the 25' buffer relocation of the outfall may not be required. Mr. DiStefano agreed to look into relocating the outfall – he believes they have reduced the footprint to the maximum extent while meeting the requirements. There were some questions about the maintenance of the storm water structures and Mr. DiStefano explained the property owners that have stormwater systems are responsible for implementing the operating and maintenance plans developed.

Members inquired whether green space initiatives such as bioswales and rain gardens had been considered. Mr. DiStefano responded that there has been an increase the green space with landscaping as much as possible during early redesigns of the project.

Everyone agreed to continue the public hearing while Mr. DiStefano addresses the outfall and the grading inside the 25' no disturb area.

Motion: Mr. Balutis made a motion to continue to the public hearing for DEP 312-1136 to the March 21, 2022 meeting of the Conservation Commission. Ms. Steele seconded motion passed by roll call vote of 6-0-0 (Shaw – aye, Balutis – aye, Holden – aye, Steele – aye, Bertuglia – aye, Etzold – aye).

3. AMEND Notice of Intent (NOI) DEP #312-1064 Tea Party Drive (Map 30 Parcels 3053, 3099, 3987, 3084, 3866, 3895, 4745)

Applicant: Uxbridge Multi Family Realty, LLC, Milford MA

Representative: Guerriere and Halnon, Inc., Milford, MA

Project Description: The request is to amend the NOI for #312-1164 with proposed improvements to Water Quality Basin #3. The proposed work includes grading of the access and perimeter road, adding two sediment forebays, extension of existing drain pipe riprap pads inside the basin, removal of the existing vegetation growing in the slopes below the basin outlets, revised regrading and chinking of the riprap, improvements to the riprap weir overflow outlet and to the entrance inlet from the riprap swale at the top of the armored slope. The applicant has also requested an extension of their permit. *Public hearing opened 2/7/22*

Dale McKinnon, Guerriere and Halon provided responses to comments from Graves and DPW; Revised plans; revisions to the O&M and Stormwater Report just before the meeting. Members agreed to continue discussion to allow for time to review the information provided.

Motion: Mr. Balutis made a motion to continue to the public hearing to amend DEP 312-1064 to the March 21, 2022 meeting of the Conservation Commission. Mr. Etzold seconded motion passed by roll call vote of 6-0-0 (Shaw – aye, Balutis – aye, Holden – aye, Steele – aye, Bertuglia – aye, Etzold – aye).

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4. Notice of Intent (NOI) DEP #312-1135 Hyde Park Circle (Map 29, Parcels 3162, 3956, 4013, 4045)

Applicant: Uxbridge Multi Family Realty, LLC, Milford MA

Representative: Guerriere and Halnon, Inc., Milford, MA

Project Description: The project description is for the regrading of Detention Basin #2, which includes cutting and filling of land within the 100' buffer to a bordering vegetated wetland. *Public hearing opened 2/7/22*

Dale McKinnon, Guerriere and Halon provided responses to comments from Graves and DPW; Revised plans; revisions to the O&M and Stormwater Report just before the meeting. Members agreed to continue discussion to allow for time to review the information provided.

Motion: Mr. Shaw made a motion to continue to the public hearing for DEP 312-1135 to the March 21, 2022 meeting of the Conservation Commission. Mr. Balutis seconded motion passed by roll call vote of 6-0-0 (Shaw – aye, Balutis – aye, Holden – aye, Steele – aye, Bertuglia – aye, Etzold – aye).

REPORTED/ONGOING VIOLATIONS

1. DEP# 312-1086 — Tea Party Drive (*Mr. Bertuglia is recused from discussion as he is an abutter to the project*)

- Dale McKinnon, Guerrier and Halnon, Angela Conforti, Counsel for Fafard, Wellington Pereira, Site Supervisor – Fafard, Pat Garner, Wetland Scientist, were in attendance.
- There was discussion with members about the use of a **“temporary” erosion control** at the G & L sites. The 3/7/22 Graves Stabilization Report noted the following: *“Loose hay used on Lot L is a poor erosion control measure as it is subject to erosion itself without the benefit of a netting matrix to keep it in place; additional temporary erosion controls are recommended. Lot G is covered with stump grindings which is a better temporary erosion control method than hay, but also subject to erosion on slopes and thus must be routinely inspected and replaced as necessary. FRE-prepared construction schedule seems necessary. This schedule must demonstrate that Lots L and G will remain properly temporarily stabilized while work is taking place on any new lots such that there are always only four active sites (foundation). GEI understands that coordinating such work can be challenging which is why FRE should work closely with their engineer Guerriere & Halnon) to develop appropriate sediment and erosion controls plans that sequence with the construction schedule”*. Mr. Pereira and Mr. McKinnon defended the use of the stump grindings because it is only temporary until all the services are in – then they will use the erosion control blankets. Mr. Garner also said he didn't have a problem with it (because the heavier blankets just get ripped up). He also said the entire site needs constant maintenance and supervision so it shouldn't be an issue. Commissioners also asked and confirmed there is enough hay/grindings on site.
- Mr. McKinnon provided a **Construction Schedule** to the Commission during the meeting and explained why they chose the order of lots to be developed. Lot E contains the temporary sediment basin so it will be the last developed so the basin can be utilized as long as possible. An **Erosion Control Detail** was also provided and reviewed by Mr. McKinnon. There are 1 house on lot B, 2 houses on lot C, 1 house on lot D, 3 houses on lot E, and 4 houses on lot F still to be built. Mr. Holden recommended adding temporary stabilization to the plan – it currently only notes stabilized or unstabilized. Mr. McKinnon agreed to adding the language to the construction schedule and erosion control documents.
- Mr. McKinnon specifically requested begin development on a fifth, sixth, seventh and eighth lot. The Commission discussed whether to leave the decision up to or collaborate with Graves in this decision making. There was also discussion with Mr. Garner about turbid water being released from the basin. Some members felt comfortable allowing the construction based on the location of the requested lots (in between stabilized lots) and so long as someone is monitoring.
- Breciani – 49 Tea Party, MacDonald and Martinis – 29 Tea Party, Alicia DeleMone – Tea Party Drive attended and requested the Commission hold off on the addition of more foundations. They described the conditions on Tea Party (electrical boxes flooded; basements flooding; water ponding; yards unusable; sink holes). They asked the Commission hold off because their lots are in worse shape than ever. They all expressed a fear Fafard may finish the remainder of the lots and leave without fixing their yards. The abutters were also under the impression that a plan to regrade and fix the back yards would be presented. Mr. McKinnon agreed to have it to Graves this week for review and apologized to abutters for not having it available. He confirmed all the abutters concerns and said they will be regrading the back yards back to the swale.
- Mr. and Mrs. Paramita, Shrewsbury – owners of one of the I lots on Tea Party – construction not started. They explained they were supposed to move in in November of 2021 and are looking for some idea of when their house will be constructed. They both expressed while they understand the current residents' issues they would like to see construction move forward. Members referred them to Fafard and explained the Commission role and how they are not responsible for the delay in construction.
- After discussion, members agreed to allow only the requested 4 foundations with the condition that a grading plan to resolve the issues in the back yards is presented during the next meeting.

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- **Motion:** Mr. Balutis made a motion to release foundations B (4), C (2,3) and D (3) and continue all other provisions of the Enforcement Order as written and under the expectation that a plan to remediate the flooding problems will be presented during the next meeting. Ms. Steele seconded and the motion passed by vote of 4-1-0 (Balutis – aye, Holden – aye, Steele – aye, Shaw – aye, Etzold – nay, Bertuglia – no vote recused).
- 2. DEP# 312-1013 — 255 Chocolog Road, Cobblers Knoll Subdivision
 - Mr. Balutis visited the site with a member of the Planning Board. He described conditions (culverts are running strong w/ dirty water - entering the existing sediment basin). Mr. Shaw explained they do have someone in front of the PB and the current priority is to first complete the roadway, sidewalks and swales, install the fire cistern, and add the emergency road access. He also reported that the residents are happy to see some initiative taken.
- 3. Commerce Drive Well Site – request to close EO
 - Unilock has purchased the property and have hired an environmental consultant to assess the property.
- 4. 173 Blackstone Street
 - Mr. Shaw touched base with the BOH because it appears that a septic system has been installed on the side of the house. He is waiting to look at the plans to determine its proximity to the wetland.
- 5. 206 Hazel Street
 - The owners were provided the RDA forms and asked they respond within 30 days. Once the forms are submitted the members will coordinate a site visit.
- 6. 85 S. Main
 - An anonymous complaint was received that during the residing of the red building on the site trees were removed w/o care to a stream on the property. A letter was sent to the owner requesting the owner attend a meeting to discuss further.

WETLAND UPDATES AND ISSUES

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

PROCESSING

1. Meeting Minutes Review 12.6.21 & 2.7.22
 - December 6 meeting minutes were passed over due to lack of quorum.
 - **Motion:** Ms. Steele made a motion to accept the February 7, 2022 meeting minutes as written. Mr. Bertuglia seconded, and the motion passed unanimously by vote of 6-0-0 (Balutis – aye, Steele – aye, Shaw – aye, Holden – aye, Bertuglia – aye, Etzold – aye).
2. Emily Petro has accepted the position of Conservation Agent. Her start date is March 14, 2022.

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

ADJOURNMENT-NEXT MEETING SCHEDULED FOR Monday March 7, 2022

Motion: Mr. Etzold moved to adjourn the March 7, 2022 meeting of the Conservation Commission. Ms. Steele seconded, and the motion passed unanimously by roll call vote of 6-0-0 (Bertuglia – aye, Etzold – aye, Steele – aye, Balutis – aye, Shaw – aye, Holden – aye).

Respectfully Submitted,
Melissa Shelley, Land Use Administrative Assistant



Jeff Shaw, Chairman