

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



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

RECD UXB TOWN CLERK
2022 FEB 22 AM 11:07

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

Roll Call Vote: Shaw – here, Balutis – here, Steele – here, Bertuglia – here, Holden – here, Etzold - here

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.

PUBLIC HEARINGS

1. **Notice of Intent (NOI) DEP #312-1134 Douglas Street ROW & Route 146 Ramps (Maps 23 / 28, Parcels 3545 / 1865)**
Applicant: Campanelli VI LLC, Braintree MA
Representative: Kelly Engineering Group, Inc, Braintree MA
Project Description: Right of Way Work at the intersection of Worcester Providence Highway (Route 146) and Douglas Street (Route 16). *Public hearing opened 12/6/21.*

Discussion: David Mackwell, Kelley Engineering and John Rockwood, Ecotec attended the meeting on behalf of the applicant. Mr. Mackwell provided a review of activities since the public hearing opened. In January a site visit occurred with members of the Commission. The DEP # was issued Jan 28th with a few comments related to stormwater management. The Feb 3rd response to DEP was provided to the Commission and reviewed during the meeting. Mr. Mackwell shared a visual of the stormwater runoff, drainage system and its relationship to the wetlands and Cold Spring Brook. He also provided a review of the improvements – deep sump catch basins, upgrades to the conveyance pipes where needed, outflows stabilized, & total paved area reduced.

Discussion: Commissioners requested more detail on the conveyance pipe assessments and repairs. There was also further discussion on how the impervious surface decreases. Details of the wetland mitigation and buffer zone enhancement was reviewed. Members discussed whether there was a need for any additional special conditions. No members of the public commented during meeting.

Motion: Ms. Steele made a motion to close the public hearing for NOI for DEP #312-1134 with the Uxbridge Standard Special Conditions. Mr. Balutis seconded, and the motion passed by roll call vote of 6-0-0 (Balutis – aye, Bertuglia – aye, Etzold – aye, Holden – aye, Steele – aye, Shaw – aye).

Motion: Ms. Steele made a motion to approve the NOI for DEP #312-1134 with the Uxbridge Standard Special Conditions. Mr. Etzold seconded, and the motion passed by roll call vote of 6-0-0 (Balutis – aye, Bertuglia – aye, Etzold – aye, Holden – aye, Steele – aye, Shaw – aye).

The agenda was taken out of order to discuss the Conservation Restrictions related to the project at 515 Douglas Street DEP #312-1105.

WETLAND UPDATES AND ISSUES

1. Conservation Restrictions related to DEP#312-1104 515 Douglas St (Lot 5 High Street and a portion of 515 Douglas Street)

Discussion: The Chairperson summarized the recent submittals (aerial images of the properties with the engineered plans overlay; agreed to put forth a \$5000 endowment should there be any concerns. The site was staked out and a site visit was scheduled but due to snow cover it was postponed. His recommendation was to accept the Conservation Restrictions (CRs) as they have been written.

Conservation Commission Meeting Minutes continued – February 7, 2022

Mr. Holden described the standard items upon accepting a CR include a baseline report including a narrative and pictures and a site visit. He strongly recommended the commission wait until a site visit can occur and they can confirm the site matches up with the information provided by the proponent since it is not a typical baseline report.

Rob Demarco, Campanelli, LLC, responded and requested that the Commission not wait until March to approve the CRs for the following reasons: they have been working on this for 2 yrs as part of the larger project, they agreed to the endowment, feel confident in John Rockwood's assessment and documentation of the site, the other restrictions associated w/ the requirement in Mendon have been approved, etc.

There was further discussion between members and the applicants but consensus to accept could not be reached among members because a site visit had not yet occurred and information provided was not a standard baseline report. Other members agreed the information provided was adequate.

Motion: Mr. Shaw made a motion to accept the Conservation Restrictions on Lot 5 of High Street and a portion of 515 Douglas Street as proposed with a \$5000 endowment for each property. Ms. Steele seconded, and the motion passed by roll call vote of 4-1-1 (Balutis – nay, Bertuglia – aye, Etzold – aye, Holden – abstain, Steele – aye, Shaw – aye).

PUBLIC HEARINGS

2. 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.

Motion: Ms. Steele made a motion to open the public hearing for the West Street ANRAD. Mr. Etzold seconded, and the motion passed unanimously by vote of 6-0-0 (Balutis – aye, Bertuglia – aye, Etzold – aye, Holden – aye, Steele – aye, Shaw – aye).

Presentation: Stephen Chmiel, attended on behalf of the owner Kevin Cox. He delineated the wetlands in the fall of 2000. The site is comprised of 2 parcels - combined are approximately 12 acres in size. There is approximately 400 linear feet of bordering vegetated wetland. The wetlands generally consisted of mixed deciduous wetland complex dominated by red maple and other hardwoods. Mr. Chmiel pointed out the upland areas on the site (along West St, eastern section, and an area in the central portion). The eastern half of the site is located within priority and estimated habitat. No vernal pools (potential or certified) and no streams on site mapped by USGS or Mass DEP – no features in the field. There are no special flood hazard areas and no bordering land subject to flooding. There are areas in the 100-year flood plain. The request at this time is truly limited to review the boundary, no work is being proposed.

Discussion: Members agreed the request is to confirm the wetland line and that a third-party review is an appropriate request based on the acreage (approximately 6 acres – 50% of the site). They inquired whether the applicant would be willing to include someone from the Rod and Gun Club accompany the reviewer (since they abutt the site). Mr. Chmiel did not see a problem with the review or allowing a representative from the club.

Abutter Comments: Mike Bennett, 664 West Street abutters had questions about the submittal and also provided information about the surrounding areas. He stated that a stream runs through the property and offered photographs for review.

Motion: Mr. Shaw made a motion to request a peer review of the ANRAD submittal for West Street DEP 312-1132. Ms. Steele seconded, and the motion passed unanimously by roll call vote of 6-0-0 (Balutis – aye, Bertuglia – aye, Etzold – aye, Holden – aye, Steele – aye, Shaw – aye).

Motion: Ms. Steele made a motion to continue the public hearing for the ANRAD 312-1132 to the next meeting of the Conservation Commission. Mr. Holden seconded, and the motion passed unanimously by vote of 6-0-0 (Balutis – aye, Bertuglia – aye, Etzold – aye, Holden – aye, Steele – aye, Shaw – aye).

3. Notice of Intent (NOI) DEP #312-11XX 232 Millville Road/240 South Main Street (Map 30, Parcels 1926 / 2077)

Applicant: Big Y Foods, Inc., Springfield MA

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

Conservation Commission Meeting Minutes continued – February 7, 2022

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.

Motion: Ms. Steele made a motion to open the public hearing for the NOI for 232 Millville Rd/240 S. Main Street. Mr. Balutis seconded, and the motion passed unanimously by vote of 6-0-0 (Balutis – aye, Bertuglia – aye, Etzold – aye, Holden – aye, Steele – aye, Shaw – aye).

Presentation: Luke DiStefano, Bohler Engineering and Mark Donahue presented on behalf of the Applicant Big Y Foods. Mr. Donahue summarized the proposed project to construct a 54,000 square foot full service supermarket proposed by Big Y, with a 5000, square foot approximately out building on the site which does not presently have a proposed use. The project involves the creation of a shared driveway for the property that adjoins, which is best known as the former restaurant site. They are proposing a four-way intersection through Mass DOT. All of this is presently before the Uxbridge Planning Board and they've an initial meeting and are going back again for a second meeting with them, this Wednesday. The plans have been reviewed by graves engineering and they received their first round of comments. Responses on engineering were provided and so they feel comfortable moving forward with the design is presented.

Mr. DiStefano provided more detail during a review of the plans. The site is essentially surrounded by bordering vegetated wetlands on three sides (southern, eastern and northern). They are not proposing any work in the wetland but are doing a small land disturbance (approx. 300 sq. ft – 100 of which is already disturbed) within the 25' buffer zone. The project as proposed results in about 81,000, square feet of disturbance within the hundred-foot buffer. Mr. DiStefano said they are taking great care to mitigate any possible impacts to the jurisdictional areas. They have a comprehensive stormwater management design in place, pre-treating any discharge prior to entering a detention basin, located in the eastern portion of the property. Prior to being discharged back into the wetland area to the east, as shown in the drainage report, they will be reducing all run off rates for all design storms, up to and including the 100-year storm. So ultimately, they feel that the site is very well designed will fit it well and will not have any detrimental impact to the wetlands. He mentioned under the existing conditions about there is about 51,000, square feet of disturbance, on the hundred-year buffer today (new disturbance is approx. 30,000 sq ft.)

Discussion: Members inquired whether green infrastructure initiatives were considered. Mr. DiStefano replied that they just have some natural vegetated area and they worked with the Planning Board to increase buffer zones and landscape buffers where they could. He said they took great steps to keep it out of the buffer zones.

Mr. DiStefano said it was important to note that their initial geotechnical information is that the soils in the area, despite being listed as A soils on the soil mapping, are really poorly draining soils and not conducive to infiltration. They are actively working through with Graves, as part of their review letter, and are currently scheduled to have some additional confirmatory test pits completed in the vicinity of the drainage basin in the back again to support the documentation found in the initial borings.

Members inquired about the demolition of the existing house and precautions taken. Mr. DiStefano described the erosion control plan – he believed the foundation will be completely demolished and removed.

Snow storage was discussed and it was confirmed that designated areas are marked on the full plan sets.

Everyone agreed to continue the public hearing as we await the DEP number and comments. Mr. DiStefano also offered to share the Grave's review and responses with the Commission.

Motion: Ms. Steele made a motion to continue the public hearing for the NOI for 232 Millville Rd/240 S. Main Street to the next regularly scheduled meeting. Mr. Holden seconded, and the motion passed unanimously by vote of 6-0-0 (Balutis – aye, Bertuglia – aye, Etzold – aye, Holden – aye, Steele – aye, Shaw – aye).

4. AMEND Notice of Intent (NOI) DEP #312-1164 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.

Conservation Commission Meeting Minutes continued – February 7, 2022

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

Motion: Ms. Steele made a motion to open the public hearing for the amendment to the NOI related to DEP #312-1064. Mr. Balutis seconded, and the motion passed unanimously by vote of 6-0-0 (Balutis – aye, Etzold – aye, Holden – aye, Steele – aye, Shaw – aye).

Presentation: Dale McKinnon, Guerriere and Halnon, attended on behalf of the applicant. It was noted that the agenda contained an error and the DEP number is 312-1064 not 312-1164. He described the proposal to modify the water quality basin as follows: (i) add a road to the southwesterly side so you will be able to travel around the entire structure and (ii) add a sediment forebay on the south end because of the second outflow from Crownshield Ave. The calculations have been reviewed by Graves. In addition to amending the NOI to include the upgrades to the basin they are requesting to extend the timeframe for the entire NOI (currently set to expire 8/21/22).

Discussion: Mr. McKinnon offered to submit the second round of Graves comments and responses to the members for review. A member suggested requesting DPW review the comment on the revisions and Mr. McKinnon was amenable to the request. They do not plan to start the work until after April 1. Everyone agreed to continue to the next meeting to provide time for members to look over Graves comments and to obtain DPW's comments.

Motion: Mr. Shaw made a motion to continue the public hearing for the amendment to the NOI and OOC related to DEP #312-1064. Ms. Steele seconded, and the motion passed unanimously by vote of 5-0-0 (Balutis – aye, Etzold – aye, Holden – aye, Steele – aye, Shaw – aye).

5. 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.

** Ms. Steele recused herself from discussion*

Discussion: Dale McKinnon, Guerriere and Halnon, attended on behalf of the applicant. He described the existing conditions and reviewed the plans. They are proposing to change the grades to a 3:1 side slope - a change that was discussed earlier. Graves has had a initial review and requested more detail.

Members asked whether any special considerations were given to changing the slope due to the special soils on site. Mr. McKinnon said it just going to be difficult because they are going to be filling in the base and by filling it in they have a slightly less volume than originally but they still have more than adequate volume for what's necessary. He said those calculations were reviewed by Graves as part of the Stormwater report.

Members agreed to have DPW review this plan also.

Motion: Mr. Holden made a motion to continue the public hearing for NOI for Hyde Park Circle Basin 2. Mr. Etzold seconded, and the motion passed unanimously by vote of 5-0-0 (Balutis – aye, Bertuglia – aye, Etzold – aye, Holden – aye, Shaw – aye).

REPORTED/ONGOING VIOLATIONS

1. DEP# 312-1086 — Tea Party Drive

- Elizabeth Mainini, Guerriere and Halnon represented the applicant. Under the EO the Commission has permitted work on 4 specified lots. Once deem stabilized (with evidence presented at a meeting) they will release additional lots. Under the Planning Board Agreement Fafard is allowed to have 4 lots open and once deemed stabilized by Graves they may begin work on another lot (in a rolling fashion only allowing 4 open foundations at one time). Fafard is requesting the Commission release additional foundations outside of a meeting upon a review the Commission approves of (a Grave's review, a Patrick Garner review, a site visit, etc?). The reason they are asking is because if they finish stabilizing an area around one of the foundations a day or two after the meeting they don't want to have to wait a full two weeks to begin another. Specifically, they want to know is there anything they can do to get the Commission comfortable with releasing foundations between a meeting.
- There was further discussion about the why the condition was imposed, the request, construction sequencing and conditions on the site. Members agreed they did not believe they were at a point yet but they may be able to get there. Due to weather there hasn't been much work and so they would like to see how things work before committing.

Conservation Commission Meeting Minutes continued – February 7, 2022

- Everyone agreed on the Commission inviting Grave's engineering to the next meeting to have the ability to ask what their inspection schedule is, how they deem an area stabilized.
 - Public Comment: A couple living in Shrewsbury who have purchased one of the unfinished units attended looking for information as to when completion could be expected. Ms. Mainini suggested they contact Fafard.
2. DEP# 312-1013 — 255 Chocolog Road, Cobblers Knoll Subdivision
 - No new discussion – there are new developers taking over the site.
 3. Commerce Drive Well Site – request to close EO
 - Members agreed the EO is complete with the exception of certification of the Vernal Pools. There was discussion about closing the EO with the condition that there is an attempt this season to certify the Vernal Pools – preferably at the expense of the owner or the less preferred option of allowing Commissioners on site to collect the data. Members decided to leave it open until the next meeting & reach out to the owner's attorney to see if they would agree to the request.
 4. 165 Blackstone Street
 - Members agreed to send a second letter requesting an RDA for the work completed.

WETLAND UPDATES AND ISSUES

1. Discussion of site compliance regarding active & expired Orders of Conditions
 - 206 Hazel Street – Mr. Holden described at potential violation at the site and it was agreed to send a letter to the owner inviting them to the next meeting to discuss further.
2. Scrivener's Error on OOC for 90 Elmdale Road (312-1130)
 - A typographical error was discovered on the OOC after the document was recorded it at the Worcester Registry of Deeds – the dep # was incorrect. The Scrivener's Error of Correction document was written to be recorded with the updated order to cancel out the incorrect one. Members reviewed and approved the document.

PROCESSING

1. Meeting Minutes Review 11/15/21, 12/6/21, 12/27/21, and 1/3/21
 - Mr. Holden made a motion to approve the amended 11/15/22 meeting minutes of the Conservation Commission. Mr. Balutis seconded, and the motion passed by roll call vote of 4-0-1 (Mr. Holden – aye, Mr. Balutis – aye, Mr. Shaw – aye, Mr. Holden – aye, Ms. Steele – abstain, Mr. Etzold - abstain).
 - Mr. Shaw made a motion to approve the 12/27/22 meeting minutes of the Conservation Commission. Ms. Steele seconded, and the motion passed by roll call vote of 6-0-0 (Mr. Etzold – aye, Ms. Steele – aye, Mr. Shaw – aye, Mr. Balutis – aye, Mr. Holden – aye, Mr. Bertuglia – aye).
 - Mr. Holden made a motion to approve the 1/3/22 meeting minutes of the Conservation Commission. Ms. Balutis seconded, and the motion passed by roll call vote of 6-0-0 (Mr. Etzold – aye, Ms. Steele – aye, Mr. Shaw – aye, Mr. Balutis – aye, Mr. Holden – aye, Mr. Bertuglia – aye).
 - The 12/6/21 Meeting Minutes were passed over due to lack of quorum.
2. Conservation Commission Reorganization
 - Ms. Steele made a motion that Mr. Shaw retain the Chairperson position. Mr. Bertuglia seconded, and the motion passed unanimously by vote of 6-0-0 (Mr. Etzold – aye, Ms. Steele – aye, Mr. Shaw – aye, Mr. Balutis – aye, Mr. Holden – aye, Mr. Bertuglia – aye).
 - Mr. Bertuglia made a motion that Mr. Holden retain the Vice Chairperson position. Mr. Balutis seconded and the motion passed unanimously by roll call vote of 6-0-0 (Mr. Etzold – aye, Ms. Steele – aye, Mr. Shaw – aye, Mr. Balutis – aye, Mr. Holden – aye, Mr. Bertuglia – aye).
 - Mr. Shaw nominated Ms. Steel to be the Treasurer. Mr. Bertuglia seconded, and the motion passed unanimously by vote of 6-0-0 (Mr. Etzold – aye, Ms. Steele – aye, Mr. Shaw – aye, Mr. Balutis – aye, Mr. Holden – aye, Mr. Bertuglia – aye).
 - Mr. Shaw nominated Ms. Etzold to be the Treasurer. Mr. Balutis seconded, and the motion passed unanimously by vote of 6-0-0 (Mr. Etzold – aye, Ms. Steele – aye, Mr. Shaw – aye, Mr. Balutis – aye, Mr. Holden – aye, Mr. Bertuglia – aye).

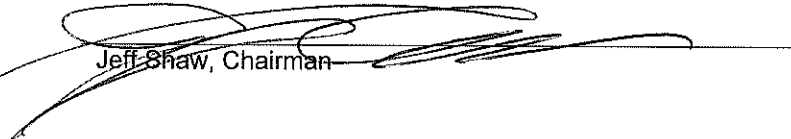
ANY OTHER BUSINESS, WHICH MAY LAWFULLY COME BEFORE THE CONSERVATION COMMISSION

Conservation Commission Meeting Minutes continued – February 7, 2022

ADJOURNMENT-NEXT MEETING SCHEDULED FOR Monday February 22, 2022

Motion: Ms. Steele moved to adjourn the February 7, 2022 meeting of the Conservation Commission. Mr. Etzold seconded, and the motion passed unanimously by vote of 6-0-0.

Respectfully Submitted,
Melissa Shelley, Land Use Administrative Assistant



Jeff Shaw, Chairman