

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



**Conservation Commission Meeting Minutes
October 3, 2022**

REC'D UXB TOWN CLERK
2022 NOV 3 AM 10:07

Present: Jeff Shaw, Paul Balutis, Lauren Steele, Russell Holden, James Clancy attended in person. Tomas Etzold, Phil Bertuglia, and Conservation Agent Emily Petro attended remotely.

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.

A roll call vote was taken because some members participated remotely: Phil Bertuglia – here, Tomas Etzold – here, Jeff Shaw – here, Paul Balutis – here, Lauren Steele – here, Russell Holden – here, James Clancy – here.

PUBLIC HEARINGS

1. Notice of Intent (NOI) DEP #312-1142 35 Commerce Drive (Map 40, Parcel 3086)

Applicant: Jay Lemire, Unilock New York, Inc.

Representative: Jeffrey Hershberger, TRC Companies, Waltham, MA

Project Description: Modifications of an existing test well to provide process water to the facility

Discussion: Jay Lemire, Unilock and Jeff Hershberger TRC Companies Project manager & hydrogeologist attended the meeting on behalf of the application. DEP assigned a number with no comments. NHESP provided a determination letter for the project (file No. 17-37223) indicating the proposal will not adversely affect the Resource Area Habitat or result in a take provided the project complies with the Wood Turtle Protection, Education and Encounter Plan (Appendix D of the NOI).

Mr. Holden pointed out a note in NHESP's letter indicating revision comments had been incorporated into Appendix D but were not incorporated fully in the Plan Set Appendix A – specifically the notes on the plan require updating to fully conform to the submitted Wood Turtle Protection, Education and Encounter Plan. He inquired whether the notes had been updated yet. Mr. Hershberger said they had not but they were minor and related to the wording and that the bulk of the plan would not require any changes. After discussion members agreed they would be comfortable issuing an OOC with a condition that the changes are made to the plan and provided to the Commission or it's Agent prior to the start of work. Ms. Petro agreed and requested the Applicant coordinate inspection of the erosion and turtle protection controls prior to the start of work.

No members of the public commented on the hearing.

Motion: Mr. Balutis made a motion to close the public hearing for 35 Commerce Drive DEP#312-1142. Ms. Steele seconded and the motion passed unanimously by roll call vote of 7-0-0 (Etzold – aye, Bertuglia – aye, Balutis – aye, Steele – aye, Shaw – aye, Holden – aye, Clancy – aye).

Motion: Mr. Holden made a motion to issue an Order of Conditions for DEP 312-1142 35 Commerce Dr. with the Uxbridge Standard Special Conditions and the added condition that the additions to appendix D (Wood Turtle Education, Protection, and Education Plan) agreed to by NHESP and the Applicant incorporated fully on Appendix A of the plan. Mr. Balutis seconded and the motion passed unanimously by roll call vote of 7-0-0 (Etzold – aye, Bertuglia – aye, Balutis – aye, Steele – aye, Shaw – aye, Holden – aye, Clancy – aye).

2. Notice of Intent (NOI) DEP #312-11XX Lackey Dam Road (Map 51, Parcel 73)

Applicant: US MA Development, LLC

Representative: Daniel Feeney, Beals and Thomas, Inc. Southborough, MA

Project Description: The project proposes to construct an industrial warehouse and associated parking areas within the Town of Uxbridge and Sutton. Work in the Town of Uxbridge is limited to the buffer zone.

Motion: Mr. Holden made a motion to open the public hearing for Lackey Dam Road. Ms. Steele seconded, and the motion passed unanimously by roll call vote of 7-0-0 (Etzold – aye, Bertuglia – aye, Balutis – aye, Steele – aye, Shaw – aye, Holden – aye, Clancy – aye).

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Presentation/Discussion: Dan Feeney, Beals & Thomas, Andrew Gorman, Beals & Thomas attended on behalf of the Applicant. Mr. Feeney provided a description of the project - construction of an approximately 179,122-square foot warehouse building and an associated access drive, parking lot, and stormwater management systems – 90% of which is to be located in the Town of Sutton. Work associated with the Project in the Town of Uxbridge includes the construction of a portion of the proposed access drive, a stormwater infiltration basin, and tree clearing and grading. Land-disturbing activities, a portion of the access road, and the basin are proposed within the 100-foot Buffer Zone to Bordering Vegetated Wetlands (BVWs) within Uxbridge. The outlet of the basin is located approximately 30' from the BVW and the rip rap at the outlet is inside the 25' no disturb zone.

An NOI is currently under review by the Sutton Conservation Commission. Additionally, Site Plan Review and Special Permit Applications have been filed with the Uxbridge and Sutton Planning Departments simultaneously with this NOI. Sutton has asked for a peer review of the stormwater and wetlands in Sutton (Ecotec is reviewing). Mr. Gorman agreed to provide the peer review and comments to the Commission for review. Ms. Petro suggested possibly peer reviewing the wetland line in Uxbridge. Mr. Gorman responded they are open to review but the line is very distinct in the field and offered to walk the line with Ms. Petro before making the decision regarding peer review – the Commission was amenable with the recommendation.

During discussions it was confirmed that the primary access in Uxbridge will also be the construction entrance. The entrance on Oakhurst road will be for emergency access only. There were questions as to the need for the basin and access to be in the Town of Uxbridge and Mr. Feeney explained the orientation and grades of the site have dictated the location. There were questions as to the use and what will be stored there and Mr. Feeney said the exact use is not known – just that it will be a warehouse distribution center.

Mr. Feeney mentioned that the project will be subject to a National Pollutant Discharge Elimination System (NPDES) permit and will be required to develop a Storm Water Pollution Prevention Plan (SWPP) and reports. Members requested to be copied on the reports and Mr. Feeney agreed. There was also discussion about the need to cover stored soil, removing construction debris from the site and the importance of clear instructions for the contractors.

Everyone agreed to continue the Public Hearing while awaiting the DEP file number and comments. No members of the public offered any comments.

Motion: Mr. Holden made a motion to continue the public hearing for Lackey Dam Road to the next meeting of the Conservation Commission. Mr. Balutis seconded and the motion passed unanimously by roll call vote of 7-0-0 (Etzold – aye, Bertuglia – aye, Balutis – aye, Steele – aye, Shaw – aye, Holden – aye, Clancy – aye).

REPORTED/ONGOING VIOLATIONS

1. DEP# 312-1086 — Tea Party Drive
 - Mr. Shaw reported that the work is moving along and the site is "1000x" better than it ever has been. It was noted that construction work is taking place across from Crownshield and Ms. Petro agreed to reach out to Mike Morant
2. DEP# 312-1013 — 255 Chocolog Road, Cobblers Knoll Subdivision
 - Ms. Petro provided an update. She spoke with Jack Hunter, Uxbridge Planner, who indicated they are evaluating the possibility of revoking the bond for the project. She also spoke with Byron Andrews, DiPrete Engineering who indicated they are moving forward with the project and that David Crossman of B&C Associates has been hired to assess the remediation work. Ms. Petro agreed to reach out for an updated from Mr. Andrews prior to the next meeting.
3. 206 Hazel Street – No new updates and members agreed to remove the item from the agenda
 - 215 Henry Street – The memorandum of understanding has been signed by the homeowner and returned to the Conservation office.
4. 201/209 River Road – The Commission received a report of new work/clearing occurring on the property. Ms. Petro contacted the owners who claimed they are not clearing within 200' of the river and that they have the right to remove vegetation from their property. They threatened legal action and have been outspokenly non-compliant. As discussed during the previous meeting, there is a history of violations on the property. An order of Conditions was issued under DEP#312-956 and revoked in 2015. Members agreed the Agent should issue an Enforcement Order.

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WETLAND UPDATES AND ISSUES

- Discussion of site compliance regarding active & expired Orders of Conditions
 - 170 Rivulet Street – the address is on the agenda as a reminder to have the boundaries verified either by the Commission or a Land Surveyor. Ms. Petro agreed to coordinate w/ DPW.
 - DEP# 312-936 135 Ironstone Rd. - Ms. Petro confirmed the owners do not have a valid Order of Conditions for the work that is currently occurring on the site. Members discussed issuing an Cease and Desist for the current work and inviting the owner to the next meeting to determine next steps.
Motion: Mr. Holden moved to issue a Cease and Desist for work on the property. Ms. Steele seconded, and the motion passed unanimously by roll call vote of 7-0-0 (Etzold – aye, Bertuglia – aye, Balutis – aye, Steele – aye, Shaw – aye, Holden – aye, Clancy – aye).
 - DEP 312-1111 204 Quaker Highway – recently discussed because there is a new owner and the prior owner (who performed the work) did not complete the work as proposed and was denied a CoC. Additionally, it was noted that there is not a DEP sign posted. Everyone agreed to invite the new owner in to discuss a plan of action to close out the permit.
 - 364 Aldrich Street – Members discussed work that occurred and seems to be complete and covered at the property across from the bridge project on Aldrich Street. Everyone agreed to issue a letter explain, any work, any alteration of the land that's within 100 of the Wetlands or 200' from the riverfront requires a permit from the Commission.

PROCESSING

1. Minutes 8/1/22, 9/19/22

Motion: Mr. Balutis made a motion to approve the 8/1/22 meeting minutes as written. Mr. Bertuglia seconded, and the motion passed by roll call vote of 4-0-3 (Bertuglia – aye, Balutis – aye, Shaw – aye, Holden – aye).

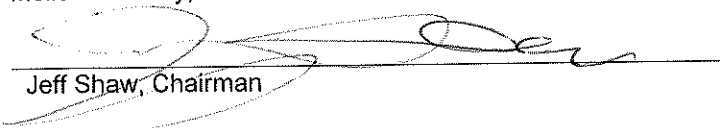
Motion: Mr. Holden made a motion to approve the 9/19/22 meeting minutes as amended during the meeting. Mr. Balutis seconded, and the motion passed by roll call vote of 7-0-0 (Bertuglia – aye, Balutis – aye, Shaw – aye, Steele – aye, Holden – aye, Clancy – aye).

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

ADJOURNMENT-NEXT MEETING SCHEDULED FOR Monday October 17, 2022

Motion: Mr. Etzold moved to adjourn the October 3, 2022 meeting of the Conservation Commission. Mr. Shaw seconded, and the motion passed unanimously by vote of 6-0-0.

Respectfully Submitted,
Melissa Shelley, Land Use Administrative Assistant


Jeff Shaw, Chairman