



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



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

**Present:** Jeff Shaw, Paul Balutis, Lauren Steele, Russell Holden, Philip Bertuglia and James Clancy and Conservation Agent Emily Petro.

**Absent:** Tomas Etzold

REC'D UXB TOWN CLERK  
2022 NOV 22 AM 9:28

**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**

*\*Ms. Steele recused herself from the CoC requests because she is an abutter to the projects.*

**Discussion:** Dale McKinnon, Guerriere and Halnon attended on behalf of UMFR and Fafard Construction. He provided plans depicting Lots 8B, C and D (all around the end of the cul-de-sac). He explained the CoC's for the building lots had been originally requested in July but the Commission preferred to wait until work on basin 2 was complete as access to it was within some of these lots.

1. 312-1047 Hyde Park Circle LOT 8C (*house numbers 40, 42, 44, 46*)
  - Ms. Petro had been to the site the day of the meeting and displayed photographs from her visit. She reported that the entire site was stable and she did not see any evidence of erosion, scouring. Mr. Shaw had also been to the site and agreed and added that the basin appears to be functioning as designed w/o any problems. Mr. Balutis asked for some additional detail about the easements which Mr. McKinnon provided.
  - **Motion:** Mr. Holden made a motion to issue a Certificate of Compliance for DEP 312-1047 Hyde Park Circle lot 8C. Mr. Balutis seconded, and the motion passed by vote of 5-0-0.
2. 312-1046 Hyde Park Circle LOT 8B (*house numbers 43, 45, 47, 48*)
  - Mr. McKinnon stated that nothing had changed on the 8B house lot since the CoC was issued and that grass has filled in and the lot is stable. Mr. Shaw added the yards are all grassed up to the swale which goes through the pipe and outlets into the basin. He also noted that there has not been any "wash" around the outlets or getting into the understory and that it is functioning as designed.
  - **Motion:** Mr. Balutis made a motion to issue a Certificate of Compliance for DEP 312-1046 Hyde Park Circle lot 8B. Mr. Bertuglia seconded, and the motion passed by vote of 5-0-0.
3. 312-1049 Hyde Park Circle LOT 8D (*house numbers 35, 37, 39, 41*)
  - Mr. Shaw said his comments carry over from Lot 8B – full lawns stabilized. No leakage or weeping coming from the stone swale behind the houses. Mr. Holden inquired where the legal limit of disturbance was – he had concerns homeowners place feeders or cut trees, or create more lawn on the far side of the rock swale. There was some question as to where the 100' buffer is since it is not depicted on the as-built plans. Members agreed the limit of disturbance is probably beyond the swale and did not seem too concerned with further work due to the size of the swale. Everyone agreed any future work within the 100' would require a new NOI.
  - **Motion:** Mr. Balutis made a motion to issue a Certificate of Compliance for DEP 312-1049 Hyde Park Circle lot 8D. Mr. Bertuglia seconded, and the motion passed by vote of 5-0-0.
4. 312-1135 Hyde Park Basin 2
  - Ms. Petro and Mr. Shaw noted that the site is well grown, vegetated and that the basin is functioning as designed on the inlet and outlet sides.
  - **Motion:** Mr. Balutis made a motion to issue a Certificate of Compliance for DEP 312-1135 Hyde Park Basin 2. Mr. Bertuglia seconded, and the motion passed by vote of 5-0-0.

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*\* Ms. Steele returned to the meeting. The Chairperson took the agenda out of order to hear the Tea Party Drive Violations update. Mr. Bertuglia recused himself from the discussion as he is an abutter to Tea Party Drive.*

### **REPORTED/ONGOING VIOLATIONS**

1. DEP# 312-1086 — Tea Party Drive
  1. A stabilization report was submitted on 11/6/22. There was some question as to whether the new houses on Crownshield fall under the EO and members and Mr. McKinnon all agreed that any lots that utilize basin 3 are included. Mr. McKinnon agreed to confer with Mike Morant (the construction supervisor) to ensure they are aware.

*\* Mr. Bertuglia returned to the meeting.*

### **PUBLIC HEARINGS**

#### **1. Notice of Intent (NOI) DEP #-312-1143 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.

**Discussion:** Dan Feeney and Andrew Gorman, Beals and Thomas, and Todd Gradoor and Fletcher Tilton, attended on behalf of US MA Development. Mr. Feeney explained that last time they met with the Commission they provided and reviewed a revised plan showing all the work pulled out of the 25' no disturb zone. A DEP number had not yet been assigned so the public hearing was continued. DEP assigned a number with no comments on 10/30/22. Mr. Feeney said he is not expecting any further changes to the plan as they are finalizing approvals from Sutton.

Mr. Shaw said he was comfortable with the wetland plan as it has been presented and acknowledged the work they have done to remove the outlets from the 25'. Ms. Petro reported she walked the wetland line with Mr. Gorman and she had no concerns about that.

No members of the public commented on the hearing.

**Motion:** Mr. Balutis moved to close the public hearing for DEP312-1143 Lackey Dam Road. Ms. Steele seconded, and the motion passed by vote of 6-0-0.

**Motion:** Ms. Steele moved to issue an Order of Conditions for DEP312-1143 Lackey Dam Road with the Uxbridge Standard Special Conditions. Mr. Balutis seconded, and the motion passed unanimously by vote of 6-0-0.

#### **2. Request for Determination of Applicability (RDA) 395 Millville Road (Map 35, Lot 1213)**

**Applicant:** Edmond Barrett Jr.

**Project Description:** Construction of a horse barn in turf lawn – located at a distance greater than 50-feet of the bank of an intermittent stream.

**Motion:** Mr. Balutis moved to open the public hearing for the RDA for 395 Millville Road. Ms. Steele seconded, and the motion passed unanimously by vote of 6-0-0.

**Presentation:** Edmond Barret, property owner, attended the meeting on behalf of his petition. He explained that they would like to bring their horse home so they wanted to put up a stable to house him. They have approximately 2 acres of land with an intermittent stream running through the property.

Ms. Petro discovered the stable during a building permit application sign off. She conducted a site visit and displayed a photograph of the stable (already installed in existing turf lawn). The stable is 65' away from the bank of an intermittent stream. Additionally, a bridge has been placed over the stream for and the owner offered to extend. The stable was permitted through the BOH. The agent had concerns about the disposal of the horse's manure. Mr. Barret explained he piles and then trucks the manure offsite to his neighbor's farm. He was not concerned that it would run into the stream during heavy rains because of the composition of the manure.

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Ms. Petro indicated because the stable was just placed on what was previously lawn she thought it met the definition of the accessory structure (which is allowed outside 50').

There was further discussion about the bridge and its use crossing over the stream. Mr. Barret provided a description of the planks and how he plans to stabilize it (cement blocks placed with planks). Members agreed if they have a more formalized plan of the bridge to review they will be able to make a determination. Mr. Barret agreed to provide a drawing. Concerns that over time the horses could erode the bank and how that can be avoided was also discussed. Ms. Petro agreed to obtain advice from Mia at DEP.

**Motion:** Ms. Steele made a motion to continue the public hearing to the November 21, 2022 meeting of the Conservation Commission. Mr. Balutis seconded and the motion passed unanimously by vote of 6-0-0.

### 3. Notice of Intent (NOI) DEP #312-11XX 68 Albee Road (Map 41, Parcel 1889)

**Applicant:** Jason & Victoria Nagle

**Representative:** Civil Site Engineering, Inc.

**Project Description:** The project proposes to construct an inground swimming pool and associated patio area within 50-feet from the edge of Bordering Vegetated Wetlands.

**Presentation:** Brad Vecchione, Civil Site Engineering presented the application on behalf of the applicant. An inground swimming pool, patio area and retaining wall are being proposed. Ms. Petro reported she visited the site with Margaret Bacon, Civil Site Engineering. She noted it is within the 50' buffer so it doesn't meet the exception. There are a few small caliper trees that would need to come down but the majority of clearing is of invasive species. Plantings were proposed to compensate for vegetation taken.

Mr. Shaw inquired why fill required. Mr. Vecchione said the fill is required to get the pool to grade (the backyard is not flat) which is also the purpose for the retaining wall. Erosion controls were reviewed (straw waddle). Mr. Vecchione also provided more detail how the area will be accessed. Mr. Holden inquired how they plan to remove the trees (any equipment needed?) and whether the erosion control is acting as the limit of disturbance. Mr. Vecchione said he'd look into and let the Commission know how and the number of trees to come out. Members also considered conditioning no disturbance w/in the 25' buffer zone. Mr. Vecchione said they could note on plans that no further disturbance is allowed beyond the limit of work.

Mr. Shaw asked about what they plan to do w/ the soil removed from the pool area. Mr. Vecchione agreed to put a soil stockpile area on the plan at the best location. Silt fence was recommended at the bottom of the slope area and Mr. Vecchione agreed to upgrade it from the straw waddle in this area.

**Motion:** Mr. Balutis made a motion to continue the public hearing for 68 Albee Road to the November 21, 2022 meeting of the Conservation Commission. Ms. Steele seconded, and the motion passed unanimously by vote of 6-0-0.

### REPORTED/ONGOING VIOLATIONS

1. DEP# 312-1086 — Tea Party Drive – *discussed earlier in the meeting*
2. DEP# 312-1013 — 255 Chocolog Road, Cobblers Knoll Subdivision
  2. Ms. Petro provided an update. She visited the site and reported the basin is full of silt totally overgrown and not functioning and doesn't appear to be at grade. David Crossman's report was submitted to DEP and they are not satisfied and are planning to visit the site with Ms. Petro (may take some time because they are very busy). Ms. Petro regularly communicates with the Town Planner and agreed to summarize a Conservation update for the Planning Board. She will keep members informed of any updates.

### WETLAND UPDATES AND ISSUES

1. Discussion of site compliance regarding active & expired Orders of Conditions
  1. 170 Rivulet Street
    - Ms. Petro asked for guidance in drafting the letter to the abutting homeowners. Mr. Holden advised including there have been changes in the area we want to ensure where the property lines are (the line in and the line across the back parallel to Rivulet lots). Mr. Holden indicated he believes there may be a structure and driveway on the town property. Members discussed funding a survey of the property

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Ms. Petro agreed to investigate what funds could be used and how we'd move forward with surveying the property. Everyone also agreed that it would make sense to notify all the abutters explaining the surveying etc. after the funding is figured out.

### **2. 201-209 River Road**

- Ms. Petro provided an update of activities since the last meeting: i) abutters reported a trench was being dug on 201/209 to undermine a wall built on their property – videos have been provided of the work ii) Ms. Petro briefly discussed the site w/ Town Counsel and is scheduled to discuss further to prepare findings for an Enforcement Order. She also said her goal is to build a record of violations that can be passed on to DEP because it doesn't appear the property owners want work with the Commission bring the site into compliance.

### **3. Campanelli Drive**

- The Building Inspector reported a "good amount of sediment tracking" at the lot currently under construction to Ms. Petro. She conducted a site visit, confirmed the sediment and also found the erosion controls were decimated. At the time she was unable to locate the Construction Supervisor on site but she was able to obtain contact information from David Mackwell at Kelly Engineering. She reached the supervisor asked for winter stabilization report, SWPPP reports, and the Erosion Controls replaced. They agreed to immediately order new erosion control but didn't send any of the reports right away. Mr. Shaw said the Stormwater Authority should have the reports.

## **PROCESSING**

### **1. Minutes 10/17/22**

- Mr. Shaw moved to approve the 10/17/22 meeting minutes as written. Mr. Holden seconded, and the motion passed by vote of 4-0-2.

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

## **ADJOURNMENT-NEXT MEETING SCHEDULED FOR Monday November 21, 2022**

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

Respectfully Submitted,  
Melissa Shelley, Land Use Administrative Assistant

  
Jeff Shaw, Chairman