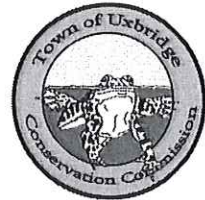




Town of Uxbridge  
Conservation Commission  
21 South Main Street  
Uxbridge, MA 01569  
508-278-8600 x 2020



**Conservation Commission Meeting Minutes  
September 8, 2020  
Remote Meeting**

REC'D UXB TOWN CLERK  
2020 OCT 15 AM 9:10

**Present:** Acting Chair Jim Hogan, Clerk Jeff Shaw, Members Dale Bangma and Mark Richardson, and Land Use Administrator Melissa Shelley

**Absent:** Treasurer Russ Holden and Member Lauren Steele

**CALL TO ORDER**

It being approximately 6:30pm, the meeting being properly posted, duly called, and a quorum being present digitally, the Chair called the meeting to order. He stated the following to explain the purpose for the remote meeting: Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor's March 15, 2020 Order imposing strict limitations on the number of people that may gather in one place, this meeting of the Uxbridge Conservation Commission is being conducted via remote participation. Although, no in-person attendance of members of the public will be permitted, the Town of Uxbridge has made every effort to ensure the public can adequately access the proceedings in real time via technological means. This meeting is being streamed on Uxbridge Community Television and Zoom per the instructions on the agenda alternatively members of the public can call in by calling 301-715-8592 and using meeting i.d 976 3479 6500. All motions will be voted on with roll call vote in alphabetical order by last name.

Member roll call of attendance: Hogan – here, Richardson – here, Shaw – here, Bangma – here.

**PUBLIC HEARINGS**

**1. Notice of Intent (NOI) DEP No. 312-1096, 0 Old Elmdale Rd (Map 25 Parcel 3979) (00:01:23 – 00:02:27)**

Applicant: Aris Group, LLC

Representative: Jude Gauvin, Andrews Survey & Engineering

Project Description: Construction of a roadway, drainage, and gravel removal in the inner and outer riverfront area, bordering land subject to flooding, and the buffer zone to a bordering vegetated wetland.

**Discussion:** The applicant requested to continue to the next hearing of the Conservation Commission.

**Motion:** Mr. Shaw moved to continue DEP No. 312-1096 0 Old Elmdale Road to the next meeting of the Conservation Commission. Mr. Richardson seconded, and the motion passed unanimously by roll call vote of 4-0-0 (Bangma – aye, Hogan – aye, Richardson – aye, Shaw – aye).

**2. Notice of Intent (NOI) DEP No. 312-11XX, 502 and 486 Douglas St (Map 23 Parcels 4364 and 4424)**

Applicant: Uxbridge Gas & Market

Representative: CMG Environmental, Inc. (00:02:28 – 00:44:00)

Project Description: Demolishing a single-family dwelling and constructing a 5,000 s.f. filling station and convenience store with a drive-through and two fuel pump canopies along with associated parking and stormwater treatment. The work is within the 100 ft buffer zone to a bordering vegetated wetland.

**Presentation:** David Faist, CMG Environmental, Tom Reidy, Bacon Wilson and Dennis Darveau attended on behalf of Uxbridge Gas and Market. Revised plans that incorporated the Agent and Commissioner's comments were submitted the day of the meeting and Mr. Faist reviewed the reviewed the revisions. The changes included the following: (i) extended the wetland flag to the east (ii) Uxbridge Gas and Market will be leasing the property and responsible for maintaining stormwater bmps – legal documents will establish responsibility and they request the Commission consider it a condition of approval (iii) ensured any references to erosion controls include straw (not hay) bales (iv) removed stormwater outfall and any disturbance to the 25' no disturb zone (v) proposing 2 no snow storage signs (vi) upgrades to further protect the Cold Spring Brook (CWF) - ensured the stormwater system is designed for 1" water quality volume, heavy duty trench drain across the curb cut run through 3000 gal capacity water oil separator and a deep sump manhole, included shut off valve after the oil water separator.

**Public Comments:** Pat Stephan, 44 Andrews Dr – inquired about to what extent does the amount of drips during fill ups should they expect any of the components of gas or oil to flow down through the back of the property and towards their street. Mr. Faist responded that everything is designed in accordance to the Mass DEP stormwater management standards and is reviewed by Graves Engineering. Additionally he noted that any spills on site are regulated by DEP. Mr. Stephan also asked for details of the spill kit. Mr. Faist explained the spill kit is for small incidental spills and that

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anything larger would have to be handled via a contract through Uxbridge Gas and Market and an environmental clean up company. He further explained that Uxbridge Gas and Market will have various state regulations to comply with.

Paul Balutis, 40 Taft Hill Lane - recommended the Commission review the lease agreement to ensure responsibility in the event the property is left behind or there is a spill. Mr. Shaw recapped Mr. Faist's comment that there will be document stating Uxbridge Gas and Market will be in charge of all of the site including the lease portion for the operation for the facility. There was also some discussion related to the revisions to the containment areas.

Frank Zersky, 7 Summerfield Drive – asked how they are addressing removing the potential for BTEX contamination. Mr. Faist responded similarly – the project is designed to the Mass DEP stormwater management standards. Mr. Zersky's specific concern is the significant potential for vapor which sinks and flows to the surface of water and how that is being addressed – is there a vapor recovery system?

Bob Contursi, 16 Nikki Way – asked where trucks park if they want to go into the store – there are no designated spots so he's concerned that trucks will sit idling. It was noted that Mass law regulates the time trucks may idle and the owners of the property would enforce this.

Thomas Fields, 21 Summerfield – wanted to know whether the basin 2 volume was corrected on the plan (it was), whether the exit from the basin was raised (it was), and whether concerns about the retention wall addressed (yes).

Vinny Cataldo, 39 Andrews Dr – he inquired what would happen if 5 years down the road the owners decide to sell? Members agreed it is question related to zoning.

Paul Balutis – asked whether there is any way for water to exit the property and enter Rt. 16. Mr. Faist described the gutter line - the western curb cut is higher than the road way – roadway slopes down hill and water follows the gutter line – the exit curb cut to the property was revised w/ a 1' wide heavy duty trench drain to catch any exiting or entering.

**Motion:** Mr. Shaw made a motion to continue the NOI for 502 and 486 Douglas Street to the next meeting of the Conservation Commission for review of updated plans and in anticipation of a DEP. Mr. Bangma seconded, and the motion passed unanimously by roll call vote of 4-0-0 (Bangma – aye, Hogan – aye, Richardson – aye, Shaw – aye).

### 3. **Notice of Intent (NOI) DEP No. 312-11XX, 515 Douglas Street St (Map 23 Parcels, 3545, 2895, 3283, and Map 22 Parcel 1685) (00:44:03 – 01:53:19)**

Applicant: Campanelli Development, LLC

Representative: Kelly Engineering Group

Project Description: The site development of an industrial warehouse with associated stream crossing improvements.

**Presentation:** David Mackwell, Kelly Engineering Group, presented the project to the Commission. He displayed an aerial photograph depicting the 4 parcels being combined to make up the proposed site (total area 99.6 acres). The Serendipity function hall is the only development that exists on the site. The parcel was fully evaluated for wetland resource areas by Eco-Tech Inc. and John Rockwood was in attendance for questions. Resource areas on site bordering and isolated vegetated wetlands and priority breeding habitat for the marbled salamander. The wetland systems are all connected by intermittent streams that all ultimately discharge into Cold Spring Brook – which passes through south western edge of the proposed parcel. Because Cold Spring Brook is a cold-water fishery some special considerations were made to the stormwater management design. The site changes in elevation approximately 60'. Mr. Mackwell gave some more details about the resource areas on site – a certified vernal pool, the priority habitat discovered during the eval - all of which is detailed as wetland and resource area evaluations included in the submittal.

Mr. Mackwell noted the parcel sits in both the business and agricultural zoning districts described the proposal – a 518,000 sq. ft. building, with a 180,000 sq. ft. mezzanine inside the building, 132 loading docks, 192 trailer storage spaces, 120 trailer or storage spaces at the Serendipity site, 506 car parking stalls. There is an outbound and inbound guard sheds and a water tank that will be used for the fire suppression system. The total area is 99.6 acres and the proposal is to develop 51 acres (12 acre building; 26 acres of total paved area).

Mr. Mackwell said Campanelli Development has been working with Mass Endangered Species personnel in how to managed a development like this and stay compliant. A solution they are they are working on is to place Conservation Restrictions in perpetuity on this property (approx. 16 acers) and to obtain property off site with similar habitat (42 acres in Mendon, and 5.7 acres at 600 High St) – totally 64 acres in permanent CR land to compensate of the 49 acres of

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habitat at this site today. This is handled through the Natural Heritage Endangered Species Program (part of the Div of Fisheries and Wildlife) relative to rare species impacts under the Mass Endangered Species Act.

Mr. Mackwell reviewed the disturbances inside the 25' no disturb zone (i) driveway (ii) erosion control line will encroach (iii) the culvert and bridge need to be rebuilt which will require work in the 25' and the wetlands themselves. He provided a review of the BMP with respect to drainage on site (storm drain lines that connect to a water quality/recharge ponds, water quality devices to treat runoff, sub surface retention and recharge systems, excess runoff discharged back into wetland systems in 7 locations.

The plan is to completely rebuild the driveway off Douglas Street in order to provide a proper wetland crossing. Mr. Mackwell went over impacts which would include an area of 2930 square feet of wetland fill with a proposed replication is 4400 square feet of replication on 3 areas a 1 ½ : 1 sq. ft. ratio. They have to meet stream crossing standards because they are replacing a culvert or bridge that passes water over any type of stream. They evaluated the intermittent stream and existing pipe and completed a design they believe is healthy for the stream bed itself and any aquatic life the stream. A cross section of the proposed arch culvert was displayed and described for review.

DEP has not issued a number and comments yet. The project also requires a Planning Board Special Permit and site plan, storm water management permit and soil importation permit approval. The public hearing was opened and the Planning Board engaged with Graves to review the drainage. There is State involvement as they require a Mass DOT indirect access permit for rt 146. Additionally, due to the and the size of the project puts them into the Mass Environmental Protection Act (MEPA) process. They also require a Conservation and Management Permit for the Conservation Restrictions. Mr. Mackwell noted that the applicant is pursuing, along w/ the town, a Mass Works grant for transportation improvements.

**Commissioner Comments:** Mr. Hogan provided with Mr. Mackwell some of the standard Commission's requirements for the plans - straw waddles for erosion control; expects the commission will request signage specifying no snow storage and no dumping beyond those barriers (where the property abuts the wetlands) and possibly a snow management plan. Mr. Mackwell responses were that they use mulch socks, he's been working on enhancing the snow storage areas and liked the idea of a plan. There was also discussion about the wetland lines on the plan (25', 100' – no 50').

**Public Comments:** Thomas Fields, 21 Summerfield – asked if they could estimate how much blasting will be required (since test pits found bedrock) and what impact it would have on the vernal pool and wetlands. Mr. Mackwell said to his knowledge he is not aware of any impact blasting has on the wetlands. Mr. Fields asked for what happens to water from "vehicle washing stations". Mr. Mackwell explained they are just trap rock (3" stones drove over to catch sediment). Mr. Felids also asked where the water goes behind the retaining wall – his concern is that the wetlands could be drained. Mr. Mackwell and Mr. Hogan explained the purpose of the weep holes.

Paul Balutis, 40 Taft Hill – inquired how snow is removed from trucks and Mr. Mackwell explained there will be snow scrapers on site and described the operation – this will have to be added it is not yet on the plan. Mr. Balutis asked whether access to the Graves Engineering is made to the applicant and how copies could be requested. He also asked Mr. Mackwell to review the amount of disturbance and loading docks and parking spaces (noted above). It was also noted during discussion that there is no fueling or cleaning being proposed.

Frank Zersky, 7 Summerfield – inquired whether there is a perspective drawing as viewed from Rt. 16 available – a rendering has been prepared but not from that perspective. He inquired whether they had any sense of where hydrostatic forces would be viewed from the cross section? Also asked what are the characteristics of the vernal pool (an isolated depression w/in a wetland that can dry up at certain portions of the year and is a habitat for amphibians) – and noted a retaining wall of that size could have an impact on the vernal pool or wetlands.

Pat Stephan, 44 Andrews – asked whether any consideration was made to moving the driveway and Mr. Mackwell explained why it was not.

There is no DEP number so the Commission cannot take any formal action. Members agreed on a peer review for stormwater and how it relates into the wetlands protection act.

**Motion:** Mr. Shaw made a motion for Graves Engineering to review of the proposal for 515 Douglas Street as it relates to stormwater and the Wetlands Protection Act. Mr. Bangma seconded, and the motion passed unanimously by roll call vote of 4-0-0. (Bangma – aye, Hogan – aye, Richardson – aye, Shaw – aye).

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**Motion:** Mr. Shaw made a motion to continue the NOI for 515 Douglas Street. Mr. Bangma seconded, and the motion passed unanimously by roll call vote of 4-0-0 (Bangma – aye, Hogan – aye, Richardson – aye, Shaw – aye).

### 4. Request for Determination of Applicability (RDA), 41 Tucker Hill Rd (Map 29 Parcel 1335) (01:53:20 – 2:00:50)

Applicant: Robert Finnegan

Representative: Andrews Survey & Engineering

Project Description: A 6' high stockade fence in a 100'x48' area behind the existing single-family home in the buffer zone to a bordering vegetated wetland.

**Presentation:** Jude Gauvin, Andrews Survey and Engineering attended on behalf of the applicant. He explained the work - the installation of a simple 6' fence over a 100' x 48' area it's 34.4' away from the wetland edge. He presented a plan that displayed existing conditions and conservation markers. He also displayed photographs for review. There was some discussion and it was determined that there is some clearing required but no digging or grading – other than digging the post holes. Mr. Hogan requested that any spoils be maintained outside the 100' buffer – Mr. Gauvin agreed and pointed out an area in the front left corner that could be used.

**Motion:** Mr. Shaw made a motion to issue a negative determination of applicability for the installation of a stockade fence 41 Tucker Hill Road with the condition that any spoils from the post holes be removed or stored outside the 100' buffer to the resource area. Mr. Bangma seconded, and the motion passed unanimously by roll call vote of 4-0-0 (Bangma – aye, Hogan – aye, Richardson – aye, Shaw – aye).

*Mr. Hogan took the opportunity with a large number in attendance, to highlight the open seat on the Commission - if interested please submit a Talent Bank Form to the Town Manager's Office.*

### REPORTED/ONGOING VIOLATIONS

1. DEP No. 312-1086—Tea Party Drive (02:02:04 – 02:00:50)
  - Patrick Garner, wetland scientist, provided an update of his continued assessment of the site. Mr. Garner and Mr. McKinnon, G&H, met with Harold Klei, abutter and former Commissioner, to assess the area across Quaker Highway as well as the other problem areas. He
2. DEP No. 312-1022—Forest Glen/Spring Hill Rd. (01:53:20 – 2:00:50)

### WETLAND UPDATES/ISSUES

1. Amended OoC for NEP tapline DEP No. 312-1093 (01:53:20 – 2:00:50)
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**Motion:** Mr. Shaw moved to accept the proposed amendments to the Order of Conditions for DEP 312-1093. Mr. Bangma seconded, and the motion passed unanimously by roll call vote of 4-0-0 (Bangma – aye, Hogan – aye, Richardson – aye, Shaw – aye).

2. CoC Request for 19 Quaker Highway – Dep No. 312-966 (01:53:20 – 2:00:50)

**Motion:** Mr. Shaw moved to issue a Certificate of Compliance for DEP 312-966. Mr. Bangma seconded, and the motion passed unanimously by roll call vote of 4-0-0 (Bangma – aye, Hogan – aye, Richardson – aye, Shaw – aye).

4. CoC Request for 100 Cultivate Campanell Drive – DEP No. 312-1083 (01:53:20 – 2:00:50)
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**Motion:** Mr. Shaw moved to issue a Certificate of Compliance for DEP 312-1083. Mr. Bangma seconded, and the motion passed unanimously by roll call vote of 4-0-0 (Bangma – aye, Hogan – aye, Richardson – aye, Shaw – aye).

5. Discussion of site compliance regarding active and expired Orders of Conditions (01:53:20 – 2:00:50)

### PROCESSING

1. Review of fee schedule (01:53:20 – 2:00:50)
  - Passed over – members decided to wait for input from the new Conservation Agent.
2. 8/17/2020 Meeting Minutes (01:53:20 – 2:00:50)



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- Passed over due to lack of quorum.

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

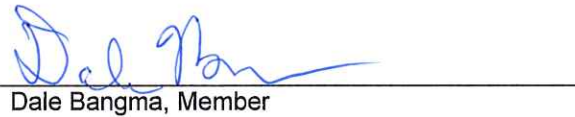
1. Pout Pond Recreation Committee Update (01:53:20 – 2:00:50)
2. Agent search and transition plan – Michele Grenier, PWS, CWS has accepted the Conservation Agent position. Her first day is September 10.
3. Re-organization – Mr. Shaw expressed interest in the Chair position due his often being in Town Hall. He also noted another member, not in attendance expressed interest in the Vice Chair position. Members in attendance agreed to wait until the start of the next meeting to do the official vote.

**ADJOURNMENT-NEXT MEETING SCHEDULED FOR Monday, September 21st, 2020**

**Signature Page**

  
\_\_\_\_\_  
Jim Hogan, Acting Chair  
\_\_\_\_\_  
Jeff Shaw, Clerk  
\_\_\_\_\_  
Lauren Steele, Member

Russel Holden, Treasurer

  
\_\_\_\_\_  
Mark Richardson, Member  
\_\_\_\_\_  
Dale Bangma, Member

\_\_\_\_\_  
Date