

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



**Conservation Commission Meeting Minutes
September 7, 2021**

REC'D UXB TOWN CLERK
2021 OCT 13 PM 12:14

Present: Jeff Shaw, Lauren Steele, Paul Balutis, Philip Bertuglia, Jessica Cleary, Mark Richardson, and associate member Thomas Etzhold

CERTIFICATE OF COMPLIANCE REQUESTS

1. DEP#312-1078 182 Williams Street (00:00:25 – 00:01:38)
 - The applicant requested to continue to the next meeting as they work with the engineering firm to update plans.
 - **Motion:** Mr. Balutis moved to continue the CoC request for 182 Williams Street. Ms. Cleary seconded, and the motion passed unanimously by vote of 6-0-1 (Mr. Etzhold abstained from vote).
2. DEP#312-1082 39 Tabor Road (00:01:40 – 00:04:53)
 - The applicant was not able to attend the meeting. The site has been complete for several years now and builder thought a CoC request was filed in 2020. Mr. Shaw said he recently observed this lot and reported that it is fully grown in and stabilized.
 - **Motion:** Ms. Steele made a motion to issue a Certificate of Compliance for DEP 312-1082, 39 Tabor Road. Mr. Balutis seconded, and the motion passed by vote of 6-0-1 (Mr. Etzhold abstained from vote).

PUBLIC HEARINGS

1. Request for Determination of Applicability (RDA) FY2022-01 465 Mendon Street (Map 14 Parcel 3587)

Applicant: Merlin Amstutz

Representative: Civil Site Engineering, LLC

Project Description: Repair/Replace existing failed septic system in the approximate same location as the existing and improvements to an existing driveway. (00:05:17- 00:19:06)

Motion: Mr. Balutis moved to open the public hearing for the RDA for 465 Mendon Street. Mr. Bertuglia seconded and the motion passed unanimously by vote of 7-0-0.

Presentation: Brad Vecchione, Civil Site Engineering, attended on behalf of the applicant. He requested a negative determination of applicability. He noted that the activities fall outside the 50' buffer zone but inside the 100' buffer zone. The proposed system is replacing a failed cesspool.

Discussion: Members inquired as the location of the perc test and for details about the erosion control. Mr. Vecchione pointed out the location of the borings and said they plan to use a straw waddle for erosion control. Due to the location and steep drop off, members suggested adding silt fence downhill of the straw waddle. The existing gravel driveway is being expanded so there was some discussion about the work. Since fill is being brought in for the driveway and members recommended the plans call out for a soil staging area - the existing driveway was identified as a possible area. The representative agreed to incorporate the recommendations into the plans and everyone agreed to continue the public hearing to the next meeting.

Motion: Mr. Balutis made a motion to continue the public hearing to the September 20, 2021 meeting of the Conservation Commission. Mr. Bertuglia seconded, and the motion passed unanimously by vote of 7-0-0.

2. Request for Determination of Applicability (RDA) FY2022-02 287 N. Main Street (Map 12C Parcel 3593)

Applicant: Uxbridge Properties Inc.

Project Description: Repair side walls of an underground culvert (00:19:22 – 00:32:18)

Motion: Mr. Balutis moved to open the public hearing for the RDA for 287 N. Main Street. Ms. Steele seconded and the motion passed unanimously by vote of 7-0-0.

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Discussion: The applicant was unable to attend the meeting. Mr. Shaw walked the members through the application and photographs of the culvert, sink hole, and the portion of the culvert that had been dislodged. The problem was identified during a bridge inspection. To make the repair – the applicant is requesting to dig from the culvert out, on the outside of the water way, to be able to get to and re-stone the culvert face. Members discussed the regulations and whether water travelling underground is within their jurisdiction – they agreed it was not because it is not a resource area. There was further discussion of potential conditions and everyone agreed that any soil stockpiles should be covered and surrounded by a straw waddle.

Motion: Mr. Shaw made a motion to issue a Negative Determination of Applicability for 287 North Main Street with the conditions that any stockpiled soil is protected by a with a straw waddle around the base and covered with a tarp if there is a large rain event. Mr. Balutis seconded, and the motion passed unanimously by vote of 7-0-0.

3. Notice of Intent (NOI) DEP #312-1123 0 Old Elmdale Road (Map 25, Parcel 3979) (00:32:19 – 00:33:42)

Applicant: Aris Group, LLC, 100 Church St. Whitinsville, MA

Representative: Andrews Survey & Engineering, Mendon St., Uxbridge MA

Project Description: The proposed project is for the development of a subdivision, "Elmdale Estates", within 100 feet of Bordering Vegetated Wetlands, including Bordering Land Subject to Flood alteration and alteration within the 100ft and 200ft of the West River riverfront.

The applicant requested to continue the public hearing to the next meeting of the Conservation Commission.

Motion: Ms. Steele made a motion to continue the public hearing for DEP #312-1123 to the October 4 meeting of the Conservation Commission. Mr. Balutis seconded, and the motion passed by vote of 7-0-0.

4. Notice of Intent (NOI) DEP #312-1124 354 & 358 Douglas Street (Map 23 Parcel 2357, 2372) (00:33:45 – 00:42:19)

Applicant: Logan Huffman, Eastland Partners, Worcester MA

Representative: Turning Point Engineering, Sutton, MA

Project Description: The construction of a residential subdivision road and associated earthwork, utilities, and stormwater management facilities. The project proposes work within the buffer zone to a Bordering Vegetated Wetland (BVW) along with BVW fill and replication within the 100-foot Buffer Zone to a BVW.

**Mr. Balutis recused himself from discussion because he is an abutter.*

Discussion: Steve O'Connell, Turning Point Engineering, attended on behalf of the applicant. He provided an update on the replication area – a wetland scientist evaluated 2 possible areas and it was decided use the originally proposed area for the replication. He noted all the planning board comments have been addressed and he expects them to act during their next meeting. Mr. O'Connell provided a final review of the plan and the impacts to the resource area. He also provided detail on the proposed plantings outlined in the plan. Commissioners reviewed the construction phasing with Mr. O'Connell - first phase is erosion controls and stormwater management. It was mentioned that the applicant is the land developer and they do all the sitework in house.

Motion: Mr. Bertuglia made a motion to close the public hearing for DEP #312-1124 354 & 358 Douglas Street. Ms. Steele seconded, and the motion passed by vote of 6-0-0.

Motion: Ms. Steele made motion to issue an Order of Conditions for DEP #312-1124, 354 & 358 Douglas Street, with the Uxbridge Standard Special Conditions. Mr. Richardson seconded, and the motion passed by vote of 5-0-1 (*Mr. Etzhold abstained from vote*).

**Mr. Balutis returned to the meeting.*

5. Notice of Intent (NOI) DEP #312-1126 186 Providence Street (Map 51 Parcel 1939) (00:42:45 – 00:54:46)

Applicant: Tom Corbett ZP Battery Devco LLC

Representative: Caron Environmental Consulting, LLC, Westminster, MA

Project Description: The proposed project consists of the construction of a battery energy storage system (BESS). The proposed BESS includes five battery storage systems on concrete pads, transformers on concrete pads, underground

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electric connections, standpipes, a gravel driveway, fencing, stormwater features and appurtenances. Portions of the work is proposed within the 100-foot Buffer Zone to Bordering Vegetated Wetlands.

Discussion: Tom Corbett, with ZP Battery attended the meeting. Mr. Corbett reviewed the construction phasing detail added to the plan to address the water coming off Providence Street. Commissioners were satisfied the detail and agreed on a condition with the applicant to be notified before each phase of the project.

There was a discussion of the of the stormwater system and the potential for sediment to build up in an elbow of the system. The proponents indicated that ZP Battery is ultimately responsible for the maintenance stormwater structures and there is a standard operation and maintenance plan in the storm water report.

Motion: Mr. Bertuglia made a motion to close the public hearing for DEP #312-1126 186 Providence Street. Mr. Balutis seconded, and the motion passed by vote of 7-0-0.

Motion: Ms. Steele issue an Order of Conditions for DEP #312-1126 186 Providence Street with the Uxbridge Standard Special Conditions and the following additional conditions:

- The Uxbridge Conservation Commission or it's Agent must be notified prior to the start of work on each and every phase of the project.

Mr. Bertuglia seconded, and the motion passed by vote of 6-0-1 (Mr. Etzhold abstained from vote).

6. Notice of Intent (NOI) DEP #312-1127 671 Quaker Highway (Map 45 Parcel 3895) (00:55:33 – 01:18:37)

Applicant: John Palmer, McIntyre Loam, Hopkinton Ma

Representative: Summit Engineering and Survey, Inc.

Project Description: Construction of a water quality basin, driveway and access roadway around a proposed warehouse building that falls within the 100' buffer to a vegetated wetland. The project also consists of truck and trailer parking, employee and customer parking, and proposed drainage system.

Motion: Ms. Steele made a motion to open the public hearing for DEP# 312-1127, 671 Quaker Highway. Mr. Balutis seconded and the motion passed unanimously by vote of 7-0-0.

Presentation: Andy Baum with Summit Engineering & Survey presented on behalf of the applicant. He provided a review of the plans submitted with the application and the resource areas in detail. It was noted that there will be two wells and a septic system on site. There was also a review of the drainage system. There is no work proposed within the 25' buffer and some grading within the 50' buffer – most of the work is outside the 50' buffer. Erosion controls will be installed along the limit of work – as shown on the plans. Mr. Baum indicated they are working through there first set of review comments from Graves Engineering in pursuit of a special permit from the Planning Board. The purpose of the building is trucking warehousing.

Discussion: Members considered and discussed snow storage – there is an area designated on the plan, but signage was not indicated. The applicant agreed to add snow management signage. There was also additional discussion placement of the septic system – which has not yet been determined. Mr. Richardson noted that the entire erosion control detail line was not clearly demarcated on the plan and the Mr. Baum agreed to revise the plan to ensure that it is easily identifiable.

Through discussion, it was determined the wetland was flagged 4 years ago during the last project. Everyone agreed they should be re-flagged to ensure accuracy (it is accepted practice that a wetland boundary delineation is effective for 3 years). The applicant was amenable to the request.

Motion: Mr. Balutis made a motion to continue the public hearing for DEP# 312-1127 to the following meeting of the Conservation Commission. Mr. Bertuglia seconded, and the motion passed unanimously by vote of 7-0-0.

REPORTED/ONGOING VIOLATIONS

1. DEP# 312-1086 — Tea Party Drive (01:19:42 – 01:42:52) – **Mr. Bertuglia recused himself because he's an abutter*
 - Dale McKinnon, PE Guerrier and Halnon attended the meeting to update the Commission on progress. He reported after the last rain, the basin is still receiving silty water and they are not sure where the silt is coming from. The grading

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of the houses on the east side of Tea Party is scheduled to begin within the next few days with loaming and seeding to follow.

- The floc container was overwhelmed with the 6" pump and so it backed up and flowed onto Crownshield Ave. They've moved the floc tank further into the woods but it still flowed onto Crownshield so they are going to add erosion control. Mr. Shaw said he had recently been onsite and water was still flowing underneath the straw bales. Mr. McKinnon said he would check it out.
- Mr. McKinnon explained how they are trying to locate the third outfall pipe behind the armored slope and that they plan to connect the 8" pipe to a different outfall.
- Mr. McKinnon said he believes they will be able to start work on the basin by the 10/4 deadline. He also noted he will be providing revised plans to Graves with minor changes to the basin.
- Members recommended being proactive and prior to anticipated rain drain the basin down, during the day, and use the electric service to run the pump at night.

**Mr. Bertuglia returned to the meeting.*

2. DEP# 312-1013 — 255 Chocolog Road, Cobblers Knoll Subdivision (01:42:55 – 01:45:13)

- The Chairman mentioned there has not been much progress into identifying the impact detention basing breaking loose. He said it didn't appear to have silted the wetlands very badly and it is still standing after the last rain. He also explained that the site is under strict enforcement from the Planning Board – no further work in phase 1 is allowed (currently one house is almost complete and one w/ a foundation and a stable lot).

3. DEP# 312-1104 — 515 Douglas Street (01:45:15 – 01:54:35)

- The Chairman described and shared photographs of the breach of the erosion control and siltation event that the occurred-on site during Tropical Storm Fred, 8/19/21. Mr. Shaw was immediately notified afterwards and went to the site to provide guidance. To keep things from getting worse, they proposed construct forebays & structures to capture water and treat it before it got off site. Mr. Shaw said they did a great job with that and it held up perfectly during the Hurricane Ida the following week.
- A draft Enforcement Order was reviewed and members agreed the proponent shall hire a wetland scientist no later than 11/1/21 to oversee the clean up and restoration of the resource area impacted by the event.
- **Motion:** Mr. Balutis made a motion to ratify the Enforcement Order for 515 Douglas Street with the addition that a wetland scientist is hired and provides a restoration plan to the Commission no later than 11/1/21. Ms. Steele seconded, and the motion passed unanimously by vote of 7-0-0.

WETLAND UPDATES AND ISSUES (01:55:11 – 02:06:50)

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

- **129 Quaker Highway Condominiums** (map 30 parcel 4183) - The chairman received a report that dirt was being pushed into the river area as driveway/parking lot work was being complete – he confirmed the activity and noted a second complaint was received. He is going to work with the Building Inspectors to identify the owners and notify them of the violation and request they attend the next meeting.

PROCESSING

1. Meeting Minutes Review 8/16/21 (02:07:50 – 02:11:59)

- **Motion:** Ms. Steele made a motion to approve the meeting minutes as amended. Mr. Balutis seconded, and the motion passed by vote of 4-0-3 (Mr. Richardson, Ms. Cleary, and Mr. Etzhold abstained).

ANY OTHER BUSINESS, WHICH MAY LAWFULLY COME BEFORE THE COMMISSION (02:12:00 – 02:21:00)

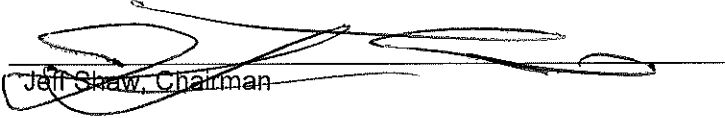
- A 3.34-acre parcel of land on **Douglas Street (Map 27, Parcel 0836)** has been offered to the Conservation Commission as a donation by the Lillian Desjourdy. This parcel abuts another parcel recently donated and both contain the same wetland system. Members agreed on the benefits to holding it – no cost to the town – all fees are being paid.
 - **Motion:** Mr. Balutis made a motion to accept the parcel. Ms. Cleary seconded, and the motion passed unanimously by vote of 7-0-0.
- Proponents of the Bike Path are requesting a meeting with the Conservation Commission and the Board of Selectmen to hold preliminary discussion regarding further development through Uxbridge. No dates have been set and Mr. Shaw agreed to keep everyone updated.

ADJOURNMENT-NEXT MEETING SCHEDULED FOR Monday, September 20, 2021

Motion: Ms. Cleary moved to adjourn the 9/7/21 meeting of the Conservation Commission. Mr. Bertuglia seconded, and the motion passed unanimously by vote of 7-0-0.

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Respectfully Submitted,
Melissa Shelley, Land Use Administrative Assistant



Jeff Shaw, Chairman