

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



**Conservation Commission Meeting Minutes
March 21, 2022**

RECD UXB TOWN CLERK
2022 APR 5 AM 10:57

Present: Jeff Shaw, Paul Balutis, Russell Holden & Lauren Steele (in person), Philip Bertuglia & Tomas Etzold (remote), Conservation Agent, Emily Petro

Absent: Jessica Cleary

Roll Call Vote: Tomas Etzold – here, Lauren Steele – here, Jeff Shaw – here, Russell Holden – here Paul Balutis – here (Philip Bertuglia arrived at 6:45).

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

1. 312-1039 - 363 Quaker Highway

Discussion: John Wrona, former property owner, attended the meeting on behalf of the application. Since the last meeting Mr. Wrona met with his attorney Tom Wickstrom who advised him to request a partial CoC to release a portion of the land from the Order of Conditions (363 Quaker Highway). The property was divided and sold after completion of the solar project whose current address is 385 Quaker Highway.

Members confirmed Mr. Wrona's information through the land plans submitted with the request. They also reviewed the OOC/NOI to ensure there were no resource areas impacted on the 363 Quaker Highway property. The agent agreed to follow up with the owner of the solar field to request they file a Certificate of Compliance for the project.

Motion: Mr. Holden made a motion to issue a partial Certificate of Compliance for DEP312-995 approving only the part of the project now considered 363 Quaker Highway, Uxbridge Assessor's Map 40 & Lot 1145. This partial certificate does not cover the portion of land considered 385 Quaker Highway, Uxbridge Assessor's Map 35 & Lot 4268. Ms. Steele seconded, and the motion passed unanimously by roll call vote of 6-0-0 (Tomas Etzold – aye, Phil Bertuglia – aye, Lauren Steele – aye, Jeff Shaw – aye, Russell Holden – aye, Paul Balutis – aye)

PUBLIC HEARINGS

1. 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. *Public hearing opened 2/7/22*

The applicant requested to continue the public hearing to the next meeting as they update plans and finalize 3rd party review.

Motion: Mr. Balutis made a motion to continue the public hearing to the April 4, 2022 meeting of the Conservation Commission. Ms. Steele seconded, and the motion passed unanimously by roll call vote of 6-0-0 (Tomas Etzold – aye, Phil Bertuglia – aye, Lauren Steele – aye, Jeff Shaw – aye, Russell Holden – aye, Paul Balutis – aye)

2. Notice of Intent (NOI) DEP #312-1136 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

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. *Public hearing opened 2/7/22*

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Discussion: Luke DiStefano, Bohler Engineering, attended on behalf of the applicant. He described how they addressed the Commission's two outstanding issues – the basin's outfall was moved to outside the 50' buffer zone and they relocated the sewer pipe so there is no incursion into the 25' no disturb zone. Mr. DiStefano also noted that Graves issued it's final comments to the Planning Board and they anticipate finalizing that public hearing during their 3/23/22 meeting.

Mr. Holden encouraged the applicant and highlighted the importance of incorporating low impact development strategies such as bioretention swales, green roofs, and reduced impervious surface – increase the area where water is infiltrating so not to stress the stormwater structures.

Although the Commission did not visit the site as a group, a few members and the agent have been to the site to inspect the area. There was a brief discussion on whether potential additional special conditions were required. No members of the public commented during the hearing.

Motion: Mr. Balutis moved to close the public hearing for DEP 312-1136. Mr. Holden seconded, and the motion passed unanimously by roll call vote of 6-0-0 (Tomas Etzold – aye, Phil Bertuglia – aye, Lauren Steele – aye, Jeff Shaw – aye, Russell Holden – aye, Paul Balutis – aye)

Motion: Ms. Steele moved to issue an Order of Conditions for DEP 312-1136, 232 Millville Road, with the Uxbridge Standard Special Conditions. Mr. Holden seconded and the motion passed unanimously by roll call vote of 6-0-0 (Tomas Etzold – aye, Phil Bertuglia – aye, Lauren Steele – aye, Jeff Shaw – aye, Russell Holden – aye, Paul Balutis – aye).

** Mr. Balutis moved to take the agenda out of order while awaiting the representative for Tea Party Drive to arrive. Mr. Holden seconded, and motion passed unanimously by roll call vote of 6-0-0 (Tomas Etzold – aye, Phil Bertuglia – aye, Lauren Steele – aye, Jeff Shaw – aye, Russell Holden – aye, Paul Balutis – aye).*

REPORTED/ONGOING VIOLATIONS

1. Commerce Drive Well Site – request to close EO
 - Unilock has purchased the property and is aware of the Commission's request to certify attempt to vernal pools prior to closing the EO. They have engaged with an Environmental Consulting firm to assess the property. Members agreed to leave the item on the agenda.
2. 173 Blackstone Street
 - It was determined that a septic system was replaced on the side of the house and plans submitted to BOH were reviewed by the Commission and the agent. The work was very close to the edge of the 100' buffer zone but the Plan indicated no approvals by the Conservation Commission was not required. It was also noted that the work was performed in an existing lawn and erosion control was specified in the plan. Members agreed due to the circumstances and the location not to pursue an "after the fact" RDA and to remove the item from the agenda.

Motion: Ms. Steele made a motion not to pursue any further action for the work on 173 Blackstone Street. Mr. Holden seconded, and the motion passed unanimously by roll call vote of 6-0-0 (Tomas Etzold – aye, Phil Bertuglia – aye, Lauren Steele – aye, Jeff Shaw – aye, Russell Holden – aye, Paul Balutis – aye).
3. 206 Hazel Street
 - The property is on the agenda due to a report of tree clearing in or near a wetland resource area. The homeowners attended the 2/22/22 Conservation Commission meeting and RDA forms were provided. Ms. Petro visited the site with the Building Inspector and Board of Health. The homeowner mentioned to the agent he had the RDA paperwork that he would complete – he said the trees he removed and would like to remove have been blighted by pests. Ms. Petro explained to members that there are some more pertinent issues on the parcel that extend beyond the Commission (a failed septic system).
 - Members concurred that an RDA for tree removal may be forthcoming and any that any further work could be considered a violation. They agreed to leave the item on the agenda for future discussion.
4. DEP# 312-1086 — Tea Party Drive
 - Dale McKinnon, Guerriere and Halnon provided a grading plan to address the flooding of the back yards of Tea Party Drive. He reviewed the plan – it's basically a 2% swale running from one end of the road to the other and swales for draining between the houses (some at 3%) that will run to the proposed swale. Because the plan was submitted during the meeting members agreed to leave the Enforcement Order in place as written to the next meeting of the Commission.

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- **Motion:** Mr. Shaw moved to continue discussion of the Tea Party Drive Enforcement Order to the next meeting of the Conservation Commission. Mr. Etzold seconded, and the motion passed by vote of 5-0-0 (Etzold – aye, Shaw – aye, Holden – aye, Balutis – aye, Steele – aye, Bertuglia – recused from vote).

* The meeting returned to the published agenda order.

3. **AMEND Notice of Intent (NOI) DEP #312-1064 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, resided 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. *Public hearing opened 2/7/22. Mr. Bertuglia recused himself from discussion because he is an abutter.*

Discussion: Dale McKinnon, Guerriere and Halnon, and Angela Conforti, Fafard Legal Counsel, attended on behalf of the applicant. Mr. McKinnon provided a review of G&H's responses to a Grave's Peer Review of the Modification to the Definitive Subdivision & Stormwater Permits (Peer Review #3, Dated 3/9/22).

Because a significant earth work is proposed for both basin's Commissioner's had questions and concerns related to work being coordinated and conducted in a manner consideration to weather to minimize potential for erosion and sedimentation. Mr. McKinnon recommended a pre-construction meeting and indicated that the SWPPP should contain that information. G&H does not prepare the SWPPP but Mr. McKinnon agreed to try address the particular question and address item #12 from the peer review report. He also committed to developing a Construction Sequence to alleviate concerns. Ms. Conforti noted that Mr. Garner would most likely be preparing the SWPPP for the project.

Motion: Mr. Balutis made a motion to continue the public hearing to amend DEP 312-1064 to the April 4, 2022 meeting of the Conservation Commission. Ms. Steele seconded, and the motion passed unanimously by roll call vote of 5-0-0 (Tomas Etzold – aye, Lauren Steele – aye, Jeff Shaw – aye, Russell Holden – aye, Paul Balutis – aye, Philip Bertuglia - recused)

4. **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. *Public hearing opened 2/7/22*

Discussion: Dale McKinnon, Guerriere and Halnon, and Angela Conforti, Fafard Legal Counsel, attended on behalf of the applicant. Mr. McKinnon described the work – all the work (disturbance) is contained within the basin. Anything on the western side will flow into this basin on its own. One of the Planning Board members expressed concern with the swale that runs behind the house on the southern end and a retaining wall at unit K. Mr. McKinnon met with Jack Hunter and they agreed on some improvements – he hoped could be incorporated with the Amended Order of Conditions work.

The Agent agreed to meet Mr. McKinnon on site this week to review the changes in the field and Mr. McKinnon will include on the plans.

Motion: Mr. Holden made a motion to continue the public hearing for DEP# 312-1135 to the April 4, 2022 meeting of the Conservation Commission. Mr. Blautis seconded, and the motion passed unanimously by roll call vote of 6-0-0 (Tomas Etzold – aye, Lauren Steele – aye, Jeff Shaw – aye, Russell Holden – aye, Paul Balutis – aye, Philip Bertuglia - aye)

REPORTED/ONGOING VIOLATIONS

5. **DEP# 312-1013 — 255 Chocolog Road, Cobblers Knoll Subdivision**

- No new updates

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6. 85 South Main Street

- Bill Perkins, property owner attended the meeting. The item was added to the agenda after a complaint of tree removal close to a stream on the property. Mr. Perkins is in the process of improving the parcel and provided photographs of the trees he removed (they had fallen on to the red building). The Agent and Commissioners visited the site.
- It was noted that there is some washout along the bank of the stream and implementing erosion control measures was discussed. They also discussed repairing/restoring a portion of the retaining wall and agreed Mr. Perkins would develop a more definitive plan and provide it to the Commission in the form of an RDA.

WETLAND UPDATES AND ISSUES

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

- **100 S. Street** – An unpermitted motor cross event with approximately 800 individuals occurred the weekend of 3/19/22. An aggrieved neighbor reported the event to the police and expressed concerns that there were wetland violations because dirt and sediment was kicked up and potentially deposited into Bacon Brook. An environmental police officer was dispatched with local law enforcement to the event. Members agreed they should acknowledge that a violation actually took place. They agreed to issue a letter from the Commission asking they come into to discuss and request a site visit. They also agreed to coordinate with the Town Manager and UXPD as they saw two separate issues – whether the overall activity is allowed and the potential wetland violation.
- **Newell Road/Depot Street Solar Project** – Mr. Holden reported some of the erosion controls were being removed and he didn't believe the Commission had yet issued a Certificate of Compliance.

PROCESSING

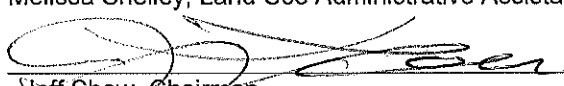
1. Meeting Minutes Review 12.6.21, 2.22.22, 3.7.22

- **Motion:** Mr. Balutis made a motion to approve the 12/6/21 Conservation Commission Meeting Minutes. Mr. Shaw seconded and the motion passed by 3-0-3 (Mr. Shaw – aye, Mr. Balutis – aye, Mr. Holden – aye, Mr. Etzold – abstained, Mr. Bertuglia – abstained and Ms. Steele – abstained).
- **Motion:** Mr. Balutis made a motion to approve the 3/7/22 Conservation Commission Meeting Minutes. Mr. Holden seconded, and the motion passed by vote of 6-0-0 (Etzold – aye, Bertuglia – aye, Steele – aye, Shaw – aye, Balutis – aye, Holden – aye).
- 2/22/22 meeting minutes passed over.

ADJOURNMENT-NEXT MEETING SCHEDULED FOR Monday, April 4, 2022

Motion: Ms. Steele moved to adjourn the March 21, 2022 meeting of the Conservation Commission. Mr. Balutis seconded, and the motion passed unanimously by roll call vote of 6-0-0 (Bertuglia – aye, Etzold – aye, Steele – aye, Balutis – aye, Shaw – aye, Holden – aye).

Respectfully Submitted,
Melissa Shelley, Land Use Administrative Assistant


Jeff Shaw, Chairman