



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



**Conservation Commission Meeting Minutes
April 19, 2022**

RECD TOWN CLERK
2022 JUN 14 4:07 PM

Present: Jeff Shaw, Paul Balutis, Russell Holden, Tomas Etzold, Phil Bertuglia, and Conservation Agent, Emily Petro

Absent: Lauren Steele

CALL TO ORDER:

It being approximately 6:32 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.

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*

Discussion: Ms. Petro explained the Applicant's representative was not able to attend the meeting due to illness but was amenable to the Commission discussing and potentially issuing an ORAD. Ecotec's final report was received and provided to commissioners 4/10/22. The report confirmed that comments were taken into consideration and incorporated into the revised plans. There was confirmation that the Commission is only approving the wetland line.

Abutter Comments: Rebecca Shields, 654 West Street, attended. She was interested in what could potentially be developed and provided some background information about the area to Commissioners. It was explained that any future development would require additional permitting by the Commission.

Motion: Mr. Balutis made a motion to close the public hearing for DEP# 312-1132. Mr. Etzold seconded, and the motion passed unanimously by vote of 5-0-0.

Motion: Mr. Balutis made a motion to issue an ORAD for DEP# 312-1132. Mr. Etzold seconded, and the motion passed unanimously by vote of 5-0-0.

2. 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, revised 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*

Elizabeth Mainini, Guerriere and Halnon, attended the meeting on behalf of the applicant and requested to continue the hearings. She noted that they cannot begin working on the basins until the backyard regrading work is completed. She expected to have updates at the next meeting.

Motion: Mr. Balutis made a motion to continue the public hearing to Amend DEP #312-1064 to the next meeting of the Conservation Commission. Mr. Holden seconded, and the motion passed unanimously by vote of 5-0-0.

3. 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*

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Motion: Mr. Balutis made a motion to continue the public hearing for DEP #312-1135 to the next meeting of the Conservation Commission. Mr. Holden seconded, and the motion passed unanimously by vote of 5-0-0.

4. Request for Determination of Applicability, 55 Dunleavy Brook Road (Map 15, Parcel 4085)

Applicant: Jamie Fitzgerald

Representative: None

Project Description: Installation of an above-ground swimming pool in an area that is presently turf lawn. Work will occur at a distance greater than 50-feet from the resource area.

Discussion: The homeowner, Mr. Fitzgerald was unable to attend the meeting. Ms. Petro described the project and explained that the project could be considered an exempt activity so long as erosion controls are in place (above ground pool over 50' from BVW, on existing turf lawn, no grading). She recommended the Commission issue a negative determination with the condition of the use of erosion control during installation. The project was brought to the attention of Ms. Petro through the building permit approval process. Mr. Shaw concurred based on a review of aerial photos. It was also noted that per the plan the above ground pool will be located approximately 40' from the dwelling.

Motion: Mr. Holden made a motion to issue a negative determination of applicability with the condition that erosion controls are used while work is being conducted. Mr. Balutis seconded, and the motion passed unanimously by vote of 5-0-0.

5. Request for Determination of Applicability, 1045 Quaker Highway (Map 56, Parcel 2117)

Applicant: Natures Medicine

Representative: Mark Santora

Project Description: Modifications to previously permitted septic system to service commercial building which will include the installation of a 2,500-gallon pump chamber and a portion of a 4,000-gallon septic tank. Work will occur within the outer 50-feet of the 100-foot Buffer Zone to a Bordering Vegetated Wetland.

Ms. Petro briefly explained that a septic system was already permitted and issued a COC and there is a now a need to make a modification to the system.

Motion: Mr. Balutis made a motion to open the public hearing for the RDA for 1045 Quaker Highway. Mr. Holden seconded, and the motion passed unanimously by vote of 5-0-0.

Presentation: Mark Santora, Civil Engineer, Grafton Ma attended the meeting on behalf of Natures Medicines. He explained they are expanding the facility and they now have the need to add an additional septic system. The majority of the work is over 200' from the resource with the exception of 2 holding tanks. He noted linear and utilities and title 5 septic system work is exempt from the WPA but filed the RDA to ensure the Commission concurred and had the ability to issue conditions. He pointed out the erosion control barriers that will be used. The area is a stabilized flat area with a slope adjacent to the work.

Discussion: Mr. Santora described why the tanks placement was selected. He also explained expansion of the septic system is necessitated by an expansion of the current dispensary and an additional cultivation facility being developed on the property. Mr. Santora explained how the septic system is separate from the plumbing related to the plant cultivation after some concerns brought by Mr. Balutis and Mr. Bertuglia. Mr. Balutis suggested a condition that the Commission is provided with a document stating that the systems will never be interconnected. Mr. Santora said they would be amenable to the condition.

Mr. Holden questioned whether it should be presented as an amendment to the NOI but the OOC has already been issued a COC so members discussed options and potential conditions. It was mentioned that the project is only exempt with the use of erosion controls. The erosion control and the physical features in the area were examined in more detail by members with Mr. Santora.

Motion: Mr. Shaw made a motion to issue a negative determination of applicability provided erosion control is installed as depicted on the plans and approved by the Commission or it's agent prior to the start of work. Mr. Balutis seconded, and the motion passed by vote of 4-1-0.

REPORTED/ONGOING VIOLATIONS

1. DEP# 312-1086 — Tea Party Drive

- Elizabeth Mainini, Guerriere and Halon provided an overview of the construction schedule and timeline for the regrading of specified lots and construction of an armored slope on Tea Party Drive. Jeff Fafard has been assigned as construction supervisor and will be onsite during the work. They plan to work on individual lots at a time (most contain 3 houses) and work from the M lots to the H lots because of the armored slope being constructed on lot I which abuts the H lots. They anticipate the work to take approximately 3 weeks for both. The surveyors will be staking work as they move along from lot to lot. Ms. Mainini requested they be allowed to begin work on the minor grade work in between the houses as soon as possible. Members were amenable and asked it be added to the construction schedule at item #2 to which Ms. Mainini agreed.
- There was review and some questions about the timeline provided. The work on lots M is noted to commence May 23rd, after the armored slope work. Members asked if it is possible to start this work a little earlier out of concern for lawns taking late in the season or residents being required water extensively. Ms. Mainini believed it would be possible to pull the start of work on lots M in a few weeks. Ms. Conforti, Fafard counsel, also in attendance confirmed. Everyone agreed the lower half of the armored slope needs to be constructed before work can begin on Lot H.
- Ms. Mainini said the soil quality will be verified by UTS. Samples will be collected on site at the initial, ¼, ½, and ¾ pile increments. Findings will be forwarded to Fafard and G&H and passed along to the Commission. It was estimated that the soil will be tested every three to four lots. Ms. Mainini also provided the seed mix and fertilizer proposed.
- Members inquired how weather conditions could impact the schedule. Ms. Mainini said they wouldn't spread loam in extremely wet conditions but the armored slope work and removal of material is not as weather dependent.
- Abutters (49 Tea Party, 29 Tea Party) inquired about stabilizing the hill that is 95% dirt to try to reduce runoff - Ms. Mainini said they could look into that. They also inquired about how they plan to access to the back lots - Ms. Mainini indicated that the best access is between 17 and 21.
- Ms. Petro said as long as the items the following three items were addressed she was ok: the grading work between houses is added to the construction schedule to begin early May; work on stabilizing the hill occurs while working on the armored slope; start of the lot grading work at lot M is pulled up on the schedule a few weeks – can occur concurrently with work on the armored slope.
- **Motion:** Mr. Holden made a motion to amend the 7/19/21 Enforcement Order so that the stabilization and backyard grading can occur in accordance with the West Side Tea Party Drive Grading Plan Construction Sequence dated 4/12/22 as amended during the 4/19/21 Uxbridge Conservation Commission meeting and to the timeline proposed and also amended during the meeting. Mr. Etzold seconded, and the motion passed unanimously by vote of 5-0-0.

Mr. Shaw made a motion to take the agenda out of order to hear 278 N. Main Street next. Mr. Holden seconded, and the motion passed unanimously by vote of 5-0-0.

2. 278 North Main Street

- Ms. Petro explained she received a complaint of work at 278 N. Main Street and conducted a site visit (photographs were shared with the members). Rip Rap was added and there were patches in the pavement. The lot was paved and painted after Ms. Petro's visit. The work was beyond the work recently permitted through the RDA w/ clear indication of what was allowed. After consulting w/ DEP Ms. Petro issued an Enforcement Order with a request to attend the upcoming meeting and stop work until certain materials are submitted (as-builts, site plans, description of work, etc.). She spoke with Mr. Chaille over the phone to explain in more detail.
- Mr. Chaille, the property owner attended the meeting to describe the work. He said after the trees were cut back he cleared out all the trash from the site – tires, steel, car parts, timbers, materials and dirt left by the State's sewer clean out project. He said all the dirt that was dumped there was running off into the catch basin. He shared photographs of his clean-up with members. He also noted he received complaints from neighbors which drove his clean-up efforts. He ensured everyone nothing went into the river and no more dirty dirt is going into the catch basins.
- Emily spoke to someone at DEP when she issued the EO. Their recommendation was that if it's something the Commission would have allowed (because it is a previously disturbed riverfront area it is not held to the same performance standards), then the procedure would be to file an after the fact NOI.
- Before agreeing, members discussed whether they would have permitted it – he re-paved an existing paved lot (going over a bit after clean-up). They also discussed whether any future work is allowed and agreed it is not until the filing of the issuance of an OOC. Remediation was discussed – possibly wetland plantings, shrubs along the riverfront and suggested a planting plan be submitted along w/ the NOI. Members asked whether there was a reason for the riprap - Mr. Chaille said it was added for ease of maintenance and to look nice. A fence was added and it was noted that wildlife should be able to move around – Mr. Chaille said it was added for safety reasons and is only in a small area with plenty of other areas for access. Mr. Chaille described the asphalt work and said they removed cracked areas that were thin and crumbled and placed some gravel there before paving.

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- Members agreed that an NOI should be submitted within 60 to 90 days. They also agreed that there shall be no further work until the NOI is filed, and an Order of Conditions is issued. Mr. Chaille said he understood and will not do any further work before he submits the NOI.
 - Ms. Petro agreed to amend the Enforcement Order to incorporate the NOI submittal requirement by July 15 (90 days).
 - **Motion:** Mr. Holden moved to ratify the Enforcement Order issued as amended at the 4/19/22 meeting. Mr. Balutis seconded, and the motion passed unanimously by vote of 5-0-0.
3. DEP# 312-1013 — 255 Chocolog Road, Cobblers Knoll Subdivision
 - Mr. Shaw noted no new updates. He recommended Ms. Petro review the files and they keep the item on the agenda. Mr. Balutis noted some items going on w/ the Planning Board at Cobbler's Knoll – water coming down the pipe into the culvert and into the detention pond/swamp. Ms. Petro offered to reach out to Jack Hunter, Town Planner to coordinate.
 - As a side note Ms. Petro said she thought the act called for applicants to obtain all zoning and planning permits prior to submission to the Conservation Commission. After a quick investigation it turns out this is not the case. Members had further discussion about the town permitting process.
 4. Commerce Drive Well Site – request to close EO
 - No new updates recently, the owner has secured an environmental firm in an attempt to collect the data to certify the vernal pools.
 5. 206 Hazel Street
 - Issues well beyond Conservation that involve BOH - members agreed to keep on agenda.

WETLAND UPDATES AND ISSUES

1. Blackstone Watershed Collaborative Presentation
 - The presented requested to continue to the next meeting.
2. Discussion of site compliance regarding active & expired Orders of Conditions
 - Members inquired whether any permits have been issued for work going on the Bernat Mill Complex. There have not and there was discussion about the requirements because it is in a historic mill complex district. It appears the work is exempt as long as the work is done in accordance with Best Management Practices and any violations go to the State (DEP). Members tried searching the act for the requirements around historic mill complexes. They were able to pin point it an exemption in the River Protection Act. Building Permits would be required. There was also a discussion about why the Town doesn't have a Wetland Bylaw and the benefits and Uxbridge's history.
3. Pat Garner Report Siltation Event at 9a and 9b at Crownshield– there was a water main break that resulted in washout past the silt fence and into the wetland. Ms. Petro inspected and shared photographs with the members.
4. Electronic access to the MACC handbook was discussed – it seems some accounts must be renewed for continued access. It was also mentioned that it would be great to add links some of their informative links to the Conservation Page on the Town Website. Ms. Petro agreed to reach out to MACC to renew. Also, a brief discussion about the courses and information offered by MACC.
 - **Motion:** Mr. Holden made a motion to disperse up to \$25 per commissioner for a username and password to the electronic access to the MACC handbook. Mr. Shaw seconded, and the motion passed unanimously by vote of 5-0-0.
5. Solar Panel Project – on Depot Street/Newell Road
 - Mr. Holden pointed out an additional road closer to the wetland than the original road and suggested reviewing the plan to verify whether it was proposed and possibly reaching out to the owners to ensure a CoC is pursued prior before sale.
6. Ways to improve communication between the Town and the residents was discussed – specifically a physical place in town. The Town Common Sign is somewhat obscured and difficult to read. Mr. Balutis mentioned the ability to sign up for E-Alerts through the Town Website.
7. Mr. Holden compiled a list of the recent tax title properties (hundreds of acres) near conservation sensitive/important areas. He recommended keeping them on a ticker of important properties for conservation purposes. The list was provided to the Treasure and several parcels were discussed in more detail.

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PROCESSING

1. Meeting Minutes Review 4/4/22
 - Passed over waiting for quorum

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

ADJOURNMENT-NEXT MEETING SCHEDULED FOR Monday, May 2, 2022

Motion: Mr. Balutis moved to adjourn the April 19, 2022 meeting of the Conservation Commission. Mr. Etzold seconded, and the motion passed unanimously by vote of 5-0-0.

Respectfully Submitted,
Melissa Shelley, Land Use Administrative Assistant



Jeff Shaw, Chairman