

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



## Conservation Commission Meeting Minutes May 16, 2022

**Present:** Jeff Shaw, Paul Balutis, Russell Holden, Lauren Steele, and Conservation Agent, Emily Petro attended in person and Phil Bertuglia attended remotely

**Absent:** Tomas Etzold

### 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.

### PUBLIC HEARINGS

1. **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*

The Applicant requested to continue to the next meeting of the Conservation Commission.

**Motion:** Mr. Holden made a motion to continue the public hearing to the June 6, 2022 meeting of the Conservation Commission. Mr. Steele seconded, and the motion passed unanimously by vote of 4-0-0.

2. **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*

The Applicant requested to continue to the next meeting of the Conservation Commission.

**Motion:** Mr. Holden made a motion to continue the public hearing to the June 6, 2022 meeting of the Conservation Commission. Mr. Steele seconded, and the motion passed unanimously by vote of 4-0-0.

*\*Mr. Balutis made a motion to take the agenda out of order to hear the Violation update for 312-1086, Tea Party Drive next. Ms. Steele seconded, and the motion passed by vote of 3-1-0 (Mr. Holden voted no).*

### REPORTED/ONGOING VIOLATIONS

1. **DEP# 312-1086 — Tea Party Drive**

- Elizabeth Mainini, Guerriere and Halnon attended on behalf of Uxbridge Multi Family Realty/FRE with a progress update. She said they have one crew working on the armored slope and a separate contractor working on the grading between the houses. Jeff Fafard is overseeing construction activities. There was a brief review of an updated construction sequence that was submitted prior to the meeting. A haul road was also created off lot I to minimize the traffic onto Tea Party. Ms. Mainini said they will pass along the soil test results along as soon as they get it – the progress is delayed due to the limited number of places that can perform it (they are working with UMass). Members were satisfied with progress.
- Mike Breciani, 49 Tea Party, attended on behalf of affected residents and reported the neighborhood is happy with the recent progress. A resident from the B units attended to complain about the response he's had from Fafard. Member

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explained his parcel is on the other side of the Tea Party and not part of the enforcement order or under their jurisdiction. Ms. Mainini was able to provide some additional information.

*\*The meeting returned to the published agenda order and \*Mr. Bertuglia joined the meeting via remote participation.*

### **PUBLIC HEARINGS**

#### **3. AMEND Order of Conditions (OOC) DEP #312-1113 30 Lackey Dam Road (Map 15, Lot 655)**

**Applicant:** ABC Realty LLC c/o Thomas Healey

**Representative:** Harrison French & Associates

**Project Description:** Changes to project layout for previously approved site design of a gas station and its associated improvements. The proposed modifications include; increase in building area to provide more storage, pavement expansion to the east and north for parking/circulation, reconfiguration of fuel storage tanks, enlargement of outdoor patio, enlargement of proposed diesel canopy, removal of electric car charging stations, enlargement of bioretention area and infiltration system to accommodate additional pavement area.

**Motion:** Mr. Holden made a motion to open the public hearing to review the request to amend DEP 312-1113. Mr. Balutis seconded, and the motion passed unanimously by vote of 4-0-0.

**Presentation:** Steve Pedro, architect with HFA, presented the petition on behalf of the applicant. Michael Durant, construction permit coordinator with Noria Energy was also in attendance. Mr. Pedro described the request and explained there would be no negative impact to the jurisdictional areas of the Commission. He said it's a functional change (the building size has slightly increased, re-contoured the pavement in the back of the building which resulted in an expansion of the infiltration basin). There are also some changes to the diesel canopy and the EV charging units have been removed due to power supply requirements.

**Discussion:** Members reviewed the plans and inquired about the stormwater system modifications. Mr. Pedro explained the changes have been reviewed by the Planning Board & their third-party reviewer and responses to comments were submitted. Ms. Petro reviewed the changes and did not see any negative impact (it's a previously disturbed site and most of the work is outside of the Commission's purview). She recommended and commissioners were comfortable approving the amendment contingent upon Planning Board approval.

**Motion:** Mr. Balutis made a motion to allow for the Amendment to the plan related to the Order of Conditions for DEP 312-1113 with the condition that the Uxbridge Planning Board approve the modifications to the related stormwater permit. Mr. Holden seconded, and the motion passed unanimously by roll call vote of 5-0-0 (Bertuglia – aye, Steele – aye, Shaw – aye, Holden – aye, Balutis – aye).

#### **4. Request for Determination of Applicability, 20 Glen Street (Map 36, Parcel 4127)**

**Applicant:** Kimberly & Roger Kampf

**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.

**Presentation:** The homeowner, Mr. Kampf attended the meeting. Ms. Petro inspected the site and described the request to install an above ground swimming pool on an existing turf lawn and greater than 50' from the resource area. She reported the area is fairly flat and shouldn't require any major grading activities or erosion control. The construction of the house was under an OOC and a CoC was issued to the builder, Dirk Koopman (there was a wetland crossing and wetland on 3 sides of the house).

**Discussion:** Members inquired whether the location was staked out. Ms. Petro said it was not, but while she was there the homeowner pointed out the exact location and they took measurements. Mr. Kampf said they only grading he anticipates is an area around the air conditioner that is sagging. Members discussed imposing a condition that the homeowner notify the Agent and/or the Commission upon completion to verify the installation met with the plan.

**Motion:** Mr. Balutis made a motion to issue a Negative Determination of Applicability with the condition that the inform the Conservation Commission or its agent upon completion. Mr. Holden seconded, and the motion passed unanimously by roll call vote of 5-0-0 (Bertuglia – aye, Steele – aye, Shaw – aye, Holden – aye, Balutis – aye).

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### 5. Notice of Intent (NOI) DEP #312-1137 Aldrich Street (Roadway)

**Applicant:** Town of Uxbridge

**Representative:** Beta Group, Inc.

**Project Description:** Rehabilitation of existing bridge structure over Aldrich Brook. Work includes; concrete repairs, repointing and/or replacing wingwalls and retaining walls, installation of moment slabs and replacement of guardrails and bridge rails.

**Motion:** Mr. Balutis made a motion to open the public hearing for DEP 312-1137. Mr. Holden seconded, and the motion passes unanimously by roll call vote of 5-0-0 (Bertuglia – aye, Steele – aye, Shaw – aye, Holden – aye, Balutis – aye).

**Presentation:** Todd Pazaki and Tyler Drew with Beta Group attended on behalf of the submittal. Paul Hutnak, Uxbridge DPW was also in attendance. Todd provided a review of the project. He explained purpose of the work is to improve safety and preserve the structure. This project requires removing the top, replacing the jersey barriers with guardrail and replacing the severely deteriorated two wingwalls at the top. Dewatering will be required to remove the wing walls and replace them. They plan to bulkhead the pond and have the bypass pipe going through the center of the culvert. While dewatered, the contractor will repair any concrete deficiencies in inside walls of the culvert. The headwalls are also being replaced at roadway level. Tyler briefly reviewed the environmental impacts of the dewatering.

**Discussion:** Members inquired about the construction sequence and Todd surmised they would dewater first and take care of the concrete wingwalls and stone mason repair. He said the repairs should be fairly quick and anticipated only the upstream work should require dewatering – he thought all the work will occur at once. It is up to the contractor but he estimated it would take approximately one month, two max. Members discussed imposing a condition on the max amount of time for the area to be dewatered. It was noted that the contractor has to submit their dewatering plan to Beta Group for approval. Members agreed on adding a condition that the Commission accepts the dewatering plan and the construction sequence prior to the start of work.

No members of the public commented on the proposal.

**Motion:** Ms. Steele made a motion to close the public hearing for DEP 312-1137. Mr. Balutis seconded, and the motion passed by roll call vote of 4-1-0 (Bertuglia – aye, Steele – aye, Shaw – aye, Holden – no, Balutis – aye).

**Motion:** Mr. Shaw made a motion to issue an Order of Conditions for DEP 312-1137 with the Standard Uxbridge Special Conditions contingent upon 1) that a dewatering plan is reviewed by the Conservation Agent 2) the dewatering is limited to 60 days unless an extension is requested. Mr. Bertuglia seconded, and the motion passed by roll call vote of 4-1-0 (Bertuglia – aye, Steele – aye, Shaw – aye, Holden – no, Balutis – aye).

Clarification – members asked when work is anticipated and Mr. Hutnak replied that it could take a least a year – they have to get the funds appropriated either through grants or capital planning.

### 6. Notice of Intent (NOI) DEP #312-1138 Carney Street (Roadway)

**Applicant:** Town of Uxbridge

**Representative:** Beta Group, Inc.

**Project Description:** Rehabilitation of existing bridge structure over Drabbletail Brook. Work includes; pavement repairs, repointing wingwalls, installation of moment slabs, and replacement of guardrails and bridge rails.

**Motion:** Mr. Balutis made a motion to open the public hearing for DEP 312-1138. Mr. Steele seconded, and the motion passes unanimously by vote of 5-0-0 (Bertuglia – aye, Steele – aye, Shaw – aye, Holden – aye, Balutis – aye).

**Presentation:** Todd Pazaki and Tyler Drew with Beta Group presented the application. Paul Hutnak, Uxbridge DPW was also in attendance. This bridge structure is located on Carney Street near Rt. 16. The purpose of the work is to preserve the structure and increase safety by replacing the chain link fence with a guard rail. This project does not require complete dewatering – just the abutment faces must be dry during work. This can be achieved using sandbags around the abutments while work is occurring. The same process will be used to repair the wingwalls. The limit of disturbance is inside the culvert while the sandbags are being used. The limit outside the culvert is 15'. The repairs at this bridge are concrete and the bottom is black felt. When the bottom comes off there may be some areas that need to be repaired and they will add notes to the specifications regarding protection of resource areas. He noted that the next bridge repair project on Ironstone will be

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the same. The work will require road closure and it was noted that Carney Street is simple to re-route using Marywood. It was also mentioned that the work is similar to the bridge work recently completed on Marywood.

Mr. Drew provided a brief review of the environmental impacts – temporary impacts during dewatering of Drabble tail Brook. The remainder of work is riverfront in previously disturbed area. He noted that feedback received during a site visit w/ Ms. Petro will be incorporated into the specifications.

**Discussion:** There was a review of the drawings. Details about the installation of the guard rail were reviewed (no curb – matching existing conditions – rail to be mounted on the side of the slab). The agent recommended and everyone agrees to only work and dewater on one side at a time

No members of the public commented on the public hearing.

**Motion:** Mr. Balutis made a motion to close the public hearing for DEP 312-1138. Ms. Steele seconded, and the motion passed unanimously by roll call vote of 5-0-0 (Bertuglia – aye, Steele – aye, Shaw – aye, Holden – aye, Balutis – aye).

**Motion:** Ms. Steele made a motion to issue an Order of Conditions for DEP 312-1138 with the Standard Uxbridge Special Conditions and the additional condition that any dewatering occurs on one side at a time only. Mr. Balutis seconded, and the motion passed unanimously by roll call vote of (Bertuglia – aye, Steele – aye, Shaw – aye, Holden – aye, Balutis – aye).

### 7. Notice of Intent (NOI) DEP #312-1139 Ironstone Road (Roadway)

**Applicant:** Town of Uxbridge

**Representative:** Beta Group, Inc.

**Project Description:** Rehabilitation of existing bridge structure over Bacon Brook. Work includes; concrete repairs, refacing of abutments, repointing wingwalls, installation of moment slabs, and replacement of guardrails and bridge rails.

**Motion:** Mr. Balutis made a motion to open the public hearing for DEP 312-1139. Mr. Steele seconded, and the motion passes unanimously by roll call vote of 5-0-0 (Bertuglia – aye, Steele – aye, Shaw – aye, Holden – aye, Balutis – aye).

**Presentation:** Todd Pazaki and Tyler Drew with Beta Group presented the application. Paul Hutnak, Uxbridge DPW was also in attendance. Todd explained the work and process are almost identical to the work on the bridge on Carney street with the exception of the material being masonry rather than concrete. Traffic will be maintained during the work – an 11' roadway width. Just enough room to do the guard rail work – one side at a time. He described the location as it is difficult to find (near Balm of Life Spring and Fast Pitch is right after the bridge). Like the work on Carney – the work is only intended for preservation and areas being worked on will be temporarily dried using sandbags to re-route the stream. He expects construction to take one to two months maximum.

Mr. Drew reported impacts 320 sq. feet of temp impact to Bacon Brook land under water and 8 linear feet of temporary impact to bank during work.

**Discussion:** There was discussion about adding the language to only allow work one side at a time for each bridge. No interactions or concerns w/ the dam upstream.

**Motion:** Ms. Steele made a motion to close the public hearing for DEP 312-1139. Mr. Balutis seconded, and the motion passed by vote of 5-0-0 (Bertuglia – aye, Steele – aye, Shaw – aye, Holden – aye, Balutis – aye).

**Motion:** Ms. Steele made a motion to issue an Order of Conditions for DEP 312-1139 with the Standard Uxbridge Special Conditions and the additional condition that any dewatering occurs on one side at a time only. Mr. Balutis seconded, and the motion passed unanimously by roll call vote of 5-0-0 (Bertuglia – aye, Steele – aye, Shaw – aye, Holden – aye, Balutis – aye).

*Mr. Hutnak asked whether the Commission could discuss another culvert in town not on the agenda and members agreed – as it could not be anticipated within 48 hours of the meeting.*

- *Sutton Street Culvert is 2 twin 32" culverts in bad disrepair – through MVP a replacement design occurred. To meet stream crossing standards, a 14' wide span that is 3' high, was recommended but the cost would be approximately \$1.2 million to construct. That level of funds are not able to be secured so DPW would like to open*

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*the discussion whether the Commission would consider allowing them to replace the 2 32" cmcs w/ 2 new 48" rcp pipes. Mr. Hutnak reviewed the benefits. This would allow them to pass a 50-year storm through the culvert system. They understand it doesn't meet stream crossing standards but it would be much better than what is there now. This area has overtopped since the recent design recommendations so time is of the essence and any improvements would be beneficial. They still need to work on design and permitting but were hoping for some feedback. Members did not have any negative feedback – they saw the benefit to the upgrade.*

### **REPORTED/ONGOING VIOLATIONS**

2. 278 North Main Street
  - Rob Chaille, the property owner, attended the meeting. He informed members that Ecotec has flagged the property and Turning Point Engineering is finalizing plans to submit an after the fact NOI for the paving, clearing and future work on the site. He asked for the ability to place a pavilion on the paved portion of the lot – to provide customers seating in a shaded area - prior to the submission of the NOI. He explained that will just sit on concrete pad and no attachment points are required. A picture of the pavilion was provided and displayed to the members.
  - After discussion, members agreed to amend the EO to allow for the structure to be placed and used while the rest of the EO shall remain in place as written.
  - **Motion:** Mr. Shaw made a motion to amend the Enforcement Order to allow for the pavilion structure to be placed and used while the remainder of the Enforcement Order remain in place as written. Ms. Steele seconded, and the motion passed unanimously by roll call vote of 5-0-0 (Bertuglia – aye, Steele – aye, Shaw – aye, Holden – aye, Balutis – aye).
3. 206 Hazel Street
  - Ms. Petro issued an EO under the recommendation from the BOH because they have a lot of issues and violations they currently are trying to resolve. The responsiveness/situation is not ideal and it has the potential to end up in court. Specifically, BOH requested the Commission's EO states the presence of a cesspool within 15' of a perennial stream that has failed title 5 inspection. Ms. Petro ran the language by DEP and asked members to review and ratify. No one expects a response and understand they may not be able to enforce the order but see the necessity to document the request. Members discussed the deadlines incorporated in the EO (30-day timeline) and discussed increasing it but agreed it is probably not a factor as the cesspool has been neglected for the past 15 years.
  - **Motion:** Ms. Steele made a motion to endorse the Enforcement order written to Linda Barry, 206 Hazel Street, Uxbridge MA, April 28, 2022. Mr. Balutis seconded, and the motion passed unanimously by roll call vote of 5-0-0 (Bertuglia – aye, Steele – aye, Shaw – aye, Holden – aye, Balutis – aye).
4. 215 Henry Street
  - Ms. Petro explained this potential violation was brought to her attention by Mr. Holden. After inspection it was evident that a large area was cleared and a construction entrance appears to have been installed. Photographs, aerial images and property maps were shared with the members. Ms. Petro believed there was no question this was an enforceable matter so she issued an Enforcement Order (to stop work and issue a NOI) rather than a letter of potential violation. Mr. Holden recommended not conceding the body of water is a "pond" in the Enforcement Order – it should be on the ownership of the homeowner and/or it's agent to identify. Ms. Petro argued that it was a pond (not a river) noting anything over 10,000 sq. ft of standing water is considered a Pond. Everyone agreed to call it an unnamed body of water.
  - **Motion:** Mr. Shaw made a motion to ratify the EO with the amendment (changing the word pond to unnamed body of water -" clear cutting of trees and removal of vegetation w/in the 100' buffer zone to the bank of an unnamed body of water in the south eastern portion of the property". Ms. Steele seconded, and the motion passed unanimously by roll call vote of 5-0-0 (Bertuglia – aye, Steele – aye, Shaw – aye, Holden – aye, Balutis – aye).
5. 255 Chocolog Road – no new discussion. Original developer funding dried up. A new developer came in and is finishing the structures in stage 1.
6. Commerce Drive – Ms. Petro offered to follow up with Jay Lemire, Unilock to determine whether the environmental assessment was able to be completed.
7. 204 Quaker Highway – Mr. Holden asked Ms. Petro to investigate a path that may have been put in. She found out the previous homeowners installed 2 artesian wells on site under an NOI and they will be coming in to close it out in the near future. She agreed to review the file prior to

### **WETLAND UPDATES AND ISSUES**

1. Blackstone Watershed Collaborative Presentation
  - David Tapscott, Uxbridge Board of Health provided a presentation of the Blackstone Watershed Collaborative. He reviewed a slide show developed by the Collaborative that summarized their purpose, recent assessment and identified

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needs of the entire watershed from Worcester to Narragansett Bay. The Collaborative meets monthly comprises of 100's of individuals from over 200 organizations. Their goal is to implement the 20 priorities identified in the Needs Assessment Report over 5 years with the hope to improve local watershed health and resilience in the face of development and climate change.

- The reason this is coming to the Commission is because Stephanie Covino, the BWC Program Manager/Research Scientist is looking for BOSs/Towns to sign a resolution to support the goals of the Collaborative and our BOS wanted to get opinions from other organizations in town. The BOS had concerns about accountability and costs associated if signed on.
  - The resolution was briefly reviewed. Mr. Shaw's personal thought was the resolution is great – the water chestnut problem at Whitin pond was discussed as an example. Everyone agreed to review the resolution on their own and discuss further during the next meeting. Most members voiced support of the initiatives.
2. Discussion of site compliance regarding active & expired Orders of Conditions
- A potential violation Douglas Street was discussed. The site is adjacent and to a permitted project and possibly owned by the same individual. It was also discussed previously but it appears that additional work has taken place. Ms. Petro agreed to investigate further (review past meeting minutes).
  - Pout Pond – Mr. Holden mentioned some recent and upcoming activities happening at the pond (Trout Stocking, STEAM activities) and expressed concern that the Commission may not have been notified. Everyone acknowledged that the PPRC is comprised of new members that may not be aware of some of the process. Members agreed to invite members of the PPRC to an upcoming meeting.
  - Solar Array on Depot Road – Mr. Holden thinks an additional road may have been installed (where the wetland area is). Ms. Petro agreed to review. This project has not yet received a CoC.
  - Amazon property – per the Conservation and Management Plan – they are supposed to have fences around the conservation restriction – not sure they have been installed yet and hoping to verify. Ms. Petro agreed to coordinate.
  - The need to inspect several Conservation Restrictions was discussed (CR near BJs has a turtle fence that may need an inspection and the CR on Rivulet Road should also be inspected).
  - Mr. Shaw informed members of an upcoming water chestnut weed pull at Whitin Pond.

### PROCESSING

1. Meeting Minutes Review 4.4.22, 4.19.22


**Motion:** Mr. Balutis made a motion to approve 4/4/22 the meeting minutes of the Conservation Commission written. Ms. Steele seconded, and the motion passed by roll call vote of 4-0-1 (Bertuglia – abstain, Steele – aye, Shaw – aye, Balutis – aye, Holden – aye).

**Motion:** Mr. Holden made a motion to approve 4/19/22 the meeting minutes of the Conservation Commission written. Mr. Balutis seconded, and the motion passed by roll call vote of 4-0-1 (Bertuglia – aye, Steele – abstain, Shaw – aye, Balutis – aye, Holden – aye).

### ADJOURNMENT-NEXT MEETING SCHEDULED FOR Monday, June 6 2022

**Motion:** Ms. Steele moved to adjourn the May 16, 2022 meeting of the Conservation Commission. Mr. Holden seconded, and the motion passed unanimously by vote of 5-0-0.

Respectfully Submitted,  
Melissa Shelley, Land Use Administrative Assistant

  
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Jeff Shaw, Chairman