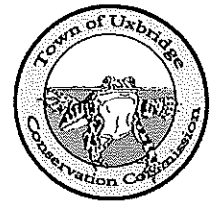


Town of Uxbridge
Conservation Commission
21 South Main Street
Uxbridge, MA 01569
508-278-8600 x 2020



**Conservation Commission Meeting Minutes
April 18, 2023**

Present: Jeff Shaw, Lauren Steele, Paul Balutis, Jim Clancy, Philip Bertuglia, and Conservation Agent Emily Petro

Absent: Russell Holden

CERTIFICATE OF COMPLIANCE

REC'D L&D TOWN CLERK
2023 APR 17 3:41 PM

1. DEP# 312-694 150 Douglas Street, Uxbridge Church of the Nazarene

- Ron Johnson, 77 Linwood Street, Head Trustee of the Valley Chapel Church of the Nazarene attended to request a Certificate of Compliance for work completed in 2003. He explained they do not have an as-built plan for the work, because Heritage Design, the engineer for the project is no longer in business. He said everything is well established, they have a company clean the storm drains every 3 or 4 years and that the stormwater basin appears to handle the rain adequately.
- Ms. Petro visited the site to view the stormwater system and Mr. Shaw provided some background information – a CoC was requested before and in lieu of an as-built they inspected the property and agreed to assess it after a few large rain events to ensure the basin performed properly. Everyone agreed that we've had those events and it functioned appropriately. Mr. Shaw's recommendation was to issue the Certificate because the site is all built, paved, water is going where it's supposed to go, and there are no areas of erosion evident.
- Ms. Petro noted that there are some trees growing through the armored slope (area between parking lots) and inquired what if any maintenance should be required for that type of structure. Members discussed further and did not believe they would pose a problem noting that may be more stabilizing to just to leave them in place.
- **Motion:** Mr. Balutis made a motion to issue a Certificate of Compliance for DEP312-694 150 Douglas Street. Ms. Steele seconded, and the motion passed by vote 5-0-0.

PUBLIC HEARINGS

1. Notice of Intent (NOI) DEP #312-1147, Elmstreet Extension, Map 11, Parcel 2436

Applicant: James Smith

Representative: Mark Allen, Allen Engineering & Associates, Hopedale, MA

Project Description: Installation of an infiltration basin located within 100-feet of a Bordering Vegetative Wetland (BVW).

Public hearing opened 3/6/23

Motion: Mr. Balutis made a motion to re-open the public hearing for 312-1147 Elmstreet Extension. Ms. Steele seconded, and the motion passed unanimously by vote of 5-0-0.

Presentation/Discussion: John Scanlon, Allen Engineering attended the meeting on behalf of the applicant. The public hearing had been continued to allow the applicant to provide additional information including wetland data sheets per DEP comments. David Crossman, Sr. Wetland Biologist, B&C Associates performed the wetland delineation but only provided a report so wetland data sheets were available. Mr. Scanlon explained flags have been hung in the field and pointed their location on the plan. He said the topography (a considerable drop off) may have been a clear indicator of the wetland line and the basis for the report. Ms. Petro concurred that there is a significant drop off. Members reviewed the report provided by Mr. Crossman. The Agent suggested applicant to hire an alternative wetland scientist to delineate the wetland with the ability to provide wetland data sheets. Members agreed they would like to see proper delineation and the applicant consented. Mr. Shaw confirmed this NOI is just roadway and the stormwater basin – it does not include the individual house lots. There is work occurring at the old cul-de-sac – Mr. Shaw requested that a sock is placed in the drain because it goes to a wetland and Mr. Scanlon agreed.

Motion: Ms. Steele made a motion to continue the public hearing to the next meeting of the Conservation Commission. Mr. Balutis seconded, and the motion passed unanimously by vote of 5-0-0.

Conservation Commission Meeting Minutes continued – April 18, 2023

2. **Notice of Intent (NOI) DEP #312-1146 Lot 15, 189A, 189B, 189C, & 189D Crownshield Avenue, Map 29, Parcel 3766**
Applicant: Scotland Yard, LLP Milford MA
Representative: John Federico, Guerrier and Halnon, Milford MA
Project Description: Construction of a 4-unit condominium building with associated driveways, utilities and grading within 100-feet of a Bordering Vegetative Wetland (BVW). *Public Hearing opened 2/6/2023*

Motion: Mr. Balutis made a motion to re-open the public hearing for DEP 312-1146. Mr. Bertuglia seconded, and the motion passed unanimously by vote of 5-0-0.

Presentation/Discussion: John Federico, Guerrier and Halnon, attended on behalf of the applicant. He reviewed revisions made to the plans – silt fence detail added on page 2, Feno spike marker detail added, and the order of the sequence on the plan detail was updated to move up the installation of the erosion control blankets to occur immediately after the grubbing and stump removal – to stabilize the site asap.

Mr. Federico also noted that they confirmed DEP received the updated payment on 4/4/23. Members agreed everything was added as requested. Mr. Shaw pointed out that the erosion controls on the upper portion failed during a recent intense rain storm to demonstrate the vulnerability of the site. Mr. Federico acknowledged and reviewed the grading, high points, and expected drainage on the site – he didn't think they would have the same issue but said there were areas they could add a mulch sock or additional erosion control if needed. After further discussion, members and the applicant agreed on a condition to control all sediment on the lot even through the construction entrance and future drive.

Motion: Mr. Balutis made a motion to issue an Order of Conditions with the Uxbridge Standard Special Conditions and a special condition that the roadway entrance and construction entrance will be kept free and clear of silt entering the road at all times until the end of construction. Ms. Steele seconded, and the motion passed unanimously by vote of 5-0-0.

3. **Request for Determination of Applicability (RDA) 201-209 River Road, Map 45, Parcel 4024 & 4053**

Applicant: Gary Powers

Representative: Mike Tetreault

Project Description: The proposed project is for the construction of a 4,800 square foot garage building and associated gravel access drive to be located within the 200-foot Riverfront Area of the Blackstone River.

Presentation: Mike Tetreault, contractor, and the property owner's son attended the meeting. Ms. Petro explained that she helped Mr. Tetreault prepare the application and provided the following background information: this is essentially the same plan was originally permitted via OC in 2013, there were some enforcement issues and the Commission at the time decided to revoke the OC. There was no action on the site for some time but in 2020 a septic system was installed (outside 200' riverfront) and more recently some clearing occurred on the property. The engineer who prepared the original NOI is no longer in business. In an effort to move the project forward Ms. Petro suggested the idea of permitting as an RDA, given that they've already seen the plan and the building is actually reduced in size from the original proposal.

Ms. Petro displayed current and historical aerial images of the property which is mostly in 200' riverfront of the Blackstone River. She believed the parcel met criteria for redevelopment of previously disturbed riverfront area because the inner 100-feet, or inner riparian associated with the Blackstone River in this area, has previously been degraded by River Road, which acts as a buffer between the River and the two parcels. She reviewed the performance standards and outlined compliance and how the project could meet the development standards. All proposed improvements are located outside of 100-feet of the Riverfront Area and are sited as far outside of the Riverfront Area as feasibly possible while still maintaining all applicable zoning setbacks. Site access from River Road will be an unpaved, gravel driveway. At this time, the site contains no vegetation and exposed soils. Finalization of the proposed project will result in complete site stabilization. Ms. Petro said the conditions would be the same as on an OC – the applicant would be required to submit an as-built and site access allowed for inspections of erosion control measures and to ensure no issues onsite that could contribute to any impacts to resource areas.

Discussion: Members were amenable to the solution for this site. Mr. Shaw inquired whether trees will be removed in the area of the driveway – Mr. Tetreault said there is a big opening now and they shouldn't have to remove any additional trees. Mr. Shaw also asked at the other end of the property where trees were recently removed whether there would be a wall installed or some other way to demarcate the property from River Road – Mr. Tetreault said they may just have a natural swale. Mr. Shaw suggested the area is revegetated (grass, shrubbery, etc.) to ensure all traffic to the site enters and exits from the gravel driveway and keep erosion from getting onto the street and possibly into the river. Members asked whether the gravel driveway will extend around the building and they said it would.

Conservation Commission Meeting Minutes continued – April 18, 2023

Conditions were discussed with applicant and everyone agreed on the following: no further tree removal, vegetate front area along the street between the gravel driveway and the street, maintain erosion controls barriers at all times as per the plan, allow full inspections by the Conservation Commission and/or its agent and provide an as-built plan upon completion.

Motion: Ms. Steele moved to issue a Negative Determination of Applicability for 201/209 River Road for the project proposed with the conditions as stated (*no further tree removal, vegetate front area along the street between the gravel driveway and the street, maintain erosion controls barriers at all times as per the plan, allow full inspections by the Conservation Commission and/or its agent and provide an as-built plan upon completion*). Mr. Bertuglia seconded, and the motion passed unanimously by vote of 5-0-0.

4. Request for Determination of Applicability (RDA) 39 Tabor Road, Map 41, Parcel 1281

Applicant: Josh Wood

Representative: N/A

Project Description: The proposed project is for the construction of an inground swimming within 100-foot Buffer Zone to a Bordering Vegetated Wetland.

The applicant was not in attendance. Ms. Petro explained she identified the project during the building permit request and notified the applicant that a filing was required. Members had a brief discussion about the property, the project to install a non-discharging salt water inground pool and the proposed erosion controls. The plans provided included erosion control from the original construction. Members agreed to wait for the applicant to attend so they could confirm the amount of tree cutting and determine what erosion controls would be appropriate.

WETLAND UPDATES AND ISSUES

1. Request for Extension Permit #312-829 135 East Street

- Roger Manser, 138 East Street, attended the meeting to request an extension on his order of conditions. He explained he is building a house across the street from his current residence for he and his wife. He said the house is finished (weathertight, utilities done, septic system installed, rough excavation) and the area around the septic system is naturally stable. He said over the past couple years he completed all the hardscaping (retaining wall in front, retaining wall in back for patio area from the back door) and the only remaining outdoor work is that the top area has to be seeded and loamed. He explained the reasons for the extension requests is that he's had some health issues over the past few years that left him unable to complete the work. Member discussed the extension timeframe Mr. Manser and while he believed the work would be complete w/in a year but everyone agreed to extend it for 3 years to keep him from having to come back.
- **Motion:** Ms. Steele made a motion to extend the Order of Conditions for 312-829 135 East Street for three years. Mr. Clancy seconded, and the motion passed unanimously by vote of 5-0-0.

2. Pout Pond Trout Release & STEM Fair

- Ms. Petro explained she received an email from Amanda Gallerani, Uxbridge Public Schools, asking to inform the commission regarding brook trout release on Sat May 21st. The Taft School STEAM Lab is 1 of 30 schools chosen by Mass Wildlife to partner in the Teaching w/ Trout lab (learning about local wildlife and the importance of conservation). Brook trout eggs were delivered in December with the purpose of raise them and release them in Pout Pond – they expect to release approximately 20 fingerlings. The only concern members discussed was the possibility of over stocking the pond but everyone agreed this was too small to make a difference. Mass Wildlife's involvement was also noted.
- It was also noted that the PPRC should be expected to come in w/ a request to place sand. Ms. Steele asked about the weed abatement program and Ms. Petro explained we have a contract with Solitude and they will be out to assess soon and will treat any troublesome spots.

3. Discussion of site compliance regarding active & expired Orders of Conditions –

- Ms. Petro reviewed an email from Mr. Holden pointing out potential violation - a driveway extension on 780 Douglas Street (east of the driveway is a stream running parallel)
- 170 Rivulet – Ms. Petro just received the final contract for surveying the property and obtained the appropriate signatures from the Town Manger and Town Accountant to begin the work.
- The National Grid maintenance notification for footing replacements was discussed. Specific location details were not provided and Ms. Petro agreed to contact them to for more info w/ Mr. Clancy's help (existing or new – in upland or wetland).

REPORTED/ONGOING VIOLATIONS

1. DEP# 312-1086 — Tea Party Drive
 - The final plan for the basin reconstruction has not yet be provided. Everyone agreed no work on the basin should occur prior to the final plan approval.
2. 620 Hartford Avenue East
 - No response
3. 650 Quaker Highway
 - No response
4. 102 Homeward Avenue
 - Ms. Petro reported some progress is being made cleaning up the site and has been in communication with the owner.
5. DEP File #312-1100 44 Hollis Street
 - Ms. Petro received the green cards back from the builder and new owner but hasn't had any correspondence back yet.

PROCESSING

1. Minutes 3/20
 - Meeting minutes were reviewed but not approved because there were a few amendments identified that required clarification.

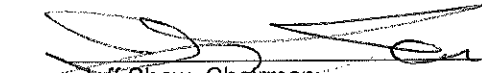
ANY OTHER BUSINESS, WHICH MAY LAWFULLY COME BEFORE THE CONSERVATION COMMISSION

ADJOURNMENT-NEXT MEETING SCHEDULED FOR Monday, May 1, 2023

Motion: Ms. Steele made a motion to adjourn the April 18 meeting of the Conservation Commission. Mr. Balutis seconded, and the motion passed unanimously by vote of 5-0-0.

Respectfully Submitted,

Melissa Shelley, Land Use Administrative Assistant



Jeff Shaw, Chairman