



TOWN OF UPTON, MASSACHUSETTS

Conservation Commission

Meeting Minutes – Wednesday 3/08/2023 -- Remote Meeting (teams)

To: Members of Upton Conservation Commission
CC: Town Clerk
From: Grace Brownell, Administrative Assistant

Members Participating:

Chair: Christine Scott, Vice Chair: Mike Penko

Members: Sandy Lajoie (treasurer), Marcella Stasa, Alan Miano, Tom Jango, & David Szczebak

Absent: N/A

Agent: Mary Overholt

Associate Member: Grace Brownell

Visitors: Grace Lam (Five Forks Farm), Mia McDonald (DEP), Jim Lattanzi, Nathaniel Hengy (FPAC-NRCS), Alice, William Taylor (Open Space Committee) & Kristin O'Brian (SVT)

7:00 Remote Meeting Opened

Administrative Report- Dennis met with Mary. There are trees that are down over the brook between United Parish and the town hall. Dennis would like to have men cut trees to remove them. Chris asked if debris from the fallen trees will be left in stream. Mary noted it will be removed from stream. Tom and David asked what the motive for this is, which Mary was unsure of, and will discuss with Dennis. Tom and David communicated it is fine to clean up the area but do not see a reason for it right now.

Dennis had a final question regarding order of conditions for the community center. There is a riverfront restoration area there. He wanted to wait to do it, because the Grove Street bridge (25% design stage) is slated for replacement. He would like to wrap that replication and restoration in the riverfront area into the Grove Street bridge project. Mike noted there are bounds required and setbacks from stream so that might be problematic when building the bridge. There are two years of monitoring for restoration area. *Tom motioned to give Mary the authorization to have the bridge continued later and filing for work for the bridge. Sandy seconded. Voted all in favor by roll call vote.*

Mary received an email from a lawyer about Dean Pond open space. They are preparing a deed for part of the open space. Bill explained how the large piece of open space (60 acres) is being deeded to the state, DCR. Mike noted no CR is required because it is on town property. The open space is for the homeowners to utilize as well as town residents. Once Mary gets back to the lawyer, the deed will need signatures from everyone from the board.

Staff Meeting- Town is updating its website. They wanted each board to assess their page and add photos. The commission can work to revise the left-hand border.

There is an opening on the board of selectmen and planning board. The extension for remote meetings is ending soon. The state legislature is working on an extension for 2025 and has gone through the house but not the senate.

Financial Update- Mary presented what was approved at the Land Stewardship Commission. Does land stewardship have authority to approve? Yes, but the conservation commission will review as well. Mary will need to attach W-9. *Mike motioned to pay bills with amounts switched. Tom seconded. Voted all in favor by roll call vote.*

The commission was given a level budget, and has \$4,000.00 dollars that have not gone out, which they will get back. The commission has spent most general expenses, land maintenance is over, and the commission still has \$500.00 for open space. Land Stewardship still has a small amount left. Mary will get Joe's signature for FMPs and then go to the state. Then, there is a form that the commission will have to submit. The money would come back to general expenses.

Website – Mike noted how there needs to be an update on the Hike Upton Page for the open space website.

Hopkinton Road Determination- The commission has 21 days after hearing to file paperwork. Conditions: Negative determination- One of the trees is within the wetland but will not alter wetland. Mary will make a planting plan. *David motioned to accept Mary finishing the planting plan. Marcella seconded. Voted all in favor by roll call.*

Open Space Committee – Bill Taylor Bill had a conversation with the chair of the Westborough Open Space Committee, who was approached by a woman who owns land (about 80 acres) on Bowman Street in abuts to the Westborough Line. She is interested in preserving it. Bill gave the chair Christine Garry's contact information because they wanted to sell land to state. Chris said it would be more viable if it had abutted the state forest land that separates the two pieces of Upton State Forest. The topic in question is if the state is interested in it. If so, the commission will need to help. Bill got an e-mail from Catherine Robertson. The family that lives next door to the Robertsons are going to put their property back on the market. There is a piece of that property, the Reed Property. It is on the other side of Warren Brook and abuts the Robertson Conservation Area. They might be interested in it.

Mike shared his screen. He proposed two trail layouts that will get one close to Upton. If one goes with the Reed property, an additional trail bridge is needed. One could have a trail that would get one to Mechanic Street. Mike noted that the blue line is more problematic, because there are more private properties as well as wetlands to cross. Thus, the pink line is likely the better option. It would have a trail to lead to Mechanic Street. Also, having an easement on the South side of Warren Brook could be an option. The Reed property could have a few lots, or one large lot to reduce frontage. The pink trail would lead up to the Robinson Trail, which leads through Mechanic Street to Stefans. This is one way one could get from the center of Upton to the trail system. Another way would be off Warren Street. through Pleasant Woods. Pink would be some sort of river walk space. Narrow strip of land along the river is in tax taking, so someday the town will likely own it.

Land Stewardship Committee- Marcella noted there is nothing new.

New Items-

Samsung backup- Mike got an email from Joe. He advised against purchasing it due to security reasons. Commission will have to trust that the off-site vendor that the town hires will efficiently back up the commission's files.

On-Going Items-

MACC Conference- David enjoyed attending virtually. David received a scholarship for being a new member. If anyone else attended the conference, they should provide their information to Mary so they can be reimbursed.

Earth Day- Marcella spoke to Lynn Haggerty and the event is underway. On Saturday, April 22nd, there will be bags and materials distributed for residents to do street clean up. In addition, people will have to sign up for a specific street.

Site Visits- Chris asked if people did a site visit for 53 George Hill Rd. Marcella said not yet.

Approve & Sign Document

Meeting Minutes 02-08-2022 and 06-08-22. *Marcella motioned to accept. Tom seconded. Voted all in favor by roll call vote.*

AGENDA ITEMS/HEARINGS

7:00 Discussion Five Forks Farm

Chris opened the public meeting. Mia McDonald, the wetlands circuit writer, is present to provide technical assistance. Grace noted that if the commission were to proceed with NOI, the project in question would be the waterway between the existing pond and the new pond. Grace should be able to go through with the construction of the pond but wait to break open the waterway between old and new pond until NOI is approved. DEP considered the project exempt so long as the pond is out of the resource area. Mike asked if the commission will have a say as the project relates to resources the commission is supposed to protect. Specifically, he suggested lining the pond with clay or a synthetic clay liner to minimize seepage. Jim responded saying clay would be used as a standard practice. Mike asked if the commission could address other concerns with NOI. Mia responded by saying the installation of the pond in the buffer zone with no alteration of resource areas would come under 10.04 for agriculture. She just must meet performance standards under 10.535, which the commission will have to review.

Mike asked about downstream impacts off property. One component that could be monitored is whether water is spilling downstream and over rear. Mike was also concerned about getting permission from property owners. Is there any way we can protect the intermittent stream or is it a resource area not protected under this limited project? Mia noted it would be construction impacts for sedimentation. The contractor Jim has a lot of experience to protect cementation downstream. It will be designed so the water can overflow and is able to keep feeding the wetlands downstream. DEP doesn't see much impact from the diversion of small quantity of water, because it isn't a large pond. The commission may want to consider adding special condition of monitoring for two years. If there is impact downstream and withdrawal is too great, then she will need to go back to NCRS. She will need to get more water and adjust the outlet. The stream length for the adjacent property is 250 ft. Thus, any impacts could be easily monitored. The most impacted area would be the outlet. Mike asked, if the intermittent stream is a resource area that is protected by this limited project? Mia responded saying the construction of new ponds is in existing agricultural use, which are necessary to support that agricultural use. DEP acknowledged that wetland resource areas are allowed to be altered for this use. Grace will begin work in the buffer zone prior to receiving her order of conditions. She will refrain from any work in a resource area before the completion of NOI. *David Motioned in support of NOI filed for construction of the pond. Marcella seconded.*

Mike asked whether the by-law applies. Mary explained how the by-law would apply to the extent that the land does not have a house on it, but the by-law supports agricultural state exemption. *Dave motioned in support of NOI to be filed for the construction of the connection between the old and new pond. Marcella seconded. Voted all in favor by roll call.*

Mary has been helping Grace getting her forms and notifications ready. Mary and Grace need full set of plans. Kristen from SVT asked the plans to be sent to her as well. Mike asked if the pond can be designed so that it has a spillway where elevation can be altered. If they find that no water is going downstream during summer season, could elevation still be modified? Nathan Hengy, an agricultural engineer from NRCS, noted that for internal designs they look at least cost options, so no concrete. Since

it is an intermittent stream, there will be times where it will not be flowing, and the existing pond will not be at capacity.

7:15 NOI Robertson Family Conservation Restriction-installation of a trail bridge and boardwalk (cont.)

Tom motioned to continue NOI for Robertson Family Conservation Restriction hearing until April 12th at 7:45pm, to look at soils in vicinity of possible mitigation areas. Marcella seconded. Voted all in favor by roll call vote.

7:45 FMP discussion and JL signature

Mike motioned the town manager to sign both the plans to receive funding. Tom seconded. Voted all in favor by roll call vote.

8:00 Governor's Landing NOI (cont.)

David Motioned to continue Governor's landing for April 12th until 8:00pm. Marcella seconded. Voted all in favor by roll call vote.

8:21 pm *Marcella motioned to adjourn. Chris seconded. Voted all in favor by roll call vote.*

Document List

8/24/22 Meeting Packet

Minutes approved on: March 22, 2023 remote meeting)

*Chris Scott Mike
Penko
Mary Overholt Tom Jango
Sandy Lajoie Alan Miano
Marcella Stasa*