



TOWN OF UPTON, MASSACHUSETTS

Conservation Commission

Meeting Minutes – Wednesday 3/22/2023 -- Remote Meeting (Teams)

To: Members of Upton Conservation Commission

CC: Denise Smith,

From: Grace Brownell

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, Sandy Furman & Jim Lazzazi (Five Forks Farm), Dennis Westgate (DPW), Kristin O'Brien (SVT), Mia McDonald (DEP), Matthew Mcfarland (Work without a Permit), Alice Achieng (34 George Hill Rd.), & William Taylor (Open Space Committee), & Richard Henderson

7:00 Remote Meeting Opened- Christine Scott is facilitating the meeting.

AGENDA ITEMS/HEARINGS

7:00 NOI Five Forks Farm – Construction of an irrigation pond

- The public hearing opened. Mary read public notice. Jim Lazzazi (contractor) was present to represent the applicant. Grace said Nathan designed sketch for intermittent stream. Mary asked if stream would be piped under the wall and into the irrigation reservoir. Grace said first idea would be to have an opening. Another option would be to use a pipe, but it might be too large. Mary noted how his plan was not to go under the wall but dismantle a piece of the wall to get through the wall. Grace said Jim's plan is to react to see what is happening, and then make plans to move forward.
- Jim noted plan is to build the pond first with water diverted, then open water back up, and put it back as last step. They have 2-3 week filling period while pond is not overflowing downstream which would be ideal time to build riprap spillway. Mary said irrigation pond will be sitting on what is now an intermittent stream, so that area will be disrupted as well, needs to be updated in NOI. She said erosion controls would be adequate with silt fences. She proposed having compost filter sock for the swale silt fence and to use wetland plant seed mix for planting of swale.
- Mary asked how the sides of pond will be stabilized. Jim said will use cover crop and or fiber mulch. Jim noted the top of the pond is going to be 12 to 18 inches above riprap spillway. Will use fabric below riprap to stabilize it. Jim noted his plans to protect junction area with installment of check dams. Mary proposed not having a square

shaped pond for aesthetics. Also noted, under local by-law, will need to issue variances. Jim noted how plan still falls below limit for agricultural exemption of 20,000 square feet. Mary asked if stone wall to left is going to be next edge of the embankment of irrigation pond? Grace noted that was intent. Kristen asked how wide opening in the wall would be. Grace noted 13 feet.

- Mike proposed hiring a stone mason, to reform and stabilize the end of wall. Chris and Kristen were in favor of this. Grace said she would have to investigate costs.
- Mia urged Commission to keep focus on Wetland Protections Act, not special conditions related to CR. Mike said Commission and SVT gave blessing for original plan. However, different plan was now proposed, and that reviews of the CR and wetlands protection are interrelated.
- Dave asked upon completion, would it be too late in season to see if pond is working? Grace noted two to three weeks following completion should be sufficient to assess. Dave asked if pond will need to be expanded in future. Grace said no, pond should be able to satisfy all needs in drought.
- Sandy Furman is an Upton resident of Pearl Street. He noted how working farms are important to the Upton community. He hopes Commission moves expeditiously to support project.
- Mike asked if Jim could use rounded stone in swale instead of angular rip rap. Jim said yes.
- *Mike Motioned to close hearing and issue conditions within 21 days. Alan Seconded. All voted in favor by roll call vote.*
- Kristen requested for Nathan to send written rationale of location for proposed opening and stone wall as well as how damage to stone wall will be mitigated. Mia asked about order of conditions. Commission will discuss order of conditions and then issue them day after next meeting. Marcella inquired about other alternatives. Jim said we may not have to take down wall, as water will find its way through. Marcella noted this is most substantial wall in town, and she would prefer not to lose it. Mike agreed with Marcella and requested reassurance that it will be put back if disturbed. Also noted, the wall is visible from road, not just trail. Tom said if you can leave the wall be, then do so. Commission will get more information from Jim as well as for stone mason for next meeting.
- *Mike motioned for Five Forks Farm to minimize and mitigate impacts to stone wall. Sandra seconded. All voted in favor by roll call vote.*

7:30 343 Mendon St. – work without a permit

- Mary shared history of project and images of site. There is a wetland resource area on site. Matthew (homeowner) has been bringing in fill and is working to expand parking area near garage. Work has been happening right next to pond. Boulders are new and edge of pond has been cleared of vegetation. There is disturbance within 400 ft of pond. Mary showed aerial imagery of pond from 2020 and 2022. The pond appeared to be more natural in these photos, and there has been quite a bit of clearing. State mapped it as potential vernal pool. He put up silt fence in front of house between dirt piles and wetland. Commission asked him to stop work, and he has.

- Matthew discussed plans for site. He said there is erosion to the right side of garage, he plans to slightly extend it. Also plans to extend behind right side of shed and square off edge. Mary said trees have been buried by fill and will likely be lost. Matt said he had intent to take some trees down anyway. Mary said there might be old filing for neighbor's house, can look at wetland line. Fill is close to wetland edge. Question to Commission, how close would we want fill to go?
- Chris requested to see plan that shows where soil is right now and where it will be in future. Do you have a plotline on house? Yes, great starting point. Sandy Lajoie asked if we know what the original boundaries are. Chris said there was at least a driveway crossing.
- *Marcella motioned to issue enforcement order for wetland near house and for work near vernal pool. Tom Seconded. All voted in favor by roll call vote. To be continued on 8:30pm 04-12-23 to go over plans.*

New Items- DPW stream clean out near United Parish, Pleasant Woods Conservation Area

- Dennis noted how DPW has blanket townwide permit which allows certain amount of work around our typical type of work in areas that are close to the wetland resource areas. DPW does not do any work until coordinating with Commission agent.
- Work in question is the stream between Warren Street and Church Street. The stream enters a 48 inch reinforced concrete pipe which travels underneath town from Main corner of Main St. to the right hand side of the Grove Street Bridge. A lot of dead wood has accumulated on side of street, including a dead tree, and there are large limbs in stream. Dennis noted this clean up would be a safety precaution, so wood and debris does not block pipe. Dennis' goal was to remove dead wood all by hand with chainsaws. Will also place backhoe on parking lot that is owned by church. Hoped to do it soon, since April is part of wet season.
- Mary, Marcella, and Tom agreed this is reasonable. Chris requested him to tell Mary 24-48 hours before. Mike asked if larger logs be relocated away from the stream but still on property. Dennis said yes. Richard Henderson noted this area should be cleaned up as soon as possible to avoid flooding.
- *Alan Motioned to express support of the project, to keep the stream clear from tree debris. Marcella seconded. All voted in favor by roll call vote.*

Administrator's Report-

- Mary looked at Cobbler's Creek and talked with manager about restoring swale area. Sediment did make it down to retention pond. Issues near the crossing, the fence needs to be cleaned up.
- Mary went to 12 Depot Street. Homeowner reported flooding in backyard. 10 inches of water across lower back yard to the basement. Culprit is beaver dam right next to lot. In future, homeowner may talk to Commission about breaching dam.
- Mary gave approval for two trees to be removed at 43 North St.
- Mary noted how woman from 43 George Hill Rd., Grafton is wondering if Commission would sell easement for property.
- Mary sent off forest management plans to John Clark and he will get that to state.

- She got back to lawyer about open space parcel at Dean Pond. She will send revised draft deed to Commission. Upon review, Commission will need to approve and sign.
- Mike asked for recommendations for the beaver dam. Bill said the town has hired Malcolm Streicher to trap beavers. Board of health has issued emergency order. *Mike Motioned to authorize Mary to do whatever is necessary for beaver dam to be breached.* Marcella asked if site is suitable for pond leveler and if activity at railroads have an impact. Mary said she is unsure about leveler, as there might be more dams. She assumed beavers are acting independently, will investigate it more. Chris noted she wants to know how many beavers Malcom Streicher can trap to gain an idea of the size of pond. *Mike motioned to allow Mary to continue. Tom seconded. Majority of Commission voted in favor. Chris, aye. Tom, aye. Sandy, aye., David, aye, Mike, aye, Alan, aye. Marcella needs more information.*
- Mike readdressed the George Hill Road discussion. Bill noted this property is no longer owned by the Chace family. There is easement on other side of property. He asked Mary why she cannot use it. Mary said she does not have frontage. Alice joined conversation. The little strip that belongs to town has frontage of 150 feet. This would force her to apply for variance, since deeded easement is only for 50 feet. Bill noted this would be change of use if driveway was put on it. He asked if she could use easement on other side of driveway. She said no. Mike noted how this is not likely to happen, and he suggested Alice research article 97. Marcella, Bill, and Chris agreed.

Administrative Report-

- Minutes- 6-25-22 and 3-8-23 minutes. *Marcella Motioned to approve two sets of minutes. Alan Seconded. Voted all in favor by roll call vote.*
- *Tom left meeting at 8:50pm.*
- Financial Report- *Chris motioned to pay bills. Alan Seconded. Majority voted in favor by roll call vote. Sandra, aye., Marcella, aye., David, aye., Mike Abstained. Tom was not present.*
- Marcella noted that work at Warren Brook was a priority and to wait to hire Greg for work at Stefans until Commission receives \$4,000 back from the DCR Forest Stewardship Program.

Website-

- Alan noted nothing new to report.
- Chris asked what town would like Commission to do with website changes. Mary proposed breaking the left column into two topics. Bill proposed having a page for permitting and a second for open space. Alan asked when changes would occur. Mary thought within next month. Town wanted more pictures. Bill must enable to make items searchable.

Open Space Committee- Bill-

- Jeff Young came into assessor's office. He is Interested in donating three acre parcel to someone. The parcel appears to be landlocked within Upton State Forest.

Land Stewardship Committee- Marcella noted nothing new to report.

New Items- Pleasant Woods Conservation Area

- Chris noted how people from Housing Production Plan were questioning the parcel. Chris told them area is protected and was the first conservation area in town. It does not have great topography, so it is not easy to build on.
- Mike discussed history of land. Marcella questioned current language around care, custody, and control. Mike noted unless it is proven the land is not protected by Article 97, Commission should consider it a conservation area.

Site Visits- Nothing new to note.

On-going Items-

- Mary noted that extension for holding remote meetings will expire on March 31st.

9:21 Marcella motioned to adjourn. Mike seconded. Voted all in favor by roll call vote.

Document List

3/22/23 Meeting Packet

Minutes approved on: April 12, 2023 (remote meeting)

*Chris Scott Mike Penko
Tom Jango Sandy Lajoie
Alan Maino Marcella Stasa
 David Szczebek*