



TOWN OF UPTON, MASSACHUSETTS

Conservation Commission

Meeting Minutes – Wednesday April 12, 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), Alan Miano, Tom Jango, Marcella Stasa & David Szczebak

Absent: N/A

Agent: Mary Overholt

Administrative Assistant: Grace Brownell

Visitors: DEP & William Taylor (Open Space Committee), Steve S. (Community Center Project), Katherine Robertson (Robertson family Conservation Restriction Trail Bridge), Rick Morrell (165 South Sreet), Josh Cooney, Matthew Mcfarland (334 Mendon Street), & Tamara Piasecki (22 Pleasant Street)

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

AGENDA ITEMS/HEARINGS

7:00 EO- Community Center Project/VFW Update

- Steve S. provided update. Steve purchased special seed for slope and will put it down April 22nd.
- Top portion will be for parking. Dirt piles will be removed soon, and area will include gravel and grass.
- *Status report to occur April 26th, 2023.*

New Items- 117 Hopkinton Road-

- Commission approved determination for removal of trees for roof top solar installation.
- Tom noted Commission has approved of leaving trees on site before, but not to this extent.
- Logs and debris are within 30-foot zone of wetland (10 feet). Mary will ask him to move it away from buffer zone.

Mike joined meeting at 7:08pm.

Administrator's Report-

36 Milford Street-

- Ann Suazo planned to remove a tree about 10-15 feet from wetland.

Clafin Road

- Mary noted trees will have to be replaced in the replication area, and trail is nicely delineated, with erosion at the bottom.

162A Main Street-

- Agent noted there is a sawmill operation running through riverfront area. There is a wood pile within 100 feet of the riverfront and additional pile 30-feet from wetland.
- Tom Jango inquired about activity on site. Agent noted they are only using machinery, storing wood piles.
- Mike noted there are turtles moving up and down whole Warren Brook Corridor.
- Chris Scott asked if they could move everything to 200-foot zone and suggested they put new materials away from lower zone. Mary noted there should be enough room.
- Mike inquired about filing. Mary noted how under Upton Bylaw, running equipment or stockpiling counts as an alteration.
- Kathy Robertson noted discussion from previous planning meeting. Ms. Robertson noted Town does not have a zone for sawmill, so change of use is necessary. Owners will meet with Planning Board about whether they require variance or waiver for change of use.
- *Chris requested owners to come for April 26, 2023, at 7:10 for informal discussion.*
- Mary proposed to send letter to neighborhood to set accountability for activity near the river. Tom expressed hesitancy.
- David noted this site must be filed through Heritage as well.
- *Mike motioned that given the disturbance is within 200-foot zone, Conservation Commission requested the filing of a Notice of Intent. Tom seconded. All voted in favor by roll call vote.*

7:15 **NOI - Robertson family Conservation Restriction – installation of a trail bridge and boardwalks**

- Mike requested continuation for May 10th, 2023.
- Mike attended DEP's presentation on trails in the Wetlands Protection Act. Question asked: if trail passes through an existing wetland, is it still a resource area and is mitigation required?
- Also noted, site is not accessible for equipment and there is a trail easement.
- Agent and Mike will write letter to DEP lead circuit rider, asking if there is potential for special dispensation for the replication of 240 feet of wetland.
- Mike and Marcella will go on site visit soon to look for potential mitigation area- may have to build mitigation area for Mechanic Street trail system too.
- *Tom motioned to allow Mike and Marcella to continue working through proposed work. Marcella seconded. All voted in favor.*
- *To be continued until May 10th at 7:15pm.*

7:30 **NOI – 165 South Street. – creation of an access road**

- The chairperson opened public hearing. Agent read public hearing notice.
- Applicant Rick Morrell noted plans for creation of an access road from residents at 165 S Street to access road at 0 South Street for gravel pit.
- Mary noted this a NOI filing after the fact the commission asked applicant. Project is only being filed under bylaw. It might be filed under wetland protection act if delineated wetlands from plan are connected to wetlands below. To approve of project would require a waiver or variance.
- To be added to order of conditions: Getting the pond verified as a vernal pool, integration of woodchip berm, as well as wood chips to be added to whole road.

- Tom asked if putting woodchips on road would encourage salamanders to bury themselves in road. Mary noted this will likely not be an issue.
- Marcella asked how often access road will be used. Rich noted it will be infrequent, only to move backhoe.
- Mike asked to include condition that Commission has right to enter property to certify vernal pool as well as permanent condition for no further disturbance of vernal pool resource area or buffer.
- Rick asked if he decided to use access road to build house, would it affect access road? No. Rick noted was going to put house on property, near resource area. Mike noted that since the area is lawn, vernal pool certification would have no effect.
- Chris asked if woodchips on road would prevent erosion. It may help with channelization on top of road.
- *Marcella motioned to allow woodchips on roadway. Alan Seconded. Majority voted in favor. Chris, aye. Alan, aye. David, aye, Marcella, aye, Mike, aye. Tom abstained.*
- *Mike motioned to close public hearing and issue order of conditions as discussed. Tom seconded. All voted in favor by roll call vote.*

8:00 **NOI - Governor's Landing- To be continued until April 26th.**

Continuation of Administrator's Report:

167 North Street-

- Mary found NOI and OOC previously issued, and they are not being adhered to. There is concern for disturbance to BVW on site as well as pipe which drains into intermittent stream. Mary is waiting to hear back from property owner.
- Marcella proposed for the property owner to talk to the Commission.
- *Marcella motioned to issue enforcement order through mail (with certificate of mailing) and invite owner to meeting. David seconded. All voted in favor by roll call vote.*

Update on Five Forks Farm-

- They did test in pond area to see how deep is bed rock. They found shallow bedrock and NRCS will need to redesign the detention and pond prior to construction.
- Mary will attend preconstruction meeting.

Miscellaneous-

- Many people have inquired about available Westboro Road Lots.
- Administrative assistant reorganized all files in the office by street name.
- Mary issued emergency certification for Depot Street to pull the beaver dam down.

Approve and Sign Minutes- March 22, 2023 & April 3, 2023 Special meeting.

- *Alan Motioned to approve minutes from March 22, 2023 as amended. Marcella seconded. All voted in favor by roll call vote.*
- *Marcella motioned to approve minutes from April 3, 2023 as amended. Alan Seconded. All voted in favor by roll call vote.*

Financial Update-

- *Chris motioned to pay Koopman's Lumber and Beaver Control Bills with amended accounts. Tom seconded. All voted in favor by roll call vote.*
- *Marcella Motioned to pay Northern Woodlands subscription bill. Tom second. All voted in favor by roll call vote.*

Website-

- Alan Miano noted nothing new to report on his end.
- Bill noted items to be removed in advance of new website need to be taken off by Friday, April 14, 2023.
- Alan requested to turn website tasks over to support staff.

Open Space Committee-

- Nothing new to report.

Land Stewardship Committee-

- Marcella noted Robertson Property Bridge has been discussed.
- Mike and Marcella plan to flag trails on Mechanic Street Property- will look into mitigation options.
- Bill gave a shoutout to DPW for cleanup.

New Items: Reed Property-

- Mike proposed having appraisal done at property to identify preservation strategies.
- Chris asked what fund would pay for this. Mike noted the quote is \$3,400-\$3,700 is and suggested it come from conservation Fund.
- Mike presented report. Noted Kibbie property is under tax taking. Potential features could include the extension of the Robertson trail along Warren Brook, which would require agreement with homeowner. The parcel on right side of Warren Brook seems to be landlocked. Most of parcel on West side is natural heritage wood turtle habitat. In future, might be looking for some town grants to purchase some of Reed property or conservation restriction.
- Bill added there is dead end trail on West side of Warren Brook. If one were to come down east side, they can likely get back out from Merriam Road.
- Marcella asked if provided with appraisal, is the property to purchase or work with potential owner to provide easements? Also noted appraisal would provide owners reasonable expectations as to what property is worth.
- Marcella asked if appraisal provides insight for what to do with land. Mike said she will have to make some assumptions about development scenarios. Appraisal would be done to state standards.
- *Marcella motioned to approve expenditure of \$3,800.00 dollars from conservation fund given they are adequate funds in account, once \$17,000.00 is withdrawn from APR. David seconded. Voted in favor by roll call vote.*
- Bill Taylor suggested to Land Stewardship Committee to contact other environmental organization to see if they have interest in using Reed Property for environmental and educational function.

8:30 **343 Mendon Street.**

- Agent noted project would just be subject to state regulation. It would fall under wetland protection act if there is continuity to other wetlands.
- Homeowner Matthew explained his plan. Mr. Mcfarland will have fill in corner and will continue a straight line towards curb of driveway. He planned to finish top rim with Arbor vitae to hold top rim for erosion control. Lastly, planned to place wood chips on slant to hold vegetation.
- Marcella asked if disturbed area will be stabilized. Mr. Mcfarland noted he can plant seed as well as blueberry plants. Mary proposed straw wattle or silt fence to increase stabilization. Also noted to get pond certified as vernal pool.
- Mike asked if any wetland in front has been filled and if bounds are recommended? Mary said no, it is just up slope. Bounds would be required and several trees would be lost.
- Marcella asked if soil can be removed from trees. Matthew said trees are going to come down.
- Marcella noted it is likely important to seed and go forth. She would like to see area around vernal pool to be more naturalized.
- Mike proposed Deed Restriction as an option that would limit disturbance around vernal pool.
- Marcella asked what the advantages of enforcement order are versus filing NOI after fact. Mary noted DEP has preference for work to be under enforcement order.
- Tom noted concern for protection around vernal pool.
- *Marcella motioned to grant Mary approval to write up enforcement order and grant Matthew ability to start work near house (and avoid area of vernal pool). Tom Seconded. All voted in favor by roll call vote.*

8:45 **RDA – 22 Pleasant Street. - Installation of an above ground pool**

- The Chairperson opened the public meeting. Mary read public notice.
- Agent requested property owners to file since the pool will be near wetland resource area. There will be minimal disturbance to ground. They may have to do some leveling and place gravel around pool. Mary's recommendation is to ask for the installation of straw wattles to mitigate erosion.
- *Tom motioned to close meeting and approve Mary to issue negative determination of applicability with conditions as discussed for next meeting. David seconded. All voted in favor by roll call vote.*

9:00 **RDA – 5 Henry's Path – Installation of a retaining wall**

- The Chairperson opened the public meeting. Mary read public notice. With approval of DPW, property owner plans to build retaining wall for stabilization of patio to go around pool. Retaining wall will go just over drainage easement.
- Also noted, it is all in previously disturbed area and retaining wall is about 18 feet to wetlands. For filing, recommendations were to get straw wattle and issue negative determination, as well as a future inspection after stabilization completion.
- Marcella asked if lawn area that comes up to wetland can be naturalized? Mary noted lawn has historically been there and it is a very small backyard.
- Mary noted may need erosion control to protect wetlands. Commission requested no more brush in wetland going forward. Also in favor of bounds and straw wattle.
- *Alan motioned to close hearing and issue negative determination as discussed. Marcella seconded. All voted in favor by roll call vote.*

On-going Items: 53 George Hill Road Grafton-

- Mike, Tom, Bill, and Marcella took a walk and couldn't find any markers along the boundary line. Mike suggested to have someone survey property to confirm encroachment.

- Mr. Jango asked if Commission should ask the homeowner if the property has been surveyed before. If it was previously surveyed, it should be surveyed again. Marcella would like to confirm property lines.
- Mike noted quote of \$2,500 for similar survey on another property. Also noted, driveway to north of lot 43 follows boundary. If strip of land boundary is off, then driveway could be on neighbor's property instead of on easement.
- Marcella asked where funding would come from. Mike noted it would have to come out of Conservation Fund. If not, could wait until next fiscal year.
- *Marcella motioned to go ahead with survey if money is available, if not wait until July. Mike seconded. All voted in favor by roll call vote.*

9:29pm Tom motioned to adjourn. David seconded. Voted all in favor by roll call vote.

Document List

04/12/2023 Meeting Packet

Minutes approved on: April 26, 2023 remote meeting)

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

Meeting Packet Contents:

- Agenda
- Agent Report
- NOI Robertson Family Conservation Restriction
- Narrative Robertson Family Conservation Restriction
- Staff Review Robertson Family Conservation Restriction
 - DEP # Robertson Family Conservation Restriction
- Natural Heritage Robertson Family Conservation Restriction
- NOI 165 South St.
 - Plans 165 South St.
 - Staff Review 165 South St.
- 343 Mendon St. Site plan
- RDA 22 Pleasant St.
 - Staff Review 22 Pleasant St.
- RDA 5 Henry's Path
 - Sketch 5 Henry's Path
 - Staff Review 5 Henry's Path
- George Hill Rd. photos
 - George Hill Rd. aerial pictures
- 47 Mechanic St. listing
- Reed Property 3 m topo
- Reed Property Nearmap images
- Reed Property MA NHESP Priority Habitat
- Reed Site visit report
- Draft minutes, 3/22/23, 4/3/23
- Vouchers 4-12-23
- Beaver Specialist invoice
- Koopmans invoice • Financial