



TOWN OF UPTON, MASSACHUSETTS

Conservation Commission

Meeting Minutes – Wednesday May 10, 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:

Agent: Mary Overholt

Administrative Assistant: Grace Brownell

Visitors: Steve Saucier (VFW), William Taylor (Open Space Committee), Dennis Westgate (DPW), Matthew McFarland (343 Mendon Street)

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

AGENDA ITEMS/HEARINGS

7:00 EO- Community Center Project/VFW Update

- Hearing was continued on the enforcement order for the Upton Community Center Project and as well as a continued update for the VFW. Steve Saucier noted seed was put down and an additional 5 pounds were purchased. The slope by ball field has yet to be seeded.
- Dave inquired about plan for the top portion. Steve noted gravel.
- Chris inquired about the fence. Steve noted quotes are being acquired.
- Mike suggested there is no need for request for determination, as good progress has been made with enforcement order.
- Mary and Steve will meet May 15, 2023, to determine the location of fence.
- *To be continued until June 14th at 7:30p.m.*

New Items- June 14, 2023, Meeting

- Commission determined that June 14, 2023, meeting will start at 7:30 p.m. so members have option to attend Upton Community Center Grand Opening.

Land Stewardship-

- Marcella noted Town Meeting approved funding for the Robertson Trail Bridge.

7:15 NOI-Robertson Family Conservation Restriction- Installation of a Trail Bridge and Boardwalks

- Hearing was continued on the installation of a trail bridge and boardwalk within Robertson Family Conservation Restriction. Mike noted trails at Mechanic Street need to be finalized to see what wetland crossing is required. He proposed utilizing helical piles for Robertson. However, the issue is that helical piles are allowed provided there is no shading impact.
- Also noted, there is potential to run into similar issues at Mechanic Street if there is wetland crossing.
- *To be continued until June 14, 2023, at 7:45 p.m.*

Administrator's Report-

114 Hopkinton Road at Dean Pond Reserve-

- A lawyer is seeking permission from the Commission as a resident requested to ride horseback on path between detention basins. Mary noted this would apply to the current property owner only.
- Marcella asked if Commission needs to sign off on letter. Mary noted Commission will need to review and sign off deed for Open Space.
- *Mike motioned to grant the property owner of 114 Hopkinton Road temporary allowed use of town land for riding horseback. Chris Seconded. All voted in favor by roll call vote.*

7:30 343 Mendon Street-

- Property owner Matthew McFarland was present. Matthew noted pond is a man-made retention pond which he wishes to maintain. Certifying the vernal pool, limits his ability to do anything within 200 feet, creating mosquito concerns. However the bylaw indicates no disturbance within 100 feet of wetland.
- Chris noted bat houses could mitigate mosquito concerns.
- Tom noted restrictions remain regardless of if it is a man made or natural.
- Matthew had concerns about vegetative growth in pond. However, Mary noted this would not be an issue for some time.

- Marcella asked what kind of maintenance he intends to do around pond. Second, she asked if flooding would be of concern. Matthew noted he intends to clean up general brush as well as add stones. Mary noted flooding would likely flow away from house, due to outlet to back of pond.
- Mike noted is likely not isolated land subject to flooding, as it does not appear to be a quarter acre foot.
- Mike requested Mary to draft a deed restriction to reflect protection for sides of pond and that there may be four bounds.
- *To be continued until May 24, 2023 at 7:30p.m.*

7:45 Discussion with DPW Director

- DPW director, Dennis Westgate, was present to have discussion about consolidating the restoration along Center Brook included in the Community Center Project with restoration work to be included with the Grove Street Project.
- Dennis noted how original order of conditions for the Community Center is set to expire July, 2023. The community center is open and on partial occupancy and to fully satisfy conditions, permanent occupancy is required. Thus, he proposed attaching conditions as approved to bridge bid.
- Chris informed Dennis that due to COVID-19, the order of conditions is set to expire in July, 2024.
- Commission determined to be in favor of Dennis' proposal.

8:00 Housing Production Committee Update on Conservation Properties-

- Chris noted how the Housing Production Committee has had discussion of building property on Conservation Land, pleasant woods, and had proposed the potential of a land swap. However, their concern is that other areas may not include sewer access.
- Marcella suggested HPC to take a walk around the property with the developer. Also noted, could get permanent protection for Stefans and Forest Heights.
- Mike noted there are several vernal pools on property in addition to bed rock and slope constraints. The state would have to approve any land swap. Mike advised HPC to hire an engineer for conceptual plan and a conceptual cost estimate for site development.
- Bill Taylor joined meeting at 8:16p.m. Bill noted HPC should consider residential purpose.
- Mike suggested HPC to look at Kenneth Village as a model.

Continuation of Administrator's Report:

Cobbler's Creek-

- Mary noted there is concern with crossing. There will be erosion controls placed in front as well as clean-up for bottom portion. There is a large gully in section two and check dams will be installed.
- Marcella asked if septic would have to be finished. Mary said she believes it is in and they have started to sell units.

13 Hopkinton Road-

- Mary granted permission for the removal of several trees with conditions to leave stumps.

52 Grove Street-

- This property is putting in a new house. A NOI will not be filed as there will be no disturbance within 100-foot line.

81 Mendon Street-

- Mary noted there are multiple cars parked on lawn in proximity to Center Brook.
- Board determined this is an issue to be addressed by another department.

167 North Street-

- Mary noted Commission has not received a requests for certificate of compliance.

Administrative Report:

Approve and Sign Minutes: April 26th, 2023

- *Marcella motioned to approve minutes as amended. Alan seconded. All voted in favor by roll call vote.*

Hike Upton Challenge- Certificate:

- Grace presented three template options for certificate.
- Commission was in favor of options one and three. Grace will remove section of completed hikes.

Financial Update-

- *Marcella motioned to approve expenditure of \$1,500.00 for to survey 53 George Hill Road. Tom seconded. All voted in favor by roll call vote.*

- Grace presented research on previous average costs for legal advertising fees.
- Tom noted there had been previous issues with the fee being too low.
- Commission determined to keep the legal advertisement fee of \$110.00.

New Items:

COC 108 Grove Street 311-722

- Mary noted this was for an oil leak. The bank was never altered, because less cleanup was needed than expected.
- *Tom motioned to issue certificate of compliance. Marcella seconded. All voted in favor by roll call vote.*

COC 108 Grove Street 311- 618

- Mary noted this was for the installation of a swimming pool. The homeowner assured Mary the dirt pile near stream will be removed. Mary recommended to waive the As Built Plan, since it is an older plan.
- The Commission requested for more restoration grade trees to be planted, and will not vote to issue certificate of compliance until trees are planted and dirt pile is removed.

108 Grove Street Reissue 311-652

- Mary noted this was for house addition and the Certificate of Compliance needs to be reissued, since it had never been recorded.

Reappointments-

- Chris noted all members of Commission are to respond to email and turn in file for reappointments.

12 Knowlton Circle 311-0449 & 50

- Mary noted that this included the condition of maintenance for storm water system. However, the system is full of trees.
- Mike suggested requesting an inspection report with maintenance recommendations for storm water system.
- Mary will draft letter to Homeowner's Association to inquire about ownership of storm water system as well as a letter to developer about closing out project.

- *Marcella motioned to issue a partial compliance for 12 Knowlton circle 311-0449 and 450. Chris seconded. All voted in favor by roll call vote.*

On-Going Items:

2 Dogwood Drive

- *Marcella completed letter to residents of 2 Dogwood Drive for site visit to take place on May 15, 2023 at 1:00p.m to identify bounds.*
- *Tom and Mike volunteered to assist Marcella on visit.*
- *Grace will email as well as mail letter with certificate of mailing to resident.*

9:16p.m Tom Marcella motioned to adjourn. Alan Seconded. All voted in favor by roll call vote.

Document List

05/10/2023 Meeting Packet

Minutes approved on: May 24, 2023 remote meeting)

Chris Scott Mike Penko

Tom Jango Sandy Lajoie

David Szczeb Marcella Stasa

Alan Miano

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
- 343 Mendon St. Site Plan
- Enforcement Order 343 Mendon St.
- Community Center Riverfront Restoration Information
- Community Center Plan Sheet L1.3 Mitigation area
- HPC Update
- COC Review 108 Grove St. 311-772
- IRA Completion Site Plan
- COC Review 108 Grove St. 311-618
- 108 Grove St. Pool Plan
- COC Review Samreen Villa 311-449&450
- O&M Plan Samreen Villa
- Draft Letter to 2 Dogwood
- Public lands Preservation Act Guidance
- Estimate 53 George Hill Rd. & Plans
- Draft minutes 4/26/23
- Hike Upton Certificates
- Legal Ad Comparison
- Financials