



TOWN OF UPTON, MASSACHUSETTS

Conservation Commission

Meeting Minutes- Wednesday May 24, 2023- Remote Meeting (Teams)

To: Members of Upton Conservation Commission

CC: Denise Smith,

From: Grace Brownell

Member 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: William Taylor (Open Space Committee), Gorhams, J Miarecki, Matthew McFarland.

Amy Bonnina, Ernie Woods

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

AGENDA ITEMS/HEARINGS

7:00 NOI- Governor's Landing

- *Marcella moved for Governor's Landing to be continued until June 14, 2023, at 8:00 p.m. Mike seconded. All voted in favor by roll call vote.*

Administrator's Report:

0 Main Street

- Mary noted how Kevin Lobbiser is proposing 40B development for site and there will be temporary alteration of wetlands for the installation of a sewer line. The Conservation Commission will have the ability to submit comments through the Zoning Board of Appeals. An NOI will not be required.
- Sandy inquired about the location of the driveway. Mary noted it will be located to the left of culvert and funeral home.
- Mary noted this project does not have to get Conservation review because it is a 40B development.

108 Grove Street

- Mary noted the trees were not planted where they were indicated on the plan. (15 trees, 5 shrubs).
- Mike suggested Mary to determine whether a maple tree located on the property is a Norway maple tree.

- *Mike motioned to issue certificate of compliance for 108 Grove Street with understanding that the Commission will communicate to the homeowner whether the tree is a Norway maple and subsequent guidance. Marcella seconded. All voted in favor by roll call vote.*

Five Fork Farm

- Marcella attended the preconstruction meeting. It was determined that the pond may need to be moved if issues arise with running into ledge. However, the pond would be further from stream uphill to the Northwest with no impact to the stone wall.
- A new plan was submitted with a slightly different configuration, but it is within compliance with what was previously approved by the Commission.

11 Hartford Avenue

- Mary noted that there was a Determination of Applicability issued for a house addition near stream. Two of the three bounds are within 30 feet from the wetland.
- Mike asked what the negative impacts for the bounds being in the incorrect location.
- Mary noted this lot is not subject to Upton Wetland Bylaw because it involves an older house. Also noted, thirty feet away from the wetland would require bounds to be on the lawn.
- Marcella expressed concern for confusing people from knowing where to properly leave bounds.
- Mary will request the contractor to move bounds to 30 feet back from the wetland.

Status of VFW Slope

- The location of the chain link fence has been determined. Loam will be placed on gravelly surface.

Beavers- 166 West River Street

- Residents called for Conservation Commission's assistance in breaching the dam in their back yard and reported that this was previously done in 2018.
- Mary noted that upon research, she did not locate anything exclusively on how to maintain culvert. Additionally, there was no evidence found that the Commission had paid for beavers to be trapped during said time.
- Marcella suggested the alternative of a pond leveler since this is private property.
- Mike suggested investigating the Conservation Restriction on the property.
- Chris reiterated that trapping beavers is a responsibility for BOH, and the Conservation Commission addresses issues pertaining to water, aside from private property.

7:30 343 Mendon Street

- Mary drafted deed restriction and sent it to the property owner.
- *To be continued until June 14, 2023, at 8:30 p.m.*

167 North Street

- Mary noted a request for Certificate of Compliance has been submitted. The Commission is waiting to receive the As Built Plan.

Samreen Villa

- Mary drafted two letters. One is addressed to the Homeowners Association for the request to maintain the stormwater system, as well as a general reminder of requirements. Second, is the letter to homeowners to get Certificate of Compliance taken care of.
- *Marcella motioned to send letters as described. Sandy seconded. All voted in favor by roll call vote.*

ArcGIS

- Mary, Mike, and Tom met with the Town Planner to go over ArcGIS. It was determined to use Arc Pro instead of ArcMap.

Horseback access on Dean Pond Reserve

- Mary displayed license agreement.
- Tom joined the meeting at 7:38 p.m.
- *Marcella motioned to accept the license agreement for 114 Hopkinton Rd. to allow horseback access to town owned open space as written. Tom seconded. All voted in favor by roll call vote.*

Administrative Report:

- May 10, 2023, Minutes- Marcella motioned to approve minutes with discussed amendment. Tom Seconded. The majority voted. Chris, aye; Tom, aye; Marcella, aye; Mike, aye; David, aye; Alan, aye; Sandy abstained.

Financial Update:

- *Marcella motion to pay bills presented by Grace. Sandy seconded. All voted in favor.*
- *Sandy motioned to approve to pay \$1,5000 payment for the purchase of a portion of Agricultural Preservation Restriction on Maloney Linqvist land. Tom seconded. All voted in favor by roll call vote.*

Land Stewardship Committee:

- Workday scheduled on May 27, 2023, in Heritage Park to prepare for work on the sheet.

On-Going Items:

Reed Property Mechanic Street-

- *Mike motioned to award the contract to Gale Man for 3,700 dollars and that the Chair of Open Space, Bill Taylor, to administer the contract. Marcella seconded. All voted in favor by roll call vote.*

George Hill Road Survey

- Marcella noted that the George Hill Road survey had been done and there is no encroachment on townland.
- Bill asked if a plan was created. Mike noted no, more pictures could be taken.

Housing Production Committee

- Chris relayed the previous discussion from the Conservation Commission to the Housing Production Committee.

Reissue of COC 108 Grove Street 311-652

- Marcella motioned to reissue. Chris seconded. All voted in favor by roll call vote.

Agenda Item:

8:00 Discussion of 2 Dogwood Ave Easement

- Chris read the deed registered with Worcester Registry of Deeds.
- Marcella noted how she, Tom and Mike completed the site visit to confirm bounds. At this point, the Land Stewardship Committee does not have plans to perform work.
- Tom proposed trimming the pine trees back to expand access, as branches hide easement.
- Mike noted that tree trimmings will be disposed of off 2 Dogwood property.

- In property owner's absence, Chris read the six items laid out within the letter addressed to Board of Selectman and Conservation Commission.
- In reference to Item #2, Tom noted bounds indicate where easement is. Mr. Jango made a proposal to move the sign.
- Mike suggested placing a sign along sidewalk. Also noted, deed gives rite of passage for the small strip of land off cul-de-sac and through of 30 feet easement zone. Mike further suggested to gain opinion of the town counsel and Crosswinds.
- *Marcella motioned to contact crosswinds and town counsel for guidance. Alan seconded. All voted in favor by roll call vote.*
- Resident Ernie Woods provided public comment. Mr. Woods voiced how he would like more visual distinction between town land and the residence of 2 Dogwood Avenue.
- Resident Amy Bonnia also provided public comment. Amy noted how the neighborhood welcomed the Crosswinds development with consensus that residents would have access to open space, which is currently missing.
- In reference to item #3, Marcella noted that notifications may be provided to property owners prior to the work visits. Names of workers are not always known in advance. However, names may be shared by the individual volunteers if they choose to do so. Marcella isn't comfortable giving out volunteer's names.
- Alan noted the fence cuts across easement, and it should have originally been placed inside of the easement.
- Mr. Woods inquired about property lines.
- Amy Bonina spoke again for public comment. Mrs. Bonnina noted how confusion is due to the post being left to the easement. She made a request for delineation, so there is a clearer distinction of what is town property and what is not.
- Mike noted what had previously happened with 2 Dogwood Easement in 2020. As requested by the property owner, the trail sign was taken down by the Conservation Commission.
- Alan noted the best option would be to negotiate slightly different easement. He furthermore suggested easement farther left to be considered by town council.
- Marcella suggested moving the easement to the left of elevated sitting area.
- Chris noted goal is to make use of town land accessible for everyone. Discussion is tabled until review by town counsel.

8:50 p.m. Marcella motioned to adjourn. Tom seconded.

Minutes approve on: June 14, 2023 remote meeting)

Chris Scott	Mike Penko
Tom Jango	Sandy Lajoie
David Szczebak	Marcella Stasa
Alan Miano	

Meeting Packet Contents:

- Agent Report
- 343 Mendon St. Site Plan
- Enforcement Order 343 Mendon St.
- Draft Deed Restriction
- Righter e-mail 5-19-23
- 2 Dogwood Dr. Easement
- 2 Dogwood Easement Overlays
- Field Notes 2 Dogwood Dr.
- Preserve at Dean Pond License
- Samreen Villa letters
- George Hill Rd. Boundary Survey
- Reed Property Proposals
- Draft minutes 5/10/23
- Financials