



## TOWN OF UPTON, MASSACHUSETTS

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### Conservation Commission

Meeting Minutes – August 23, 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), Tom Jango, Alan Miano, David Szczebak, & Marcella Stasa

Absent: Chris Scott,

Agent: Mary Overholt

Administrative Assistant: Grace Brownell

Visitors: William Taylor (Open Space Committee), John Nenart (Imperial Gas), Nichole Hayes (Guided Consulting), Robert Drake & Katie Drake (13 Claflin Farm Road)

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

#### **AGENDA ITEMS/HEARINGS**

##### **Administrator's Report:**

162A Main Street

- Mary noted how she had reminded the applicants that they will not have to file with the Conservation Commission if they move everything out of the 200-foot riverfront area. She additionally reminded them to file with Natural Heritage. Also noted, they are looking to construct a small shelter structure outside of the conservation areas.

4 Summers Circle

- Mary noted there is a resident maintaining her lawn to protect her bees. She received a letter from the Building Department regarding the nuisance bylaw pertaining to overgrown lawns. She reached out to the Conservation Commission to garner support.
- Mike suggested a compromise in which the resident would mow the front lawn in exchange for the installation of screening in the back to preserve her herbaceous habitat.
- The Commission was in overall agreement that this is not the CC's jurisdiction.

## Amendment to Upton Wetland Bylaw Abutter Notification Requirements

- Mike suggested for Mary to review the nuisance bylaw to potentially improve it to include more environmental consideration for future developments.

## 24 East Street

- Mr. Komarovski filed for a second appeal through the DEP.

## 5 Henry's Path

- Mary noted she had met with the homeowners to identify the location of bounds.

## JAQ Compensation and classification survey

- Mary noted the Town is undergoing a Compensation and Classification Study in which the job descriptions and salaries of Town employees will be compared to by comparable Towns for further assessment.

## **Administrative Report:**

### Minutes-

*Tom motioned to accept the minutes from August 9, 2023. Alan seconded. Majority voted in favor. Tom, aye; Alan, aye; Mike, aye; Sandy, aye; David, aye; Marcella abstained.*

### Finances-

- *Marcella motioned to approve the bills. Alan Seconded. All voted in favor by roll call vote.*

### Website-

- Grace provided an update that the new website will go live September 1, 2023.

## **Open Space:**

### Mechanic Street Property-

- Bill provided comment that the appraisal for the Mechanic Street property has been completed.

### 22 Oak Street-

- Also noted, there are thirty-seven acres at 22 Oak Drive Which will be auctioned out on September 6, 2023.
- Mike had noted how 22 Oak Drive abuts the white property on Miscoe Hill. It has significant development potential. OSC has inquired with SVT for input. Also noted, the property is not within Chapter 61 Property.

- Bill noted the property owners of 162A have applied to be included within the Chapter 61 Forestry Plan.

### Land Stewardship Committee:

#### Mechanic Street Property-

- Marcella noted LSC is going to submit a request for funding through The Upton Community Preservation Committee (CPC) to repair the Warren Brook watershed conservation area bridge. LSC will be working with the Bay State Trail Riders Association (BSTRA) and The Blackstone Valley New England Mountain Bike Association (BVNEMBA) on the design. The new design will involve plastic mesh with gravel over it. The total cost was quoted at about \$11,000. LSC does not meet until after the next CPC meeting. Thus, Marcella requested for the warrant request to be submitted by the Conservation Commission.
- Marcella provided comment that this bridge would last longer.
- Tom inquired about the cost of bridge and funding. Marcella noted it is going to be a cost shared project. Her proposal would be for each group to contribute 1/3. Tom expressed preference for the fund request to be reduced to from \$7,000 to \$5,000.
- *Marcella motioned to submit the request to The Upton CPC with the amended fund request of \$5,000. Alan seconded. All voted in favor by roll call vote.*

7:30p.m            13 Claflin Farm Road

- Mary read the public hearing notice. The Applicants and homeowners of Robert and Katie Drake were present to discuss their project. Mr. Drake noted the proposed work is to include: 1) the removal of a construction silt fence outside the 30-foot do not disturb zone (NDZ); 2) the filling of an excavated area inside the 30-foot NDZ; 3) the filling of a silt fence trench outside the 30-foot NDZ; and 4) the installation of a no-dig fence. Also noted, the fence requires no digging.
- Mary displayed a photo of the NDZ the contractor had disturbed. The fence would be going in the NDZ.
- Mary noted the fence would be going about halfway into the NDZ, which is a significant intrusion.
- Mr. Drake confirmed that NDZ will be natural other than the fence.
- Marcella proposed for the homeowners to naturalize a portion of the lawn in exchange for the installation of the fence.
- Mary provided recommendations for the silt fence trench to be moved, the disturbance from the contractor to be cleaned up, and the addition of some plantings within the NDZ. Mary inquired about grading. Mr. Drake confirmed the fence will not require regrading.
- Tom inquired about the gap size between the pickets of the fence as well as the gap at the bottom of the fence. Mr. Drake noted the gap is about four inches. The fence will have a small gap.
- Mary proposed moving the bounds five feet closer to the house.
- *Marcella motioned to continue public hearing until September 13, 2023, at 7:15 p.m. Tom seconded. All voted in favor by roll call vote.*

44 Milford Street (Imperial Gas)-NOI

- Mary read the public hearing notice. John Nenart with Imperial Gas and Nichole Haye with Guided Consulting were present to discuss their project. Mr. Nenart noted the following proposed scope of work: the construction of a 420 square foot rear addition in what is currently maintained as lawn and concrete. The existing building has twelve individual beverage coolers. The addition is to accommodate for a single ten-foot wide cooler with shelves. Half of the building itself is within the 75-foot no build zone (NBZ). The addition is between 75 and 30-foot NBZ, which requires a waiver. The applicant proposed sixty-eight square feet of grass disturbance.
- The following was covered within Mr. Nenart's prehearing discussion with Mary: There was concrete dumped by the wetland. Mr. Nenart will arrange to have it removed. Mary had suggested naturalizing the buffer and grassed areas with plantings. The drainage goes down two swales, and the parking lot is curved. Thus, the proposal was made to place erosion controls in front of the swale to the front of construction. Also noted, a silt fence, rice straw wattles at the bottom of each swale and hay bales at the top of each swale will be installed. Mr. Nenart proposed the potential of a rip rap plunge pool with a berm. Mr. Nenart also proposed the potential of a small rain garden.
- Marcella requested clarification regarding the grass disturbance. Mr. Nenart noted sixty-eight square feet will be replaced with seventy-four square feet of grass. The pavement at the corner will be removed and replaced with lawn.
- Mary noted there was an abutter who was concerned about contamination on site. DEP informed that it is background levels, so there would be no issues with digging contaminated soil.
- Mike inquired about the Commission's opinion on Mr. Nenart's proposal of the hybrid rain garden plunge pool alteration. Tom was in favor.
- *Mike motioned to continue public hearing until September 13, 2023, at 7:45 p.m. Tom seconded. All voted in favor by roll call vote.*

#### Amendment to Upton Wetland Bylaw

- Mary led a brief discussion on amending the Wetland Bylaw to reflect that abutter notifications are not required for the application type of RDA's.
- Marcella noted how she had received an email from MACC about newspaper notifications.
- Mary clarified the MACC email was regarding newspaper notifications and the issue here is abutter notifications. Currently, under the WPA, it is allowed to do electronic notification for RDA's. Mary proposed adding this to the bylaw as well.
- *Mike motioned for Mary to draft revisions to bylaw and allow the Chair to submit an article to the BOS by September 8, 2023. Tom seconded. All voted in favor by roll call vote.*

#### RFP Warren Brook Bridge

- *Marcella motioned that the Commission issue an RFP for the Warren Brook Bridge design. Alan seconded. All voted in favor by roll call vote.*

#### Changes to Agenda Format

- Mike noted the Commission was asked to remove “recurring items” from the agenda template. Mike noted each item should be itemized as opposed to being called out by each subcommittee.
- Mary noted that anything that needs a vote or is to be discussed amongst members needs to be itemized.
- Mary will revise the agenda format to be in compliance with Open Meeting Law.

#### Type of Filing for Mechanic Street Trails

- Mike noted LSC had done trail mapping and inquired about which filing would be required. Mary displayed a draft document which includes the potential impacts with each location.
- Mary noted an RDA would be appropriate. She will inquire with DEP.
- September 6, 2023, LSC will meet with SVT to walk the trails. Marcella noted by then, the area of the West should be GPSed.

*8:41 p.m. Mike motioned to adjourn. Marcella seconded. All voted in favor by roll call vote.*

#### Document List

08/23/23 Meeting Packet

Minutes approved on: 09/13/23 remote meeting.

*Chris Scott     Mike Penko*

*Tom Jango   Sandy Lajoie*

*Alan Maino   Marcella Stasa*

*David Szczebek*

## Meeting Packet Contents:

- Agenda
- Agent Report
- 13 Claflin Farm RDA
- 13 Claflin farm plans
- 13 Claflin farm staff review
- NOI 44 Milford St.
- Plans 44 Milford St.
- Staff Review 44 Milford St.
- Memorandum Waste cleanup
- Roberston Trail bridge RFP
- KP Law regarding agendas
- Mendon Sample Agenda
- Mechanic St. trails documents
- Draft minutes 8/9/23
- Financials/ Invoices