



TOWN OF UPTON, MASSACHUSETTS

Conservation Commission

Meeting Minutes – Wednesday September 13, 2023 – Remote Meeting (Teams)

To: Members of Upton Conservation Commission

CC: Denise Smith,

Members Participating:

Chair: Christine Scott, Vice Chair: Mike Penko

Members: Alan Miano, Tom Jango, Marcella Stasa & David Szczebak,

Absent: Sandy Lajoie (treasurer)

Administrator: Mary Overholt

Administrative Assistant: Grace Brownell

Visitors: William Taylor (Open Space Committee), Taniel Bedrosian, Lourival Santos, Robert Drake, Katie Drake, Gene Diptoto, John Federico, Peter Lavoie, & Henry Lane

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

AGENDA ITEMS/HEARINGS

7:00 Lot 3 and 4 Westboro Road

- Applicant Taniel Bedrosian was present. Mr. Bedrosian has submitted a plan modification with a new configuration of the driveway.
- Mary Overholt noted the driveway would be further from the wetland and there would be 300 feet less of fill.
- Tom Jango inquired as to whether there are two separate driveways. Mr. Bedrosian confirmed.
- Mary suggested reducing the size of the replication area to 3,100 square feet.
- *Chris Scott motioned to approve the minor modification with the condition of reducing replication area. Alan seconded. All voted in favor by roll call vote.*

Administrator's Report:

Sylvan Springs

- Mary Overholt met with Dave the site contractor and Francis from the wetland consultant's office. They have reinstalled erosion controls and created temporary stormwater basins and checked dams to contain the runoff. Ms. Overholt requested them to rehang the wetland flags. Francis will start submitting their weekly reports.
- *Discussion continued until September 27, 2023.*

7:15 RDA - 13 Claflin Farm Rd. – Installation of a fence (Continued from 8/23/23)

- Applicants Katie Drake and Robert Drake were present. Ms. Drake noted their plan to include native plants within the fill.
- Marcella Stasa requested a condition in which the permitted disturbance would not carry over to future owners of the residence in which they could keep the fence but conduct no further disturbance.
- Ms. Overholt noted that the determination does not get recorded. However, the OOC are still open and need a COC. Mike Penko inquired about the recording of the OOC. Mary confirmed that it might need to be re-recorded if an amendment occurs.
- The Drakes inquired about the type of blueberries for the fill. Mike noted low bush would be sufficient.
- Ms. Overholt reiterated that it should be the responsibility of the contractor to clean up the disturbance and remove the silt fence.
- Ms. Drake inquired about planting lilacs and raspberries. Ms. Overholt noted the NDZ should only include native plants.
- Ms. Overholt will research how to add the fence condition to an As-Built Plan.
- *Chris motioned to close public hearing and issue the negative determination of applicability. Tom seconded. All voted in favor by roll call vote.*

7:25 343 Mendon St. – Enforcement Order

- The homeowner was not present. Ms. Overholt noted he had installed an extra wattle to hold water flow. The area by the vernal pool looks better as it is mostly grown in. Ms. Overholt will request him to increase the erosion controls and discuss how to stop the stream.
- Dave Szczebak inquired about his plans for the previously filled area. Mary noted he has graveled the area and mulched within six feet at the top of the bank.
- Tom Jango asked where the stream was flowing from. Mary noted it is flowing down the road, over the bank, and into the wetland.
- Mr. Penko made the request that the water be managed in such a way that is avoidant of a future erosion problem.

Administrator's Report Continued:

Culvert under 140 near Prospect Street

- Mary Overholt noted that she had met with DOT about an emergency Cert to do a temporary fix to the culvert, as a sinkhole previously formed.

2 Dogwood Avenue

Ms. Overholt reported that she had done a site visit at 2 Dogwood Drive with the Town Planner and Town Manager.

24 East Street Appeal

- Ms. Overholt reported that she and Ms. Stasa had done a site visit at 24 East Street for the appeal. Judi Schmit from the DEP was present and answered Mr. Komarovski's questions. Ms. Schmit reported there was no evidence of a wetland and there is no reason to doubt Ecotec's gatherings but has not made her decision yet.
- Ms. Stasa noted Mr. Komarovski was concerned about a water rights issue, as his well is producing less water. Ms. Stasa inquired if a water rights issue would pertain to the Conservation Commission. Ms. Overholt noted it would not be the Conservation Commission's jurisdiction.

108 Grove Street

- Ms. Overholt had noted that the homeowner had applied for a Large Lot Frontage Reduction Special Permit through the Planning Board. It is not practical to make a subdivision there, because it would create too much impact on the riverfront area.

7:45 NOI – 44 Milford St. Imperial Gas – Construction of an addition (Continued from 8/23/23)

- *Continued to September 27, 2023 at 7:15 p.m.*

Continuation of Administrator's Report:

12 Stoddard Street

- Ms. Overholt had noted that Lourival Santos is redoing the foundation for the garage and was unaware of the wetland permitting requirements. Mr. Santos will move a pile of mulch away from the stream, clean it up and install a silt fence. It has further been requested for Mr. Santos to get a wetland delineation. Also noted, he will file a NOI for a new septic system. Mary had filed a stop work order due to the alteration of the wetland. However, she gave him permission to have concrete poured and to move rocks.
- Mr. Santos made the request to the Commission to allow him to continue his work and further confirmed that he will stop work once he finishes the wall.
- Mary will consult with Dan Macintyre about the location of the new septic system.
- Mary noted a restoration plan should be needed due to the tree clearings.

- *Chris Scott motioned to lift the stop work order. Alan seconded. All voted in favor by roll call vote.*

FiveFork Farms

- Ms. Overholt reported that a resident called in inquiring about the activity at the farm.

Administrative Report:

Approve Minutes

- *Tom Motioned to approve minutes from August 23, 2023. Marcella Seconded. All voted in favor by roll call vote.*

Approve Financials

- *Tom motioned for the cost of Reed Appraisal to come from the Conservation Fund. Marcella seconded. All voted in favor by roll call vote.*
- *Alan motioned to pay the remaining bills. Tom seconded. All voted in favor by roll call vote.*

State Ethics Training

- Chris Scott provided the reminder that all Commission members need to complete their training.

8:05 NOI – 10 (lot 2) Kiwanis Beach Rd. – Construction of a single-family house

- Chris Scott opened the public hearing. Engineer Peter Lavoie was present to represent New Generation Custom Homes. Mr. Lavoie noted the following scope of work: the construction of a single-family house, deck, driveway, and installation of a new septic and well within the 200-foot buffer zone of Pratt Pond. The only disturbance that would be within the 100 NDZ would be the proposed well. Clearing will be needed for a drill truck and equipment to reach the well. Also noted, a dock is proposed in addition to grading of roughly 3,300 square feet within the 100-foot NDZ. Straw wattles will be the limit of clearing around the downhill side. There is a stockpile area to the front, furthest away from the pond as well as a construction entrance at the driveway location and a well pit. Also noted, the plan is to recharge the entire roof with two recharge areas.
- Chris Scott inquired if the BOH did a review. Peter Lavoie noted that they have received approval from BOH. However, he will have to submit a revised plan as the pool was removed and grading was reduced from the initial plan sent to BOH.
- Mary Overholt noted that an alternatives analysis needs to be done for the work within the riverfront area. One condition would be to obtain a Chapter 91 permit for the one doc.
- Mike Penko inquired about the vegetation within the 100-foot buffer zone. Ms. Overholt noted it is mainly forested. Mr. Penko noted they will need a variance for any clearing within the 100-

foot NDZ. Additionally, there should be bounds along the 100-foot NDZ. Clearing should only include pathways to the well and doc. David Szczebak agreed.

- Tom Jango inquired about the total lot size. Mr. Lavoie noted the total lot size is 40,000 square feet, which includes a smaller parcel to the north. The area to the north will remain undisturbed. Lastly, a short retaining wall is proposed along one side of the driveway to blend in with the existing grading.
- Mr. Penko made the recommendation of four bounds across the back.
- *Public hearing continued until September 27, 2023 at 7:45 p.m.*

8:30 NOI – 93 Crockett Road – Demolition and Construction of a single-family house

- Chris Scott opened the public hearing. John Federico of Guerriere and Halnon Inc. and the applicant Gene DiPoto were present. Mr. Federico noted the following scope of work: the construction of a single-family home with an associated paved driveway and site grading. The proposal includes the removal of the existing single-family home and several landscaping walls. There is a nonconformity regarding the septic system and BOH setbacks as well as with the side yard and pond setbacks. There are some deck areas off to the side of the southern portion as well as on the eastern portion. They are proposing to extend the pipe connecting to the septic tank. Also noted, there will be several walkway areas removed as well as some trees.
- Mary Overholt noted there should be wattles or a compost filter sock added in addition to a silt fence. Ms. Overholt noted the area beyond the erosion controls should be maintained.
- Mr. Federico further confirmed that they would be willing to get roof infiltration chambers installed for the roof runoff. Also noted, driveway runoff will be directed towards the low spot into a vegetated area.
- Mary further suggested for the house to be moved further back from the lake as well as installing bounds along the natural area of the southern portion of the lot. She had proposed one along the shoreline within the current edge of vegetation and lawn.
- Chris Scott inquired as to whether they have been before BOH. Yes, the system has been signed off as being Title 5 compliant.
- *Mike motioned to continue the public hearing until September 27, 2023 at 8:00 p.m. Marcella seconded. All voted in favor by roll call vote.*

Open Space Committee:

Land Acquisition- North and Westboro Road

- Bill Taylor noted the DCR had voted at their land acquisition meeting to pursue acquiring the land between North and Westboro Road.

47 Mechanic Street

- Mr. Taylor noted OSC will have meeting to look at a conceptual plan for 47 Mechanic Street.

Land Stewardship Committee:

- Marcella Stasa noted that Tom Jango, Mary Overholt, and Dan Simson had walked the proposed trails on the Mechanic Street parcel. They had discussed a parking spot off Mechanic Street.
- Mike Penko noted he prefers narrow board walks of about two feet.
- Mr. Penko asked the Commission if they want to separate trail crossings with an RDA and then file a NOI for the parking lot.

Discussion Items:

STM Warrant Article- Amendments to Upton Wetland Bylaw

- Miss Overholt noted the Commission had previously approved removing the abutter notification requirement for RDA's. Mary suggested two more modifications: 1) Drop cap of construction fees. 2) Any permit may be renewed once for an additional three-year period as opposed to one.
- *Marcella motioned to approve changes for the Special Town Meeting warrant article. Alan seconded. All voted in favor by roll call vote.*

Voucher Approval Policy

- *Marcella Stasa motioned to approve the Approval of Vouchers policy. Alan seconded. All voted in favor by roll call vote.*

15 Hartford Ave. N Avenue

- Mary Overholt drafted a letter asking to remove yard waste.
- *Marcella motioned to approve the letter. Tom seconded. All voted in favor by roll call vote.*

12 Plain Street

- Mary drafted a letter requesting Mr. Thackaberry to attend a CC meeting to discuss his violation with the Commission pertaining to mowing within the wetland line.
- *Marcella motioned to approve the letter. Alan seconded. All voted in favor by roll call vote.*

52 Elm Street

- Mary drafted a letter addressing a potential violation of disturbance within 30 feet of the edge of the pond and lawn.
- *David motioned to approve the letter. Tom seconded. All voted in favor by roll call vote.*

9:11 p.m. Marcella motioned to adjourn. Tom seconded. All voted in favor by roll call vote.

Document List

09/13/2023 Meeting Packet

Minutes approved on: 09/27/2023 remote meeting

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

Meeting Packet Contents:

- Agenda
- Agent Report
- Lots 3&4 Westboro Rd. new driveway plan
- Lots 3&4 existing plans
- 13 Claflin Farm RDA
- 13 Claflin farm plans
- 13 Claflin farm staff review
- NOI lot 2 Kiwanis Beach Rd.
- Plans lot 2 Kiwanis Beach Rd.
- Staff Review 2 Kiwanis Beach Rd.
- NOI lot 93 Crockett Rd.
- Plans lot 93 Crockett Rd.
- Staff Review 93 Crockett Rd.
- STM Warrant article request
- Upton Bylaw edits
- Voucher policy
- 108 Grove St. Comment letter
- 52 Elm St. letter
- 12 Plain St. letter
- 15 Hartford Ave. N letter
- Draft minutes 8/23/23

- Financials/ Invoices