



# TOWN OF UPTON, MASSACHUSETTS

## Conservation Commission

Meeting Minutes – Wednesday 01/13/2021 -- Remote Meeting (gotomeeting.com)

To: Members of Upton Conservation Commission  
CC: Kelly McElreath, Town Clerk  
From: Patricia Marvelle, Administrative Assistant

### Members Participating:

Chair: Chris Scott, Vice Chair: Mike Penko

Members: Sandy Lajoie, Alan Miano, Tom Jango, Scott Heim & Marcella Stasa

Agent: Dave Pickart

Visitors: Jude Gauvin, John Mastroianni, John Federico, Dave Ross

Absent: Mary Overholt

### 7:00 pm Remote Meeting Opened

Dave Pickard read the following statement:

*Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor's March 15, 2020 Order concerning imposition on strict limitations on the number of people that may gather in one place, meetings in the Town of Upton are being conducted via remote participation to the greatest extent possible. No in-person attendance of members of the public will be permitted, but every effort will be made to ensure that the public can adequately access the proceedings as provided for in the Order.*

### General

- New snow budget has been awarded for the Rockwood Meadows parking area.
- New Administrative Assistant, Patricia Marvelle, introduced.

### Agent Report

- Dave mention pictures in inspection report were old pictures because there was an issue with the camera and current pictures were deleted.
- Site visit to Kenneth Village regarding a tree that had fallen between the property of 69 Mendon Street and Kenneth Village Trustee, Roy Davis. Owners disputing over who was responsible for the tree removal.
- Kenneth Village cut tree but left cuttings on border between the two properties.
- Dave to do a site visit next week to discuss with owner of 69 Mendon Street, Stephen Bailey.
- Committee agreed that they shouldn't get involved in neighbors disputes because it is not their jurisdiction.
- Kenneth Village trustee asked Dave about deeding the land to the Town. Dave to follow-up with Town Manager, Derek Brindisi. Commission noted that land would be public and open to possibility of more traffic in area because it would be public land. Mike mentioned that the CR and the land could not be owned by the same person, and could be a complication. Mike also stated that the Town can do maintenance on the CR but doesn't have to.

### **Administrative Report**

- Dave and Trisha to meet next week to work on office space. Trisha will be submitting timesheets for Dave and herself.
- Invoices. Marcella Stasa made a motion to reimburse \$22.32 to Mike for snow stakes purchased from Koopman's from the general fund. Unanimously approved via roll call voice vote with Mike abstaining from vote. Marcella Stasa made a motion to pay the Gatehouse Media invoice in the amount of \$213.20 from Wetland bylaw seconded by Sandy Lajoie. Unanimously approved via roll call voice vote.
- Dave and Trisha to look into setting up Koopman's account to charge to instead of paying out-of-pocket to stream-line process.

### **Website**

- No update at this time.
- Alan mentioned that the chat feature could be used to do the voice voting easier, as it saves the information.
- Dave stated open meeting law requires that votes be done by roll call.
- Suggested that maybe use a list of name that could be read down to get voting done quicker.

### **Open Space Committee**

- Agreement to purchase the Williams Street parcel has been signed for \$6,500.
- P&S Agreement for Kelly property has been drafted. Meeting to be held this week.
- Bill received call regarding a 14 acre parcel on Northbridge Riverdale Road that 89 Cooper Realty Trust is looking to sell. 13 acres are in Northbridge. Runs from Mendon Road to Nipmuc High School. Bill thinks it would be a worthy addition for the two towns.

### **Land Stewardship Committee**

- They had a workday at the schoolhouse.
- Ongoing issues with Peppercorn.

### **New Items**

#### **7:05 Peppercorn Land Use Regulation Violations**

- Mike drafted letter to Marcella regarding possibly having a police presence because of ATV and off-road vehicles using the area. Also there has been some target practice happening on at least one occasion. Target practice is not compatible with recreational use.
- Marcella working on drafting a letter and asked for comments on how to approach matter of the ATVs and off-road vehicles.
- It was suggested a letter be drafted and signed by Chris and Marcella. Send letter to Stewardship Committee and then discussed with Derek before approaching the police department.
- Signs are already present already saying no ATVs/off-road vehicle use, more needed.
- Discussion of purchasing trail cameras. Mike to research camera types and advise on type to purchase.
- Motion made by Marcella to implement cameras and additional signage and to talk to Derek for his advice and possibly speak with Police Department if Derek thinks that is the recommended way to handle. Tom Jango seconded. Unanimously approved via roll call voice vote.
- Motion made by Sandy Lajoie to purchase two trail camera, not to exceed \$400, money to come from general account. Mike Penko seconded motion. Unanimous vote approved via roll call voice vote.

### **7:50 Heritage Park – Dave Ross**

- Dave Ross, Chairman of the Economic Development Committee presented.
- Wanted to get Commission's input on possibly purchasing land from owners of property abutting Heritage Park. This would be part of the Town's Revitalization and looking for input before they move forward, as to feasibility of the project.
- Looking to purchase to have another entrance off of Route 140. Parking would be in VFW lot.
- Creating an elevated boardwalk or gravel pathway. Wanted to know feasibility of adding either one. Dave Pickart stated land is sloped and would be best to have a boardwalk. Boardwalks are allowed under the WPA. Elevated boardwalk would have to go through or near the wetlands so needs to get a NOI but it shouldn't be complicated. Commission advised to keep it under 500 square feet to make minimal impact on wetlands and they would not need replacement.
- Commission agreed it sounds like a feasible project.

### **8:10 COC 60 Chestnut Street – John Federico**

- John stated he was from Guerriere and Halnon representing the owner and explained what they are looking.
- It's a single-family house. A 15' easement exists for trail access.
- Grade changes were unanticipated in front of house and was corrected by adding retaining wall.
- An error was made during construction of the retaining wall and not noticed. Buffer should be 25' and it is 23.5'. Correction would be a hardship because it is sloping ground. Retaining wall built to help prevent erosion and to separate walking path from yard of home.
- Dave agreed and recommended that the Commission could approve it, if they agree. It's not a detriment and therefore doesn't need to be changed. It was an accidental mistake that no one caught and project should just move ahead.
- Dave recommended the COC be issued.
- Bounds and easement are marked by iron pins.
- Bill Taylor, Chair of Open Space Committee, stated they have no issues, it's a sufficient value to the community.
- Easement to be noted on COC as a condition. Copy to be sent to homeowners to be sure they are aware of easement.
- COC to be sent to Guerriere and Halnon office.
- Marcella Stasa made a motion to issue the COC, Tom Jango seconded. Unanimous approval by roll call voice vote.

### **On-going Items**

#### **Erosion control policies**

- Nothing new.

#### **Permitting process discussion**

- Nothing new.

#### **Railroad**

- Bill advised that they are in non-binding arbitration because they are in dispute over the Right of First Refusal between Hopedale and the railroad. The town has raised the money needed to purchase the property.

#### **Rockwood Meadows Baseline Report**

- Deferred until spring.

#### **Warren Brook Conservation Area Forestry**

- Scott updated - The harvest will take place in February. There is a meeting on Friday at Grafton Road, if members interested in attending. They are purchasing eight signs to be placed around the trail junctions stating they are closed. They could be 1x1' at \$12 each or 1x2' at \$18 each, laminate plastic signs. His preference is the 1x1' signs.

- Sandy Lajoie made motion to purchase eight signs at \$12 each, not to exceed \$100. Mike Penko seconded. Unanimously approved by a roll call voice vote.
- Scott to provide Mike with map that shows closed trails. Mike to post on website.

#### **Preserve at Dean Pond Open Space Parcel**

- No update.

#### **Administrative Assistant Manual**

- Chris has completed draft and distributed to members for them to review and make changes directly in the document or email her with any changes.

#### **Approve & Sign Documents**

- None

#### **Meeting Minutes**

- Chris asked if there were any corrections to the December 23, 2020 draft meeting minutes. Marcella mentioned there were a few typos that she will correct. Trisha to correct errors in document Chris sent.
- Scott Heim made a motion to accept minutes for December 23, 2020, with corrections. Motion seconded by Marcella Stasa. Approved by unanimous roll call voice vote.

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

##### **7:15 RDA 63 Glen Avenue – John Mastroianni, Lauren Oles**

- Dave Pickart read hearing notice.
- Mr. Mastroianni from Lobisser stated owner looking to build an in-law addition to the existing house.
- Septic system updated to larger tank. Septic system located in front yard.
- Meets exemption for WPA for work related to a single-family dwelling. No further review needed.
- Not exempt from ByLaws.
- Clearance was given from the Zoning Board of Appeals and Board of Health.
- No other filing needed.
- Hearing closed
- Tom Jango made a motion to issue a negative Determination of Applicability under WPA and it does not require a NOI for the By-Law, Marcella Stasa seconded. Approved by unanimous roll call voice vote.

##### **7:30 NOI (CON'T) East St. Estates (Afonso) – Jude Gauvin**

- Chris (for the record): Both Mike and Chris are MLT Board members.
- Jude Gauvin from Andrews Engineering replacing Rich Mainville who retired.
- In process of reviewing plans and letters.
- Waiting on the land trust from the attorney. Water quality & MDA permits are ready to go.
- Jude met with Planning Board and they are reviewing plans for possible revision to the retaining wall due to soil determination. Planning Board engineer is requesting borings at wetland crossing. Culvert reviewed and given the okay. Hearing continued until next Planning Board meeting on January 27, 2021.
- Working with DPW on snow removal and the retaining wall. Working with Fire Chief regarding sprinklers and fire suppression system, not on public water.
- Monuments are going to be 50'-100' on lines and curves of boundaries to mark open space. Final plan needs to be submitted with bounds and monuments noted.
- Borings for retaining wall in wetlands area are not exempt and still need to be done. Still trying to determine best method. Will need a Request for Determination if work is intrusive.

- Baseline can be done in Spring (April 15<sup>th</sup>) or Fall. CRs can be done independently.
- Jude stated he will be going before the Planning Board again at their January 27, 2021 meeting and come before the Conservation Commission.
- Hearing continued to January 27, 2021 at 8 P.M.

#### **8:10 COC 00 Tyler Street 11 John Federico**

- John stated he was there to request the COC.
- Bounds and erosion control are in place. Plan updated.
- Dave Pickert did site visit, after heavy rain events, no erosion was found.
- COC can be issued.
- Marcella Stasa made a motion to issue the full COC to 00 Tyler Street. Scott Heim seconded the motion. Unanimously approved by roll call vote.

#### **Next Meeting (January 27, 2021)**

**9:07 pm** Motion to adjourn made by Sandy and seconded by Marcella Stasa. Approved by unanimous individual roll call vote.

#### **Minutes approved on: January 27, 2021 (remote meeting)**

<i>Chris Scott</i>	<i>Mike Penko</i>
<i>Scott Heim</i>	<i>Tom Jango</i>
<i>Sandy Lajoie</i>	<i>Alan Miano</i>
<i>Marcella Stasa</i>	



# TOWN OF UPTON, MASSACHUSETTS

## Conservation Commission

Meeting Minutes – Wednesday 02/10/2021 -- Remote Meeting (gotomeeting.com)

To: Members of Upton Conservation Commission  
CC: Kelly McElreath, Town Clerk  
From: Patricia Marvelle, Administrative Assistant

### Members Participating:

Chair: Chris Scott, Vice Chair: Mike Penko  
Members: Sandy Lajoie, Alan Miano, Tom Jango and Marcella Stasa  
Absent: Scott Heim, Mary Overholt  
Agent: Dave Pickart  
Visitors: Michael Dryden, Kevin Lobisser, Mark Allen

### 7:00 pm Remote Meeting Opened

Dave read following statement:

*Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor's March 15, 2020 Order concerning imposition on strict limitations on the number of people that may gather in one place, meetings in the Town of Upton are being conducted via remote participation to the greatest extent possible. No in-person attendance of members of the public will be permitted, but every effort will be made to ensure that the public can adequately access the proceedings as provided for in the Order.*

### General

### Agent Report

- Only a few site visits due to accessibility and viewing issues because of snowfall.
- Diana Alfonso contacted regarding Fisk Mill Road, and she has not returned call as of today.
- Participated in workshop by DP and EOEa regarding action grant proposals.
- Spent a large amount of time responding to emails and calls regarding the Warren Brook tree cutting.
- Mike suggested creating a list of lessons learned and possible suggestions for future reference. This could be used by others and they might benefit from insight. Next hearing, sending letters to all abutters and send follow up letter before project starts so people are notified and aware of what is going on was also suggested by Mike. Alan suggested tracking whether or not meet project needs and suggestions regarding that.

### Administrative Report

### Expense Vouchers

- Trisha stated there is a bill for Beaver Solutions for \$1,024 for annual flow device maintenance plan

and guarantee. A bill for \$36 for KP Law P.C. for telephone conference between Bill Taylor and Kate for the Williams Street property. A \$1,000 bill for mowing at Stefans from Greg Trussell and also \$75 for plowing at Peppercorn for parking lot.

Marcella Stasa made a motion to pay the bills. Sandy Lajoie seconded the motion. Motion passed with a roll call voice vote.

### **Website**

- Forest cutting plan is now on the website.
- Warren Brook trail map announcing cutting is on website.
- Marcella and Mike to send Alan pictures to be added to the forestry page.
- Pictures should be added to google drive in the future so they can be accessed easily for any pictures that members have.

### **Open Space Committee**

- Bill stated they are working on the P&S for the Kelly property and the Williams Street property.
- They will be getting an environment review for Kelly property. Surveys need to be completed for both properties, but not able to be done at this time because of snow.
- Bill stated he met with Northbridge Conservation Commission last week to talk about land that straddles the Northbridge/Upton border. They seemed eager to work something out with the owner to acquire property. Dave to let the land-owner know they are interested in obtaining it.
- P&S for Peppercorn should be signed on the 16<sup>th</sup> by the Selectmen.

### **Land Stewardship Committee**

- Snow is keeping them from doing work.
- Letter sent to Derek regarding ATV use at Peppercorn, no response yet. Marcella to follow up with Derek on how to proceed.
- Camera is up but no report yet. Mike has not been out there to retrieve any data yet.
- Commission discussed whether or not to allow snowmobiles because they are motorized and are a safety issue. They discussed pros and cons to this and possible safety issues.
- Mike suggested the Commission review the land use regulations at a future meeting.
- It was agreed they need to speak with Derek and Selectmen as to what options are because of liability issues. It would be good to open some of the trails up to have it open to more people, especially trails that abut the Upton State Forest where snow mobiles are allowed.

### **New Items**

#### **9 Sadler Road**

- Paperwork available in the office for members to review.

#### **Disc Golf**

- Bill needs to get back to the family who contacted him. There were conversations years ago about putting one in the Kiwanas beach area.
- Tom suggested they should suggest to us where they wanted to put it and what is involve with it.

#### **Naming Peppercorn Parcels**

- Mike stated there are four parcels. Three of them are owned by the town and they have an opportunity to name them. Mike will research and people who used to live in the area and long-time residents in the Peppercorn area. Two people were Donald Kerr and Frances Walleston. He believes that they would be a good choice to name the two parcels that are adjacent to one another as they

were neighbors and they were actively involved in the Peppercorn area. Other two parcels also up to be named. Mike suggested maybe Mr. Robinson and Kelly family.

- Parcels to be managed as one unit because of CR.
- Commission wants to name (their choice of name) parcels to recognize people instead of just numbers. Names would make it easier to refer to them over just numbers. Other suggestions given for possible names.
- Committee agree that Kerr, Walleston and Kelly are three of the names that should be considered.
- Bill to discuss with Mr. Robinson to see if one could be name after him. Mike thinks it would be nice to honor him and that would be the fourth name.

#### **Aquatic Weed Control**

- Bill working on submittals for aquatic weed control and installation of columbarium Lakewood cemetery. Bill to schedule meeting with Dave. Ponds – Taft, Pratt and Lake Wildwood.
- Mike stated there would be an evaluation from a company on Lake Wildwood in the summer. Bill believes they completed it but he will check on that. Mike would like to see it has water chestnut especially.
- A resident on Lake Wildwood who has concerns with what is going to be done there.
- Blue Ways Committee went part way with that last year. They should speak with Derek regarding it and see if they can establish a pond or waterway committee.
- Discussion regarding the Pratt pond article to spend \$10k for goose control. No one knew exactly what it was supposed to entail. Dave to get more information on what is planned for next meeting.

#### **On-going Items**

##### **Revisions to Administrative Manual**

- In process, no new suggestions.

##### **Erosion control policies**

- Working on, hoping to release by next meeting.

##### **Permitting process discussion**

- Nothing new

##### **Railroad**

- Nothing new

##### **Annual Town Meeting**

- Annual town meeting is scheduled for May 6, 2021.

##### **Rockwood Meadows Baseline Report**

- Deferred until spring.

##### **Warren Brook Conservation Area MOU**

- Nothing new

##### **Forestry**

- Tom stated he went out to Warren Brook. Work is proceeding quickly and they are doing a great job. The work should be done by the end of February. Chris suggested taking sequential pictures over the



life of the project.

- A quote for a drone company to see what they would charge to see how much it would cost to take pictures of the two five-acre of the early successional forest areas. A video is an extra \$100. Suggested it could be done in early summer. Quote was just to see what pricing might be. Maybe do photos/video every few years to see how things are developing. Committee thought it was a great idea and suggested getting other company quotes for comparison pricing. Will be discussed further at a future meeting.

#### **Preserve at Dean Pond Open Space Parcel**

- No update

#### **Approve & Sign Documents**

#### **Meeting Minute**

- Tom Jango made a motion to accept the minutes for the January 27, 2021 meeting, Mike Penko seconded the motion. Motion was unanimously approved by roll call voice vote.

#### **Timesheets**

- Dave submitted timesheets to Trisha.
- Trisha is submitting timesheets for processing for herself and Dave.

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

#### **8:00 NOI (CON'T) East St. Estates (Afonso) – Jude Gauvin**

- Jude Gauvin notified the Commission that he is not ready for the hearing tonight. Continued until the February 24, 2021 meeting at 8PM.

#### **8:15 Discussion regarding Cobbler's Creek Senior Housing Community North Street/Westboro Road – Lobisser**

#### **Mark Allen, Michael Dryden from Allen Engineering and Kevin Lobisser**

- Came before Conservation Commission in September or October 2020 with ANRAD and RDI.
- All resource areas confirmed except for one vernal pool that cannot be confirmed, it wouldn't make a difference because it is imbedded in the wetlands.
- Located at intersection North and Westboro Road are in an agricultural district.
- Frontage from North Street and Westboro Road and secondary from Eames Lane (emergency access). Main access road would be from driveway on North Street, will be expanded.
- Borders Upton State Forest on east and west and that adds open space to the plan.
- 59 single-family age-restricted houses, includes a clubhouse.
- No sewer or water will be needed from the Town. Subdivision will provide their own.
- Onsite public water supply and working with DEP for water wells and to get them approved.
- Wetlands impact crossing point and they will upgrade the existing road. Second crossing in center will be upgraded and about 4000 sq ft of overall impact.
- Open space – 15 acres required. They will be providing a total of 18 acres around the outside of site. That is in addition to a 100 foot strip around property, meets housing requires.
- Eames Lane – 6-8 parking space area. James Road heads to south and is an abandoned/discontinued roadway and can be used for trail access to Upton State Forest. James Road is being investigated as to whether or not this could be used for that purpose. If not, secondary trail from parking between existing barn and wetlands to the Upton State Forest trail area could be done.

- Public water and sewage disposal is in center of site by North Street side of the project. Doesn't require review, already done.
- Water/sewer are within land development thresholds.
- Dave asked if emergency access was going to be paved or would it be gravel. Michael Dryden said it would be gravel. Fire Department and Planning Board will have say but they will work with the town to do whatever they want. They suggest it be gravel. Towns prefer that it be a hard surface so they can plow.
- Michael Dryden stated the road to the well would be gravel.
- Dave asked about barn and parking area that were listed as to be removed and asked what that meant. Michael Dryden stated that is going to become part of the single-family home area (owned by same person) and not part of the plan area.
- Dave stated that looking at the plans, the drainage for the wetland area near barn will discharge in area of the houses and that would stop it from going to the direction of the houses at top of wetlands. Bypass system to bypass that area to prevent flooding in that area to avoid flooding in that area. Mark Allen stated that they would have a bypass culvert system, if needed.
- Commission asked that they increase the access beneath the roadway beyond the standards to allow easier access for the wildlife to cross the area without having to go over the road and give a larger buffer to vernal pool area. Michael Dryden stated the culvert crossing will allow wildlife passage and they usually exceed the sizes that are suggested standard size. Kevin Lobisser stated they will figure out the calculations and make sure they meet DEP crossing standard. They need to see what is needed first and then they will make adjustments to the size to go bigger down the road, as needed.
- Need some form of drainage structure to keep untreated runoff from getting into the vernal pools.
- Commission suggest they see if there are opportunities in previously disturbed areas to avoid cutting down any trees in the mature forest areas.
- LID projects with similar layout were considered and determined it was not a good fit for this project.
- Minimize catch bins north of vernal pool to minimize the number of frogs and salamanders that might get caught in the area.
- 59 units proposed and the next step to file a NOI. Condo style and one Notice Of Intent would be needed for all.
- The sewage would be handled by one pump station that will be located in the low point and then one to the left, up on the high point. It will flow to other area.
- Mike stated he would like them to build emergency access road without harming stone walls in area, if possible. Michael Dryden stated work will be done on existing road so it wouldn't affect the mass majority of the stone walls, small amount will be removed.
- Open space area to be discussed further between the Commission and developer as to whether or not it should be up to the Homeowners association or if a CR would be appropriate.
- Dotted yellow DCR trails shown on plan and property lines are not correct. They are off a bit. Commission asked if they can they provide an access to trails to northwest from the property. Wants to see trails on the plans in the future. Have a couple trail access points for residence so they don't have to walk to James Road. Commission suggested between the cul-da-sac and trail. Michael Dryden stated James Road is a discontinued road and they are looking into what exactly that means and what they can do to access that section.  
Also somewhere near the northwest trail system have an access point. Kevin Lobisser stated the access to the trails could be adjusted to utilize the well road. This would provide access to the trails because the road would be existing and wider and not located near the houses. This would be a residence only access point and the emergency road would be other access point. Another access point near the left-side area to create a loop there was also suggested.
- Easements on the lots so that owners know that the access exists upfront when they are purchasing property.
- Commission to provide a comment letter on the filing. Providing positive feedback and they are looking

forward to the project moving ahead.

- Marcella Stasa made a motion to have Dave Pickart write a comment letter and have Commission review it. Mike Penko seconded the motion. The motion passed by unanimously voice roll call vote. Mike to add open space questions and send to Planning Board.
- Kevin Lobisser asked if there were any general comments and areas that the Commission feel that they could improve the project and circulate to the Commission prior to sending to Planning Board. They will be submitting letters to MEFA and the Planning Board.
- Planning Board – pre-application done and was favorable. Next step to do NOI and do a formal application. MEFA coming up in the next month. Planning board to 4-5 weeks away from submittal.
- Site visit might be coming up within a month or so. Commission will be notified and invited to the site visit.

#### **Next Meeting (February 24, 2021)**

**9:10** Motion to adjourn made by Marcella Stasa and seconded by Tom Jango. Approved by unanimous voice vote.

#### **Minutes approved on: February 24, 2021 (remote meeting)**

<i>Chris Scott-abstained</i>	<i>Mike Penko</i>
<i>Marcella Stasa</i>	<i>Tom Jango</i>
<i>Sandy Lajoie</i>	<i>Alan Miano</i>
<i>Scott Heim</i>	



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## Conservation Commission

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To: Members of Upton Conservation Commission  
CC: Kelly McElreath, Town Clerk  
From: Patricia Marvelle, Administrative Assistant

### Members Participating:

Chair: Chris Scott

Vice Chair: Mike Penko

Members: Sandy Lajoie, Alan Miano, Tom Jango, Scott Heim and Marcella Stasa

Agent: Dave Pickart

Alternate Member: Mary Overholt

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## General

### Agent Report

- Received questions regarding new projects and pending projects and permits questions. Waiting for conditions to get better for them to proceed. Did some minor building permit applications.
- Attended the MVP Planning workshop online last week. Another to follow.
- Town hall is open for staff now and he met with Planner.
- OIC for trail maintenance at Stefans Farm and prepare an extension request and permit for that order.
- Reviewed pipeline maintenance request and answered questions from Town Manager and a summary was provided to Conservation Commission with response. Conservation Commission does not need to be involved.
- Commission should be receiving a NOI for a single-family house at 126 Elm Street. Demo and rebuild.
- Trisha is looking into setting up a tax free account with Amazon to avoid being charged sales tax.
- Assessor has been contacted by companies who do aerial services for mapping of the town. Dave reviewed and they will be discussing more next week with providing with a service called Nearmap. Cost to be split with everyone who wants service.
- East Street Estates hearing is continued for a month.
- Meeting with Planner and Architect for Senior Citizen Project.

## Administrative Report

PM 11/15/2023

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## **Expense Vouchers**

- Investigating Amazon account waiting for Town Clerk response to how we access to avoid being charged taxes.
- Trisha stated there is a bill for Gatehouse Media for ads; bill for plowing by Greg Trussel and two bills from Dave for Amazon purchase for trail cameras and accessories. Total of bills is \$605.39.
- Scott Heim made a motion to pay the bills. Mike Penko seconded the motion. Motion passed with a unanimous roll call voice vote.
- Mike asked Trisha to get the balances on all of the accounts for Conservation Commission.

## **Website**

- Commission wanted to post photos from Warren Brook. Alan created an album on Google drive.
- Alan showed sample photos. Alan to set up link so members can add photos themselves to folders that are set up.
- No comments will be allowed to be made to any photos. No public photos can be added.
- Alan stated they can give access to anyone who has a Google account or they could use the general Google account.
- Admin to post photos so that they are owned by account owner and are not deleted unless the owner deletes them. Members can ask Dave for account info so individuals can load photos themselves.
- Alan will make live once the photos are downloaded.
- Dave asked Alan to update the Land Stewardship Committee and Open Space Committee pages to reflect Trisha as the Administrative person instead of Denise. Alan to update the website information.

## **Open Space Committee**

- Draft copy of Metacomet Land Restriction Trust was sent to committee to review and make comments on. Will be discussed at the Open Space Committee meeting tomorrow.

## **Land Stewardship Committee**

- Mike Penko made a motion to vote for the Stefans extension on orders of conditions 311-0736. Marcella Stasa seconded the motion. Motion passed by unanimous roll call voice vote.

## **New Items**

### **Drone Imagery**

- Tom stated he had procured quotes but he wants to know what exactly they want to do and wanted to know what they are trying to accomplish by this. He is not sure exactly what they are looking for and he would like more specific information. Mike stated he would like to provide imagery for the public of the forest harvest, such as, the staging area, roads and the two five acre areas. The five acre area photos he would like to have them from a location that could be repeated yearly to watch the changes in the land over time to monitor the re-vegetation of those areas. Mike suggested pictures be taken after the leaves are out.
- Tom's son shot video and pictures of all areas. Tom son is pulling together everything for the committee to review.
- Dave to arrange to meet and get files from Tom.
- Mike stated his interest would be in the five-acre clear cut lots for baseline for those and they can do every few years to see the changes.
- Tom suggested doing it in a grid pattern and they take about 100 pictures and puts them together, and that will be about \$200. Tom will get more info. It might be something they want to do on a regular basis, i.e. yearly for a while. Can be decided on once they get pictures and commission has a better

idea on what exactly they want.

#### **Review Land Use Regulations**

- Dave to circulate them around.
- Will be discussed at next meeting.

#### **Open Space BOS Insurance**

- Dave to find out if snowmobiles are included in liability insurance already.

#### **Cobbler's Creek Comment Letter**

- Dave waiting for information to be able to draft letter.
- Town planner shared information with the Planning Board and once it is filed officially he will pull together.
- Mike suggested Open Space comments be included or Bill can do separate letter, if preferred. Mike would like to see a trail access off of the cul-del-sac area. Residence only trail access should be created.

#### **Peppercorn CR wording for Snowmobile Usage**

- Bill stated the CR for Metacomet property was distributed and they could look at it and any comments can be included.
- Mike stated no motorized vehicles usage is stated in it.
- Mike stated commission will need to develop wording for other three parcels.
- Metacomet CR doesn't allow hunting of predators, i.e. bobcats, coyotes, foxes.
- Other three parcels to be decided by the town and what they want do on their property.
- Tom believes that it doesn't make sense for hunting or trapping to exclude predators only. Mike stated he made the statement and the Metacomet Board was not opposed to it. The Commission will have to approve the CR draft at some point. Tom can make comments, they do not have to agree as a group. Mike and Chris to recuse themselves because they are on the board. Other new language will need to be added because of snowmobiles/off-road vehicles because standard language is no motorized vehicles unless you add that statement into the CR.
- Tom stated he saw in the email that the Town Counsel said that the changes were not legal. Changes didn't pertain to legal issues according to Mike's interpretation, but the lawyer stated they were not legal, but it is error in the way she stated it. Tom stated you can hunt but not predators.
- Mike stated he did the wording of the Metacomet CR. The Conservation Committee can comment and they have time to review the CR and discuss further before they need to vote on it.
- Commission discussed liability issues around tree stands.
- Committee discussed what the definition of environmentally justice definition was. None located in Upton but there are several in the surrounding area.
- Tom doesn't agree that is a good path to go down. Commission should allow hunting on all properties if it is lawful because it would be discriminating against the hunters. Several properties already have restrictions and he believes they shouldn't have any more restrictions in regards to hunting. Tom wants it to be allowed, if lawful. Chris stated it would be hard to monitor. Chris stated they can vote whatever way they want to when the time comes.
- Mike stated the commission will need to vote on CR for Metacomet and they can make the necessary changes because they do not need to vote on it until May or so. \$130,000 to maintain the parcel, not paid by the Town.

#### **Tennessee Gas Line**

- Dave showed maintenance map. It will be running north to south shown as the red line on the map.

#### **MVP Workshops**

- Chris stated there is another one being held tomorrow night.

## **On-going Items**

### **Erosion control policies**

- Nothing new.

### **Permitting process discussion**

- Nothing new.

### **Railroad**

- Bill stated that the home at Chestnut and 140 is the driveway that was the old McTigue Road and that is the access to the proposed new railroad in Milford. They are gathering info for the old McTigue road. Mike stated they had real estate agents asking Mendon to sell a parcel to them to get a parcel to go into Mendon from North Street in Mendon for access. Actively approaching town to see if they can get access from North Street.

### **Administration Assistant and Conservation Commission Office Reference Manual**

- Nothing new.

### **Annual Town Meeting**

- Annual town meeting is scheduled for May 6, 2021.

### **Rockwood Meadows Baseline Report**

- Deferred until spring.

### **Warren Brook Conservation Area MOU**

Can be removed now. Bill stated it was to identify stone features and that was done now.

### **Forestry**

- The logger had to cease operations because of warm spell and it is getting to soft because of snow melting and all equipment and logs are being removed. Has to wait until the land is drier.
- Cannot do anything from May to August and not sure when they will be able to do again this Spring or they might have to wait until the Fall. Scott to meet with Phil Benjamin tomorrow to see what was done.
- Mike asked for a record from the logger of what was taken out of there in the way of boards, chips, and the tree percentage as far as lumber and fire wood.
- Warren Brook sign is a concern for Mike once it is open to public again. Sign needs to be moved, it is just propped against a tree. About 12' off of ground and it is leaning up against a tree. Wants it laid down instead of propped up. Scott said it is a heavy sign and Mike is afraid it could kill someone if played with by someone.
- Mike stated he was bothered by the fact that he left the fuel truck overnight onsite. Doesn't believe a fuel truck should be left overnight in case of a fuel leak or vandalism. It might not be covered by insurance policy. Doesn't feel it should be left overnight because of liability issues. Wants different rule, no storing fuel truck overnight when work is resumed. Scott stated it could be an expense to drive it back and forth. Mike asked other commission members for their opinion. Tom doesn't feel the disaster would be as bad as Mike is portraying. Maybe 1000 gallons. Dave stated that that could be bad and would involve many people. Dave suggested maybe parking it at the fire station overnight. Mike stated maybe at a DPW facility. Bill stated they already have a tank about 1000 gallons onsite

there. Dave stated might be other sites that could store it. Commission agreed if they can come up with something that is simple that would be a good thing to do. Chris not sure how much would actually be covered under the insurance for a fuel leak. Scott to get more info. Scott stated there are restriction for May thru August to avoid bird breeding season. No stipulation from national heritage view.

#### **Economic Development Corporation Comment Letter**

- Mike stated open space data is wrong if it is for 2021 not 2018.
- Bill stated they should comment on that and see if they say they are cutting it off at 2018 or will be updated to reflect newer dates.
- Open space meeting tomorrow to discuss it.
- Comment letter for Friday.

#### **Preserve at Dean Pond Open Space Parcel**

- No update.

#### **Off-Road Vehicle Letter**

- Marcella – wanted to go back with data and waiting for more information for kind of use before speaking with Derek. Nothing at this time because of snow cover and more cameras need to go up.

#### **9 Sadler Road Cutting Plan**

- Nothing New.

#### **Frisbee/Disc Golf**

- No updates at this time Bill to call gentleman involved.
- Dave spoke with the guy and he wants to talk Bill. The Project is supposed to be something his son is doing as part of an award he received in junior high and only has a year to complete. Bill to call him tomorrow.

#### **Naming of Peppercorn Parcels**

- Bill will be calling Mr. Robinson, he hasn't talked to them yet.

#### **Approve & Sign Documents**

#### **Meeting Minute**

- Marcella Stasa made a motion to accept the minutes, as amended, for the February 10, 2021 meeting, Sandy Lajoie seconded the motion. Chris abstained. Motion was unanimously approved by roll-call voice vote.

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

#### **7:30 NOI (CON'T) East St. Estates (Afonso) – Jude Gauvin**

- Continued until March 24, 2021.

#### **Next Meeting (March 10, 2021)**



**8:25P.M.** Motion to adjourn made by Marcella Stasa and seconded by Sandy Lajoie. Approved by unanimous voice vote.

**Minutes approved on: March 10, 2021 (remote meeting)**

*Chris Scott*

*Mike Penko*

*Scott Heim*

*Tom Jango*

*Sandy Lajoie*

*Alan Miano*

*Marcella Stasa*



# TOWN OF UPTON, MASSACHUSETTS

## Conservation Commission

Meeting Minutes – Wednesday 03/10/2021 -- Remote Meeting (gotomeeting.com)

To: Members of Upton Conservation Commission  
CC: Kelly McElreath, Town Clerk  
From: Patricia Marvelle, Administrative Assistant

### Members Participating:

Chair: Chris Scott, Vice Chair: Mike Penko

Members: Sandy Lajoie, Alan Miano, Tom Jango, Scott Heim and Marcella Stasa

Absent: None

Agent: Dave Pickart

Alternate Member: Mary Overholt

Visitors: Michael Gorman, Frank Postma

### 7:00 pm Remote Meeting Opened

Dave read following statement:

*Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor's March 15, 2020 Order concerning imposition on strict limitations on the number of people that may gather in one place, meetings in the Town of Upton are being conducted via remote participation to the greatest extent possible. No in-person attendance of members of the public will be permitted, but every effort will be made to ensure that the public can adequately access the proceedings as provided for in the Order.*

### Agent Report

- Three new applications received today, hearing to be scheduled for upcoming meeting.
- Reviewing existing applications for tonight's meeting. Working on new applications.
- Snow on ground and ground is still frozen but did some site visits done.
- Final MVP workshop attended.
- Reviewed and signed off on building permit applications.
- Reviewed revised wetlands replication plan for Fowler Street bridge. Willing to accept plan change and not a new NOI. Commission gave the authority to Dave to give that to them.
- EOEEA MVP action grant workshop not pertinent to Upton at this point but will be helpful in future. Cost split between Upton and Northbridge.
- Met with Sarah Adams from CMRPC for the stormwater and wetland bylaws and how to see how to modify them for climate control resiliency. Sarah doing just stormwater and not wetland bylaws. Wetland being done by Upton. Dave thought issue was projects falling through cracks and any ANR subdivision applications should be reviewed because they are not getting caught when the larger sites are being subdivided. If they are broken up into single homes, they are not going through stormwater. He finds out too late to do anything about it. Increase flood storage comparison for work in flood water plain. This will make results more realistic.
- Sarah and Dave to meet at a future meeting to go over her recommendations, time is to be

determined.

- Dave will be away the week of April 19<sup>th</sup>. He was wondering if a commissioner or two would be able to attend a visit to Crosswinds with a resident who wants to discuss removing brush. Mike to do on Sunday with them.
- Responded to a Warren Brook neighbor regarding trail status.
- Ariel mapping services presentation was done. NearMap was suggested as most favorable. Dave distributed for commission members to review. It was suggested that they do fly-overs in the Spring prior to leaves and in the Fall with the leaves. Impressive and it will be an asset to many departments. Cost estimates is \$1,000-\$2,000/yr for unlimited licenses and it will depend on how many departments join in. A decision will be made in the next couple of weeks. Dave to send link to presentation to members for them to review. Bill will be on presentation tomorrow from a different company and Mike will attend. Nearmap pricing is including analyzing for vegetation cover and might be beneficial for Commission purposes. Links to presentations sent to members.
- Tom sent video of drone forestry project to Dave. Dave played the video.
- Alan stated to post it in the Warren Brook forestry album and then they can post it. Alan to get link and post it on Warren Brook webpage.

## **Administrative Report**

### **Expense Vouchers**

- Trisha reviewed the bill to be paid for Greg Trussell for plowing at Peppercorn in the amount of \$75.00.
- Chris Scott made a motion to pay the bill. Mike Penko seconded the motion. Motion passed with a roll call voice vote.
- Dave stated he would like to have the desk removed to create more space to organize plans better in office if desk was not going to be utilized. He would like to have a hanging plan holder. Commission members had no objection.
- Financial documents from the Town Accountant were reviewed. Members agreed document was hard to understand and didn't have details they were looking to see. Trisha to ask Ken for an easier to understand version for review at the next meeting. Commission would also like to see itemized spending/receivables on the document.

### **Website**

- Alan to update to trail closure/maps.
- Photos to be added at a later date for Warren Brook forestry work.
- Land Stewardship asked that they update that they are accepting volunteers to help with cleanup on the trail(s).

### **Open Space Committee**

- Bill stated the language in the P&S for Kelly to remove the hood from a truck off of property was being discussed and Bill wanted to know how the Commission feels about that or if they will be willing to remove themselves and not have it in the P&S at all.
- Commission agreed to leave it there, they thought it would be a nice feature/landmark for the site.
- Bill stated he received a call from the daughter of a land-owner that abuts Kiwanis beach facility near the soccer field and Beach Road. She wanted to know whether or not the Town would want to purchase it for preservation purposes. Bill to gather more information.

### **Land Stewardship Committee**

- Marcella did a walk through at Warren Brook where the tree cutting took place. Work needs to be done to clean up the trail. Members agreed to meet Sunday, March 14, 2021 at 12:30 PM.

## **On-Going Items:**

### **Erosion control policies**

- Nothing new.

### **Permitting process discussion**

- Nothing new.

### **Railroad**

- Bill stated the citizens are in the process of suing Hopedale Selectmen and Railroad to overturn the decision recently made.

### **Annual Town Meeting**

- Annual town meeting is scheduled for May 6, 2021.

### **Rockwood Meadows Baseline Report**

- Deferred until spring.

### **Preserve at Dean Pond Open Space Parcel**

- No update.

### **Revisions to Administrative Manual**

- Nothing new.

### **Off-Road Vehicle Letter**

- Still waiting for video camera results. Will discuss with Derek following that information being obtained.

### **9 Sadler Road Cutting Plan**

- Plan in office. Comment period is expired. Dave submitted comments. This items to be removed.

### **Frisbee/Disc Golf**

- Nothing new.

### **Naming of Peppercorn Parcels**

- Nothing new.

### **Open Space BOS Insurance**

- Nothing new.

### **Cobbler's Creek Comment Letter**

- Waiting a few weeks

### **Forestry**

It was asked if the fuel truck had been discussed with Phil Benjamin. Scott mentioned they will discuss it when he comes back but it won't be until August 1<sup>st</sup>. Bill researched and they are prohibited/illegal to leave them unattended or they must be left in a safe place.

**Plant survey to be discussed next time. Information was distributed.**

## **Approve & Sign Documents**

### **Meeting Minute**

- Marcella Stasa made a motion to accept the minutes for the February 24, 2021 meeting. Tom Jango seconded the motion. Motion was unanimously approved by voice vote.

### **Timesheets**

- Dave submitted timesheets to Trisha.
- Trisha is submitting timesheets for processing for herself and Dave.

## **AGENDA ITEMS/HEARINGS**

### **7:30 RDA 161 Mechanic Street – Michael Gorman**

- Trisha read legal notice.
- Michael stated he has a driveway project for a driveway that is over 38 years old and needs to be redone. Explain scope of project.
- Has an issue with runoff causing a problem at the street but has not spoke with DPW Director because he was on vacation this week. Dave stated it needs to be reviewed and approved by DPW Director but they can vote on it now and state that the plan is approved with the approval by the DPW Director. Other driveway repairs and stone pier work will be done.
- Michael explained he is looking to replace about 100 feet of the fence with a seven foot tall, PVC fence.
- Window of work is within rare species habitat but it allows for work of this kind. No natural heritage review.
- Driveway reconstruction-repaying is the same activity within the regulations and is exempt from By-law because it was built before By-law was adopted. He feels it is within buffer zone by a narrow margin and should not be a problem. Dave recommends a positive 5 because of the Bylaw but no additional review required. House built in 1982-83. By-law does apply on some of the things but certain things are exempt.
- Deer fence is 7' nominable. Scott asked if NOI was filed for fence. Michael stated chain link fence has been there for 6-7 years and he didn't realize he needed to apply to the Conservation Commission back then. Scott has concerns fence could impede wildlife movement. He is not opposed to it but he would like to have the National Heritage review it first as the effects of the fence to rare species. Concerns with fence being within the buffer zone and wildlife activity and might require an NOI.
- Mike asked if there could be a gap at the bottom. Michael stated he could raise bottom of fence (6 inches) so they can pass under fence. Rest of fence is mesh and has breaks that they can move through it from the bottom.
- Michael asked for hearing to be closed at 7:55PM. Note that DPW Director needs to be contacted and the fence needs a 6" gap at the bottom of the fence.
- Vote to close hearing and negative 3A with note that fence needs a 6" gap and Michael needs to contact the DPW Director for approval of the plans. Motion passed with an unanimous roll call voice vote.

### **7:45 RDA 0 Grove Street – Derek Brindisi**

- Trisha read public hearing notice.
- Frank Postma was speaking on the behalf of the applicant. Also Alexander Patterson and Jonanthan Alveraz were present.
- Frank stated they had installed 3 monitoring wells and from that they have determined there has been a contamination of the soil in the area. Contamination has not extended down to ground water. They can evacuate 99 cubic yards out of this area and have it tested. If they come back ok, then they can close it. If they break the 100 cubic yard it would have to be done underneath the Release Abatement Measure Plan. It would need to be submitted so that the work can continue without hesitation and hopefully reach the point of risk based standards, which are higher than the reportable concentrations. They will be installing erosion control

models around the area of the evacuation. DPW to provide back-fill.

- Parcel will be used as a parking lot area. They might have to put a restriction on the deed to restrict what the land can be used for if they don't reach risk based standards. Has public water so no issues with that.
- Should be completed at end of March/early April timeframe.
- Dave stated the Commission should be aware this is in riverfront area of center brook and within the flooding area and riverfront area and work is in a resource but will not fill, destroy, alter or dredge the resource area. They will improve conditions. They will dig up area and backfill with clean fill material.
- Subject to Bylaw. It is within the 30 foot no disturb zone. It is a hard-packed dirt parking area and it is for the public good and it fills the criteria to waive that requirement.
- Dave recommends that a negative 2 and a negative 6 because of waiver, By-Law doesn't apply.
- Frank asked to approve at 150 cubic yards so they can do the work that is needed without coming back before the Commission. They will submit further documentation.
- Dave stated if it goes beyond allotted timeframe, they could issue an emergency certification to extend 30 days to do the work. Frank stated he will come back to Commission if it extends further than anticipated. Also, if it extends into wetlands.
- Frank stated the side slopes would be 4 samples and 1 in middle. 1 per 20 feet of sidewalks.
- Frank asked to close the hearing at 8:10PM.
- Mike Penko made a motion to close the hearing and issue a negative 2 and negative 6 determination. Tom Jango seconded the motion. Unanimously approved by voice roll call vote.

### **Review of Land Use Regulations**

- Commission discussed the Land Use Regulations.
- Suggested changes were to allow hunting trapping and adding fishing under #7, if permitted.
- Commission discussed whether they should discuss snowmobiles being allowed or not.
- Mike Penko made a motion to delete from #3 or/on designated trails and to add fishing to #7. Sandy Lajoie seconded the motion. Approved by unanimously voice roll call vote.
- Commission discussed how vehicles for disabled people should be addressed, including Federal regulations. Mike will research wording and present information at the next meeting.
- Dave asked if a list existed that was mention in #2 list of restricted use trails. Marcella stated no list exist. Commission agreed that more work needed to be done to update that further.
- Marcella stated the Land Stewardship is set to review it and they will give recommendations to the Commission to input for ADA compliance and they should keep it on hold. Alan suggested a list of closed and restricted trails be listed on website.
- A preliminary vote was taken to see if they want to pursue the snowmobile use. Alan and Marcella against, Tom, Sandy, Mike, and Chris in favor. Scott and Mike think it should be in only specified locations, not all trails.
- Tom to research snowmobile usage with associations and see what they feel are requirements to make a trail suitable for snowmobiles.
- Snowmobile discussion to be discussed at further meeting (after April 14<sup>th</sup>) once more information is received.

### **8:30 Peppercorn CR's Discussion**

- Mike and Chris abstained from voting because they are on the Metacomet board.
- BOS wants the Commission's recommendation for the next meeting which is next Tuesday.
- Mike stated that the State will be reviewing the CR. Commission is providing comments only. Town is only reviewing it and sending a clean copy.
- Commission reviewed the CR. Most of the document is legal issues and signatures pages that the Commission does not need to comment on. Sections 1, 2 and 3 are the pertinent information. Commission members will be signing the document once it is finalized.
- Chris and Mike abstained from all voting that was done.
- Commission discussed whether or not the tree stand wording should be removed under the Section A item 1.

- Tom Jango made a motion to recommend they change wording to remove tree stands on the document. Motion was seconded by Sandy Lajoie Motion was passed to delete tree stands. Sandy, Marcella and Scott to delete tree stands, Tom voted to allow.
- Chris and Mike abstained from voting on all motions related to this subject.
- Under #10. Tom Jango made a motion to delete #10 from the document. Motion was seconded by Alan Miano. Sandy Lajoie abstained from voting. Tom, Alan and Scott voted to delete the whole item #10, Marcella voted to keep item #10. Majority to voted to delete #10.
- Under #9 under outdoor passive recreational activity. Reserved rights – add the term trapping and remove the section in the parenthesis. Alan Miano made a motion to add the word trapping and removing the section in the parenthesis. Sandy Lajoie seconded the motion. Marcella Stasa abstained. Alan, Sandy, Tom and Scott voted for the adding trapping and remove the wording in the parenthesis. Motion passed.
- Under #11 – motorized vehicles – uses by motorized vehicles prohibited except for special vehicles. Restricting snowmobiling usage in this document would not preclude snowmobiling be allowed in the future on trails.
- Tom Jango made a motion to add a non-binding comment questioning if they reword it to permanently not preclude snowmobiling use in perpetuity. Scott Heim seconded the motion. Sandy, Marcella, Tom and Scott voted to include it. Alan voted not to include it. Motion carried.
- Scott Heim made a motion to recommend that this version, as edited, be submitted to the State to review. Tom Jango seconded the motion. Alan, Scott, Tom, Marcella, Sandy all voted to submit it.

#### **Next Meeting (March 24, 2021)**

**9:55** Motion to adjourn made by Marcella Stasa and seconded by Tom Jango seconded. Approved by unanimous voice vote.

#### **Minutes approved on: March 24, 2021 (remote meeting)**

<i>Chris Scott</i>	<i>Scott Heim</i>
<i>Marcella Stasa</i>	<i>Tom Jango</i>
<i>Sandy Lajoie</i>	<i>Alan Miano</i>



# TOWN OF UPTON, MASSACHUSETTS

## Conservation Commission

Meeting Minutes – Wednesday 03/24/2021 -- Remote Meeting (gotomeeting.com)

To: Members of Upton Conservation Commission  
CC: Kelly McElreath, Town Clerk  
From: Patricia Marvelle, Administrative Assistant

### Members Participating:

Chair: Chris Scott, Vice Chair: Mike Penko

Members: Sandy Lajoie, Alan Miano, Tom Jango, Scott Heim and Marcella Stasa

Absent: None

Agent: Dave Pickart

Alternate Member: Mary Overholt

Visitors: Meredith Houghton, Kirstin O'Brien, John Federico

### 7:00 pm Remote Meeting Opened

Dave read following statement:

*Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor's March 15, 2020 Order concerning imposition on strict limitations on the number of people that may gather in one place, meetings in the Town of Upton are being conducted via remote participation to the greatest extent possible. No in-person attendance of members of the public will be permitted, but every effort will be made to ensure that the public can adequately access the proceedings as provided for in the Order.*

### Agent Report

- Dave need feedback from commission on how to handle an issue he is having with 3 owners of a shared driveway on High Street. One neighbor has called several times to complain about other neighbor's use of the drive and activities going on and wetland being affected. Dave does not believe there are any wetlands in that area. Dave tried to see if he could do a site visit but owner refused. Dave to speak with owners again and maybe do a site visit with Mike and Alan and ask the Upton Police to assist them. Dave to see what can be done over the phone and report back to commission.
- Many new filings are being submitted. The new senior center has been filed and will be scheduled for the next meeting. Preserve at Dean Pond will be upcoming.
- Receiving 3 or 4 complaint calls a day. Take about a hour to get through calls.
- A lot of new filing coming in.

### Administrative Report

PM 11/15/2023

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### **Expense Vouchers**

- Trisha reviewed the bill to be paid for WB Mason in the amount of \$101.42.
- Tom Jango made a motion to pay the bills. Sandy Lajoie seconded the motion. Motion passed with an unanimous roll call voice vote.

### **Website**

- Alan stated he has added another trail notice with the Warren Brook forest cutting information.
- Open space map updated to 2020 map.
- Pratt pond ice out page updated and a new description of ice out and ice in added.
- Hasn't received photos of Warren Brook cutting yet. He will work at getting a folder in the Conservation drop box and he will move photos around from there.
- A few links not working properly. Alan will review them once he receives the links that are not working properly.

### **Open Space Committee**

- Bill stated Peppercorn is in good shape.
- Selectmen have signed the P&S and restrictions to be sent to State and survey in process.
- Chris not signed P&S yet for Williams Street. Bill to follow up with Selectmen.

### **Land Stewardship Committee**

- Marcella stated work at Oak Knoll to open trail to Warren Brook was done to make it passable.
- Scott to look at other trails to see what shape they are in.
- BYSTRA trail riders want to hold a ride at Peppercorn and they want approval from the Commission. Route is an okay route for horses.
- They have done rides on property before. They are charging participants. They are raising money and they expect about 40 riders. They will be parking off of town property.
- Ride to happen in mid-June timeframe.
- Trail is passable for them to use. It was suggested that the stone bridge be worked on prior to the ride. They have walked the trail themselves and stated it should be fine for the horses. This will be discussed further at the Land Stewardship Committee in April.
- Mike Penko made a motion to approve the trail ride for BYSTRA at Peppercorn for June. Motion was seconded by Marcella Stasa. Motion approved by unanimous roll call voice vote.

### **Assabet After-Dark Program Request to Use at Peppercorn**

- Dave read request from Cynthia Pratt – 12 people max. Asked if they could visit town conservation areas for trail walk. Students are charged a fee for participating.
- Bill stated they do fit into the non-profit category. They have a continuing education program and it is a governmental organization.
- Mike Penko made a motion to accept the request and permit the request as described in the email. Sandy Lajoie seconded the motion. Motion approved by unanimous roll call voice vote.
- Dave to notify her and ask for date and time and where they want to visit.

### **New Items:**

## **CR for Peppercorn**

Kristin O'Brien and Meredith Houghton attended the meeting. Meredith is the Land Protection Specialist from the Sudbury Valley Trustees and Kristin O'Brien is leader of the Stewardship team.

### **Metacomet CR**

- Chris and Mike are on Metacomet board and they will not be voting on anything related to this one.
- Meredith stated the content of the reserve rights are the same for the Metacomet and Town draft. Content is similar in the mark-ups.
- Reserved rights and exceptions in Section B1 needed updates.
- Add one bullet to remove hazards along trails and other areas will be inserted.
- Under #6 - Added word abandonment or alternation.
- Under #10 – recreational use – Metacomet preferred to not add snowmobiling to the wording, so they keep it totally non-motorized.
- Under #12 – motorized vehicles – does not include snowmobiles or Off-Road Vehicles in this one.
- Prohibits drone use except for scientific use by the resource people. No other use allowed. Commission discussed drone use and wording.
- Dave added a sentence to include drones being used will need approval - under #12. Kristin suggested they put something in there to say drone use by land-owner only or with permission only. Kristin to look into wording for drones.
- Scott Heim made a motion to accept it, as written without snowmobiling being included. Motion was seconded by Sandy Lajoie. Motion was approved by a roll call unanimous voice vote.

### **Town CR**

- Meredith – vegetation management changes were made to same as the Metacomet CR under #5 regarding trails and #10 for passive recreational activities. This one will be the same as the Metacomet CR.
- #10 edited and #12 edited include drones for research, same as the Metacomet CR.
- Mike Penko made a motion to approve the draft of the Town CR, as amended. Motion was seconded by Marcella Stasa. Motion was approved by a roll call unanimous voice vote.
- Meredith will resolve the wording regarding the drone language and get them to EEA for review as soon as possible and get it to State for review as soon as possible.
- Kristin asked if limited use or prohibit it for drone use. Dave stated it was the intent to not use drones, only for scientific research use only or be requested to the Board first, if recreational.
- Both CRs ready for Derek and state review after this meeting. Might be bringing back after state review, if necessary.

## **Azalea Drive**

- Board of Selectmen has been put on the warrant because open space was not accepted by Town yet. Once confirmed, then they will accept it. Site visit needed.

## **On-Going Items:**

### **Erosion control policies**

- Nothing new.

### **Permitting process discussion**

- Nothing new.

## **Railroad**

- Nothing new

#### **Annual Town Meeting**

- Annual town meeting is scheduled for May 6, 2021.

#### **Rockwood Meadows Baseline Report**

- Deferred until spring.

#### **Preserve at Dean Pond Open Space Parcel**

- No update.

#### **Revisions to Administrative Manual**

- Nothing new.

#### **Off-Road Vehicle Letter**

- More research where violations are being done and need to retrieve camera photos.
- Marcella to meet with Derek for other things and she will speak with Derek but would like to get data first. Mike sent letter to STV previously thinking it had been submitted to Derek previously.
- Marcella stated she has received complaints from people who are walking there and that they are tearing up the trails.
- Mike suggested they keep a log of complaints. Mike to create a spreadsheet to log complaints that will have date, time and who is reporting and where they are complaining about.
- Mike to retrieve pictures from camera within the next few days. Other two cameras to be installed at that time.

#### **Frisbee/Disc Golf**

- Bill waiting to hear from them.

#### **Naming of Peppercorn Parcels**

- Mike stated he would like to get the name of the Metacomet parcel decided on soon (at the April 14 meeting) so that the name could be added to the CR before the CR is submitted and a sign needs to be installed and he wants the name on the sign. Same with Town parcels, if possible.

#### **Drone Imagery**

- Tom has pictures and credit page is being worked on. He will have it completed shortly.

#### **Forestry**

- No updates.

#### **Open Space BOS Insurance**

- Can be tabled until snowmobiles usage is discussed again.

#### **Cobbler's Creek Comment Letter**

- Nothing new.

#### **MVP Wetlands By-Law**

- Mike, Dave, Scott and Chris to start working on Bylaw and Regulations. Word file to circulate to add comments/delete.

#### **Approve & Sign Documents**

## Meeting Minute

- Sandy Lajoie made a motion to accept the minutes for the March 10, 2021 meeting, as written. Tom Jango seconded the motion. Mike abstained. Motion was approved by roll call voice vote.

## AGENDA ITEMS/HEARINGS

### 7:45 NOI 122A Mechanic Street – Anderson

Andrew Anderson and Tom Rock attended the meeting.

- Trisha read the public hearing notice.
- Tom gave clarification on foundation stakes – where the house was originally going to be and they will be moved at the new location.
- Tom gave overview of what they are going to do. He stated that the house was moved to a new location. The house would now be located where the barn is currently located. Gravel driveway that will be close to wetland in one area. Follows from new house location down to Mechanics Street.
- Dave stated it was a bylaw only filing because work is within 100' of an isolated wetland. Dave – unusual situation that isn't exempt from bylaw but is given by past usage. They need to comply with bylaw setback requirements. House is within footprint of existing barn and driveway. Small portion of driveway and the corner of the house go within the 50' no-build limit a little bit. Dave asked if set back requirements could be waived and/or if project could be adjusted to meet the setbacks. Variety of factors to consider, could maybe move to a bit to get out of the setbacks. Debris located there now and a culvert is there and if cleaned and enhanced it might be sufficient. Issues – driveway is steep, thinks there could be significant problems if there is a lot of rain. Temporary divergence swales installed along driveway to make sure it doesn't go down to neighbors property-owner driveway and slow it down where it connects to Mechanics Street. Septic system is not an issue. Bounds will need to be installed along area of driveway but could change if plans change.
- Discussion regarding the driveway location and garage access location. Design has side garage. Would have to redesign if garage access was moved to front of the house. House was designed according to best placement area and affect the setbacks the least in the current location, they would prefer not to change it.
- Mike Penko motion to grant the waiver to allow the design as proposed. Chris Scott seconded the motion. Motion approved by unanimous roll call voice vote.
- Regards to recommending addition erosion controls – dealt with in conditions as well as conditions of installations of bounds, maybe 4 bounds. Vote to close hearing and draft order to review at next meeting.
- Hearing closed by applicant at 8PM.
- Dave to draw up OCC and then do site inspection.
- Bill Taylor, as a DPW representative, stated for a driveway permit needs to be submitted prior to the building permit being issued. Dave confirmed that all permits needs to be obtained prior to OCC.
- Dave advised that they need to talk with DPW first to make sure permit for DPW is obtained first.
- Marcella Stasa made a motion to close the hearing. Mike Penko seconded motion. Unanimously approved by roll call voice vote.
- Dave to prepare order of condition and have it ready for next meeting.

### 8:00 NOI 126 Elm Street – David Duffy

John Federico, Guerriere and Halnon, represented owner.

- Trisha read the public hearing notice.
- John explained proposal. There is an existing 2 acre parcel with a single-family house and garage located there now. In addition there is utilities, wells and cesspool. They have a proposal to repair the cesspool. It hasn't formally failed a Title V inspection. There is ground water about 6-7 feet below surface and they believe it would be failing after use. Remove cesspool accordingly and a new concrete septic tank and associated pipes and stone leech field will be created. Will be seeking a variance for the septic system and bordering wetlands.

All done under repairs and to maintain the 100' setback from neighboring well and this is to protect the public safety and less problem with the wetland.

- John Federico showed a plan. Grey area is new driveway located on the right, instead of left where it is currently located. Purple is new building. Septic system in back of property and vegetative wetlands to the north and west is the wetland. 30' buffer to IBW second line is 50' buffer and third is at 100'. Proposed septic is 250'-300' from buffer. Higher ones are for the bordering vegetative wetlands.
- Dave stated an enforcement order was issued yesterday. Order needs to be ratified tonight to be fully effective and no further work can be done at this time. Erosion controls be put into place in upper section of area. Isolated wetlands has a potential vernal pool and not identified on plan. No calls or noise from northern side when he was there. Scott stated he heard frogs called this morning from the northern side and it should be considered a vernal pool.
- Dave stated dismantling the existing structure that existed falls before the bylaw existed and the new structure would be after the bylaw. Bylaw doesn't cover in that situation. They acknowledge the past development not practical to fully enforce the bylaw and to meet the setbacks that are practical in this situation. Dave stated the enforcement order is to cease work, put in erosion controls and attend this meeting for more instructions.
- Mike Penko made a motion to approve/ratify the enforcement order, Sandy Lajoie seconded the motion. Unanimously approved by roll call voice vote.
- Sandy asked how long do they have to comply with enforcement order. Dave stated no word since it was distributed. They haven't had a chance to respond as of yet.
- John stated as for erosion control, he spoke with Mr. Duffy and contractor is bringing stuff to the site tomorrow or by Monday and they could stake it out and they would need more time.
- Dave asked that the erosion control on plan needs to be moved closer to the wetlands. Dave suggested to get it in as soon as practical. It is located along work disturbance area on upper part of plan.
- Dave asked John to stake out proposed erosion control area.
- Mike stated they would like a restoration plan. Dave stated a proposed work plan or drafted plan. Dave suggested having an environmental restoration specialist added into enforcement to order to give their opinion. Dave suggested company to use for restoration. John will discuss with Mr. Duffy and it will be discussed more at the next meeting.
- Dave stated it appears to be a lot of proposed pavement and wanted to know why there is so much pavement for a small house and garage. Dave suggested to minimize pavement use. Other concerns is where permanent bounds are going to be and upslope of any restoration that is done.
- Scott stated his concern is the wetland approval and the septic system. Under Title V, the leech field and certified vernal pool should be 100' from septic and this one is 50' from vernal pool. Tom suggested they look at relocating the septic system away from the vernal pool. Other commission members agreed with Scott. Dave stated there is a well on other side of property for an abutter and that would require a waiver for the setback for the well. Active well near their property and within 100' feet of the neighbors well if septic was moved closer to the street. Best location according to John would be the back to the West and if there is ledge there, and it could create more issues should that occur. House is not currently occupied. Cesspools would probably cause a failure down the road and a new system would alleviate that problem beforehand. Current house has 3 bedrooms and they are looking for it to stay the same. Mike asked what the size of the system for 2 bedroom would be but John stated it has to meet requirements and he is not sure what the difference is and it might not be a big reduction in size if they removed a bedroom. John stated he would need to speak with the client if they have to go down in the number of bedrooms but they do not want to go down if they don't have too. Dave suggested a clay barrier from the system to the wetland. John stated they tried to keep design as compact as possible. Pipe and stone system is the best system. Dave suggested BOH be contacted and getting something back from BOH first. John stated the Board of Health was contacted and concerns taken care of and he doesn't foresee any concerns down the road with the Board of Health.
- Commission asked if septic system could be located in front instead and John stated there is ledge in the area and not sure if that will be possible. Commission asked that he sketch up some alternative locations, at least one near road, and state why they are not practical.

- Mike asked if it could be relocated near the road. John stated it would be close to 100' and there are properties across the street that they do not know where the wells are located for those properties and the ledge might be issue. Marcella asked that they could look into it and see if that will work. He will look at it again and Dave suggested that sketch up some alternative locations (2 to 3) and state why they are not practical.
- Alice Gentili, an abutter who lives two doors down from the property spoke. She stated she believes it will be much better than what is there now and is in full support of project. She didn't attend initial meeting but when they demolished the trailer rats came over to their property and they had to call pest control to try to get rid of rats and have called a pest company recently for the same problem. She has concerns about their well, which is located in that front area, should the septic system be relocated in the front area.
- No DEP number assigned yet. John to follow up with them to get before next meeting.
- Commission wants them to look at ways to decrease the impervious surfaces on the property. Mike suggested they make rest of lot a no disturb zone. John stated it could be discussed with client. John stated it most likely will not be developed any further than what this plan covers.
- A deed restriction could be applied to this property.
- Hearing continued until next meeting at April 14, 2021. At 8pm.

#### **8:30 NOI 104 Grove Street – Dave Schmidt**

- Hearing was opened and continued to meeting being held on April 14, 2021 at 7:30PM.

#### **8:45 NOI (cont) East Street Estates – Afonso**

- Hearing was opened and continued to the April 14, 2021 meeting at 8:45PM.

#### **Earth Day**

- Earth day meeting coming up. Mike suggested sponsor a west river cleanup to put in kayak and go up and down stream to pick up litter. Commission members suggested other options and places.
- Bill stated bags will be available throughout the town for pick it up. DPW will retrieve bags afterwards. Lynn Haggerty, Chief Bradley and Dennis Westgate to meet on Friday and they will coordinate with Mendon. They are looking at the later part of April. Bill stated sign-ups to come.
- Saturday the 4/18 and 4/25 are the dates commission suggested. Mike to let Lynn know what commission discussed.

#### **Next Meeting (April 14, 2021)**

**9:25** Marcella Stasa made a motion to adjourn. Scott Heim seconded the motion. Motion was approved by unanimous voice vote.

#### **Minutes approved on: xx xxxx, 2021 (remote meeting)**

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



# TOWN OF UPTON, MASSACHUSETTS

## Conservation Commission

Meeting Minutes – Wednesday 04/14/2021 -- Remote Meeting (gotomeeting.com)

To: Members of Upton Conservation Commission  
CC: Kelly McElreath, Town Clerk  
From: Patricia Marvelle, Administrative Assistant

### Members Participating:

Chair: Chris Scott, Vice Chair: Mike Penko

Members: Sandy Lajoie, Alan Miano, Tom Jango, Scott Heim and Marcella Stasa

Absent: None

Agent: Dave Pickart

Associate Member: Mary Overholt

OSC: Bill Taylor

Visitors: James Brochu, Nate Burgess, Steven Kirby, Bill Taylor

Peter Turowski from T2 Architects and Chelsea from Nitsch Engineering

### 7:00 pm Remote Meeting Opened

Dave read following statement:

*Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor's March 15, 2020 Order concerning imposition on strict limitations on the number of people that may gather in one place, meetings in the Town of Upton are being conducted via remote participation to the greatest extent possible. No in-person attendance of members of the public will be permitted, but every effort will be made to ensure that the public can adequately access the proceedings as provided for in the Order.*

### Agent Report

- Dave and several Commission members visited the McDonald property across from cobbler's creek to review potential vernal pools that were identified in ANRAD process. No breeding visible. Some eggs present in excavated piece.
- Had a phone conversation with Jim MacArthur one of owners of parcel located in Northbridge and Upton and he wanted update as to what was happening. Dave stated he told him both towns were interested in purchasing the property and it was a long process and Dave ask for monetary value he would be looking for. Mr. MacArthur stated he wanted assessed value, not appraised value, and will talk with co-owners and get back to them.
- 47 Fiske Mill Road continues to evolve and Dave asked Dennis at DPW to look at it. Dennis stated the water should be discharged on the other side of house. System exceeds capacity when raining hard. No response from Diana Afonso. Dave advised neighbor to call DPW to fix it and if there is an emergency. Bill to speak with John and Dennis about doing something to fix the situation.
- Bill spoke with a fireman with regards to a potential violation of the Consigli property at end of South Street. Dave walked it and didn't see any evidence of any recent activities. Bill to let fire department know and have them identify the area they need to look at further.

## **Administrative Report**

### **Expense Vouchers**

- Trisha reviewed the bills to be paid. It was decided not to pay the bill for Mary Overholt, it should be Webster's responsibility.
- Trisha reviewed the bill to be paid for in the amount of \$600.26 for GateHouse Media and Mike Penko.
- Scott Heim made a motion to pay the bills with the bill for Mary removed. Marcella Stasa seconded the motion. Motion passed with a roll call voice vote. Mike Penko abstained from vote.

### **Website**

- Nothing new.

### **Open Space Committee**

- Bill talked to surveyors for quotes for Williams street and waiting back for them.
- Bill to visit property in regards to the culvert at the Williams Street location. He doesn't believe it is going to be an issue for them in regards to accessing the property.
- P&S agreement is in process, working on getting signatures.

### **Land Stewardship Committee**

- Marcella spoke with Derek regarding ORV use at Peppercorn. Derek will speak with police when they have concrete evidence and they will do something about it. There is no budget for it in the Town budget. Commission would need to cover police costs for detail in that area.
- Police allotted money for equipment that might help to cover ATV and maybe drone to assist. It will be further discussed at their next meeting and where they could post a police officer and go from there.

### **New Items:**

#### **Earth Days 4/18/21 and 4/24/21 Clean-Ups West River, Center Brook and Peppercorn**

- 10am start time on 4/18/21 at the Pleasant Street canoe launch and at the cul-du-sac on Dogwood Drive on 4/24/21.
- Bill stated street cleanup is 4/24/21 – 5/2/21. Bags available at library and on 4/24/21 at VFW parking lot from 9-11AM. People can pick a street, clean it up, and fill bags and leave by edge of road and DPW will pick them up. More info on Mendon town page under Mendon/Upton clean-up town page.
- Logs have picked up from North Street schoolhouse location. Mulch/wood chips will be brought back.
- Community garden area visited and determined the distance from water main to water container area near shed. It maybe helpful to extend it 6-10 feet behind the shed. Side is visible from road and less likely to vandalized and other option gets it closer to area to where it will be used. Locating closer to garden area makes the trench 30 feet longer.

### **OOC 0 Mechanic Street**

- Dave called it 0 Mechanic Street because number has been changing so he decided to use 0 Mechanic Street instead. Dave stated it is for a bylaw only permit. They need to decide where no disturb bounds go prior to construction and sketch or plan needs to be provided during construction process. No DEP number required. Dave gave NOI number of 01-21. Green cards are done.
- Scott Heim made the motion to issue the Order of Conditions, as written. Sandy Lajoie seconded the motion. Motion was approved by unanimous roll call voice vote.



## **Certificates of Compliance**

### **29 Knowlton Circle (311-0449)**

- Condo unit. Old order, no issues on that unit for 29 Knowlton Circle. DEP number 311-0449, partial is for work associated with bldg. 14 unit A.
- Sandy Lajoie made a motion to issue the partial Certificate of Compliance for Unit A. Marcella Stasa seconded the motion. Approved by unanimous roll call vote.

### **Common Drive Culvert Replacement (311-0749)**

- West River street Afonso property. As-Built plan received. Two rounds of monitoring reports have been done for the area and it deserves a full certificate of compliance. Two on-going conditions are: no disturbance beyond what was approved and the culvert needs to be cleaned and flowing regularly.
- Marcella Stasa made a motion to issue a full Certificate of Compliance. Motion was seconded by Mike Penko. Motion passed with unanimous voice vote.

### **CPC Rep**

- Chris stated she is currently the CPC rep and it expires at the end of May. She asked the committee to reappoint her for CPC committee for her to represent conservation.
- Mike Penko made a motion to reappoint Christine Scott as the Conservation representative for the CPC. Marcella Stasa seconded the motion. Chris Scott abstained from voting. Motion was approved by a roll call vote.

### **Potential Land Acquisition-Lake Wildwood Island**

- Building and Zoning getting inquiries from someone interested in buying properties and developing them. One is the island and the other is the parcel that abuts the water-front near island. Easement on deed for access to the island. Feedback thus far is that anything done would require an order of conditions and would require approval from National Heritage .
- Dave showed map of where the potential plans might be. Commission discussed what could be done to purchase it by the Town. It was suggested to reach out to the family of the current owner who recently passed away and see what their plans are. Open Space, Bill Taylor, to contact them to preserve it or donate/sell to the Town of Upton.

### **On-Going Items:**

#### **Erosion control policies**

- Nothing new.

#### **Permitting process discussion**

- Nothing new.

#### **Railroad**

- Mike stated that an appeal was made by a citizen group to try to derail the railroad plan and it is possible that the citizen have a case.

#### **Rockwood Meadows Baseline Study Spring**

- Nothing.

### **Preserve at Dean Pond Open Space Parcel**

- No update.

### **Administrative Assistant and Conservation Commission Office Reference Manual**

- Nothing new.

### **Off-Road Vehicle Letter**

- Nothing new.

### **Annual Town Meeting**

- Annual town meeting is scheduled for Saturday, May 8, 2021.

### **Frisbee/Disc Golf**

Nothing new.

### **Naming of Peppercorn Parcels**

- Mike showed map with the parcels.
- Four parcels – one Metacomet suggesting it named after Donald Kerr.
- Other three parcels are up to Commission to name.
- Two suggestions are for Kelly and Francis Walliston and to have Kerr and Walliston by each other and doesn't have a suggestions for third one.
- Can memorialize name in conservation restriction and/or baseline report if they choose names beforehand.
- Mike stated he would like to name the Walliston and Kelly parcels tonight.
- Third possibly could be named after John Robertson. That one could wait until later time or name entirely differently if decided by Commission. Could do a more generic name. Native America might be a possibility.
- Discussion to continue at next meeting.
- Peppercorn bounds discussed. Mike showed a map with suggested bounds in yellow not be installed because of costs. Metacomet parcel are okay. They will defer to Commission to make decision for three of the bounds.
- Decision to keep the 5 bounds as shown after discussion by Commission.
- Marcella Stasa made a motion made to keep the five bounds as shown on the plan. Motion was seconded by Sandy Lajoie. Chris Scott and Mike Penko abstained. Motion passed with voice vote.

### **Drone Imagery**

- Nothing new.

### **Forestry**

- Nothing new.

### **Open Space BOS Insurance**

- Nothing new.

### **Cobbler's Creek Comment Letter**

- Nothing new.

### **MVP Wetlands By-Law**

- Dave creating word document of what commission has and has a pdf version and converting to word files and it has to be updated and he will circulate.

## **Azalea Drive**

- Bill stated a site visit needs to be set up. Not on this year's warrant. Will be dealt with at a later date.

## **Approve & Sign Documents**

## **Meeting Minute**

- Continuation at applicants request needs to be fixed in minutes.
- Marcella Stasa made a motion to accept the minutes for the March 24, 2021 meeting, as amended with Chris's correction. Sandy Lajoie seconded the motion. Motion was approved by voice vote. Mike abstained.

## **AGENDA ITEMS/HEARINGS**

### **7:15 NOI Community Center – Nitsch Engineering**

**James Brochu, Steve Kirby, Peter Turowski, Nate Burgess from T2 Architects, and Chelsea from Nitsch Engineering**

- Green cards sent but no proof provided.
- No DEP # yet.
- Chelsea reviewed the project's general site plan and spoke on the stormwater plan.
- Commission discussed and would like to see what the riverfront area performance and stormwater standards in more detail. They wanted a synopsis of the numbers and to make it easier to read and a much shorter document, use layman terms, for the commission to review. As presented, this project does not meet the performance standards.
- O&M plan for stormwater was included. It was a Blank sheet EMP that was included. Might want to describe in more detail. Chelsea stated they cannot get to specific on it and how they give general info per manufacturer. Dave suggested finalizing before the start of construction.
- Sandy asked if they had staked out area and they stated no because it is not an approved project as of right now.
- Dave stated a formal site visit needs to be done. Everyone agreed. Site walk set up for 4/24 3PM in parking lot.
- Continued until next meeting on April 28<sup>th</sup> at 7:30PM.

### **8:00 NOI (cont) 126 Elm Street (Map 16/Parcel 72)– Duffy**

**John Federico, Guerriere & Halnon was present to speak**

- Showed new plan with new garage area and driveway with four conservation markers. Gravel driveway instead, will drain more than a paved one. More stable base for garage area. Width of driveway reduced.
- No issues with proposed planting and they would like to do apple trees or something along that lines. Up along tree line that exists now and near the wetlands and about 75' from house.
- Request for wetland replication. Company can help. They would like to propose the changes without hiring them so they could save some money on the project. Offer plantings and they can be modified according to Board's suggestions.
- DEP number is 311-0783. John will get copies of green cards to the Commission.
- Dave stated he believes the Commission wanted to see something more than just tree planting and not continuing to use it in the future. This should be expressed to the applicant. Commission believe more needs to be done besides planting apple trees because there was some disturbance there before they came before the commission.
- Suggest this be done as a condition of approval to prepare and implement the restoration areas and he thinks they need to have it finalized and agreed to before the permit is issued and it needs to be concurrent with the proposed work and not after the house is built and it is harder to do it after it is built.
- Dave stated he believed the Commission had asked to see alternative septic systems. Dave stated that there is a non-traditional system that provides more treatment when it doesn't meet the Title V setbacks now. John

stated it is closer and it is an improvement to what is there now but they are not sure what will happen down the road and they want to repair the pipe and stone system that will work and cost less since that is there now.

- John stated he did a site visit and looked at well at 125 Elm Street across street near gravel drive. Soil was evaluated and ledge is exposed near driveway and by stone wall there is ledge spots near the road edge and it was ruled out because of ledge and it is not suitable for septic area since it is close to the wells. Second option was existing disturbed area in back and was ruled out because within 100' foot setback of well there and they don't want to cause any health issues. Another location further into the site and there are heavy treed area and potentially ledge and depths that would be needed for pump and trees would be needed to be removed so it was ruled out. Because of wetland regulations and nowhere else to suggest, the final location that is in plan now is what they came up with now.
- Mike suggested putting deed restriction as mitigation for what has gone on here. Location 3 to the left would be deed restricted is what Mike suggested. John stated he passed along information. David Duffy is attending and they are okay with a deed restriction in the area. Commission agreed that they are in favor of that. Commission members expressed vernal pool and leach field are close together and it if it isn't meeting the setback to protect the vernal pool and that feel it could be a problem. John stated it was noted as a potential vernal pool but it wasn't proved that it was positively a vernal pool. John asked if they can they prove that it is a vernal pool. Scott stated he heard wood frogs in that area and he thinks it is a vernal pool and it would qualify it as a vernal pool just the way it looks.
- Commission agreed that they would like to see a replication plan that planting of four or five trees is not going to be enough. Dave suggested to them various tree and shrubs that could be planted there.
- More info for a deed restriction and replication area is needed. Commission stated they agreed that both the deed restriction and replication plan needs to be done before they proceed. Commission wants to be sure that the best system be installed to protect the vernal pool. John asked if there are any particular things to look at that the Commission is looking for. Commission stated the Engineer's for applicant is the one who should provide it. John stated they have been before the BOH and haven't received anything yet but they he didn't seem to have issue and justification of where it was ok because of where wells are located. Dave suggested he contacted Diane at BOH and tell her that the Conservation Commission has problems and get her to give suggestions that would be best for that location.
- Mike asked if Bylaw applies to this or not because it had a house previously and is a tear down. Dave stated it is on a case by case basis in the past and not strictly enforced the bylaw as strict adherence and it is done on a case by case. Regulations and the Bylaw states that you cannot make a lot unusable, especially if it was previously used.
- Dave Duffy stated someone was living in house until about a year and half ago. A single person was living there. Septic and cesspool were up and running until a year and half ago. House is a three bedroom house that was built in 1951 or 1952.
- Continue until next meeting until 8PM on 4/28. More info for deed restriction, replication area and alternate treatment system needed for then.
- Deed restriction line discussed as being at location three. Deed restriction is land that cannot be developed in the future and it would remain as natural land. Nothing ever to be built in that area at this time anyway stated by his grandson, Danner Femia. Mike stated it would memorialize that and will prevent any future owner from removing anything in the future. Danner they are ok with it.
- Line will be at wetland flag 18 and cut across from there at a 90 degree angle across to the property line. All parties agreed that is okay and the area would be left in a natural state.
- Dave stated it would be restoration not replication plan. Area near wetland be restored to avoid problems and not have mowed lawn in that area. Danner will do trees that is necessary and just would like to avoid a plan done, if possible. He will do whatever Commission suggests in lieu of plan. Dave stated it was up to the Commission if it could be done in the condition and that would be enough in lieu of a plan. Conditions cover the density of trees and number. Could write conditions in lieu of plan.
- Deed restriction wording and what would be conditions to be added for tree planting are needed for next meeting. Dave to develop draft conditions to address that issues. John and Mr. Duffy to speak to come up with

alternate septic designs and locations at next meeting too.

#### **8:45 NOI (cont) East Street Estates – Afonso**

- No response from them in response to them and what is status. Byran Andrews was to prepare draft plan and nothing else has been submitted at this time. Commission decided to continue on their behalf because of circumstances. Continued on their behalf until the next month until 8PM on 5/12. Trisha to contact them to see what the status is.

#### **Land use Regulations**

- Chris stated she brought it up with the Disability Commission the regarding how to word the use of motorized vehicles. They sent back info on how it would be worded. It is up in air right now. Wording should be disabled should be instead of handicapped and will be discussed further at another meeting.

#### **Unanticipated Topics**

- Bill working on NOI for weed management. Collected and has questions and wanted to touch base with Dave. They will be discussing on 4/15/21.
- Mike stated Foy house on Mechanics Street is for sale. Stefans access issue-might need to be looked at what she is selling to deal with it if need be.
- Sandy stated that the Henderson property on Mechanics Street has had some activity as well. Surveyors where across from Sandy's house and are putting in one house with the open space for rest of the property. Bill stated they have had conversations regarding the lot. Subdividing the one frontage lot.
- Bill stated he received an email that stated there were four monitoring wells along Glen Ave and what they are and what if anyone know what they are and what they were used for? Scott stated he believes it was used for the State's salt storage.

#### **Next Meeting (April 28, 2021)**

**9:35PM** Tom Jango made a motion to adjourn. Marcella Stasa seconded the motion. Motion was approved by unanimous voice vote.

#### **Minutes approved on: xx xxxx, 2021 (remote meeting)**

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



# TOWN OF UPTON, MASSACHUSETTS

## Conservation Commission

Meeting Minutes – Wednesday 04/28/2021 -- Remote Meeting (gotomeeting.com)

To: Members of Upton Conservation Commission  
CC: Kelly McElreath, Town Clerk  
From: Patricia Marvelle, Administrative Assistant

### Members Participating:

Chair: Chris Scott, Vice Chair: Mike Penko

Members: Sandy Lajoie, Alan Miano, Tom Jango, Scott Heim and Marcella Stasa

Absent:

Agent: Dave Pickart

Associate Member: Mary Overholt

Visitors: Steven Kirby, James Brochu, Paul Flaherty, Taylor Ramsdell, William Tomassetti and Catherine Tomasetti

### 7:00 Remote Meeting Opened

Dave read following statement:

*Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor's March 15, 2020 Order concerning imposition on strict limitations on the number of people that may gather in one place, meetings in the Town of Upton are being conducted via remote participation to the greatest extent possible. No in-person attendance of members of the public will be permitted, but every effort will be made to ensure that the public can adequately access the proceedings as provided for in the Order.*

### Agent Report

- Heard back from Macarthur regarding property in Northbridge and Upton and they have decided to hold onto property for now. They are rescinding the offer.

### Administrative Report

- Chris advised the Commission that the Conservation Commission group email list is not working because of email issues. All emails need to be sent to individual email account to make sure they are getting them. Email issues are being worked on and it is unknown as to when it will be fixed.

### Expense Vouchers

- No bills this month.
- Financial update will be reviewed next meeting, once info is received from Town Accountant.

### Website

- Alan stated he put links to Warren Brook forestry folder on the website. Dave showed pictures on website. Drone video provided by Jango family is also on website. A few photos also were added.
- Alan would like to add more imagery but he will make this link live and Commission members can add things by logging in google with their accounts in the private link.
- Alan stated he had updated Warren trail maps.

## **Open Space Committee**

- Bill stated he had spoken with Christine Berry and they are interested in the large parcel and the smaller parcel could be given to the town for open space at the Preserve at Dean Pond. Bill stated DCR is not interested in the smaller parcel because it is not continuous to the large one. Parcel is mostly wetlands and replication area and not sure it has much accessibility. Larger donated to DCR and smaller one would be donated to town. Commission agreed they would like to accept it. Parcel is mostly wetlands, unusable for any recreational use.
- Development doesn't want a public trail off the road. Trail in that area for residents only at end of cul-du-sac according to developer but that could be changed later on if cul-du-sac is accepted by Town. They are aware of that according to Bill.
- Mike Penko made a motion to see if the Conservation Commission is in favor of acquiring the open space to be used as a conservation area under the Commission's care, custody and control. Scott Heim seconded the motion. Commission members discussed that it might be a public road and the general public will have access to this open space as well as residents. Scott would prefer to keep as open space conservation area without trails. Sandy agreed the Scott that they should be in control of the land and leave as it is. A bound plan has been submitted and it was included in Order of Conditions. Chris stated that they would need to monitor that area to make sure there is no encroachment by people in that area. Motion was approved by unanimous roll call voice vote.
- Bill stated he is having issues getting quotes from surveyors for the Williams Street parcel. He will be receiving a quote back but they will have only one at this point. Bill asked if they know of any other surveyors that they might contact.

## **Land Stewardship Committee**

- Marcella stated that the Warren Brook trail has been cleaned up and trail is open.
- Center Brook easement needs to be surveyed. Mike stated they could use GPS to find approximate boundaries behind the Center Brook lots. Only need a surveyor for cul-du-sac on the eastern side and as it is not marked properly.
- Mike to markup plan to show surveyor as to where they need to survey off the cul-du-sac. Some bounds need to be installed to mark the property properly. Bill to ask for quote from surveyors.
- Area needs to be cleaned up, trash and tires need to be cleaned up.
- Bill stated the Foye property is on the market. It is located near Stefans Farm and real estate sites has great drone footage of the area.
- Mike sent an email about a guy cutting wood stockpiled at Warren Brook forestry project landing. Mike called the police for an escort and talked with him and told him to not take any wood and he was fine with that. Mike was concerned for his safety because he was not being safe in the way he was cutting it.

## **New Items:**

### **Earth Days 4/18/21 and 4/24/21**

- Both clean-up dates were held. There are teams of people cleaning up and leaving bags for DPW to retrieve and dispose until the first weekend in May.

### **177 North Street Violation**

- No discussion was needed for this issue.

### **North Street Violation near Westboro town line**

- Commission members to investigate/review to see if they can determine what is going on. Wood is

being harvested from the Town property.

#### **Forest Heights**

- Back land would be retained as conservation land and some will be sold as house lots. Article on town warrant.

#### **Peppercorn**

- Mike stated there was a Metacomet meeting today and he had received comments back on both draft CRs by the conservation reviewer. SVT meeting and they received comments and improved the acceptable wording and technical/legal points that were tweaked. In one area the wording grantor and grantee were transposed so that was corrected. All changes are in the packet and he asked if there are any questions. Mike stated they needed to vote on signing both CRs with the understanding that some minor changes might still occur during the last stages of the review. Metacomet closes on 6/1 and by middle of May they need the Town signatures done. They need five Commissioners and Board of Selectmen and others will need to sign as well.
- Mike Penko made a motion for the Commission to approve the draft CR, the Kelly parcels, at Peppercorn Hill, as written, with potential changes/minor modifications. Marcella Stasa seconded the motion. Motion passed by unanimous roll call voice vote for the town parcels CR.
- Motion on the MLT CR passed by roll call voice vote, with Chris Scott and Mike Penko abstaining.

#### **On-Going Items:**

##### **Erosion control policies**

- Nothing new.

##### **Permitting process discussion**

- Nothing new.

##### **Railroad**

- Nothing new.

##### **Rockwood Meadows Baseline Study Spring**

- Nothing new.

##### **Preserve at Dean Pond Open Space Parcel**

- Already discussed in Open Space.

##### **Administrative Assistant and Conservation Commission Office Reference Manual**

- Nothing new.

##### **Annual Town Meeting**

- Annual town meeting is scheduled for Saturday, May 8, 2021. Football field at Nipmuc High.
- There is an article that is looking to limit the terms on Conservation Commission and other commissions/boards if new members want to join any board/commission. It would limit the terms that existing members can serve and new members would replace existing members. Members were encourage to attend the town meeting to address this article.

##### **Frisbee/Disc Golf**

- Nothing new.



**Drone Imagery**

- Nothing new.

**Forestry**

- Nothing new.

**Open Space BOS Insurance**

- Nothing new.

**Cobbler's Creek Comment Letter**

- Nothing new can be removed until a later date.

**MVP Wetlands By-Law**

- Chris and Mike to spend time on it and draft something up by the end of June.

**Potential Land Acquisition – Like Wildwood parcel and island**

- Bill will contact them via mail, no luck obtaining phone number. He heard that it is actually Touchstone school that approached the Town regarding the shore and island property. They are considering it for outdoor education. Bill stated he believes there will be a building for a classroom and restrooms maybe. All info was second/third hand information. May present an opportunity to do it jointly if that is the case. Needs to be looked into further.

**Site Visits:**

4-24-21 3PM Community Center Parking Lot

**Approve & Sign Documents****Meeting Minute**

- Changes to Page 4 by Mike were to change name to Robertson, it is not Robinson, and remove Kerr from the parcel names and leave others only that are Town parcels. Chris stated Mary is an associate member not alternate member.
- Marcella Stasa made a motion to accept the minutes for the April 14, 2021 meeting, with amendments. Sandy Lajoie seconded the motion. Motion was approved by unanimous voice vote.

**AGENDA ITEMS/HEARINGS****Land Use Regulations**

- Commission discussed new wording after Chris advised of new wording that might be included for people with disabilities. More research and discussion to be done at a future meeting.

**7:15 RDA 18 River Street**

- Public hearing notice read by Trisha.
- Applicant Bill & Catherine Tomassetti was present to speak.
- Mr. Tomassetti stated they had moved recently to Upton and they are interested in expanding the deck to 12' x 12' and make some repairs to the existing 8' X 8' deck that is there now. He was also interested in plant ideas from the Commission to help with erosion control. Dave also stated that something needs to be done for erosion control. Commission suggested a website and location that

he could go to for appropriate plants.

- Dave stated it was exempt from the By-Law.
- Mr. Tomassetti stated they would like to put it in ASAP. Just needs to apply to building department. They are going to do the planting earlier than deck to get it established.
- Closed hearing per the applicant's request.
- Tom Jango made a motion to issue the negative 3 determination with the conditions that a trench, silt fence or straw swaddles be added along with native plants only. Marcella Stasa seconded the motion. Motion approved by unanimous voice vote.

### **7:30 NOI (con't) Community Center – Nitsch Engineering**

Steven Kirby, Taylor Ramsdell – Chelsea Christenson– Nitsch, Nate Burgess, Peter Turowski – T2 architects and James Brochu, Building Committee

- Chelsea stated NOI # not assigned yet.
- Site visit happened on Saturday, April 24th.
- Chelsea showed the existing site plan and explained what the project involved, updates made to the disturbed areas and proposed mitigation.
- Discussion regarding the playground area took place in regards to how the mitigation was going to be handled. Commission members agree that level spreader would be better if located outside of fenced in play area. Mike stated it could be moved outside of the fencing and still maintain the 50' buffer. Chelsea stated they want to know what the level of migration is that is needed. If all plan area was to be added with shrubs it could be done. Discussion regarding mitigation needs in order to meet the requirements needed took place. More mitigation needs to be done than is included in this plan, according to Commission.
- Commission suggested they speak with Derek Brindisi to see what could be agreed upon in order for them to make the mitigation requirements needed for this project. They requested that the Commission provide them with a written summation of what they would need to discuss with Derek. Dave will provide this information to Jim.
- Dave to send to commission members the comment letter.
- Continued to the 5/12 meeting at 7:30 PM.

### **7:40 Discussion Naming of Kelly Parcels**

- No Native American names suggestions yet for the third parcel. Still waiting for response. Will be discussed further at the next meeting.

### **8:00 NOI (cont) 126 Elm Street (Map 16/Parcel 72)– Duffy**

John Federico, Guerriere and Halnon, was present to speak.

- Process started for the deed restricted area on small area on back of property.
- No meeting with BOH yet. BOH meeting tomorrow and going over alternatives for protecting area. No suggestions for what they could propose out there but they will go over options with them tomorrow and see what they can do.
- Dave drafting OCC and possible plantings. Dave didn't do but he will get them to him this week.
- DEP # 311-0783
- John stated he received no comments from DEP on Conservation issues on anything that they provided. No comments on emails from DEP and nothing has been issued to his knowledge.
- John to send recap on Friday of what happened at BOH meeting.
- Continued to 8PM on 5/12. Any new plan will be forwarded prior to the 5/12 meeting. John stated deed restriction or CR is not available, it is in the works and will have it for the next meeting.
- John shared plan that showed what will be part of deed restriction. It starts at A18 flag and goes at a 90 degree angle to the property line. He will reflect it on the plan more clearly and he show the easement line.
- Dave stated he proposed some kind of marking along the line in way of permanent markings as in the line of bounds or Bernstein markers, which are made of aluminum pipe and driven into the ground and the cap has a

magnetic in it. John stated he has no preference on what they use so if they have preference they can state it. Markers extend 6 to 8 inches out. Pipe with disc on top with magnetic top and it is not easily pulled out. Bernstein marks are easier to install than concrete bounds. Chris stated whatever homeowner prefers is ok with Commission and if they could mark the plan easier for a lay person to identify the conservation area. John to make it clearer on another plan.

- Marcella Stasa made a motion to continue the hearing to 8pm on 5/12. Tom Jango seconded the motion. Motion was approved by a roll call unanimous voice vote.

#### **8:30 Public Meeting to discuss and vote on By-Law, land use regulations**

- Kelly is requesting for a binder of all Regulations and By-Laws. Commission needs to discuss and vote on the By-Laws Land Use Regulations and Wetlands By-Law. No changes to any of them, including Stormwater By-Law, which was not requested.
- Sandy Lajoie made a motion to approve the Wetland regulations, Land Use Regulations, and the Stormwater Management regulations. Tom Jango seconded the motion. Motion was approved by unanimous by roll call voice vote.

#### **Other Business**

- Request from resident from Taft Pond wanting to know who controls the level of the pond. Bill stated that DPW controls the dam and will change the boards from time to time. If they have concerns they should contact the DPW.

#### **Next Meeting (May 12, 2021)**

**9:35** Marcella Stasa made a motion to adjourn. Sandy Lajoie seconded the motion. Motion was approved by unanimous voice vote.

#### **Minutes approved on: May 26, 2021 (remote meeting)**

<i>Chris Scott</i>	<i>Mike Penko</i>
<i>Scott Heim</i>	<i>Tom Jango</i>
<i>Sandy Lajoie</i>	<i>Alan Miano</i>
<i>Marcella Stasa</i>	



# TOWN OF UPTON, MASSACHUSETTS

## Conservation Commission

Meeting Minutes – Wednesday 05/12/2021 -- Remote Meeting (gotomeeting.com)

To: Members of Upton Conservation Commission  
CC: Kelly McElreath, Town Clerk  
From: Patricia Marvelle, Administrative Assistant

### Members Participating:

Chair: Chris Scott, Vice Chair: Mike Penko  
Members: Sandy Lajoie, Alan Miano, Scott Heim and Marcella Stasa  
Absent: Tom Jango  
Agent: Dave Pickart  
Associate Member: Mary Overholt  
Visitors: John Federico and Taylor Ramsdell

### 7:00 Remote Meeting Opened

Dave read following statement:

*Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor's March 15, 2020 Order concerning imposition on strict limitations on the number of people that may gather in one place, meetings in the Town of Upton are being conducted via remote participation to the greatest extent possible. No in-person attendance of members of the public will be permitted, but every effort will be made to ensure that the public can adequately access the proceedings as provided for in the Order.*

### Agent Report

- Dave spoke with Barbara Webster of 22 Walnut Street. Pond adjacent to their property is potential vernal pool and owner stated it is a vernal pool. They are building an addition and they would like to cut some of the brush on that side so that they would have a better view. They have the approval from the property owner that it would be okay with them. Dave asked if the Commission thought it would be possible for them to do that or not. Dave stated he could take pictures or they could prohibit it. Others were prohibited from doing this same thing elsewhere and Commission members feel that they should be treated the same and not given the access. The By-Law applies to this situation and it protects the vernal pool. Commission members agreed that they were not in favor of this. A NOI would be needed to be filed if they want to go ahead with this and it must be signed by the owner of the property.
- Dave told the Commission the photos were taken by the Nearmap system. Dave to find out how many licenses can be given out so Commission members interested could have access.
- Dave stated he discussed with Derek the mitigation for the community center for the two town owned parcels and he had no issues with it. Derek thought it would need to be held in perpetuity and it should be stated on the deed.
- Discussion on providing access from town hall parking lot over to the community center by bridge or elevated boardwalk. A boardwalk from town parking to new brewery, to ease pedestrian accessibility was mentioned.

## **Administrative Report**

- No expenses this month.

## **Financial Reports**

- Reviewed and only minor changes were made.
- Mike thinks that paper copies of the 2011 and 2020 Open Space Plan should be made. Cost between \$300-400 and he will have done at Staples.
- Marcella asked if they would be able to use some of the monies for Land Stewardship purchases.
- Marcella stated it would cost \$1,000 to plant a tree at the Rockwood Meadows parking area. Mike sent an email to HALT and Rockwood Meadows Association. Holt stated they want a say in the species planted, no response from Rockwood Meadows as of yet.
- Bridge over Robertson property will also be an expense if moving forward with that.
- Mary discussed purchasing top soil/compost for the Community Garden and building a new bed. Marcella to speak with Mary and Allison further on this matter to discuss cost further.
- \$5,000 was approved for the Conservation Fund at the annual town meeting.

## **Website**

- Forest management link to photos is set up. It brings up many photos and video of forestry project. More stuff can be added as received. They need to find out if old photos are compatible with Google photos. Mike to work on it to see if they are converted or not.

## **Open Space Committee**

- Bill still hasn't found any surveyors for Williams St/Wildwood parcel.
- Peppercorn CR is substantially complete but an issue came up today regarding pruning for the vista, as documented in baseline report.
- Might want to create a vista and enhance existing vista. Sent over to Meredith Houghton and Christa Collins for changes and there may be an issue with time to close. They may need to split the Metacomet and Town closings to give time to add changes to Town conservation restriction. Vista pruning on Town CR only. Mike stated vista pruning is not an issue on Metacomet parcel. Language added to protecting indigenous stone features on both properties for town CR. Need to vote on new indigenous language tonight on the Town's CR.
- Bill reviewed changes that need to be made to protected and prohibited sections. Protected language added in regards to stone features (any human made stone arrangements) and tribal field investigation/surveys. Same for both Town and Metacomet CRs.
- Mike reviewed the vegetation management section. Problem is that existing vista to west has a few trees in way and Cathy Taylor has advised them of a view to the East and not sure where exactly it is located. Marcella to speak with Cathy to get more information to give to SVT to include in the baseline report. Marcella to confirm with Cathy the site they are referring too and maybe another visit is in order to see. Mike suggested getting GPS coordinates of the location to give SVT. Bill to get pictures of the area.
- Mike stated that the Selectmen could review and sign at their next meeting on next Tuesday and the next meeting after that is the first Tuesday in June and that could mean the closing for the properties would be delayed into June. The closing is scheduled for June 2, 2021 and many signatures from State and local figures need to be obtain prior to the closing date. Metacomet has to be done by end of June, Town can be done anytime.
- Mike Penko made a motion for the Commission to approve the most recent versions of the CR for Kelly parcels with a stipulation that the Chair of Open Space is allowed to make minor modification to the CRs for the creation and maintenance scenic views. Marcella Stasa seconded the motion. Motion passed with unanimous voice vote.

- Marcella Stasa made a motion to accept the Metacomet parcel language, as presented. Motion was seconded by Sandy Lajoie. Chris Scott and Mike Penko abstained. Motion passed by vote of Commission.

#### **Land Stewardship Committee**

- Marcella stated reappointments are good to go. Sandy Hakala stated they are all set to appoint them.

#### **New Items:**

#### **COC's**

- 98 High Street request got lost in email problems and a new one was requested.
- 95 Taft Street is still in process.

#### **Dumping on Knowlton-Risteen Property**

- Pile of leaves dumped on property next to Center Brook. Asked Kelly to have DPW to remove the leaves. Will remind Kelly.

#### **Draft new NHESP Atlas comment period**

Mike looked at it and looked like the marbled salamander habitat off of North Street has been removed. He thinks they only keep it on for 25 years and they might want to mention it to them and the vernal pools that provide habitat for breeding is on private property. Maybe consider hiring someone to see if they have the marbled salamander in the area still, it could be costly otherwise they will lose natural heritage protection of that area. Mike stated for regulatory purposes, they have a 25 year period that they keep it for. Dave suggested they contact the national heritage marbled salamander person that went out and investigated on private land and provided a report previously. Dave to check with him. Might ask current owners if they can look around.

#### **Reappointments**

- Alan and Scott need to be reappointed and they need to contact Sandra to let her know they want to be reappointed.

#### **On-Going Items:**

#### **Naming Kelly Parcels**

- Nothing new.

#### **Erosion control policies**

- Nothing new.

#### **Permitting process discussion**

- Nothing new.

#### **Railroad**

- Nothing new.

#### **Rockwood Meadows Baseline Study Spring**

- Nothing new.

#### **Preserve at Dean Pond Open Space Parcel**

- Nothing new.

#### **Administrative Assistant and Conservation Commission Office Reference Manual**

- Nothing new.

#### **Annual Town Meeting**

- Held already on May 8, 2021 and can be removed.

#### **Frisbee/Disc Golf**

- Nothing new.

#### **Drone Imagery**

- Nothing new.

#### **Forestry**

- Nothing new.

#### **Open Space BOS Insurance**

- Nothing new.

#### **MVP Wetlands By-Law**

- Chris and Mike to spend time on it and draft something up by the end of June. Mike working on it now. MVP listening session 5/27. Draft report is available for review.

#### **Potential Land Acquisition – Lake Wildwood parcel and island**

- Nothing new.

#### **Violation North Street near Westborough town line tree cutting on town-owned land**

- Mike and Dave to investigate further with site visit.

#### **Site Visits:**

##### **TBD Azalea Drive verify open space acceptable for transfer to the town.**

- Road accepted at annual town meeting, open space portion not accepted yet.
- Preserve at Dean Pond open space needs to be accepted by Board of Selectmen.

#### **Approve & Sign Documents**

#### **Meeting Minute**

- Minutes postponed until next meeting.

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

##### **Land Use Regulations**

- Chris showed what the Mass Audubon had for the use of power driven mobility devices that the Commission wants to use in line 3 of the Land Use Regulations. Mass Audubon wording stays “other power-driven mobility devices (OPDMD) and motorized vehicles”. All electronic, no combustion engines allowed.
- Need to identify trails suitable for vehicles – Land Stewardship to define the trails to use them on to

minimize the damage and personal injury. Marcella would like to get input from someone who uses this type of vehicles. More research needs to be done.

- Should make it a simple statement with references to the mobility policy in regulations and then reference a separate document to keep regulations a reasonable size. Marcella and Chris to work on draft and then it can be discussed further with Land Stewardship and Conservation Commission members.

#### **7:30 NOI (con't) Community Center – Nitsch Engineering**

- Continued to the May 26<sup>th</sup> meeting at 7:15 PM at the applicant's request.

#### **7:40 Discussion Naming of Kelly Parcels**

- Nothing new.

#### **8:00 NOI (cont) 126 Elm Street (Map 16/Parcel 72)– Duffy**

John Federico, Guerriere and Halnon, was present to speak, representing David Duffy. Taylor Ramsdell was present.

- John stated they had meeting with the Board of Health. Board of Health did not give them a formal approval but no issues were found. No stamped plan has been received it. The system they intend on using is the smallest footprint and will improve the current system that is there now and will help with the protection of their well, as well as, the abutters' wells. Letter provided to Commission stating this was provided by John.
- Duffy's attorney is still working on deed restriction set up and in place. Can be provided up to 21 days before construction.
- Impervious barrier will be added. Three Bernstein markers will be added to bound the restricted area.
- Dave reviewed the draft copy of the special conditions that he was proposing for the Commission to approve.
- John had no issues and he forwarded to Mr. Duffy and hasn't heard anything negative at this point in regards to the restoration area.
- Dep # is 311-0783.
- Hearing was closed at John's request. John to provide copies of the new plan next week.
- Mike Penko made a motion to issue an Order of Condition for the project. Marcella Stasa seconded the motion. Motion was approved by unanimous voice vote.

#### **Other Business**

- RDA for Grafton/Upton Railroad will be held at 7:00 PM on 5/26/2021.
- Community Center continuance will be held at 7:15 PM on 5/26/2021.
- Cobbler's Creek Subdivision will be held at 8:30 PM on 5/26/2021.
- Marcella to do mosquito control mission statement for a small task force group and presenting it to the Selectmen for the Town in-lieu of the State's plan.

#### **Next Meeting (May 26, 2021)**

**9:01** Sandy Lajoie made a motion to adjourn. Marcella Stasa seconded the motion. Motion was approved by unanimous voice vote.

#### **Minutes approved on: May 26, 2021 (remote meeting)**

*Chris Scott*

*Mike Penko*

*Scott Heim*

*Marcella Stasa*

*Sandy Lajoie*

*Alan Miano*





# TOWN OF UPTON, MASSACHUSETTS

## Conservation Commission

Meeting Minutes – Wednesday 05/26/2021 -- Remote Meeting (gotomeeting.com)

To: Members of Upton Conservation Commission  
CC: Kelly McElreath, Town Clerk  
From: Patricia Marvelle, Administrative Assistant

### Members Participating:

Chair: Chris Scott, Vice Chair: Mike Penko

Members: Sandy Lajoie, Alan Miano, Tom Jango, Scott Heim and Marcella Stasa

Absent: None

Agent: Dave Pickart

Associate Member: Mary Overholt

Visitors: Bill Taylor, Tom Lewis, Dennis Westgate, Colin Gosselin, Steve Kirby, Chelsea Christenson, Nate Burgess, Peter Torowski and Jim Brochu

### 7:00 Remote Meeting Opened

Dave read following statement:

*Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor's March 15, 2020 Order concerning imposition on strict limitations on the number of people that may gather in one place, meetings in the Town of Upton are being conducted via remote participation to the greatest extent possible. No in-person attendance of members of the public will be permitted, but every effort will be made to ensure that the public can adequately access the proceedings as provided for in the Order.*

### Agent Report

- DOT TIP Phase 2 project has begun. DOT TIP Phase 1 is being completed per conditions.
- Barn on Chestnut Street started.
- 98 High Street – OCC is being done. Amended for work on septic system included with original order for the stabilization of stream and to get it piped. Completed and inspected and should issue a full certificate of compliance.
- Fowler Street bridge project – contractor requested an OCC. Dave cannot sign off on mitigation before two seasons have elapsed and he asked for a partial to be issue. Everything complete except for growth of mitigation area.
- Residents/employee observed the landscape business near the town hall that is withdrawing water from the brook between the town hall and the business. Dave stated he didn't see anything going on today and the brook is low, probably not going to get any more water out of it. Wetlands Protection Act states you don't regulate the water, just the land under it. If they are operating a gas powered pump in buffer zone it could be regulated. Dave suggested the Commission point it out to them that they should not be using that stream for that purpose. Dave to send owner a letter stating that.
- Mike, Marcella and Dave to look at sites on Westboro Road for illegal clearing. Also going to the Thompson site.
- Marcella Stasa made a Motion to issue a full Certificate of Compliance for 98 High Street. Sandy Lajoie

seconded the motion. Motion passed by unanimous voice vote.

- Marcella Stasa made a motion to issue Fowler Street Bridge project a partial Certificate of Compliance. Motion was seconded by Scott Heim. Motion passed by unanimous voice vote.
- Dave stated he will be on vacation from June 28, 2021 to July 12, 2021.

## **Administrative Report**

### **Expense Vouchers**

Trisha reviewed the bill for Gatehouse Media in the amount of \$211.56.

Chris Scott made a motion to pay the bill. Sandy Lajoie seconded the motion. Motion passed by unanimous voice vote.

### **Financials Reviewed**

- Financials were briefly reviewed, no changes from previous month in expenses.

### **Website**

- Up-to-date but still missing old open space photos.

### **Open Space Committee**

- Peppercorn is moving along, closing dates moved out a couple weeks.
- Mike stated they are still working on the baseline report. Mike will distribute the next version. Mike will send current link so Commission can look at the document that is in progress. Language regarding creating and enhancing vistas and he wanted to run it by them. Bill read the revision suggested regarding vistas. Wording was taken from SVT CR by Bill. Commission suggested include canopy cover in wording.
- Surveyor hired for Williams Street property.
- Talked to Christine Berry for DCR and the Town would be getting notice of them acquiring the Brown property and they wanted to get the notice done because of 60 day notice requirement.
- Mike stated the CR for Metacomet parcel is ready for Commission's signature. Denise Smith will have signature page and it needs to be signed by June 2<sup>nd</sup>.

### **Land Stewardship Committee**

- Marcella stated the new boardwalks are done at Rockwood Meadows.
- Marcella stated that there is a boat located up against the bridge where the trail is that the horses will be using and that boat will need to be removed/moved prior to that date. After discussion, Chris to contact authorities. Mike had pictures of the boat with the registration number. Chris to follow-up on and see what can be done with getting the boat removed.

### **New Items:**

#### **Dumping on Knowlton-Risteen Property**

- Bill to ask DPW to remove what is on the property.

#### **Draft new NHESP Atlas comment period**

- Nothing yet.

### **22 Walnut Street**

- Dave reached out and told owner that the Commission would require an application and a few

Commissioners expressed concerns and probably not approve the request.

**Naming of Peppercorn Parcels**

- No response from Grafton Nipmuc tribe regarding a name for parcel 17-31. None suggested by Commission.
- SVT asked if ConCom has names for the three parcels. Names need to be voted on if they want to get in into the baseline report.

**On-Going Items:**

**Erosion control policies**

- Nothing new.

**Permitting process discussion**

- Nothing new.

**Railroad**

- Nothing new.

**Rockwood Meadows Baseline Study**

- Nothing new.

**Preserve at Dean Pond Open Space Parcel**

- Nothing new.

**Administrative Assistant and Conservation Commission Office Reference Manual**

- Nothing new.

**Frisbee/Disc Golf**

- Nothing new. Can be removed.

**Drone Imagery**

- Nothing new. Can be removed.

**Forestry**

- Nothing new.

**Open Space BOS Insurance**

- Nothing new.

**MVP Wetlands By-Law**

- Mike working on By-law and will have for next meeting.
- Listening session at 7pm on Thursday. Need to RSVP to get log in information sent to you.

**Potential Land Acquisition – Like Wildwood parcel and island**

- Nothing new.

**Violation North Street near Westborough town line tree cutting on town-owned land**

- Site visit tomorrow.

## **Site Visits:**

### **Mobility policy**

- Marcella sent edited version of the Mass Audubon's policy regarding mobility vehicles for trail use to each Commission member. Marcella asked if anyone had anything to add.
- Commission agreed that Town Counsel should be asked to review document to make sure they have no legal issues with the wording.
- Dave suggested that it also be reviewed by the Town's Disability Committee and get their comments/suggestions.

## **Approve and Sign Documents**

### **Meeting Minutes**

- Mike suggested some amendments.
- Marcella Stasa made a motion to accept the minutes for the April 28, 2021 meeting, as amended. Chris Scott seconded for 4/28 meeting. Motion passed by unanimous voice vote.
- Scott Heim made a motion to accept the minutes for the May 12, 2021 meeting, as amended. Sandy Lajoie seconded the motion. Motion passed with majority vote. Tom Jango abstained from voting.

## **AGENDA ITEMS/HEARINGS**

### **7:00 RDA Grafton Upton Railroad vegetation management**

Tom Lewis represented the applicant.

- Trisha read the public hearing notice.
- Tom gave a brief overview of the project. Tom stated the railroads need a new vegetation management plan, the last one expired at end of last year and they are good for five years. They need boundary delineation for the resource area from the local municipality. Went out in March and adjusted one location and extended the no spray area around mile post 10 and nothing else was changed.
- Process was done five years ago and includes comprehensive regulations for applying herbicides for vegetation along the right-of-ways. DEP has said if they have been done according to guidelines it should have no effects on the resource area, 10 foot off center line but no closer than 10 feet to buffer zone. Done once a year, shown in teal color on the plan.
- In center recharge zone no spray zone and limited spray zone where work is closer to actual resource and close to zone 2 public water supply and spray and can be done every two years. A few changes but it is in order and recommends issuance of determination of a negative three for work in buffer zone and a negative five for maintenance in riverfront area is exempt and a positive 2 with note that it applies to only vegetation within in the right-of-way. A negative 6 applies, By-Law does not apply to this.
- Commission agreed no site visit required.
- Tom Lewis asked to close the hearing.
- Tom Jango made a motion to issue RDA for a negative 3, negative 5, positive 2 and negative 6 for By-Law. Scott Heim seconded the motion. Mike asked if area near Lake Wildwood for a no spray zone is it mechanical removal instead of spray. Tom stated he is not sure what they do for mechanical cutting. Tom stated different areas get treated different ways. Depends on the area and how they are handled. If they cannot spray on track bed they usually just let it grow. Motion passed with majority roll call vote to approve, Mike Penko voted against.

### **7:15 NOI (con't) Community Center – Nitsch Engineering**

Steven Kirby, Chelsea Christenson– Nitsch, Nate Burgess, Peter Turowski – T2 architects and James Brochu, Building Committee

- Chelsea did a brief overview of the project and explained the design. Native vegetation on lower level of the nature playground. Moved level spreader back to property line more and beyond fence. Adjusted the building to push the mechanical utilities on the top of the slope. Degraded areas were reviewed. Total mitigation area is 4,790 square feet. Discussed mitigation on property near the site and has been extended to the property across the street on the Town owned properties. Mitigation area still to be worked out. Dave walked the area with the design team and Derek. Derek had concerns with the width of the Thompson site. A wider buffer on the gravel parking area would not be suitable for future development. Town might sell 2 and 0 Grove Street with consideration that some parking may be needed. Dave suggest using the property that had the house and they could do something with that to control the bad vegetation and replace them with good vegetation and a longer reach of the brook being restored instead of just one corner. All downslope of retaining walls.
- Jim stated Derek is happy with the size of the mitigation area that is on the Grove Street parcel now.
- Plan is removing invasive plants along the brook and treating with herbicides, scarifying and adding topsoil and planting various types of trees and seed mixes.
- No DEP # as of yet. Jim Brochu to follow-up on.
- Mike stated he would like to see a larger strip on the town lot side – 12-15 feet. 15 feet on Thompson side. Dave stated Derek and Steve thought that 12.5 feet would be adequate. Dave also stated that they were discussing issuing an order with the requirement that the mitigation/restoration plan be developed and submitted and approved prior to the start of construction. Maybe have DPW assist with restoration process to save some money and have Dave and Commission be the oversight of the project. After discussion, it was agreed to go with a 12 foot mitigation area at 0 Grove Street and that would be presented at next meeting.
- Mike Penko made a motion to accept the conceptual mitigation plan that has the restoration area that is increased to a 12 foot setback for property at 0 Grove Street. Motion was seconded by Marcella Stasa. Motion passed by unanimous voice vote.
- Hearing continued to 7 P.M. on June 9, 2021.

### **7:45 Various Water Bodies Aquatic Weed Control (Upton DPW)**

Colin Gosselin, Bill Taylor were present to speak.

- Trisha read the public hearing notice for Pratt and Taft ponds.
- Bill has all green cards and intent for notice of intent was filed as required.
- No DEP # yet.
- Colin described what was going to be done. Showed Pratt Pond and stated typically every year before summer they treat the pond with herbicide and shut down the pond for one day and treat the weeds. Contact herbicides provide year-long control.
- No flow restricted downstream at Pratt Pond dam.
- Colin stated Taft pond is different. No invasives, it is a shallow pond. In summer the water becomes stagnant and forms algae nuisance and they apply herbicide and lower pond and time release formulation to keep the pond flowing. Not treated every year.
- Would like to it in early June for treatments.
- Hearing continued until the next meeting at 7:15PM on June 9, 2021.
- Mike asked about what the plan is for Lake Wildwood. Will be handled separately. It is in national heritage and they have a 30 day appeal process and they have not heard back from them and they are coming up on 30 days. Bill stated if they can do it within the next week, 3-4 business days, they might be able to get it in for the next meeting. Controlling issues is the MESA review. Small section of Lake Wildwood is in Grafton, not more than 4,000 square feet, and it there are stone markers that point into the lake and Bill will notify Grafton and asked them what they think. Chris thinks they should file with both towns.

### **8:00 NOI (cont) East Street Estates (Afonso)**

No one was present to speak.

- Dave stated they had asked for a continuance from Planning Board until the last meeting in June so he was recommending they continued it until the last meeting in June.
- Trisha try to contact Jude Gauvin via email and phone to see if they would be attending and no response. Company is being possibly taken over and it might have gotten overlooked.
- Mike suggested when they update the regulations/price sheet that they have a fine or payment for applicant that repeatedly does not let us know they won't be attending. Policy is 48 hours notice now.
- The Commission agreed to require them to re-notify all abutters once we confirm that they want to attend the last meeting in June.
- Continue until June 23, 2021 at 8 pm and they are to re-notify all abutters.
- Trisha to contact Byron Andrews to notify him of date and need to notify all abutters.

### **8:30 NOI Cobbler's Creek (Lobisser)**

- Continued until to June 23, 2021 at 7:30PM.

### **Other Business**

- Marcella to prepare mosquito control committee mission statement to propose to the Selectmen.

### **Next Meeting (June 9, 2021)**

**9:30** Marcella Stasa made a motion to adjourn. Sandy Lajoie seconded the motion. Motion was approved by unanimous voice vote.

### **Minutes approved on: June 23, 2021 (remote meeting)**

*Chris Scott*

*Mike Penko*

*Scott Heim*

*Tom Jango*

*Sandy Lajoie*

*Alan Miano*

*Marcella Stasa*



# TOWN OF UPTON, MASSACHUSETTS

## Conservation Commission

Meeting Minutes – Wednesday 6/9/2021 -- Remote Meeting (gotomeeting.com)

To: Members of Upton Conservation Commission  
CC: Kelly McElreath, Town Clerk  
From: Patricia Marvelle, Administrative Assistant

### Members Participating:

Chair: Chris Scott, Vice Chair: Mike Penko

Members: Sandy Lajoie, Alan Miano, Tom Jango, Scott Heim and Marcella Stasa

Absent: None

Agent: Dave Pickart

Associate Member: Mary Overholt

Visitors: Paul Flaherty, Bill Sylvia, Chelsea Christenson, Steve Kirby, Nate Burgess, Peter Turowski and James Brochu

### 7:00 Remote Meeting Opened

Dave read following statement:

*Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor's March 15, 2020 Order concerning imposition on strict limitations on the number of people that may gather in one place, meetings in the Town of Upton are being conducted via remote participation to the greatest extent possible. No in-person attendance of members of the public will be permitted, but every effort will be made to ensure that the public can adequately access the proceedings as provided for in the Order.*

### Agent Report

- Dave showed a draft letter to owners of property on Westboro Road that abuts town land where trees are being cut. He wants to get permission from the Commission to authorize Trisha to sign on Chris's behalf so it can be mailed out. Chris gave the authorization for Trisha to sign on her behalf.
- Scott Heim made a motion to approve the letter. Mike Penko seconded the motion. Motion passed by unanimous roll call voice vote. Sandy Lajoie did not vote on this motion.
- Copy of a report for consultant for the subdivision on the Macdonald property and a copy of an inspection of a possible vernal pool. Dave doesn't feel comfortable in not calling it a vernal pool. Owner reached out and stated he doesn't agree with him and Dave advised him that he can discuss it with the Commission at a meeting. Dave stated he might be coming before them at the July 14<sup>th</sup> meeting to discuss it further. Mike and Scott think it might be a vernal pool and they agree they could continue the study until next year if need be to review it further.
- Issue with certificate of vote recorded. Some of the documents that rely on the certificate are causing people to have trouble getting them recorded. Dave suggested that as permits are completed, Commission members come to Town Clerk's office to sign them. Commission agreed that was okay.
- Feedback from Town Planner on whether or not open space Colonial Drive (Kenneth Village) is a private conservation restriction. They are asking that the ownership/responsibility become the Commission's. He reviewed the information and he said there is nothing that would preclude that

from happening. Dave wants to know how to respond. Mike stated absolutely not, CR cannot be transferred to owner of property, it cannot be held by same person. Commission holds CR and the town cannot own the property and the CR; it would not be approved by the State. Dave stated this all came about as a result of a tree on the CR fell on a neighbor's property and they had to pay for tree to be cut down and they stacked the wood on the CR and they feel the Town should take care of it. A third party would need to own the property or hold CR and Mike feels the Commission should just tell them no. Mike stated he thinks maybe Lobisser still owns the open space based on the Assessors on-line property card. Dave will follow up. Mike feels that it would be costly because of legal fees for the Town to take over it and he doesn't feel that the Commission should pursue it.

- The permit for Upton Ridge has expired but is still valid due to the Covid emergency so the Commission can vote to issue the extension to the permit that was requested.
- Scott Heim made a motion to vote for an extension on DEP # 311-0728. Marcella Stasa seconded the motion. Motion passed by unanimous roll call voice vote. Sandy Lajoie was not present to vote on this motion. Extension to be signed by Commission members.
- Dave stated he is looking for comments on the draft he is developing for the restrictions for 126 Elm Street that will be sent to the attorney for the signing and recording once finalized. Dave to send as word file so they can edit.
- Chris to speak with Derek in regards to how the meetings will be held after June 15<sup>th</sup> as the State Covid meeting rules are changing and remote meetings will no longer be held. Meeting will need to be in-person as of right now but could be changed again as it is in the committee with the State and hasn't been finalized yet. Chris to advise after speaking with Derek and before next meeting as to whether or not it will be a live meeting for June 23, 2021 or remote.

## **Administrative Report**

### **Expense Vouchers**

- Trisha explained there were three bills for KP Law in the amount of \$288.00 total.
- Marcella Stasa made a motion to pay the bill for KP Law. Scott Heim seconded the motion. Motion passed by unanimous roll call voice vote. Sandra Lajoie was not present to vote.
- Bill stated he has invoice for Guerriere and Halnon for \$15,900. 90% of cost for boundary survey, prepare recordable plan and set monumentation for the Kelly parcels and will be paid by the Community Preservation Act Funds. Bill feels it is the Commission's responsibility to authorize payment.
- Mike Penko made a motion to pay the bill for Guerriere and Halnon. Marcella Stasa seconded the motion. Motion passed by unanimous roll call voice vote. Sandra Lajoie was not present to vote.

### **Financials**

- Budget numbers were reviewed.
- Discussion regarding cost of legal ad fees and how to reduce the amount we pay verses what we charge. Commission agreed that combining hearings into one ad for a meeting scheduled would be a cheaper way to run the ad and they will try that and see how it works out. If not, they will revisit.
- Marcella Stasa made a motion to have Trisha put all hearing notices in one ad submitted at the deadline to conserve costs for legal ads. Scott Heim seconded the motion. Motion passed by unanimous roll call voice vote.
- Mike suggested that they hire Ted Elliman to do a report for them at Forest Heights. Mike suggested they hire him for a day at \$600/day. Not sure if Ted would be interested but if Commission is interested he will pursue it. Not sure if he has insurance.
- Marcella Stasa made a motion to hire Ted for a one-day vegetation survey to be done before the end of the fiscal year at a cost of \$600. Mike Penko seconded the motion. The motion was approved by unanimous roll call voice vote.



- Mike still needs to spend approximately \$300 at Staples for OSRP copies that the Commission approved at previous meeting.
- Marcella Stasa made a motion to approve the expenditure of up to \$3,000 for the Land Stewardship Committee for materials. Mike Penko seconded the motion. Motion passed by unanimous roll call voice vote.

#### **Website**

- Nothing

#### **Open Space Committee – Bill Taylor**

- Kelly properties are closing in- the next three weeks and Commission needs to sign the deed for Town-owned parcels.
- P&S extended to July 28<sup>th</sup> for the surveyor to complete the work on Williams Street. The expense will be paid from the Conservation Fund.

#### **Land Stewardship Committee**

- Marcella working on draft letter to Derek Brindisi regarding having a Police presence at Peppercorn Hill. Wants Commission to give her input to what should be included. Marcella was also looking for suggestions on how they should proceed to deal with this issue because she is receiving ongoing complaints regarding, trash, the boat, vehicle use, fires and drinking happening. Milford needs to be onboard with this. The boat is on the Town of Milford property, not Upton. Not sure how to communicate with Milford and who should be dealing with Milford regarding these issues. Would like to have a police detail there every Saturday for two months, amount of hours maybe 4-6 hours in the afternoon/evening to inform public of proper use and regulations.
- Mike stated he had spoken with Mike Dean from Milford but he had not received any answer as of yet. He will follow up with him.
- Mike suggested sending the Milford Conservation Commission a letter. It was suggested that they contact the Milford Conservation Commission to see what regulations they have in place to deal with this situation. Land Stewardship to send letter to Milford. Draft of letter to reviewed at next Conservation meeting. Marcella to have a work day set to clean up trash soon.
- Chris stated she Environmental Police will be looking at the boat issue but has not received anything yet regarding it.

#### **New Items:**

##### **End of the Fiscal Year Expenses**

- Chris suggested that stamps be purchased to use up some of the funds in this fiscal year.
- Half of Dave's salary needs to be charge to Northbridge before the end of the fiscal year.
- Chris good \$55 for an Umass extension program on mosquito spraying.

#### **On-Going Items:**

##### **Erosion control policies**

- Nothing new.

##### **Permitting process discussion**

- Nothing new.

##### **Railroad**

- Nothing new.

### **Rockwood Meadows Baseline Study**

- Nothing new.

### **Forestry**

- Nothing new.

### **Open Space BOS Insurance**

- Can be removed.

### **MVP Wetlands By-Law**

- Mike sent around a marked-up Upton draft wetland regulations for climate resiliency and stated that the Commission might want to make other changes.
- Dave has file that addresses a lot of problem areas in By-laws and he can merge his changes with Mike's and then send out to Commission to review.

### **Potential Land Acquisition – Lake Wildwood parcel and island**

- Nothing new.

### **Violation North Street near Westborough town line tree cutting on town-owned land**

- Did site visit and letter to address that issue.

### **Draft new NHESP Atlas comment period**

- Mike stated nothing yet. Marbled salamander habitat off of North Street has been delisted (the last report was more than 25 years ago). Mike pointed out that he is an abutter and also believes the Conservation Commission is an abutter. No comments proposed.

### **Naming of Peppercorn Parcels**

- Mike provided a copy of the email received from the Grafton Nipmucs. The tribe did not have a name to propose and asked that Upton not use an Indian name without their permission. Tribe might reconsider if given permission to collect medicinal plants and hold ceremony on the property.
- Commission has some questions as to the conditions and type of ceremonies to be held at that site. More information regarding this is needed. Commission agreed that they should be required to request approval if they want to hold a ceremony just like any other entity would need to request an event.
- Mike to draft a letter as a response to them. More information on ceremonies needed. Letter to be reviewed at next meeting in response to their email asking for more information and see what happens after that. More information is needed and discuss it further with them.
- Name of other two parcels in baseline report by SVT needs to be decided on by the next meeting. Mike suggested parcel 17-26 be named the Kelly Conservation Area and parcel 17-29 after Francis Walleston. The Metacomet parcel is named after Donald Kerr and his wife Anne.
- A motion to sign the baseline report affidavit for the Metacomet parcel is needed because town is one of the grantees. Chris to sign.
- Mike Penko made a motion to authorize Chris Scott to sign the baseline report affidavit for the Metacomet property Kelly 17-28 being prepared by SVT. Marcella Stasa seconded the motion. Motion passed by majority voice vote. Chris Scott and Mike Penko abstained.
- Bill stated the deed for the three Kelly parcels will be signed by Board of Selectmen on 6/15 and the signature page can be signed by Conservation Commission. It accepts the three parcels of land off of East Street. Commission members will need to sign the deed.
- Mike Penko made the motion to sign the deed for the three Kelly parcels that require signatures of the Conservation Commission. Motion was seconded by Marcella Stasa. Motion passed with unanimous

roll call voice vote.

- Signatures needed from the Commission for the deed and a signature page for CR will be at the Town Hall.
- Marcella Stasa made a motion to name the Kelly Family Conservation Area (17-26) and the Francis Walleston Conservation Area(17-29). Scott Heim seconded the motion. Motion passed by roll call unanimous voice vote.
- Third parcel to be named at a later date.

#### **Other Business**

- Scott stated he is opting not be to reappointed to the Commission later this month so that he can travel more. Everyone thanked for his service and expertise and wished Scott well.

#### **Approve & Sign Documents**

#### **Meeting Minutes**

- Minutes will be approved at next meeting.

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

##### **7:00 NOI (con't) Community Center – Nitsch Engineering**

Steven Kirby, Chelsea Christenson– Nitsch, Nate Burgess, Peter Turowski – T2 architects and James Brochu, Paul Flaherty Bill Sylvia

- DEP # 311-0784
- Chelsea talked about proposed mitigation/degraded area. 4,790 square feet is size of that area. 12' feet at 0 Grove Street is around 2,246 square feet and the balance of 2,544 square feet will be at 2 and 6 Main Street.
- Dave stated there was sufficient separation from infiltration area and it was covered previously in an earlier period. The amount of mitigation onsite off-site is 2 to 1 verses 1 to 1 and Commission agreed that mitigation is part of the overall development of Main Street area.
- Dave's recommendation is NOI be revised to include the addresses/parcel numbers of all the properties that the work is done on.
- Dave added in order to close, conditions added require a more formal restoration plan and need to be approved by the Commission prior to the start of work. They could work with DPW to do a site restoration plan. Jim stated that if the DPW could do it within the Town, it would lower the cost t but it is in their budget if necessary. Steve Kirby stated actual materials would be provided by through the project funding and the labor and bobcat would be DPW and the rest is project funded.
- Timeline details could be added to conditions.
- Tom asked if done by DPW, if plantings fail, who would be responsible. It was determined the Town would be liable. 90% of planted species must survive after a 2 year monitoring period guaranteed usually by whoever they are purchased from. DPW did invasive plant removal at library already and he feels they could do what he envisions for the final restoration. Jim stated he will work with the DPW to make sure of the success of the mitigation. Chelsea stated they are the one who submitted the planting plan already, materials to be included in the cost and if they are installed by anyone other than DPW they will need to include them. Nate reviewed plan for what is being suggested in the areas. Chelsea stated that no final planting plans for other areas are done at this point. DPW to install and if they are going to be purchased by project they should include in the plan. Steve stated the plan will be provided for mitigation areas for the DPW to follow. It is part of the design work. Dave can provide recommendations but it is unusual for order to be issued without the final mitigation plan. Mike asked for restoration plan for the next meeting. Draft orders of conditions is usually sent to the applicant prior to the hearing being closed. If the hearing is closed, it would end the discussion. Jim stated he

has no problem but he hoped that it would be bringing closure and it would keep project from moving forward and asked when closure would be expected. Steve state he would like to review the order of conditions before the hearing is closed in case there are questions.

- Dave stated that the DEP # was just received a few hours prior to the meeting and the comments would be need to be reviewed.
- Dave to provide Chelsea with NearNap imagery to be able to measure better for square footage needs.
- Jim asked to continue to 6/23 at 7PM.
- Draft order of conditions from Dave by the end of next week at the latest.
- Marcella Stasa made a motion to continue the hearing until June 23, 2021 at 7PM. Tom Jango seconded the motion. Motion passed by unanimous roll call voice vote. Sandy Lajoie was not present to vote on this.

**7:15 (con't) Pratt and Taft Ponds Aquatic Weed Control (Upton DPW)**

- Bill stated no DEP # has been issued and he asked to continue hearing until next meeting.
- Marcella Stasa made a motion to continue the hearing until 7:30PM on June 23, 2021. Mike Penko seconded the motion. Motion passed by unanimous roll call voice vote. Sandy Lajoie was not present to vote on this.

**Next Meeting (June 23, 2021)**

**9:20** Marcella Stasa made a motion to adjourn. Sandy Lajoie seconded the motion. Motion was approved by unanimous voice vote.

**Minutes approved on: June 23, 2021 (remote meeting)**

<i>Chris Scott</i>	<i>Mike Penko</i>
<i>Marcella Stasa</i>	<i>Tom Jango</i>
<i>Sandy Lajoie</i>	<i>Alan Miano</i>

seconded the motion. Motion passed by unanimous voice vote.

- Marcella Stasa made a motion to issue Fowler Street Bridge project a partial Certificate of Compliance. Motion was seconded by Scott Heim. Motion passed by unanimous voice vote.
- Dave stated he will be on vacation from June 28, 2021 to July 12, 2021.

## **Administrative Report**

### **Expense Vouchers**

Trisha reviewed the bill for Gatehouse Media in the amount of \$211.56.

Chris Scott made a motion to pay the bill. Sandy Lajoie seconded the motion. Motion passed by unanimous voice vote.

### **Financials Reviewed**

- Financials were briefly reviewed, no changes from previous month in expenses.

### **Website**

- Up-to-date but still missing old open space photos.

### **Open Space Committee**

- Peppercorn is moving along, closing dates moved out a couple weeks.
- Mike stated they are still working on the baseline report. Mike will distribute the next version. Mike will send current link so Commission can look at the document that is in progress. Language regarding creating and enhancing vistas and he wanted to run it by them. Bill read the revision suggested regarding vistas. Wording was taken from SVT CR by Bill. Commission suggested include canopy cover in wording.
- Surveyor hired for Williams Street property.
- Talked to Christine Berry for DCR and the Town would be getting notice of them acquiring the Brown property and they wanted to get the notice done because of 60 day notice requirement.
- Mike stated the CR for Metacomet parcel is ready for Commission's signature. Denise Smith will have signature page and it needs to be signed by June 2<sup>nd</sup>.

### **Land Stewardship Committee**

- Marcella stated the new boardwalks are done at Rockwood Meadows.
- Marcella stated that there is a boat located up against the bridge where the trail is that the horses will be using and that boat will need to be removed/moved prior to that date. After discussion, Chris to contact authorities. Mike had pictures of the boat with the registration number. Chris to follow-up on and see what can be done with getting the boat removed.

### **New Items:**

#### **Dumping on Knowlton-Risteen Property**

- Bill to ask DPW to remove what is on the property.

#### **Draft new NHESP Atlas comment period**

- Nothing yet.

### **22 Walnut Street**

- Dave reached out and told owner that the Commission would require an application and a few

Commissioners expressed concerns and probably not approve the request.

**Naming of Peppercorn Parcels**

- No response from Grafton Nipmuc tribe regarding a name for parcel 17-31. None suggested by Commission.
- SVT asked if ConCom has names for the three parcels. Names need to be voted on if they want to get in into the baseline report.

**On-Going Items:**

**Erosion control policies**

- Nothing new.

**Permitting process discussion**

- Nothing new.

**Railroad**

- Nothing new.

**Rockwood Meadows Baseline Study**

- Nothing new.

**Preserve at Dean Pond Open Space Parcel**

- Nothing new.

**Administrative Assistant and Conservation Commission Office Reference Manual**

- Nothing new.

**Frisbee/Disc Golf**

- Nothing new. Can be removed.

**Drone Imagery**

- Nothing new. Can be removed.

**Forestry**

- Nothing new.

**Open Space BOS Insurance**

- Nothing new.

**MVP Wetlands By-Law**

- Mike working on By-law and will have for next meeting.
- Listening session at 7pm on Thursday. Need to RSVP to get log in information sent to you.

**Potential Land Acquisition – Like Wildwood parcel and island**

- Nothing new.

**Violation North Street near Westborough town line tree cutting on town-owned land**

- Site visit tomorrow.

## **Site Visits:**

### **Mobility policy**

- Marcella sent edited version of the Mass Audubon's policy regarding mobility vehicles for trail use to each Commission member. Marcella asked if anyone had anything to add.
- Commission agreed that Town Counsel should be asked to review document to make sure they have no legal issues with the wording.
- Dave suggested that it also be reviewed by the Town's Disability Committee and get their comments/suggestions.

## **Approve and Sign Documents**

### **Meeting Minutes**

- Mike suggested some amendments.
- Marcella Stasa made a motion to accept the minutes for the April 28, 2021 meeting, as amended. Chris Scott seconded for 4/28 meeting. Motion passed by unanimous voice vote.
- Scott Heim made a motion to accept the minutes for the May 12, 2021 meeting, as amended. Sandy Lajoie seconded the motion. Motion passed with majority vote. Tom Jango abstained from voting.

## **AGENDA ITEMS/HEARINGS**

### **7:00 RDA Grafton Upton Railroad vegetation management**

Tom Lewis represented the applicant.

- Trisha read the public hearing notice.
- Tom gave a brief overview of the project. Tom stated the railroads need a new vegetation management plan, the last one expired at end of last year and they are good for five years. They need boundary delineation for the resource area from the local municipality. Went out in March and adjusted one location and extended the no spray area around mile post 10 and nothing else was changed.
- Process was done five years ago and includes comprehensive regulations for applying herbicides for vegetation along the right-of-ways. DEP has said if they have been done according to guidelines it should have no effects on the resource area, 10 foot off center line but no closer than 10 feet to buffer zone. Done once a year, shown in teal color on the plan.
- In center recharge zone no spray zone and limited spray zone where work is closer to actual resource and close to zone 2 public water supply and spray and can be done every two years. A few changes but it is in order and recommends issuance of determination of a negative three for work in buffer zone and a negative five for maintenance in riverfront area is exempt and a positive 2 with note that it applies to only vegetation within in the right-of-way. A negative 6 applies, By-Law does not apply to this.
- Commission agreed no site visit required.
- Tom Lewis asked to close the hearing.
- Tom Jango made a motion to issue RDA for a negative 3, negative 5, positive 2 and negative 6 for By-Law. Scott Heim seconded the motion. Mike asked if area near Lake Wildwood for a no spray zone is it mechanical removal instead of spray. Tom stated he is not sure what they do for mechanical cutting. Tom stated different areas get treated different ways. Depends on the area and how they are handled. If they cannot spray on track bed they usually just let it grow. Motion passed with majority roll call vote to approve, Mike Penko voted against.

### **7:15 NOI (con't) Community Center – Nitsch Engineering**

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- Chelsea did a brief overview of the project and explained the design. Native vegetation on lower level of the nature playground. Moved level spreader back to property line more and beyond fence. Adjusted the building to push the mechanical utilities on the top of the slope. Degraded areas were reviewed. Total mitigation area is 4,790 square feet. Discussed mitigation on property near the site and has been extended to the property across the street on the Town owned properties. Mitigation area still to be worked out. Dave walked the area with the design team and Derek. Derek had concerns with the width of the Thompson site. A wider buffer on the gravel parking area would not be suitable for future development. Town might sell 2 and 0 Grove Street with consideration that some parking may be needed. Dave suggest using the property that had the house and they could do something with that to control the bad vegetation and replace them with good vegetation and a longer reach of the brook being restored instead of just one corner. All downslope of retaining walls.
- Jim stated Derek is happy with the size of the mitigation area that is on the Grove Street parcel now.
- Plan is removing invasive plants along the brook and treating with herbicides, scarifying and adding topsoil and planting various types of trees and seed mixes.
- No DEP # as of yet. Jim Brochu to follow-up on.
- Mike stated he would like to see a larger strip on the town lot side – 12-15 feet. 15 feet on Thompson side. Dave stated Derek and Steve thought that 12.5 feet would be adequate. Dave also stated that they were discussing issuing an order with the requirement that the mitigation/restoration plan be developed and submitted and approved prior to the start of construction. Maybe have DPW assist with restoration process to save some money and have Dave and Commission be the oversight of the project. After discussion, it was agreed to go with a 12 foot mitigation area at 0 Grove Street and that would be presented at next meeting.
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- Hearing continued to 7 P.M. on June 9, 2021.

### **7:45 Various Water Bodies Aquatic Weed Control (Upton DPW)**

Colin Gosselin, Bill Taylor were present to speak.

- Trisha read the public hearing notice for Pratt and Taft ponds.
- Bill has all green cards and intent for notice of intent was filed as required.
- No DEP # yet.
- Colin described what was going to be done. Showed Pratt Pond and stated typically every year before summer they treat the pond with herbicide and shut down the pond for one day and treat the weeds. Contact herbicides provide year-long control.
- No flow restricted downstream at Pratt Pond dam.
- Colin stated Taft pond is different. No invasives, it is a shallow pond. In summer the water becomes stagnant and forms algae nuisance and they apply herbicide and lower pond and time release formulation to keep the pond flowing. Not treated every year.
- Would like to it in early June for treatments.
- Hearing continued until the next meeting at 7:15PM on June 9, 2021.
- Mike asked about what the plan is for Lake Wildwood. Will be handled separately. It is in national heritage and they have a 30 day appeal process and they have not heard back from them and they are coming up on 30 days. Bill stated if they can do it within the next week, 3-4 business days, they might be able to get it in for the next meeting. Controlling issues is the MESA review. Small section of Lake Wildwood is in Grafton, not more than 4,000 square feet, and it there are stone markers that point into the lake and Bill will notify Grafton and asked them what they think. Chris thinks they should file with both towns.



### **8:00 NOI (cont) East Street Estates (Afonso)**

No one was present to speak.

- Dave stated they had asked for a continuance from Planning Board until the last meeting in June so he was recommending they continued it until the last meeting in June.
- Trisha try to contact Jude Gauvin via email and phone to see if they would be attending and no response. Company is being possibly taken over and it might have gotten overlooked.
- Mike suggested when they update the regulations/price sheet that they have a fine or payment for applicant that repeatedly does not let us know they won't be attending. Policy is 48 hours notice now.
- The Commission agreed to require them to re-notify all abutters once we confirm that they want to attend the last meeting in June.
- Continue until June 23, 2021 at 8 pm and they are to re-notify all abutters.
- Trisha to contact Byron Andrews to notify him of date and need to notify all abutters.

### **8:30 NOI Cobbler's Creek (Lobisser)**

- Continued until to June 23, 2021 at 7:30PM.

### **Other Business**

- Marcella to prepare mosquito control committee mission statement to propose to the Selectmen.

### **Next Meeting (June 9, 2021)**

**9:30** Marcella Stasa made a motion to adjourn. Sandy Lajoie seconded the motion. Motion was approved by unanimous voice vote.

### **Minutes approved on: June 23, 2021 (remote meeting)**

<i>Chris Scott</i>	<i>Mike Penko</i>
<i>Scott Heim</i>	<i>Tom Jango</i>
<i>Sandy Lajoie</i>	<i>Alan Miano</i>
<i>Marcella Stasa</i>	



# TOWN OF UPTON, MASSACHUSETTS

## Conservation Commission

Meeting Minutes – Wednesday 6/23/2021 -- Remote Meeting (gotomeeting.com)

To: Members of Upton Conservation Commission  
CC: Kelly McElreath, Town Clerk  
From: Mike Penko

### Members Participating:

Chair: Chris Scott, Vice Chair: Mike Penko

Members: Sandy Lajoie, Alan Miano, Tom Jango, and Marcella Stasa

Absent: None

Agent: Dave Pickart

Admin: Trisha Marvelle

Associate Member: David Szczebak

Visitors: Denise Smith, Bill Taylor, James Brochu, Paul Flaherty, Chelsea Christenson, Peter Turowski

### 7:00 Remote Meeting Opened

Dave read following statement:

*Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor's March 15, 2020 Order concerning imposition on strict limitations on the number of people that may gather in one place, meetings in the Town of Upton are being conducted via remote participation to the greatest extent possible. No in-person attendance of members of the public will be permitted, but every effort will be made to ensure that the public can adequately access the proceedings as provided for in the Order.*

### AGENT REPORT

- Written report submitted to commission with meeting packet.
- Draft 126 Elm St. deed restriction received and to be discussed during next meeting.
- Request received for COC for 95 Taft St. Motion to issue COC. Approved by unanimous roll call vote.
- Owner of 306 Westborough Rd. denies cutting trees on adjacent town property.

### ADMINISTRATIVE REPORT

- Motion to pay miscellaneous bills (\$434.75 from general ConCom funds) and \$210 from Kelly CPA account. Seconded and approved by majority vote. MP abstained.
- Add Dave S. to MACC membership (FY 2022 budget).
- Patricia ordered office supplies from WB Mason. Motion to pay invoice seconded and approved by unanimous voice vote.

### FINANCIALS

- MS to purchase \$3000 in lumber from Koopmans for LSC with FY 2021 funds.
- ConCom no longer charged per page fee for printing on Town Hall printers.
- Motion to authorize Chris to sign any unanticipated vouchers before end of FY, seconded and

approved by unanimous voice vote.

#### **WEBSITE**

- Updates to membership discussed.

#### **OPEN SPACE COMMITTEE – BILL TAYLOR**

- Kelly purchase scheduled to close next week.
- Lake Wildwood parcel has 8 ft. of frontage on Williams St.
- No update on Henderson parcel off Mechanic St.

#### **LAND STEWARDSHIP COMMITTEE – MARCELLA STASA**

- Boat cleanup conducted by volunteers (the abandoned boat was filled with beer cans and other trash and on Milford Conservation land, near the Mill River).
- Packet includes draft letters to Milford ConCom and Upton Police (through Derek) regarding issues at or near Peppercorn. Motion to send letter, as amended, to Derek. Seconded and approved by unanimous voice vote. Motion to send letter to Milford ConCom. Seconded and approved by unanimous voice vote.
- Report of stack of firewood at one of the “party” spots at Peppercorn (fire risk).

#### **NEW ITEMS**

- Welcome David, new associate member!
- Begin thinking about 2022 budget request.
- Possible of CPA funds to hire contractor to prepare catch-up baseline reports for 5 CRs held by the Commission. Cost estimate ca. 25-30 K. Rockwood Meadow baseline RRP received only one bid last year and a contract was not awarded. Motion to discuss funding baseline reports with CPA committee. Seconded and approved by unanimous voice vote.
- Office files: No space for an additional file cabinet in the ConCom office or in Code Enforcement. NOI Filings from ca. 0 -250 and some open space files are archived in the ground floor storage room.
- FOB on key ring in office provides access to room with color printer.
- LSC is preparing an RDA for Robertson property kiosk and boardwalk.

#### **ON-GOING ITEMS**

##### **Forest Heights**

- Meeting with Derek (town manager), Christa Collins (SVT), and others scheduled for later in the week.

##### **Erosion control policies**

- Nothing new.

##### **Permitting process discussion**

- Nothing new.

##### **MVP**

- Draft of revised wetland bylaw regulations submitted to MVP program.

##### **Peppercorn Hill Parcel (17-31) Name**

- Motion to send email to Grafton Nipmucs, seconded and approved by unanimous voice vote.

##### **Railroad**

- Status of Corps permit? Dave to inquire.

#### **Comments of draft NHESP Habitat Maps (loss of marbled salamander polygon off North Street)**

- None proposed.
- Consider asking owner of North Street vernal pools which provide marbled salamander breeding habitat to allow survey. Reach out to NHESP biologist, Mike Jones.

#### **Mobility Policy**

- No comments received from Disability Commission.

#### **APPROVE & SIGN DOCUMENTS**

#### **MEETING MINUTES**

- Motion to accept minutes for May 26 and June 9, with revisions, seconded and approved by unanimous voice vote.

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

##### **7:00 Community Center Nitsch Engineering (cont).**

- Draft Order of Conditions and Mitigation Plan discussed (Peter T.).
- 4781 sf. mitigation provided along center brook with boundary markers proposed.
- 100% tree survival required.
- Responses to DEP comments provided to Commission.
- No comments on second draft of OOC.
- Motion to close hearing seconded and approved by unanimous voice vote.

##### **7:30 Pratt and Taft Pond Aquatic Weed Control (Upton DPW, Bill Taylor)**

- DEP has issued a file number (311-0785)
- Motion to close hearing seconded and approved by unanimous roll call vote.
- Work can begin (legally) 10 days after OOC is issued.
- NOI for Lake Wildwood expected to be on July 14 meeting agenda.

##### **8:00 NOI Cobbler's Creek (Kevin Lobisser with Mark Allen and Mike Dryden)**

- Public Notice read and hearing opened for proposed Senior Living development off North St. and Eames Lane.
- Property abuts Upton State Forest.
- 59 two bedroom units with stand alone clubhouse and community well.
- Access via existing driveway to abandoned single family home.
- Proposed road to be 26 ft. wide. Wetland crossing required; < 5,000 sf.
- Layout generally respects wetland and vernal pool setbacks.
- 100 ft. no disturb buffer adjacent to existing residential development.
- 35% preserved as open space with public parking area and trail access to Upton State Forest.
- Potential wetland replication areas identified.
- DEP file number and comments not available.
- Dave P. reviewed agent comments.
- Alteration of bank triggers need for Wildlife Habitat Evaluation.
- Request to stake location of wetland replication areas and centerline of road crossing.
- One proposed unit and well house are within 50 ft. no-build zone protected by the bylaw, a stormwater outfall is within 30 ft. vernal pool no disturb zone.
- Open space to be owned by home owners association, with CR to be held by second party.
- Water supply system requires DEP permit; pump testing planned. Access road to well site has been cleared but

is without erosion controls. Clearing and soil disturbance for access road exceed work described in previous RFD.

- Clearing for access road is less than 1 acre (NPDES stormwater permit threshold) according to applicant.
- All green cards received.
- Baseline report should be required for the CR.
- Request to avoid using catch basins north of large vernal pool. Applicant will consider request.
- Buffer and open space will be included in the CR; a plan is needed for CR bounds.
- Applicant intends to protect existing stone walls and reuse stone on site ASAP.
- Abutter (Pamela) concerned about proximity of development to her property and loss of vegetation and habitat.
- Hearing continued until 7:30 pm on July 14.

**9:25** Motion to adjourn seconded and approved by unanimous voice vote.

#### MEETING DOCUMENT LIST

- Meeting packet.
- 126 Elm St. deed restriction.
- Cobbler's Creek plans and Upton ConCom agent comments.
- Draft letters Milford ConCom and Upton Police (through Derek)
- email to Grafton Nipmucs regarding naming of Peppercorn Hill parcel.

**Minutes approved on: September 8, 2021 (remote meeting)**

*Chris Scott*

*Mary Overholt*

*Sandy Lajoie*

*Marcella Stasa*

*Mike Penko*

*Tom Jango*

*Alan Miano*



# TOWN OF UPTON, MASSACHUSETTS

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## Conservation Commission

Meeting Minutes – Wednesday 7/28/2021 -- Remote Meeting (gotomeeting.com)

To: Members of Upton Conservation Commission  
CC: Kelly McElreath, Town Clerk  
From: Mike Penko

### **Members Participating:**

Chair: Chris Scott, Vice Chair: Mike Penko

Members: Sandy Lajoie, Alan Miano, Tom Jango, Mary Overholt, and Marcella Stasa

Absent: None

Agent: Dave Pickart

Associate Member: David Szczebak

Visitors: Bill Taylor, Dennis Westgate, Edward Phillips, Erin and Jason Shewdy, Colin Gosselin, Trent Jarvis, Gary Strycharz, Linea Louf, Joyce Heywood, Peter and Onalie Arts, Matt Bartlett, Russ Wood

### **7:00 Remote Meeting Opened**

#### **AGENT REPORT**

- No written report.
- Patricia out on medical leave until at least next week.

#### **ADMINISTRATIVE REPORT**

- No update.

#### **FINANCIALS**

- See Open Space discussion.

#### **WEBSITE**

- No updates.

#### **OPEN SPACE COMMITTEE – BILL TAYLOR**

- Peppercorn Hill (Kelly) acquisition: Invoice (\$11,600) received from SVT for cost of baseline survey, conservation restriction endowment, and Phase 1 environmental report. Motion to pay invoice from the project CPA account by MS, seconded by AM, and approved by unanimous voice vote.
- Williams Street (Lake Wildwood) acquisition closes tomorrow.
- Preserve at Dean Pond: Working on deed with applicant's attorney (Steven Greenwald).

#### **Land Stewardship Committee – Marcella Stasa**

- Volunteers are working to control oriental knotweed and other invasives at Heritage Park, some invasives are near brook. Permit status?
- Stefans Farm – water line and faucet has been installed.

## **ON-GOING ITEMS**

### **Erosion control policies**

- Nothing new.

### **Permitting process discussion**

- Nothing new.

### **Rockwood Meadows Baseline Report**

- Nothing new.

### **Railroad**

- Nothing new.

### **Mobility Policy**

- Nothing new.

### **FY 2022 Budget**

- Nothing new

### **Letter to Milford ConCom**

- No response so far.

### **Using CPA Funds for Catch-up Baseline Documentation Reports (BDRs)**

- Nothing new.

## **NEW ITEMS/OTHER BUSINESS**

### **Office Reorganizations/Records Management Policy**

- Dave is sorting and filing.
- Review draft records management policy for discussion at next meeting.

### **Zoom Meetings**

- Consensus is to continue remote meetings instead of in-person or hybrid meetings.

### **Rockwood Meadows – Paint Dumping**

- Paint confirmed to be latex based, no further concerns.

### **Unity Landscaping**

- The company may be using stream water from Town Hall Brook to wash its trucks.

### **Town Center Redevelopment**

- Dave intends to meet with Town Planner regarding possible pedestrian bridge across Center Brook.

### **Heritage Park Invasives Control**

- Dave reports the OOC 2009 OOC expired in 2019.

### **Snowmobiling on Town Conservation Land**

- Tom has reached out to a local snowmobiling club.

## **APPROVE & SIGN DOCUMENTS**

### **2 Claflin Farm Road (311-0787)**

- Motion to issue OOC by MP, seconded by TG, approved by unanimous vote.

### **126 Elm Deed Restriction**

- Motion to forward draft restriction to Town Counsel for review by MS, seconded by SL, approved by unanimous vote.

## **MEETING MINUTES**

- None available for review/approval.

## **AGENDA ITEMS/HEARINGS**

### **7:00 NOI (cont) Aquatic Weed Control Lake Wildwood (Upton DPW, D. Westgate/B.Taylor/C. Gosselin)**

- A small part of Lake Wildwood is in Grafton. BT contacted Grafton ConCom and was told no filing is required in Grafton.
- Herbicide to be applied by Water and Wetland LLC (CG representing).
- CG: Work has NHESP approval; species of concern – primarily fanwort, with some variable milfoil and water chestnut; CLIPPER will be applied in 2021 (contact herbicide), in future years SONAR would be used to provide longer term (2-3 years) systemic control.
- DEP file number 311-0793.
- Preferred control window for CLIPPER is late June – early July.
- Gary Strycharz and Linea Louf (9 Wildwood Drive) asked about herbicide toxicity – CG stated herbicide is fairly specific to fanwort with some impact to water lily. Info about herbicide to be posted on town website.
- Joyce Heywood: Treatment of Lake Wildwood should be part of DPW program. DW - Wildwood will be included in DPW program/funding requests in future years.
- MP asked if outflow from Lake Wildwood would need to be reduced during treatment; answer: not this year but required for SONAR application in future years.
- MP asked about timing of 2021 treatment: answer, one week for recreational benefits to occur.
- Cost for 2021 application is \$3,500.
- BT asked if ConCom could issue an approval without DPW file number. DP indicated this was not recommended.

### **7:15 RDA 21 Shore Drive (Trent Jarvis)**

- Request to install traditional Finish sauna in within 8 ft. of BVW.
- 11 x 22 ft. footprint, wooden construction, no foundation, one pine tree in poor condition would be removed.
- The lot is not subject to the Bylaw.
- Motion to issue negative determination by MP, seconded by MS, approved by unanimous vote.

### **7:30 RDA Maplewood Cemetery Stone Work Near Ponds. 21 Shore Drive (Phillips and Wood)**

- Request to restore historic stonework in three locations: culvert capstone, sluice way from upper to middle pond, hand pump along edge of middle pond.
- Motion to issue negative determination by TG, seconded by MS, approved by unanimous vote.

### **7:45 NOI 0 Mendon St. Shared Driveway and New Homes (Seiber)**



- DEP File Number 311-0789 and 311-0786
- Applicant requested continuation of public hearing until August 11.
- Brief recap of site visit for ConCom members who did not attend.

**8:00 84 Mendon Enforcement Order (Erin and Jason Sheedy)**

- The Sheedy's hired a landscaper (Bartlett Brothers) to clear brush in a large area within Center Brook 100 ft. riverfront area. Much of the clearing was done on the adjacent lot (78 Mendon) which spans both sides of Center Brook.
- Work has stopped and erosion control has been requested by the Commission.
- Bylaw not applicable.
- Owner of abutting property (Onalie Arts) agreed to allow installation of erosion controls. Vegetation cleared had screening value to Onalie.
- Site visit scheduled for Saturday July 31 at 9 am.

**8:35 6 Claflin Farm Road (Lobisser)**

- DEP File No. 311-0790
- Presentation by Karen Keegan representing applicant.
- Motion to close hearing by MP, seconded by MO, approved by unanimous vote.

**8:46 9 Claflin Farm Road (Lobisser)**

- DEP File No. 311-0791
- Karen Keegan representing applicant.
- Motion to close hearing by MO, seconded by MS, approved by unanimous vote.

**8:50 NOI Cobbler's Creek (Lobisser)**

- DEP File number 311-0788
- Michael Dryden representing applicant, provided Planning Board update.
- Wetland replication area discussion – location of the two areas shown on plans have been staked in the field. An alternative replication area near existing house that is disturbed upland should be considered.
- Well access road – Erosion control installed and inspected by Michael Dryden. < 0.5 disturbed to construct access road.
- Wildlife habitat assessment – in progress.
- Open space – intent if for open space to be owned by a homeowners association, with CR held by town.
- Well pump test – Pump testing planned. Applicant plans to add a shallow monitoring well to monitor impact of pump test on nearby wetland.
- An abutter, Pamela Paragrian, requested a copy of the plans.
- Hearing continued until 7:15 on August 11.

**9:50** SL made a motion to adjourn. MS seconded the motion. Motion was approved by unanimous voice vote.

**MEETING DOCUMENT LIST**

- 6 Claflin Road Plan
- Cobblers Creek Plans
- Draft Mobility Policy

**Minutes approved on: October 27, 2021 (remote meeting)**

<i>Chris Scott</i>	<i>Mike Penko</i>
<i>Mary Overholt</i>	<i>Tom Jango</i>
<i>Sandy Lajoie</i>	<i>Alan Miano</i>
<i>Marcella Stasa</i>	



# TOWN OF UPTON, MASSACHUSETTS

## Conservation Commission

Meeting Minutes – Wednesday 8/11/2021 -- Remote Meeting (gotomeeting.com)

To: Members of Upton Conservation Commission  
CC: Kelly McElreath, Town Clerk  
From: Mike Penko

### Members Participating:

Chair: Chris Scott, Vice Chair: Mike Penko

Members: Sandy Lajoie, Alan Miano, Tom Jango, Marcella Stasa and Mary Overholt

Absent: None

Agent: Dave Pickart

Associate Member: David Szczebek

Visitors: Bill Taylor, Pamela Panagian (North Street) and Rand Refigeri (Mendon Street)

### 7:00 Remote Meeting Opened

The meeting was held as scheduled from approximately 7:00 to 9:15 pm. However, the virtual meeting was inadvertently not recorded and no detailed meeting notes were kept. Scheduled hearings:

Hearing	Summary
Aquatic Weed Control Lake Wildwood	Continued hearing opened. No further input/questions from public, Agent or Commissioners. Motion made to close public hearing and issue an OOC. Motion approved by majority vote.
Cobbler's Creek (Lobisser)	Mike Dryden gave an overview of issues discussed at the site visit which several of the Commissioners attended. Commission discussed pros/cons associated with moving Replication Area 1 and current condition of Replication Area 2. Commission agreed to Replication Area 1 should be relocated to the new location proposed by the Applicant (so as to avoid removing mature trees). Replication Area 2 will not be changed. Commission voted to continue the hearing until 8/25.
East Street Estates (Afonso)	Byron Andrews gave a general update on the overall status of the project. He was unsure as to whether abutters had been re-notified. Commission continued the hearing until 8/25. Indicated that NOI would have to be withdrawn if abutters weren't notified prior to continued hearing.
0 Mendon Street Shared Driveway	Applicant's representative (Glen Krevosky) had submitted a request for a continuance. Commission voted to continue the hearing until 8/25.
13 Claflin Farm Road	Hearing opened. K. Keegan (AEA) gave an overview of the proposal. Agent had no questions or concerns. Motion made to close public hearing and to issue an OOC. Motion approved by

	unanimous vote.
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## Other Matters

Subject	Summary
COC Request 3-5 Walker Drive	Commission voted to issue a Certificate of Compliance indicating the project was never built and that the Order had expired.
Above Ground Pool – Jonathans Way	Agent was asked (by current owner) about the likelihood of obtaining authorization to install a pool within an area noted as being under a Conservation Easement. Mike Penko felt the easement precluded pools and agreed to provide a copy of the easement documents.

Minutes approved on: October 13, 2021 (remote meeting)

*Chris Scott*

*Mike Penko*

*Mary Overholt*

*Tom Jango*

*Sandy Lajoie*

*Alan Miano*

*Marcella Stasa*



# TOWN OF UPTON, MASSACHUSETTS

## Conservation Commission

Meeting Minutes – Wednesday 8/25/2021 -- Remote Meeting (gotomeeting.com)

To: Members of Upton Conservation Commission  
CC: Kelly McElreath, Town Clerk  
From: Mike Penko

### **Members Participating:**

Chair: Chris Scott, Vice Chair: Mike Penko

Members: Alan Miano, Tom Jango, Mary Overholt, and Marcella Stasa

Absent: Sandy Lajoie

Agent: Dave Pickart

Associate Member: David Szczebak

Visitors: Bill Taylor, Dennis Westgate, Edward Phillips, Erin Sheedy, Glen Krevosky, Peter and Onalie Arts, Rand Refrigeri, Byron Andrews

### **7:00 Remote Meeting Opened**

#### **AGENT REPORT**

- Patricia still out on medical leave.
- Cobblers Creek hearing continued.
- COC requested for 125 Westborough Road (septic repair; DEP File Number 311-0761). Motion to issue COC by TJ, seconded by AM, approved by unanimous vote.
- OOC for 13 Claflin Farm Road (DEP File Number 311-0792). Motion to issue OOC by TJ, seconded by AM, approved by unanimous vote.

#### **ADMINISTRATIVE REPORT**

- No update.

#### **FINANCIALS**

- No update.

#### **WEBSITE**

- Warren Brook trail map updated.
- Discussion - Should Upton provide web page for each filing with links to relevant documents (e.g. Grafton example)? MO, Webster ConCom also posts documents on website.
- Do we have staff time to accomplish this? A web page could, in part, reduce time required for Dave to prepare a meeting packet.
- Dave will talk with Kelly about website access and training for himself and Trish.

#### **OPEN SPACE COMMITTEE – BILL TAYLOR**

- Owners of Lake Wildwood island have reached out to the Sudbury Valley Trustees.

#### **LAND STEWARDSHIP COMMITTEE – MARCELLA STASA**

- No updates from Upton Police Department regarding monitoring at Peppercorn Hill.
- Status of possible Blue Spaces Committee? Dave had previously prepared a draft committee mission statement and Marcella will reconnect with Derek (town manager).
- BVT student will be building a bike rack for the LSC.

#### **ON-GOING ITEMS**

##### **Trail Map – Possible CMRPC Assistance**

- Mike and Dave S. are assembling trail data to provide to CMRPC for their regional trail map.
- CMRPC support for trail mapping or preparing trail maps not required.
- Dave S. can provide trail map template.

##### **Erosion control policies**

- Nothing new.

##### **Permitting process discussion**

- Nothing new.

##### **Rockwood Meadows Baseline Report**

- Mike will send RPF out for bid.

##### **Railroad**

- Nothing new.

##### **Peppercorn Parcel (17-31) Naming**

- No response from Nipmuc tribe, remove from agenda for now.

##### **Mobility Policy**

- Disability Commission asked ConCom to request town counsel review of the policy.

##### **FY 2022 Budget**

- Dave would like to request funding for a Trimble GPS.
- Share Trimble with DPW? Useful to potential Blue Spaces Committee (e.g. to map culverts)??

##### **Letter to Milford ConCom Regarding Peppercorn Hill Issues**

- No response from Milford so far.
- Marcella hopes to meet with Milford ConCom in September.

##### **Forest Heights**

- Nothing new.

##### **Office Reorganizations/Records Management Policy**

- Dave continues to sort, file, and organize records. Boxes are being prepared to archive in the town hall storage room.
- Dave has reviewed draft policy, it may be possible to rely less on paper copies. Continue review of draft records management policy at a future meeting.

##### **Special Town Meeting**

- Warrant articles due September 10.

#### **Town Center Redevelopment - Walkability**

- Nothing new.

#### **APPROVE & SIGN DOCUMENTS**

- See agent report, above.

#### **MEETING MINUTES**

- None available for review/approval.

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

##### **7:00 84 Mendon Street (EO, continued)**

- 70-84 Mendon St. Dave visited site, trash has been removed. Straw wattles not yet installed.
- Peter Arts has no concerns regarding installation of straw wattles.
- Dave summarized restoration plan, several woody species planted in clumps with average spacing of ca. 15 ft. centers. Onalie concerned that vines could overwhelm plantings and asked if mountain laurel would be planted. Dave believes plantings will be resilient to vine and that mountain laurel is not appropriate for site, plant after September 15.
- Erin Sheedy is having problems obtaining specified plant material (n=40 trees/shrub) from nurseries and quoted prices are much higher than expected.
- Dave/MP –consider New England Wetland Plants, Sylvan Nurseries in Westport as less expensive sources for restoration grade plant material.
- Motion to issue enforcement order by MO, seconded by TJ, approved by unanimous vote.

##### **7:25 RDA Lakeview Cemetery Columbarium (DPW, Dennis Westgate; Edward Phillips, Cemetery Commission)**

- A Columbarium is an above ground structure to hold urns (ashes).
- Proposed location shown on plan; area is low (near Pratt Pond) and not suitable for below ground internments.
- Dennis: Site will be elevated ca. 30" with fill. DPW will do site work, contractor will install the structure. Area is currently lawn, no tree/shrub removal required.
- Dave (prepared report) – minor impact on flood storage; hard surface proposed within the 30 ft. bylaw no disturb area (waiver required); erosion control required.
- MP asked if design of Columbarium has been reviewed by Historical Commission. Dennis and Edward will consult with the Historical Commission.
- No public comments.
- Motion to issue Negative Determination (Neg. 3, Positive 5); approved by unanimous vote.

##### **7:45 NOI 0 Mendon St. Shared Driveway (Seiber)**

- Glen Krevosky, representing applicant, presented revised site plan.
- Plan now includes rain gardens, infiltration trenches, capping of old well. Glen requested ConCom provide location and details regarding proposed bounds.
- *Phragmites* control described (cut and temporary cover with 10 ml plastic tarp).
- Planning Board requires 3:1 slope adjacent to driveway. Wetland fill < than 5,000 sf. so slope is not a critical issue.
- DEP File numbers available for both lots.
- MP requested provision for spot *Phragmites* control using herbicide and would like Commission to require complete eradication of *Phragmites* for COC.
- Characterization of existing versus replacement wetland? MP requests replacement wetland more closely

approximates the existing wetland.

- Deep hole test pit. Rand Refrigeri has submitted photos of test pit full of water to Dave. Glen indicates soils are non hydric despite observed high water table due to extreme rainfall this summer. Based on years of observations, Rand indicates site is often wet and questions ability of soil to support slabs and septic system. Glen indicates abutters are upgradient. MP would like Dave to consult with Upton BOH regarding the design. Per Dave, at this time, a septic plan has not been submitted to the BOH.
- Hearing continued until September 8 at 7:45 pm.

**8:20 East Street Estates cont. (Byron Andrews)**

- Abutter notification: Byron forwarded green cards to Dave.
- Response to prior ConCom request to revert to Open Space Design: applicant unwilling to resubmit an open space design.
- Dave: Status of monumentation plan and Planning Board review? Applicant has revised monumentation plan and is preparing to resubmit conventional subdivision plan to Planning Board.
- MP: the vernal pool should be protected by the CR, not a deed restriction on two of the frontage lots.
- Hearing continued until September 27 at 8:00 pm.

**9:15** TJ made a motion to adjourn. MS seconded the motion. Motion was approved by unanimous voice vote.

**MEETING DOCUMENT LIST**

- *Lake View Cemetery Columbarium Plan*
- *O Mendon Road revised plan.*
- *Agent report and meeting packet.*

**Minutes approved on: October 27, 2021 (remote meeting)**

<i>Chris Scott</i>	<i>Mike Penko</i>
<i>Mary Overholt</i>	<i>Tom Jango</i>
<i>Alan Miano</i>	<i>Sandy Lajoie</i>
<i>Marcella Stasa</i>	



# TOWN OF UPTON, MASSACHUSETTS

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## Conservation Commission

Meeting Minutes – Wednesday 9/8/2021 -- Remote Meeting (gotomeeting.com)

To: Members of Upton Conservation Commission  
CC: Kelly McElreath, Town Clerk  
From: Patricia Marvelle, Administrative Assistant

### **Members Participating:**

Chair: Chris Scott, Vice Chair: Mike Penko

Members: Sandy Lajoie, Alan Miano, Tom Jango, Marcella Stasa and Mary Overholt

Absent: None

Agent: Dave Pickart

Associate Member: David Szczebek

Visitors: Bill Taylor, Michael Dryden, Kevin Lobisser

### **7:00 Remote Meeting Opened**

#### **Agent Report**

- Dave stated there was no sufficient damage from hurricane Henri. Some erosion along the side of streets but nothing in resource area. Mike stated the driveway into Cobbler's Creek had a channel dug into it and some of the sediment got into the wetlands. Looking at stabilizing it for the future.
- Fiske Mill Road being worked on continuously by DPW and they are working with Dominic to fix swale and make modifications to the street drainage system.
- Mendon Street enforcement order – making progress. Bartlett Brothers attorney has informed them that they should not do anything out there until the property is surveyed. Property line needs to be surveyed and marked in field. Dave has no survey for 84 has one for 78. Dave would make approximate survey boundary. No one is going to do a formal survey. Bartlett Brothers will have to pay for professional surveyors or get owners to do the survey. Damages because of delays mean Bartlett Brothers are subject to additional enforcement. Wants to know if Commission is in agreement. Alan asked if it was the owner or Bartlett Brothers who are responsible. Tom doesn't think Bartlett Brothers, it would be the homeowners. Landowner should be responsible. Bartlett Brothers lawyer is the one responding. Erosion control needs to be on the 84 property. Sandy suggested a time limit or a fine. Tom thinks fines and such should be against landowner not landscapers. Erosion controls needs to be done ASAP. Planting can be done until late October early November timeframe. They are on agenda for 9/22 meeting. Erosion controls need to be in place by the 22<sup>nd</sup> or additional enforcement action will be taken. \$300 fine to Bartlett Brothers has been paid.
- Upcoming filing lot 6D and 6E Mendon Street has asked for continuance because they are advancing their septic design. Continue until October 13 at 7:45PM.



## **Administrative Report**

### **Expense Vouchers**

- Trisha reviewed bills for GateHouse Media \$665.84 for 5 hearings and MACC for \$585 for FY22 dues.
- Sandy Lajoie made a motion to pay the bills for GateHouse Media and MACC for a total of \$1,250.84. Tom Jango seconded the motion. Motion passed by unanimous voice vote.

### **Financial Update**

- Nothing new.

### **Website**

- Trails page updated to add language for trail users.
- Mike talked about adding filings to the website. Mike had sent around samples from other towns. Dave and Trisha to get training from Kelly and we can do similar to other towns, if possible.
- Mike Penko made a motion to ask staff to develop template for project webpage. Alan Miano seconded the motion. Motion was unanimously approved by voice vote. Will explore the time needed to do. Update to be provided at first meeting in October.

### **Open Space Committee**

- Nothing new.

### **Land Stewardship Committee**

- Marcella stated Milford has not gotten back to them yet. Marcella and Mike will attend next meeting.
- Training for officers with Environmental police – waiting for info from Police Chief.

### **New Items:**

#### **Blue Spaces**

- Dave sent material to Derek and Marcella. Document spells everything out and they would like to share it with sustainable folks in Upton. Also get to town residents through social media, website, Town Crier, etc. Info is in packet. Gary Strycharz is interested in participating. Marcella not interested in being on committee and will help get it started. Mike stated he would be interested. Marcella stated they reach out to Derek to maybe start a committee to do this. Town Planner should be included also. Dave stated he thought Derek said that the Selectmen stated they were in favor.

### **On-Going Items:**

#### **Erosion control policies**

- Nothing new.

#### **Permitting process discussion**

- Nothing new.

#### **Railroad**

- Nothing new.

### **Rockwood Meadows Baseline Study**

- Request for proposal is out and one to be submitted soon.

### **Forestry**

- Alan asked if any Facebook comments have been responded to. He feels they need to respond to them in a timely manner if Committee is going to have a Facebook page. Mike stated he responded back when it started but not the last few recent ones. Mike wants to speak with Scott to see when they are going to be out finishing the project at Warren Brook and what they are going to do. Mike to look tomorrow and make sure they restore the trail and remove the logs that are perpendicular to the trail. Tom spoke with guy there and they were in the process of packing up. They are gone now or should be soon. Marcella stated Land Stewardship has been in contact with the mountain biker riders associates. They are interested in developing trails for bicyclists and they want to walk the area and see what opportunities they would have to accommodate bikers or walkers in that area. They will be having a site visit there to map it out. Time to determine. Mike stated the committee should map out the haul roads also. Marcella not sure if they could do it or commission would need to do it. Marcella stated she is willing to do it with Mike if they can do it with the GPS. They have not heard back from bike people as to when they want to do the walk.

### **Naming of Peppercorn Parcels**

- To be Removed

### **Developing Mobility Policy**

- Nothing new.

### **FY22 Budget**

- Should include more hours for Trisha to work on website, if needed.

### **Letter to Milford CC**

- Discussed earlier under Land Stewardship.

### **Forest Heights**

- Nothing new.

### **MVP Wetlands By-Law**

- Can be removed.

### **Land Use Regulations and OPDMD draft policy**

- Chris forwarded to Derek the land use regulations and OPDMD draft policy via email and awaiting his comments.

### **Police Monitoring and Peppercorn**

- Discussed previously under Land Stewardship.

### **84 Mendon Street Violation**

- Discussed in Agent's report.
- 

### **78 Mendon Street Violation**

- Discussed in Agent's report.

## **Legal Reviews**

- Nothing new.

## **Budget**

- STM Warrant Articles Due September 10<sup>th</sup>

## **Downtown Walkability Survey – Dave baseline study reports**

- Can be removed.

## **Site Visits:**

**None**

## **Approve & Sign Documents**

## **Meeting Minutes**

- No changes to the minutes for June 23, 2021 and July 14, 2021.
- Marcella Stasa motion to accept the minutes for June 23, 2021 and July 14, 2021, as written. Motion was seconded by Tom Jango. Motion passed by unanimous voice vote.

## **AGENDA ITEMS/HEARINGS**

### **7:00 RDA Heritage**

Trisha read the hearing notice. Mike Penko spoke in their behalf.

- Mike showed aerial imagery of park. Town owned since around 2006. Previous Order of Conditions issued in 2009, expired. Concerned citizens have been working at park and are concerned with lack of maintenance and invasive plants at park. Not sure who handles. DPW and Selectmen doing it now.
- New Plans shows all the pertinent updated information. Stream stat analysis shows it might be perennial. Park is mostly forested and has a zone that is mostly lawn and mowed frequently. Has a meadow and a former meadow area that they would like to clear and restore. Many invasives in area. It's a riverfront project. Dave some of activities don't fit the Bylaw setbacks. It is a town sponsored project and it is going to provide public benefits and he feels they should be able to issue a variance for non-compliance with the Bylaw. Marcella thanked Mike for working on it. No loss on flood storage. Dave stated they would be planting trees and shrubs. Mike clearing invasives and mow meadow area less frequently.
- Mike requested the hearing be closed.
- Marcella Stasa made a motion to close the hearing and to issue an -2 and positive 5. Alan Miano seconded the motion. Mike Penko abstained from voting. Motion passed with majority yes vote.

### **7:30 NOI (con't) Cobbler's Creek - Lobisser**

Michael Dryden and Kevin Lobisser present to speak.

- Michael Dryden provided update from July 28<sup>th</sup> meeting. Issue revised plans dated 8/2. Follow up comments from Planning Board and waiting for stormwater comments. They will turn the plans around quickly but are still waiting for those comments.
- They will issue wildlife habitat evaluation when next plan is submitted.
- Wells drilled and are an adequate water source. Awaiting final pump test results.
- DEP file number received. It is 311-0788. DEP comments addressed already.
- Revised wetland replication area made sense to move it and revised replication area was presented to the committee. Moved 50-60 feet down and avoids mature trees that are in the area. Showed preview of final plans that will be issued. Wells in solid bedrock. Wetland boundary closest to wells with 2' of groundwater to place a piezometer. RFP to 3 drillers for pumps today but permanent pumps will be done early to mid-October. Discharge of water to east of wells. Dave asked if they could put a staff gauge in vernal pool to record level.

Michael Dryden said yes, they could do it from the second point. Dave sent photos to Michael looking at channel that goes down driveway as a result of rain. Michael said they have already looked and a wash out occurred during an unusually large rain storm and it will be corrected right away. Erosion control put along low side of driveway ASAP. Awaiting Planning Board comments and they will update plan. Wildlife habitat plan will be addressed at that time. Open space area changed slightly. Markers to establish erosion control field and place them outside of that area so it is not within the area to be harmed. Pamela Panagayan, an Upton resident, asked if the notice received recently was for this project. Dave said it is another one for Eames Street, it is for existing residents at end of Eames Street not related to this one.

- After discussing permanent markers, it was agreed upon between the Board and Kevin Lobisser that the permanent markers would be concrete markers, not Carsonite ones.
- Hearing continued to 9/22 meeting and if they cannot make it they will notify Commission. Hearing set for 7:45 on September 22<sup>nd</sup> meeting.

#### **7:45 NOI (con't) 0 Mendon Street Shared Driveway (Sieber) Lot 6D and 6E**

- Applicant requested continuance. Continued to October 13, 2021 at 7:45PM.

#### **8:00 Discuss office reorganization team, documentation retention policy draft**

- Dave and Trisha to meet and coordinate efforts next week. Files need to be sorted by order number and filed in cabinets. Older ones can be stored somewhere else.
- Retention policy – postpone for couple weeks and add to packet for discussion at next meeting.

#### **Other Business not on agenda:**

#### **Draft CR by Upton Ridge**

- Mike stated they should use the current model CR first and they should track changes. Dave plans need more details, like topography and bounds, tree lines and such.
- Tom asked if they could dump brush and logs in that area wasn't sure if that was what he read. Will be tracked when they review the document.
- There is a golf course easement that is part of the open space in the CR and it needs to be used as part of the golf course. This will be looked into further.
- Commission discussed the percentage of total open space in CR. It was determined that they have the 25% required to meet the CR requirements.
- Dave asked if they could exclude easement from CR. Alan stated it should be able to ask them to exclude it.

#### **Next Meeting (September 22, 2021)**

**8: 50** Marcella Stasa made a motion to adjourn. Tom Jango seconded the motion. Motion was approved by unanimous voice vote.

#### **Minutes approved on: October 13, 2021 (remote meeting)**

<i>Chris Scott</i>	<i>Mike Penko</i>
<i>Mary Overholt</i>	<i>Tom Jango</i>
<i>Sandy Lajoie</i>	<i>Alan Miano</i>
<i>Marcella Stasa</i>	



# TOWN OF UPTON, MASSACHUSETTS

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## Conservation Commission

Meeting Minutes – Wednesday 9/22/2021 -- Remote Meeting (gotomeeting.com)

To: Members of Upton Conservation Commission  
CC: Kelly McElreath, Town Clerk  
From: Patricia Marvelle, Administrative Assistant

### **Members Participating:**

Chair: Chris Scott, Vice Chair: Mike Penko

Members: Sandy Lajoie, Alan Miano, Marcella Stasa and Mary Overholt

Absent: Tom Jango

Agent: Dave Pickart

Associate Member: David Szczebek

Visitors: Bill Taylor, Karen Keegan, Michael Dryden, Kevin Lobisser, Pamela Panagian

### **7:00 Remote Meeting Opened**

#### **Agent Report**

- Assisted with restoration plan at 84/78 Mendon Street.
- Did many construction inspections. Visited Eames Lane and Pearl Street and did a final inspection of 97 Crockett Road for Certificate of Compliance.
- Reviewed/created reports and answered questions.
- Dave showed picture of shrubs at end of South Street. He wanted to know if anyone knew what type of plant. It was later identified as a native species.
- Walked through the gravel pits at end of South Street and there is a concern with ORVs driving through a vernal pool and destroying other areas at this site. It's private property and he wanted to know if they want to take action. Police had been contacted. Bill to find out who owns property.
- Report that turtle crossing sign on Fowler Street is missing and he doesn't believe it is connected to construction. Not sure who should be taking care of that. Mike to speak with Dennis at the DPW about putting another sign up.

#### **Administrative Report**

- Bill for GateHouse Media for \$209.92 for hearings and ESRI for \$400 for FY22 dues reviewed.
- Marcella Stasa made a motion to pay the bill for ESRI and Gatehouse Media. Alan Miano seconded the motion. Motion passed by unanimous voice vote.

- Bill received letter from the Mass Department of Agricultural Resources that stated that a contribution for \$12,000 would be helpful to support the purchase of an APR on the property. Bill to present to the Selectboard. Money in conservation fund could be used for this.
- Mike Penko made a motion to contribute the \$12,000 from the Conservation Fund for the purchase of an APR on the town line dairy property, with Selectboard's approval. Marcella Stasa seconded the motion. Motion passed by unanimous voice vote. Bill to follow up with Derek on this.
- Bill reviewed several properties/land that are for sale in Upton.

#### **Land Stewardship Committee**

- Marcella stated they will be added to the next ConCom October agenda in Milford.
- National Grid may be installing a gate on Camp Street.
- Marcella has several interested people that want to do volunteer work. She will be following up with them.
- Mike has reach out to a company to construct a bridge on the Robertson property. Marcella would like to discuss with them about constructing a temporary access at a different location.
- Bill and Mike are discussing getting an access to Stefan property from new land owner.

#### **New Items:**

#### **Special Town Meeting – 11-2-21**

- Chris stated it will be held at the auditorium at the Nipmuc school.

#### **0 Westboro Road**

- Dave stated they requested a three year extension for Order of Conditions for solar project. Mike suggested they speak with Derek and ask town counsel if Commission should issue the extension. He thinks the town is having legal issues with the applicant. Table the request until some input from Derek and town counsel.
- A 14 month or so extension because of COVID applies to this so they have time to review and decide if an extension should be granted. Chris to contact Derek about this and Dave will inform property owner, but the permit will not expire in the meantime. Can be allowed to expire and then they would have to get it closed out and start over.

#### **Mowing Stefans and Howarth Glen and Rockwood Meadows and Parking Area Snow Plowing**

- Quote from Trussell to mow the Howarth Glen field and Stefans \$1,100 per day for each. Quote includes moving machinery in and out and across the stream.
- Mike made motion to expend up to \$3,300 from the Expense account for mowing 2 days at Stefans and 1 day at Howarth Glen. Marcella Stasa seconded the motion. Motion passed by unanimous voice vote.
- Did not get quote for snow plowing as of yet.

#### **On-Going Items:**

#### **Erosion control policies**

- Nothing new.

#### **Permitting process discussion**

- Nothing new.

**Railroad**

- Nothing new.

**Rockwood Meadows Baseline Study**

- Derek signed the contract and it was emailed off to the vendor.

**Forestry**

- Nothing new.

**FY22 Budget**

- No information yet.

**Letter to Milford CC**

- Mike and Marcella to meet next week with them to discuss.

**Forest Heights**

- Nothing new.

**Land Use Regulations and OPDMD draft policy**

- Chris stated she had received town counsel review. Chris reviewed and she didn't think it made much sense. Chris to send to Commission and can be discussed at next meeting.

**Police Monitoring at Peppercorn**

- Nothing new.

**Blue Spaces**

- Marcella in contact with Derek and asked they be put on agenda for Selectboard to propose idea to put a blue space committee together. After town meeting but hopefully before Thanksgiving. Will put it in the hands of people who are interested in being on that committee to pull it together.

**Filing on website**

- Trisha received some training and has posted some information but has had problems. Meeting with Kelly to work through issues and get more information what procedure/set up web pages for Conservation page.

**FY 22 Budget include 2-4 hours for Administrative Assistant**

- Chris discussing with Denise Smith.

**78 and 84 Mendon Street**

- Waiting for bounds to be delivered. Plantings doing fine.

**Approve & Sign Documents****Meeting Minutes**

- Minutes reviewed for meetings held on August 11, 2021; September 8, 2021 and September 22, 2021.
- Marcella Stasa made a motion to approve the minutes of the September 22, 2021 meeting. Sandy

Lajoie seconded the motion. Motion was approved by unanimous voice vote.

- Sandy Lajoie made a motion to approve the minutes of the September 8, 2021 meeting. Marcella Stasa seconded the motion. Motion was approved by unanimous voice vote.
- Marcella Stasa made a motion to approve the minutes of the August 11, 2021 meeting. Marcella Stasa seconded the motion. Motion was approved by unanimous voice vote.

## **AGENDA ITEMS/HEARINGS**

### **7:00PM NOI (con't) 22 Eames Street - Michael Dryden**

Michael Dryden was present to speak.

- Showed plan and stated they were waiting on DEP number and that has been given. Small change at BOH request was to move septic tank and pump chamber.
- Michael requested hearing be closed.
- Tom Jango made a motion to close the hearing and issue an Order Of Conditions. Marcella Stasa seconded the motion. Motion was passed by unanimous voice vote.

### **7:15PM NOI (con't) Cobbler's Creek - Lobisser**

Michael Dryden, Kevin Lobisser and Mark Allen present to speak.

- Michael scheduling for pump testing will happen on 15<sup>th</sup> and 5 day pump test on ending 26<sup>th</sup> of October. Will complete the testing.
- Meet with Planning Board for minor revisions remaining and revised plans to be issued and the Board closed the hearing last night.
- Written correspondence was received from Dave on October 11, 2021. There are six retention basins. Four of the six are within the open space area and should be discussed but he not aware of a problem with this.
- Final plans still to be submitted to Planning Board, hearing closed. Mike asked size of the area being impacted. Michael stated open space requirements are still met with the basin area being removed as part of the open space numbers. Complies with open space requirements even with that removed. Mike Penko stated might need to be bounded but could be addressed in the future, if needed.
- Michael indicated that DEP wants public water supply and protected well area in an easement and not in an CR or open space area so it is not included in the open space figure. Basin will be inspected periodically and cleaned out.
- Mark stated that it is maintenance twice a year. At least mowed and vegetation dealt with at least twice a year.
- Pamela Panagian stated basin 4 is close to vernal pool and wanted to know if that had been taken into consideration. Michael said it meets all the requirements of the no touch, no disturbance requirements of the by-laws.
- Michael reviewed the bounds recommendations. Michael asked who they recommended to do the baseline survey. Mike suggested request for proposals be sent to many companies to get proposals. He suggested the monies be paid to the Commission and they could handle it and get the baseline done. Not done before road and bounds are in and retention basin are constructed. Couple of years down the road before the baseline report should be done. Initial road from North Street connector road and infrastructure for sewage disposal is phase 1, as well as, the retention basins. All agreed these things need to be completed prior to baseline report. Parties and Commission agreed that the occupancy permits should be tied to the Phase 2 for the baseline timing. Kevin stated it probably would be another year before they get to that point. Michael Dryden stated more information to follow. Dave to develop a draft of the special conditions.
- Michael asked about the sketch about monumentation and wanted to know if it is ok before they issue the plans again. Mike Penko asked if they could add wording to explain it further and not duplicate monumentations if they are there already located there. This will amount to deleting some bounds once the



changes are made.

- Hearing to remain open for one more meeting to review draft Order of Conditions.
- Continued to next meeting on October 27<sup>th</sup> at 7PM.

#### **7:45PM NOI (con't) 0 Mendon Street lot 6d and 6e**

Glen Krevosky was present to speak.

- Glen reviewed the updated plan and changes made. Reviewed FD area and changes made.
- Septic system outside buffer zone and will be perc maybe next week depending on weather.
- Cannot move forward until approval of the septic design is done. Will be provided once done. Needs BOH approval.
- No questions from audience.
- Zoning Board approved already.
- Draft Order of Conditions to be done.
- Continued until 10/27 at 7:20PM.

#### **8:00PM NOI (con't) East Street – Bryon Andrews**

Bryon Andrews was present to speak.

- Reapplied the application with Planning Board and they are identical to Conservation application. The plans are the same as the previous one. Only change is fire suppression equipment.
- Monumentation is on order but not arrived yet. No schedule yet. Will discuss tomorrow with them to set up time.
- Chris asked when info from the Planning Board is expected. Bryon to follow up with Planning Board and will be re-advertising the abutters notice and it won't be before the Planning Board for at least three weeks. No feedback from Planning Board expected until at least next month.
- Borings are being handled by developer who is having the firm that is designing crossing and retaining walls and not sure what the timeline is at this time. To let them know.
- No audience questions.
- No word from Metacommet Land Trust in regards to the open space area. Will contact at a later date.
- Continue until November 10, 2021 at 7:30PM.

#### **8:15PM Discuss office reorganization team, documentation retention policy draft**

- Dave stated progress has been made in the office. There are cubbies for plans and larger files above the cabinets. Enough room in files for about a year.
- Retention policy put on hold until a later date. Everything to be kept and can be revisited at another time.

**8:55PM** Alan Miano made a motion to adjourn. Sandy Lajoie seconded the motion. Motion was approved by unanimous voice vote.

#### **Minutes approved on: October 27, 2021 (remote meeting)**

*Chris Scott*

*Mike Penko*

*Mary Overholt*

*Tom Jango*

*Sandy Lajoie*

*Alan Miano*

*Marcella Stasa*



# TOWN OF UPTON, MASSACHUSETTS

## Conservation Commission

Meeting Minutes – Wednesday 10/13/2021 -- Remote Meeting (gotomeeting.com)

To: Members of Upton Conservation Commission  
CC: Kelly McElreath, Town Clerk  
From: Patricia Marvelle, Administrative Assistant

### **Members Participating:**

Chair: Chris Scott, Vice Chair: Mike Penko

Members: Sandy Lajoie, Alan Miano, Tom Jango, Marcella Stasa and Mary Overholt

Absent: None

Agent: Dave Pickart

Associate Member: David Szczebek

Visitors: Bill Taylor, Michael Dryden, Kevin Lobisser, Bryon Allen, Pamela Panagian, Glen Krevosky

### **7:00 Remote Meeting Opened**

#### **Agent Report**

- Received email about river foam at 12 Main Street and is looking for direction from Commission. Resident doesn't believe it is natural causes and wants someone to do something about it. Dave, Mike and Marcella to do a site visit on October 14, 2021.
- Sent email to Fowler Street resident regarding ORV use. Marcella suggested they report to police for tracking purposes.
- Forwarded email to Commissioners regarding the Touchstones school request to develop the frontage lot at the island at Lake Wildwood for outdoor use.

#### **Administrative Report**

- Bill for Mike Penko for \$256.30 for posters; W.B. Mason \$226.32 for office supplies and Gatehouse Media for \$279.26 for total of \$761.88 was reviewed.
- Marcella Stasa made a motion to pay the bills total \$761.88. Sandy Lajoie seconded the motion. Mike Penko abstained from voting. Motion passed by majority voice vote.

#### **Financial Update**

- Trisha reviewed the expenses/revenue for FY22 as of October 13, 2021.

#### **Website**

- Alan stated Mike provided a new Peppercorn trail map.
- Warren brook map update was provided by Scott.

#### **Open Space Committee**

- Bill received letter from the Mass Department of Agricultural Resources that stated that a contribution for \$12,000 would be helpful to support the purchase of an APR on the property. Bill to present to the Selectboard. Money in conservation fund could be used for this.
- Mike Penko made a motion to contribute the \$12,000 from the Conservation Fund for the purchase of an APR on the town line dairy property, with Selectboard's approval. Marcella Stasa seconded the motion. Motion passed by unanimous voice vote. Bill to follow up with Derek on this.
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- Marcella stated they will be added to the next ConCom October agenda in Milford.
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#### **New Items:**

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#### **On-Going Items:**

#### **Erosion control policies**

- Nothing new.

#### **Permitting process discussion**

- Nothing new.

**Railroad**

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**Rockwood Meadows Baseline Study**

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- Pamela Panagian stated basin 4 is close to vernal pool and wanted to know if that had been taken into consideration. Michael said it meets all the requirements of the no touch, no disturbance requirements of the by-laws.
- Michael reviewed the bounds recommendations. Michael asked who they recommended to do the baseline survey. Mike suggested request for proposals be sent to many companies to get proposals. He suggested the monies be paid to the Commission and they could handle it and get the baseline done. Not done before road and bounds are in and retention basin are constructed. Couple of years down the road before the baseline report should be done. Initial road from North Street connector road and infrastructure for sewage disposal is phase 1, as well as, the retention basins. All agreed these things need to be completed prior to baseline report. Parties and Commission agreed that the occupancy permits should be tied to the Phase 2 for the baseline timing. Kevin stated it probably would be another year before they get to that point. Michael Dryden stated more information to follow. Dave to develop a draft of the special conditions.
- Michael asked about the sketch about monumentation and wanted to know if it is ok before they issue the plans again. Mike Penko asked if they could add wording to explain it further and not duplicate monumentations if they are there already located there. This will amount to deleting some bounds once the

changes are made.

- Hearing to remain open for one more meeting to review draft Order of Conditions.
- Continued to next meeting on October 27<sup>th</sup> at 7PM.

#### **7:45PM NOI (con't) 0 Mendon Street lot 6d and 6e**

Glen Krevosky was present to speak.

- Glen reviewed the updated plan and changes made. Reviewed FD area and changes made.
- Septic system outside buffer zone and will be perc maybe next week depending on weather.
- Cannot move forward until approval of the septic design is done. Will be provided once done. Needs BOH approval.
- No questions from audience.
- Zoning Board approved already.
- Draft Order of Conditions to be done.
- Continued until 10/27 at 7:20PM.

#### **8:00PM NOI (con't) East Street – Bryon Andrews**

Bryon Andrews was present to speak.

- Reapplied the application with Planning Board and they are identical to Conservation application. The plans are the same as the previous one. Only change is fire suppression equipment.
- Monumentation is on order but not arrived yet. No schedule yet. Will discuss tomorrow with them to set up time.
- Chris asked when info from the Planning Board is expected. Bryon to follow up with Planning Board and will be re-advertising the abutters notice and it won't be before the Planning Board for at least three weeks. No feedback from Planning Board expected until at least next month.
- Borings are being handled by developer who is having the firm that is designing crossing and retaining walls and not sure what the timeline is at this time. To let them know.
- No audience questions.
- No word from Metacommet Land Trust in regards to the open space area. Will contact at a later date.
- Continue until November 10, 2021 at 7:30PM.

#### **8:15PM Discuss office reorganization team, documentation retention policy draft**

- Dave stated progress has been made in the office. There are cubbies for plans and larger files above the cabinets. Enough room in files for about a year.
- Retention policy put on hold until a later date. Everything to be kept and can be revisited at another time.

**8:55PM** Alan Miano made a motion to adjourn. Sandy Lajoie seconded the motion. Motion was approved by unanimous voice vote.

#### **Minutes approved on: October 27, 2021 (remote meeting)**

*Chris Scott*

*Mike Penko*

*Mary Overholt*

*Tom Jango*

*Sandy Lajoie*

*Alan Miano*

*Marcella Stasa*



# TOWN OF UPTON, MASSACHUSETTS

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## Conservation Commission

Meeting Minutes – Wednesday 10/27/2021 -- Remote Meeting (gotomeeting.com)

To: Members of Upton Conservation Commission  
CC: Kelly McElreath, Town Clerk  
From: Patricia Marvelle, Administrative Assistant

### **Members Participating:**

Chair: Chris Scott, Vice Chair: Mike Penko

Members: Sandy Lajoie, Alan Miano, Tom Jango, Marcella Stasa and Mary Overholt

Absent: David Szczebek

Agent: Dave Pickart

Associate Member:

Visitors: Bill Taylor, Michael Dryden, Kevin Lobisser, Glen Krevosky, Sally Kent, Brad Maltz, Stephen Brudner and Katherine Robertson

### **7:00 Remote Meeting Opened**

#### **Agent Report**

- Dealt with sedimentation issues for the DOT Phase 2 project on Hartford Avenue North.
- Spoke with owner of property on Forest Street with NOI filing for next meeting.
- Foam at Main Street was natural causes.
- Received a call from individual that resides at Kenneth Village regarding the transfer of the open space piece of property. Commission agreed that they are not interested in acquiring that property.
- Mike Penko made a motion that the Commission is not interested in purchasing the land CR at Kenneth Village. Sandy Lajoie seconded the motion. Motion passed by unanimous voice vote.

#### **Administrative Report**

- Bill for Dave Pickart for Staples in the amount of \$40.48 for supplies was reviewed.
- Sandy Lajoie made a motion to pay the bill for Dave Pickart for \$40.48. Mike Penko seconded the motion. Motion passed by unanimous voice vote.

#### **Financial Update**

- Trisha reviewed the expenses/revenue for FY22 as of October 27, 2021.

#### **Website**

- Will change beaver to standalone page once content is decided on.

#### **Open Space Committee – Bill Taylor**

- Nothing new.

**Land Stewardship Committee – Marcella Stasa**

- Marcella and Mike met with Milford conservation. National Grid is putting gate at Camp Street to prevent vehicle access.
- Mike stated the boat has been removed.
- Proposal for bridge on Robertson property was discussed. A quote was received. This is for an initial report and prepare a conceptual plan and give a cost estimate for the plan. Will be done sometime this Fall. Final funds for bridge constructed would need to be approved at next ATM.
- Marcella Stasa made a motion to approve the \$1,795 for the bridge project with the change of it being a 25% conceptual design. Alan Miano seconded the motion. Motion passed by unanimous voice vote.
- Marcella and Mike to pursue more information on temporary bridge and timeframe for permanent bridge.
- Boy Scouts completed new kiosk for Warren Street and Fowler Street.

**New Items:****Special Town Meeting – 11-2-21**

- Will be held at the auditorium at Nipmuc school.

**0 Westboro Road**

- Derek talked with town counsel and town counsel. They still have more than a year of it being valid and suggested Dave talk with people and see if there is an immediate rush and otherwise it should be table. No response yet.

**Stefans and Rockwood Meadows parking area snow plowing**

- Awaiting quote.

**On-Going Items:****Erosion control policies**

- Nothing new.

**Permitting process discussion**

- Nothing new.

**Railroad**

- Nothing new.

**Rockwood Meadows Baseline Study**

- Should be starting within the next week or so.

**Warren Brook Forestry**

- Nothing new.

**Forest Heights**

- Nothing new.



**Land Use Regulations and OPDMD draft policy**

- Minor changes to the reviewed.
- Marcella to incorporate changes and have updated document for next meeting.

**Police Monitoring at Peppercorn**

- Marcella to talk with Chief about gate and may not need to do police monitoring immediately.

**Blue Spaces**

- Asking to be put on Selectboard's meeting after town meeting.

**Upton Ridge CR**

- New language received and getting into that format. An issue regarding whether they would allow Hunting on CR and answer from Pulte was no.

**Filing on website**

- Trisha reviewed updated changes to website pages. New page design is fine.

**78 and 84 Mendon Street**

- Waiting for bounds to be delivered, backordered.

**Warren Trail Bridge Project**

- Discussed under Land Stewardship Committee

**Mowing/invasives control at Stefans and Howarth Glen**

- To be removed.

**November 24<sup>th</sup> meeting?**

- It was decided to cancel the November 24<sup>th</sup> meeting.

**Beaver Activity at Fowler Street**

- Katherine Robertson spoke to the Commission regarding concerns she has with the dams being taken down on Warren Brook and there is one on Fowler Street. She has seen some beavers in the area. She has observed that some of the dams have been taken down/breached and now the water levels have lowered and she is concerned that the dams have been tampered with by people. Wanted to know if there was something that could be done to inform people that they should not be altering any dams on their own. Commission reviewed aerial photos to see where dams were located and see the changes that have taken place.
- She ask that the beaver information be easier to locate on the town website.
- Dave stated that beavers could be trapped on their own property, as long as they do it according to state laws. Not sure if the Board of Health had received any requests for a trap permit. Beaver trapping starts on November 1, 2021. Dave stated he would go look at the area.
- It was decided after discussion on what was the best way to inform homeowners of the rules and regulations that an article be put in the *Town Crier* addressing this issue.
- Marcella Stasa made a motion to put an article or ad in *Town Crier*. Chris Scott seconded the motion. Motion passed by unanimous voice vote.

**Site Visits:****TBD Azalea Drive verify Open space acceptable for transfer to town**

PM 11/15/2023

## **Approve & Sign Documents**

### **Meeting Minutes**

- Minutes reviewed for meetings held on 10/13/2021, 7/28/2021 and 8/25/2021. Edits were suggested to be made to the 10/13/2021 by Mike Penko.
- Mike Penko motion made motion to accept the minutes, with edits, for October 13, 2021 and to accept the minutes of the meetings held July 28, 2021 and August 25, 2021 as presented. Sandy Lajoie seconded the motion. Motion passed by unanimous voice vote.

## **AGENDA ITEMS/HEARINGS**

### **7:00 NOI (con't) Cobbler's Creek - Lobisser**

Michael Dryden and Kevin Lobisser were present to speak.

- Monumentation updated. Revised plan issued 10/15/21.
- Pump test has been completed and meets DEP requirements. Pump test water level recovery period is being done right now.
- Received draft of special conditions. Michael asked that it says any changes would require review from agent or someone, want more clarification on what exactly it would be.
- It was agreed upon that they would not be required to come back before the Commission for any changes to footprints of building. They can change the units as long as they stay within the footprint of the buildings agreed upon. Other changes outside of footprints would need contact Dave about.
- Michael stated they wants to do monumentation as they go.
- Work on project may not begin until all approvals are given and wording is agreed upon.
- Commission will bring on the contractor to do the baseline CR report.
- No questions from Commission or audience.
- Applicant requested that hearing be closed.
- Tom made a motion to close the hearing and issue the Order Of Conditions for Cobbler's creek. Marcella seconded the motion. Motion passed by unanimous voice vote.

### **7:20 PM NOI (cont) 0 Mendon Street lot 6d and 6e**

Glen Krevosky was present to speak.

- Glen stated they are okay with Order Of Conditions for both lots.
- Glen said septic are outside zone and the perc test was compliant with the BOH. Final design is being finished and will be submitted when available.
- Mike stated he would like to see the soil profile. Glen stated it will be part of the septic design information DEP title V data sheet.
- No questions or comments from abutters.
- Dave stated the septic system is outside the buffer zone and they cannot start until the DEP approval is received and is received by the Commission.
- Glen requested to close the hearing.
- Tom made a motion to close hearing and issue an OOC. Alan Miano seconded the motion. Motion passed by unanimous voice vote.

### **7:30PM Discussion for Lake Wildwood Island – Touchstone School – Sally Kent**

Sally Kent, Stephen Brudner and Brad Maltz were present to speak.

- Sally stated they are considering acquiring the island and a .95 acre piece of property that is owned by Landry family. She asked if there are any limits for use of the property. They are looking to use for educational purpose such as, environmental studies, water quality and other studies for the students.
- Wanted to know if they could add a dock on the island and mainland, a structure and composting port-a-potty.
- Dave stated the entire island and lot that has frontage falls with the jurisdiction of the Conservation Commission under the wetland protection bylaw and it would require review and approval of the Conservation Commission. Depends on what they want to do as to what they would have to apply for. More detail needed. A composting bathroom would require that they speak with BOH. They would need to know if the dock would be permanent or a seasonal dock and requires an NOI filing. Brad stated he believes it would not be permanent type but not sure.
- Commission purchased a piece of the land and a treatment for aquatic plans for that area for next year.
- Sally stated that the property is overgrown now and they would like to make it walkable and also be able to pull a car and put a shelter there. They would paddle across to island. Liability is the not an issue as long as they do not charge for use of the area.
- Mike asked if they would be open to public use of the island. Sally stated would be entitled to use but they would not want to encourage public access. Brad stated they saw that it was already being accessed by the public and they are not sure what they would be done in the future. They do not want to encourage parties and fires.
- Mike suggested a boat ramp be added. Town owns the land under the water.
- Sally stated school is pre-k to 8. Habitat study as to what lives on island and maybe a turtle survey. Animal life mostly. For older students-study of river, water quality testing and storm water run-off at certain location and maybe beaver activity. They are open to suggestions by Conservation Commission or other boards.
- Sally stated they are glad they are looking forward to being supported by the Commission and she stated they would like to build some type of shelter for the students at some point.
- Frontage is .95 acres according to Sally. About 5' short for what they would like to do. Commission doesn't have jurisdiction. Would need to go to Zoning Board. May not apply to parking and shelter. They should reach out to Denise to speak with her.
- Mike doesn't think that National Heritage would have issues.
- Weed control was done this fall and coming before STM for next year's funding. Single treatment will last for several years.
- Brad come back with plan with more concrete information to discuss further.

**9:55 pm** Alan Miano made a motion to adjourn the meeting. Tom Jango seconded the motion. Motion was approved by unanimous voice vote.

**Minutes approved on: December 8, 2021 (remote meeting)**

<i>Chris Scott</i>	<i>Mike Penko</i>
<i>Mary Overholt</i>	<i>Tom Jango</i>
<i>Sandy Lajoie</i>	<i>Alan Miano</i>
<i>Marcella Stasa</i>	



# TOWN OF UPTON, MASSACHUSETTS

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## Conservation Commission

Meeting Minutes – Wednesday 11/10/2021 -- Remote Meeting (gotomeeting.com)

To: Members of Upton Conservation Commission  
CC: Kelly McElreath, Town Clerk  
From: Patricia Marvelle, Administrative Assistant

### **Members Participating:**

Chair: Chris Scott, Vice Chair: Mike Penko

Members: Sandy Lajoie, Alan Miano, Marcella Stasa and Mary Overholt

Absent: Tom Jango, David Szczebek

Agent: Dave Pickart

Associate Member:

Visitors: Gary Schults

### **7:00 Remote Meeting Opened**

#### **Agent Report**

- Governor's Landing has filed with Planning Board but not with Conservation Commission. Dave to provide link to Conservation Commission members for review.
- Grant program for \$50,000 for green infrastructure project. Not sure if projects are eligible if not part of the Narragansett Bay.
- Erosion problem on former Afonso house lot on Fiske Mill Road has been fixed by DPW.
- Community Center project is starting on Friday and playground has been dismantled.

#### **Administrative Report**

- Nothing new.

#### **Financial Update**

- Trisha reviewed the expenses/revenue for FY22 so as of November 10, 2021.

#### **Website**

- Alan will create a page called beaver management on the main conservation page and Commission change as they see fit.

#### **Open Space Committee - Mike**

- Mike stated the Town Line Dairy APR will be discuss at the Selectmen meeting on 11/22.

#### **Land Stewardship Committee - Marcella**

- Work to be done at Stefans.
- Mike has arranged for Greg to move forward with mowing Stefans and Howarth Glen, waiting for Derek to sign off.

**Land Stewardship Committee – Marcella Stasa**

- Marcella and Mike met with Milford conservation. National Grid is putting gate at Camp Street to prevent vehicle access.
- Mike stated the boat has been removed.
- Proposal for bridge on Robertson property was discussed. A quote was received. This is for an initial report and prepare a conceptual plan and give a cost estimate for the plan. Will be done sometime this Fall. Final funds for bridge constructed would need to be approve at next ATM.
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- Will be held at the auditorium at Nipmuc school.

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**Stefans and Rockwood Meadows parking area snow plowing**

- Awaiting quote.

**On-Going Items:****Erosion control policies**

- Nothing new.

**Permitting process discussion**

- Nothing new.

**Railroad**

- Nothing new.

**Rockwood Meadows Baseline Study**

- Should be starting within the next week or so.

**Warren Brook Forestry**

- Nothing new.

**Forest Heights**

- Nothing new.

**Land Use Regulations and OPDMD draft policy**

- Minor changes to the reviewed.
- Marcella to incorporate changes and have updated document for next meeting.

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- Marcella to talk with Chief about gate and may not need to do police monitoring immediately.

**Blue Spaces**

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- Waiting for bounds to be delivered, backordered.

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- Discussed under Land Stewardship Committee

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**Site Visits:****TBD Azalea Drive verify Open space acceptable for transfer to town**

PM 11/15/2023

## **Approve & Sign Documents**

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<i>Marcella Stasa</i>	



- Quote has been received for plowing at Rockwood Meadows.
- Robertson bridge contract was submitted to Derek for signature. They are going to provide a report. Site visit by contractor expected this fall.

#### **New Items:**

##### **Rockwood Meadow Plowing**

- Quote provided for plowing. Half of lot plowed \$100 for 0"-8" and \$150 for 8"-14". Whole lot is \$125 for 0"-8" and \$175 for 8"-14".
- Marcella Stasa made a motion for full lot be plowed at the prices quoted. Alan Miano seconded the motion. Motion passed by unanimous voice vote.

##### **Consolidation of agenda items**

- It was agreed that items should stay on the agenda but will not be discussed unless someone needs to discuss. If so they will bring them up at the meetings.

#### **On-Going Items:**

**Erosion control policies, Permitting Process Discuss, Railroad, Warren Brook Forestry, Forest Heights, Police Monitoring at Peppercorn, Blue Space, FY22 Budget, Upton Ridge CR, Filing On Website, 78 and 84 Mendon Street, and Lake Wildwood Island Touchtone School**

- Nothing new.

##### **Rockwood Meadows Baseline Study**

- Field work will start on 11/22/2021.

##### **Land Use Regulations and OPDMD draft policy**

- Will be discussed at next meeting.

##### **Beaver Issues**

- Chris to work on draft article to be placed in Town Crier regarding beavers

#### **Approve & Sign Documents**

##### **Meeting Minutes**

- Will be reviewed at next meeting

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

##### **7:00 NOI (con't) East Street (Afonso)**

- No one was present at the meeting.
- Dave to send them a letter regarding as to what they should do if they will not be attending as scheduled.
- Hearing continued to 7PM on 1/12/2022.

**Land Use Regulations and OPDMD draft policy**

- Minor changes to the reviewed.
- Marcella to incorporate changes and have updated document for next meeting.

**Police Monitoring at Peppercorn**

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### **7:20 PM NOI (cont) 0 Mendon Street lot 6d and 6e**

Glen Krevosky was present to speak.

- Glen stated they are okay with Order Of Conditions for both lots.
- Glen said septic are outside zone and the perc test was compliant with the BOH. Final design is being finished and will be submitted when available.
- Mike stated he would like to see the soil profile. Glen stated it will be part of the septic design information DEP title V data sheet.
- No questions or comments from abutters.
- Dave stated the septic system is outside the buffer zone and they cannot start until the DEP approval is received and is received by the Commission.
- Glen requested to close the hearing.
- Tom made a motion to close hearing and issue an OOC. Alan Miano seconded the motion. Motion passed by unanimous voice vote.

### **7:30PM Discussion for Lake Wildwood Island – Touchstone School – Sally Kent**

Sally Kent, Stephen Brudner and Brad Maltz were present to speak.

- Sally stated they are considering acquiring the island and a .95 acre piece of property that is owned by Landry family. She asked if there are any limits for use of the property. They are looking to use for educational purpose such as, environmental studies, water quality and other studies for the students.
- Wanted to know if they could add a dock on the island and mainland, a structure and composting port-a-potty.
- Dave stated the entire island and lot that has frontage falls with the jurisdiction of the Conservation Commission under the wetland protection bylaw and it would require review and approval of the Conservation Commission. Depends on what they want to do as to what they would have to apply for. More detail needed. A composting bathroom would require that they speak with BOH. They would need to know if the dock would be permanent or a seasonal dock and requires an NOI filing. Brad stated he believes it would not be permanent type but not sure.
- Commission purchased a piece of the land and a treatment for aquatic plans for that area for next year.
- Sally stated that the property is overgrown now and they would like to make it walkable and also be able to pull a car and put a shelter there. They would paddle across to island. Liability is the not an issue as long as they do not charge for use of the area.
- Mike asked if they would be open to public use of the island. Sally stated would be entitled to use but they would not want to encourage public access. Brad stated they saw that it was already being accessed by the public and they are not sure what they would be done in the future. They do not want to encourage parties and fires.
- Mike suggested a boat ramp be added. Town owns the land under the water.
- Sally stated school is pre-k to 8. Habitat study as to what lives on island and maybe a turtle survey. Animal life mostly. For older students-study of river, water quality testing and storm water run-off at certain location and maybe beaver activity. They are open to suggestions by Conservation Commission or other boards.
- Sally stated they are glad they are looking forward to being supported by the Commission and she stated they would like to build some type of shelter for the students at some point.
- Frontage is .95 acres according to Sally. About 5' short for what they would like to do. Commission doesn't have jurisdiction. Would need to go to Zoning Board. May not apply to parking and shelter. They should reach out to Denise to speak with her.
- Mike doesn't think that National Heritage would have issues.
- Weed control was done this fall and coming before STM for next year's funding. Single treatment will last for several years.
- Brad come back with plan with more concrete information to discuss further.

**9:55 pm** Alan Miano made a motion to adjourn the meeting. Tom Jango seconded the motion. Motion was approved by unanimous voice vote.

**Minutes approved on: December 8, 2021 (remote meeting)**

<i>Chris Scott</i>	<i>Mike Penko</i>
<i>Mary Overholt</i>	<i>Tom Jango</i>
<i>Sandy Lajoie</i>	<i>Alan Miano</i>
<i>Marcella Stasa</i>	



# TOWN OF UPTON, MASSACHUSETTS

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## Conservation Commission

Meeting Minutes – Wednesday 12/8/2021 -- Remote Meeting (gotomeeting.com)

To: Members of Upton Conservation Commission

CC: Kelly McElreath, Town Clerk

From: Patricia Marvelle, Administrative Assistant

### **Members Participating:**

Chair: Chris Scott, Vice Chair: Mike Penko

Members: Sandy Lajoie, Alan Miano, Tom Jango, Marcella Stasa and Mary Overholt

Absent: None

Agent: Dave Pickart

Associate Member: David Szczebek

Visitors: Gary Schults, Cathy Taylor, Bill Taylor

### **7:00 Remote Meeting Opened**

#### **Agent Report**

- Reviewed Governor's Landing plans information that was provided and did a site walk with Town Planner.
- Handled many inquiries regarding lot for sale on Pearl Street.
- Met with contractor for the community center and reviewed erosion controls.
- Upcoming filing Governor's Landing, 0 Milford Street extension review.
- Completed COC for 25 West River Street needs to be approved tonight.
- Blackstone River Water Shed Collaboration for their support to the initiatives. To be discussed later
- Discussion about things going on at Maplewood cemetery.

#### **Administrative Report**

- Trisha reviewed the bill for the Town of Upton for the quarterly water bill for the Community Garden in the amount of \$55.50 for Land Stewardship Committee.
- Marcella Stasa made a motion to pay the Town of Upton bill in the amount of \$55.50. Mike Penko seconded the motion. The motion was approved by an unanimously voice vote.

#### **Financial Update**

- Trisha reviewed the expenses/revenue for FY22 so as of December 8, 2021.

#### **Website**

- Beaver page still needs to be finalized as to where the location should be on Conservation website.
- Marcella would like it to state clearly that breaching a beaver dam is illegal. A link will be added for more information regarding this subject. Marcella and Mike to work on wording and link.

### **Open Space Committee – Bill Taylor**

- Comment period for Cobblers Creek's environmental process is over on Monday, December 13<sup>th</sup>. A few DCR concerns about project.
- Received notification Cook's land has been sold and it has triggered the Town's right of first refusal. That information was distributed to everyone. Chapter 61 forestry abuts protected and semi-protected open space and several other entities' lands. Offer for 55 acres of land and buildings is about \$2,250,000. Right of first refusal only applies to the thirty-five acres of forestry land.
- Lawyer for Henderson's land at Mechanic and Fowler streets has reached out to the Assessor for more information on the implications of Chapter 61. They want to convert the land within the next month. Will need to schedule an open space meeting to address this issue.

### **Land Stewardship Committee – Marcella**

- Marcella and Mike met with Adam Gilbert regarding the bridge site at the Robertson property.
- Adam will provide more information and a twenty-five percent conceptual plan with the cost estimate to construct the bridge. This could be used to develop a plan. Will need to put out to bid once he produces it. Plan can be used by any company to do the work.
- Mike stated he would like to ask John Savello for a quote for the section across river where bridge is going to be built. The purpose is to be able to plug some data in to predict the water level at certain events that might occur using the Manning equation. Cost is \$500.00 for the section. Taking elevation at different locations, Mike will put them into a program that will estimate the height of the water at different flows and the stream stats will give him the number he needs to come up with the height of the water and that will help with determining at what height the bridge should be.
- Mike Penko made a motion to hire John Savello for up to \$500 to prepare a survey of the cross section of the Warren Brook stream at the Robertson trail location. Alan Miano seconded the motion. The motion passed by unanimous voice vote. Monies will possibly come from Land Stewardship fund to pay for it. Mike will use this information in the Manning equation.
- Marcella stated that the debris might need to be accounted for also. Mike stated there is a way to account for that, to a certain extent. No abutments will be in the stream channel and it shouldn't hold up woody debris in the channel.
- Marcella stated there have been multiple reports of fires at top of Peppercorn Hill. Signage for no fires have been received and a work date is this Sunday. They will post signs and do work and dismantle any fireplaces at that time. Fires have happened at more sites than just Peppercorn and signs will be put up at the areas, as needed. Person complained to Fire Department and no response.

### **New Items:**

### **Governor's Landing-Planning Board**

- Dave sent information to Conservation Commission for their review.
- Marcella has concerns over stormwater runoff. Concerns are near impervious surface and how that will affect Centerbrook. Dave stated that stormwater report is being reviewed by Town consultant. Dave's concern was for the low-impact development environmentally sensitive design. Not much info included in the report.
- It meets government regulations and it complies with the DEP stormwater management, as far as peak rates and treatment.
- Mike stated that if it is a cold water stream they need to design for that.
- Nothing filed with Conservation Commission as of yet, working with Planning Board letter at this time. Boundaries were approved in 2019.
- Cathy Taylor stated with all the rain recently, it is super wet and that she is concerned the development is surrounded by water. Her concern is that the study was not done when the water was not there.

- Mike stated that wetland delineations is provided by soils and vegetation and if it was delineated in a dry year, the soils and vegetation should show the changes.
- Dave stated an Order of Resource Delineations is good for three years. Soil show longer term results and he was there last week and flags were still appropriate and the wetlands are wetter than in past years but might be drier next year.
- Marcella asked about the vernal pool buffer area. The lots surround it and she wanted to know if they can do anything about that or if it fits within the regulation. Dave read the comments he suggested regarding this about relocating some of the units and the access road in order to have the needed space around the vernal pool. There needs to be one-hundred feet around the vernal pool as a resource area and not as a buffer zone as they stated.
- Mike suggested reaching out to Oxbow to get them on retainer/contingency to defend the vernal pool, if needed.
- Dave stated he doesn't see anything finalized for a while. It would be not until after the vernal pool studies are completed.
- Dave doesn't think they need to act now but keep it in mind. Mike stated there are about ten single unit residences on the plan and if they were converted to duplexes the problem ones could be eliminated for the most part.
- Dave reviewed comments regarding stormwater basins stuck out on open area.
- Bill asked if trails are being removed. Dave stated they would be interrupted. Land is private property now. Dave read comments he was suggesting regarding the trails having public access. Mike suggested they state that more access to residents should be included.
- Chris asked if the existing plans show the stone walls and will they remain or removed? Dave stated sections of them will be coming down. Planning Board meeting is on the December 14<sup>th</sup>. Dave to attend and encourage others to attend. Chris to have a meeting posted for Conservation Commission on the 14<sup>th</sup> of December.
- Mike Penko made a motion to approve the letter that Dave wrote with changes discussed. Alan Miano seconded the motion. Motion passed by unanimous voice vote.

#### **Green Infrastructure Grant**

- Not heard back. It can be removed.

#### **Cancellation Policy**

- Available online. It can be removed.

#### **25 West River Road**

- Dave state he inspected it and determined it was fine. Certification form and as-built plan received.
- Tom Jango made a motion to issue the Certificate. Alan Miano seconded the motion. Motion was approved by unanimous voice vote.

#### **Annual report**

- Due on 1/10/2022.
- Changes to be made by Dave and distributed. Commission should write in their comments for discussion at the next meeting.

#### **Ice Out**

- Ice out date was March 20<sup>th</sup>

#### **MACC**

- Trisha stated a letter was received for renewal price for FY22. No action needs to be taken at this time.

## **FY22 Budget**

- Salaries are due at the end of next week, letter was sent with salary information.
- Chris stated she would include asking the hours to be increased for Trisha between 2-4 hours. This would bring it up to the amount of time the previous person was working. Merit increase for Dave for next fiscal year was suggested and agreed upon by the Commission.
- Derek does the budget for Conservation Commission so Chris to speak with Derek regarding the merit increase for Dave and increase of hours for Trisha. Chris to follow-up with Derek for any paperwork that might be needed to be completed for merit increase for Dave.
- Mike Penko made a motion for Chris to explore, and recommend, a merit increase for Dave to the Town Manager. Alan Miano seconded the motion. The motion was unanimously approved by voice vote.

## **On-Going Items:**

**Erosion control policies, Permitting Process Discuss, Railroad, Rockwood Meadows Baseline Study, Warren Brook Forestry, Forest Heights, Police Monitoring at Peppercorn, Blue Space, Upton Ridge CR, 78 and 84 Mendon Street, Lake Wildwood Island Touchtone School, Rockwood Meadows Baseline Study**

- Nothing new.

## **Town Crier Article About Beavers**

- Marcella to come up with a draft article for paper.

## **Land Use Regulations and OPDMD draft policy**

- Disability Commission is working on the revised policy in January that Commission submits. Marcella will update and distribute to Commission to review.

## **Approve & Sign Documents**

## **Meeting Minutes**

- Chris asked if there were any changes to the minutes for 10/27 and 11/10 meetings. There were none.
- Marcella Stasa made a motion to accept the minutes for the October 27, 2021 meeting and the November 10, 2021 meeting, as written. Alan Miano seconded the motion. Motion was unanimously approved by voice vote.

## **AGENDA ITEMS/HEARINGS**

### **7:00 PM NOI (cont) 32 Forest Street**

Gary Schults was present to speak.

- DEP number is 311-0796.
- Dave stated the only conditions would be remove the existing shed from wetland and plant some shrubs along wetland edge to be reviewed by conservation agent.
- Gary requested to close hearing.
- Tom Jango made a motion to close the hearing and issue the Order of Conditions. Alan Miano seconded the motion. Motion passed by unanimous voice vote.



### **7:20PM Maplewood Cemetery**

- Discussed setting up a site visit for this area.
- Dave wanted to know if this is a Town owned and operated cemetery.
- Bill stated it's not Town owned yet. It is still owned by the Maplewood Cemetery Association. Work has been done by the Cemetery Commission.
- Mike stated that the Upton cemetery volunteer has been making changes that might not be appropriate. Mike suggested a site visit with him and DPW since they would be taking over the care of it soon.
- Site walk should be with the volunteer and Cemetery Commission in order to explain rules. The Wetland Protection Act is why the Conservation Commission is involved. Work is beyond what was permitted by RDA. DPW director should also be included in the site visit.
- Dave will send an email to Edward Phillips to inform them to not to do any more work until the site visit.
- Site visit will be scheduled with DPW and Conservation Commission and Cemetery Commission on Monday, December 20<sup>th</sup> at 1pm. Chris to get in touch with Dennis Westgate to be sure that date is acceptable.

**8:25pm** Tom Jango made a motion to adjourn. Alan Miano seconded the motion. Motion was approved by unanimous voice vote.

### **Minutes approved on: December 22, 2021 (remote meeting)**

<i>Chris Scott</i>	<i>Mike Penko</i>
<i>Mary Overholt</i>	<i>Tom Jango</i>
<i>Sandy Lajoie</i>	<i>Alan Miano</i>
<i>Marcella Stasa</i>	



# TOWN OF UPTON, MASSACHUSETTS

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## Conservation Commission

Meeting Minutes – Wednesday 12/22/2021 -- Remote Meeting (gotomeeting.com)

To: Members of Upton Conservation Commission  
CC: Kelly McElreath, Town Clerk  
From: Patricia Marvelle, Administrative Assistant

### Members Participating:

Chair: Chris Scott, Vice Chair: Mike Penko

Members: Sandy Lajoie, Alan Miano, Tom Jango, Marcella Stasa and Mary Overholt

Absent: None

Agent: Dave Pickart

Associate Member: David Szczebek

Visitors: Bill Taylor

### 7:00 Remote Meeting Opened

#### Agent Report

- Commission needs to vote on extension to the permit for two years for 0 Milford Street.
- Request from Blackstone Water Shed Collaborative. Asking for support for the initiatives letter. Small portion of Upton in the water shed area.
- Mike Penko made a motion to issue the letter to the Blackstone Water Shed Collaborative supporting the initiatives. Alan Miano seconded the motion. Motion passed by unanimous voice vote.
- Sandy Lajoie made a motion to grant the two-year extension for 0 Milford Street. Tom Jango seconded the motion. Motion passed by unanimous voice vote.
- Dave on vacation for the next week.

#### Administrative Report

- Trisha reviewed the bills. One for WB Mason for 43.66, Gatehouse media for \$98.40, Trussell for \$1,100 and a bill from Mike Penko for \$130.36 for signage purchased from Voss Signs.
- Marcella Stasa made a motion to include the \$130.36 bill included in the bill payment this month. Motion was seconded by Alan Miano. Motion was passed by unanimous voice vote.
- Marcella Stasa made a motion to pay bills, including the receipt Voss Signs, in the amount of \$1,372.42. Alan Miano seconded the motion. Motion passed by voice vote. Mike Penko abstained.

#### Financial Update

- No changes since last review.

#### Website

- Alan asked them to review the document Marcella wrote and once it was approved he could add it to the left-hand side of the website page regarding beavers.
- Tom suggested wording change to pond leveler not beaver deceiver because that is wording that is

being used is not appropriate. Marcella to change to wording.

- Dave suggested that the wording be changed in the line that says species are an endangered species because there are more of them now and it might be misleading when read. Marcella to make changes and will present at next meeting to vote on after she makes the changes. Marcella to send to commission members for their review once changes are made. Will review next meeting and submitted it to the *Town Crier* once approved by Commission.

#### **Open Space Committee – Bill Taylor**

- Open Space Committee voted last week to recommend to Conservation Commission not to pursue the right of first refusal for the Milford Street property, the former Cook property.
- Tom asked why it wasn't looked at. Bill said it was because of the price position on what they want to do. The lands that abut the property are split up with the Cook property that is not in chapter.
- Selectmen are actually the party that decides. Commission can only do recommendation. Each party notified was asked by Derek for feedback. Commission could suggest that they not pursue the right of first refusal. Grafton/Upton Railroad owns some of the land around Mill Pond and that they might possibly donate a portion of that to the town of Upton at some point.
- Tom Jango made a motion to not recommend they pursue the first refusal to the Cook property. Mike Penko seconded the motion. Motion passed by majority voice vote 5 to 2.

#### **Land Stewardship Committee – Marcella Stasa**

- She received an email regarding plans for the bridge at Robertson property. Information from Code Enforcement will be forthcoming.
- Mike and Marcella met with new Recreation Director Maria and they will be working together on projects that are on town lands.
- Mowing the hill at Stefans was discussed with Maria and mowing a section of the hill to do sledding on East side of property to create a nice sledding area. Mike stated it could be included in the mowing that was already planned on and no increase in the price would be required.
- Mike stated he sent Commissioners an email regarding an encroachment at Rockwood Meadows. There is a problem with a fence that encroaches on the CR property. Doesn't affect existing trail. The fence is probably in response to dogs running on his property from the trails. One corner of fence on protected land and he will go out tomorrow and he believes it doesn't affect the trail they shouldn't have much issue with it. Commission agreed that they don't think it something commission should get involved with. Rockwood Meadows owns the property where the fence is located.
- Marcella met with Chief Bradley regarding the fires at Peppercorn. He will be putting someone out there during vacation week to see what might be going on there. They will inform people who are using off-road vehicles that they are not allowed. Fires should be reported to fire and police departments. The Chief will be notified if they are reported. Chief stated they will pay for the officers this time. Once the spring comes, they can put more people on at different times and can discuss sharing the costs at that time.
- Land Stewardship Committee put up signs for no campfires. They will be going to other sites and add the signs at other locations.
- Signs lets general public know that there is no vehicle use or fires allowed. Suspects some of the activity is being done at night. Mike suggested they put a trail cam up. Marcella suggested signs that say video cams in use so they think they are under surveillance.
- Dave asked what National Grid is doing with timber bridges. Marcella stated they have them in different locations until the work is done and they will be removed then.
- Regulations should include no riding at night. Marcella would like to remove that fires are allowed and have them allow fires by request only. After discussion it was decided to leave it as is.
- Commission agreed that they are not going to pursue the Rockwood Meadows issue any further and they are not going to get involved in the matter. It is between Rockwood Meadows and the home-

owner who put up the fence.

#### **New Items:**

##### **Blue Spaces Appointee**

- Mike volunteered for a seat on the committee.
- Tom Jango made a motion to appoint as Mike Penko as the representative for Blue Spaces. Alan Miano seconded the motion. The motion passed by unanimous voice vote.

#### **On-Going Items:**

##### **Erosion control policies, Permitting Process Discussion, Railroad, Warren Brook Forestry, Forest Heights, Upton Ridge CR, 78 and 84 Mendon Street, and Lake Wildwood Island Touchtone School**

- Nothing new.

##### **Land Use Regulations and OPDMD Draft Policy**

- Discussed difference between wheel vehicles and track vehicles. After discussing, the Commission decided to include track vehicles in wording so they would not be excluded.
- Will be presented to Disability Commission to approve it and go forward with it and it can be posted on the website.
- Alan Miano made a motion to accept the policy as amended by Town Counsel. Tom Jango seconded the motion. Motion passed by unanimous voice vote.

##### **Rockwood baseline report**

- Report completed. No details yet.

#### **Approve & Sign Documents**

##### **Meeting Minutes**

- Review of minutes for 12/08/2021 meetings. Marcella stated the spelling John Savello's name was wrong. Trisha to correct.
- Marcella Stasa made a motion to accept the minutes for the December 8, 2021 meeting, with correction. Sandy Lajoie seconded the motion. Motion was unanimously approved by voice vote.

##### **FY23 Budget**

- Dave and Chris worked on the budget and were looking for comments.
- Dave showed draft budget. COLA increase only in budget and everything else remains the same except for a two hours increase in total hours a week for administrative assistant position.
- Mike Penko made a motion to accept the FY23 budget. Tom Jango seconded the motion. Motion passed by unanimous voice vote.
- Dave to send to Derek and Kelly.

## **AGENDA ITEMS/HEARINGS**

### **7:00 PM Annual Report Discussion**

- Discussion regarding what needs to be included on the annual report.
- Will be finalized and submitted after the next meeting.

### **7:15 PM Draft Revisions to Wetland Bylaw Regulations**

- Revisions that need to be made to the Wetland Bylaw Regulations were reviewed and changes were suggested.
- Alan Miano made motion to approve the draft document, as amended, and forward to Derek for Town Counsel for review. Hearing will be scheduled for 7:30PM on January 12, 2022. Marcella Stasa seconded the motion. Motion passed by unanimous voice vote.

### **7:30 PM Maplewood Cemetery**

- A site visit on 12/20/21.
- Discussion with caretaker and DPW Director. It was documented that there was some cutting of cattails and other emergences along the pond closest to the street.
- No further vegetation management will take place until DPW takes over and it will be addressed at that time and get a management plan and they will get a permit for work to be done.
- Mike Penko did minutes for this meeting. Alan Miano made a motion to accept the minutes for December 20, 2021 meeting. Marcella Stasa seconded the motion. Motion was passed by members who attended the meeting. Mary Overholt, Sandy Lajoie and Tom Jango abstained.

**9:00 pm** Tom Jango made a motion to adjourn. Alan Miano seconded the motion. Motion was approved by unanimous voice vote.

### **Minutes approved on: January 12, 2022 (remote meeting)**

*Chris Scott*

*Mike Penko*

*Mary Overholt*

*Tom Jango*

*Marcella Stasa*

*Alan Miano*