

TOWN OF UPTON, MASSACHUSETTS

Conservation Commission

Meeting Minutes – Wednesday 1/8/2020

To: Members of Upton Conservation Commission
CC: Kelly McElreath, Town Clerk
From: Denise Smith

RCVD TOWN CLK UPTON
2020 FEB 14 AM 8:35

Members Attending:

Chris Scott, Mike Penko, Sandy Lajoie, Tom Jango, Scott Heim & Alan Miano
Bill Taylor, OSC, Dave Pickart, Agent and Mary Overholt, Associate Member

7:05 pm Discussion with Nipmuc student – Owen Bringham

- Looking to do a project for his AP Environmental Science class for the land behind Nipmuc – town-owned, USF and privately owned.
- Project involves creating a map with trails and plant/species listing; also signage and plaques along the trail; clear an area and put down mulch to make it more accessible for handicapped; maybe even have posts w/ ropes to allow visually impaired to walk the trails. Loop is about 3 miles, but this project is the area behind the baseball field at Nipmuc.
- BT explained about Friends of the USF group and provided Owen with contact for the USF; DP gave info about GIS sites (MassGIS/Oliver). Will need to meet with the USF and possibly town.

7:20 pm RDA – Chestnut St (utility poles)

H. Graf/BCS Group

- Applicant is Mass. Electric; installing 3 new utility poles; application incorrectly included the stream, but it is not applicable.
- Will need to remove 3 trees; resource area (BVW) and 2 poles within the no disturb zone; all work will be completed from the roadside.
- DP had no concerns with the project, pretty straightforward; issue a Neg. #3 det. Hearing closed.

7:25 pm General Business continued

Agent's Report: Report dated 12/12/19 – 1/8/2020; Spoke w/ DEP re the Maple Ave RR site; discussed Northbridge IMA for increased hours; received a Storm Water Permit application for 49A Warren St.

Admin/Financial: timesheets & expense voucher signed.

OSC – Working on baseline for Robertson property; meeting with CPC to discuss the Kelly property (3 parcels) which is about 66 acres; this site has good trail connectivity. Appraised at \$260,000 but will probably need \$300,000 to include total expense; possibly apply for a land grant but not likely to score as many points as previous project; need to look at other funding sources; will reach out to HALT, Masspenock group and SVT. Motion for the Commission to recommend to CPC an article for the ATM to purchase this property – 2nd & approved.

7:35 pm New Items

52 Main St – Need to follow up as they still need to file an NOI (after the fact) for the barn.

47 Fiske Mill Rd – Watching this site as there are concerns with sediment/runoff coming off this site.

RR/Maple Ave – DP spoke with DEP

Annual Report – motion to accept – 2nd & approved.

7:40 pm On-Going Items/General Business

Beavers – increased water and activity new Mechanic/Fowler St; also Southboro Rd and Chestnut/Mendon Sts. CS will reach out to DPW.

Crosswinds – LSC talked about surveying the easement near 2 Dogwood Ln and have it marked. Also need to put in a kiosk as there is a nice trail along the river; have not issued the COCs so we can have the developer survey the easement and relocate the bounds/markers; motion for MP to get a quote for surveying the easement – 2nd & approved.

Rockwood Meadow – need to contact HOA as we want to conduct a baseline survey of the CR; MP created a draft letter and will send it first to HALT for their input/feedback; motion for CS to sign the letter upon HALT review – 2nd & approved.

Meeting Minutes – motion to approve minutes from 11/13/19 and 12/11/19 – 2nd & approved.

Financial – vouchers & timesheets signed.

Motions - Issue a Negative Determination (#3) for Chestnut St project – 2nd & approved.

MVP – MP and DP met with Derek Brindisi (Town Manager) to discuss participation in this program; will meet with other town departments in Feb.

Agent's hours – MP and DP also met with Derek to discuss the hours for FY21 and the IMA with Northbridge; both Town Managers like the agreement and want to increase the hours to 30/wk to be shared between towns as the workload dictates; position will be eligible for benefits.

8:00 pm NOI (con't) – The Preserve at Dean Pond

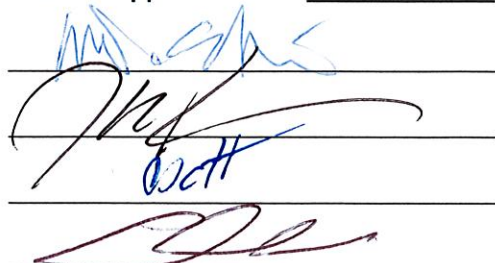
Mark Allen

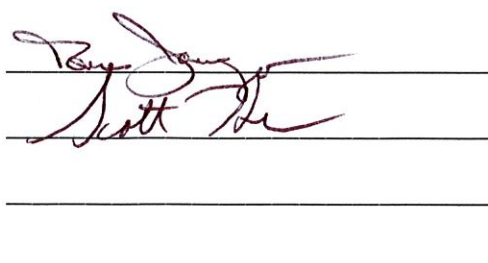
- Site walk was held.
- Revised plans submitted reflecting DEP & Stantec's (PB's engineer) comments; also updates to the trail system to take into account abutters concerns.
- Pushing for LID; feel it is a great location for this type of development; Fire Chief is supportive.
- Question asked as to who will own the Open Space land? Could be Town, SVT, DCR or HOA. MP stated, per town bylaw, that if it goes to the Town no CR is required. It is thus preferable to have the OS be held by one of the other groups (not the Town) so that a CR is placed on the land to permanently protect it.
- Comment letter from Commission to Planning Board is in prep.
- Current trail access is off Gore Rd; would like to have a wider access easement (20 feet); also, maybe have access across from Cider Mill Ln; abutters were very much against this location.
- Intent is for the road to eventually be a public town road.
- Continued to Feb 12th at 7:30.

8:30 pm Motion to adjourn – 2nd & approved

RCVD TOWN CLK UPTON
2020 FEB 14 AM 8:35

Minutes approved on: _____





Document List:

- 1) Con Com Agenda, Action Item Checklist
- 2) Agent's Report 12/11/19 – 1/8/2020
- 3) Agent's review for Chestnut St – utility pole installation
- 4) Kelly property info
- 5) Sign-in Sheet

RCVD TOWN CLK UPTON
2020 FEB 14 AM 8:35



TOWN OF UPTON, MASSACHUSETTS

Conservation Commission

Meeting Minutes – Wednesday 1/22/2020

To: Members of Upton Conservation Commission
CC: Kelly McElreath, Town Clerk
From: Denise Smith

Members Attending:

Chris Scott, Mike Penko, Sandy Lajoie, Scott Heim, Alan Miano & Marcella Stasa
Bill Taylor, OSC & Dave Pickart, Agent

7:00 pm General Business

Agent's Report: Report dated 1/9 – 1/22/2020; Met with Hillary King of EEA re MVP; DP will talk with dept. heads at the Feb 4th staff meeting. Reached out to owner of 52 Main St, need to file NOI. Finalize Chestnut St easement. Planning to attend the MACC conference in March; motion to pay the fee & allow 4 paid hours for Dave to attend – 2nd & approved. DP will be away the week of Feb 17th. Reviewed draft letter to the PB regarding the Preserve at Dean Pond subdivision, revisions made motion to issue with DS signing for Chris Scott – 2nd & approved.

Admin/Financial: Reminder for Open Meeting & Ethics on line training; timesheets signed. DS will be out of office on Friday 2/7 for Clerk's conference. Motion to sign Chestnut St trail easement – 2nd & approved.

7:10 pm New Items

- Kelly's property (parcels) – Bill McCormick will draft a P&S for the Commission to review; met with the CPC who propose to delay the article to purchase the parcels until the Nov. STM.
- ATM warrant articles are due by Feb. 7th; requesting \$5,000 for Conservation Fund and usual articles for the revolving funds.
- Capital Budget – possibly Stefans land access and Kelly parcels.
- FY21 Budget Narrative – motion to approve 2nd & Approved.
- Earth Day 4/22/20 – propose town cleanup or participate in an already scheduled event. MP will look into events.

7:15 pm RDA - 5A Wildwood Ave

John Dupras/Trinity Engr.

- Applicant presented as a replacement septic system & well for existing single family dwelling (only one room); system is for a 2-bedroom.
- Challenging lot as on Lake Wildwood; good soils for this system; trying to keep 100' setback between the well and the septic; have not yet been to BOH.

- System is about 20' from BVW (wetland is the lake) and less than 100' from the lake (36 ft); d-box is 65' from lake. Proposing a conventional system – infiltrator system; will look at different system if necessary; located in an area of least disturbance.
- Anything to reduce the leach field is preferable.
- Can only use a tight tank if no other alternative.
- MP asked if some kind of barrier can be installed between the system & the lake; yes is possible.
- DP reviewed and has spoken with the BOH & Assessors; the existing structure is not a single-family dwelling it was used as a cabin only has no kitchen or bathroom; no existing septic system; does have electricity. Concerns with how this will affect Lake Wildwood but can't say for sure that this will not adversely affect the wetland.
- JD says structure is listed as a single-family dwelling by Assessors; no record of Title 5 or actual bathroom; no existing plumbing.
- If an NOI is required the DEP will require a waiver for well/septic distance and BOH approval.
- Assessors have 400 square foot structure – 1 room no bath or kitchen.
- Close hearing; motion to issue a Positive Determination which will require an NOI filing and approval from BOH – 2nd & approved.

7:35 pm Storm Water & Erosion Control Permits – 49 A Warren St S. O'Connell & P. Coraccio

- Site is on 16.42 acres with approx. 5 acres of disturbance; proposed single-family dwelling with detached barn/garage; septic and well. BVW is just off the property
- No work in buffer zone, no DEP file needed.
- Erosion controls installed prior to construction.
- Overland flow into settling basin in series of basins already installed.
- Construction schedule provided.
- Asphalt driveway; grade exceeds 33%. Anything to prevent erosion or gully along driveway? Existing rip rap and check-dams if necessary.
- DP comments (no formal report) but reviewed plans and site; confirm what has been installed is working given the conditions of the last few months – no issues. Likes the natural features that are being utilized; this is a single-family site not high volume.
- House will be off the grid – will use solar and geothermal; no electricity or cable being installed. DPW Director was provided the plan and had no concerns.
- Motion to issue an approval with some conditions – 2nd & approved.
- Draft conditions will be issued w/in 30 days; some proposed conditions: Commission/Agent allowed to inspect property; additional erosion controls to be installed or repaired if necessary.

7:50 pm On-Going Items/General Business

Open Space & Recreation Plan – comment period has been extended again; MP will work on final revision.

Forestry – Phil Benjamin is working on the cutting plan; perhaps fall 2020 will hold site walks/workshops explaining cutting plan.

RR/Maple Ave – concern w/ expected rain event for the weekend; will try to monitor turbidity from treatment plant site.

Motion – Chris Scott to sign Rockwood letter – 2nd & approved.

8:20 pm Motion to adjourn – 2nd & approved

Minutes approved on: _____

W. S. H.
[Signature]
2-11

[Signature]
Ben J. [unclear]
Scott H.

Document List:

- 1) Con Com Agenda, Action Item Checklist
- 2) Agent's Report 1/9 – 1/22/2020
- 3) Agent's review for 5A Wildwood Ave
- 4) Article on Forest Management for Carbon Sequestration & Climate Adaptation
- 5) Draft Rockwood letter
- 6) Sign-in Sheet

RCVD TOWN CLK UPTON
2020 FEB 14 AM 8:35



TOWN OF UPTON, MASSACHUSETTS

Conservation Commission

Meeting Minutes – Wednesday 2/12/2020

To: Members of Upton Conservation Commission
CC: Kelly McElreath, Town Clerk
From: Denise Smith

Members Attending:

Chair - Chris Scott, Vice Chair - Mike Penko
Members: Scott Heim, Sandy Lajoie, Tom Jango, Alan Miano & Marcella Stasa
Agent - Dave Pickart; Associate Member - Mary Overholt
Bill Taylor – Chair, Open Space Committee

7:00 pm General Business

Agent's Report: Verbal update given no written report.

- Received an email from a resident on Westboro Rd regarding land being subdivided that has a possible vernal pool – will investigate.
- DP & TJ met with a property owner on West River St who is has beaver activity; told the property owner that they can remove some trees; and informed them of the regulations and process for trapping and/or removing the dam.
- Received a letter from the BOH re: Upton Ridge potential soil issue.

Admin/Financial: Reminder for Open Meeting & Ethics on line training; timesheets signed.

Website: added Earth Day page.

OSC: Working on Robertson property – trails and additional work being done for baseline survey.

7:10 pm NOI – 109 Hopkinton Rd

M. Cooperman/EcoTerra Design

- Building a detached barn; approx. 30' x 70' slab construction; closest point to the wetland is 42'; most of the structure is outside the buffer.
- Existing storage trailers will be removed once barn is completed.
- Will use silt socks.
- DP review comments submitted; need to look at flag #11 and possibly relocate; bounds should be required along back of the building – 10' off the building; 3 bounds - one at each corner and one in the middle.
- Using roof drain with standard cistern tank.
- DEP# has been issued (311-0771); public hearing closed.

7:25 pm New Items

Capital Budget: Discussed adding purchase of Kelly parcels and Stefan's access; need to get a current version of the Capital Budget Plan.

LID discussion: Informal meeting set with the applicant of "The Preserve at Dean Pond", Planning Board member(s) and the DPW Director on Thursday, 2/20 @ 8:30am. See if we can get examples from other towns.

Forestry: Phil Benjamin has finished marking the area; will discuss a cutting plan at LSC meeting on 2/13.

Rockwood Meadow: MOU w/ HALT and the Homeowners Association (Trust) proposed revision to move the community garden to the opposite side of the parking lot so it is closer to the community building and less impact to the abutter on School St (Hopkinton). MP agreed this make sense and made a motion to sign the amended MOU – 2nd & approved. Need to discuss when to conduct the baseline study.

RR/Hopedale property: BT mentioned that several petitioners were granted intervenor status with full rights to participate in the case.

7:35 pm

Crosswinds bounds & easement discussion

A. Righter (2 Dogwood Dr)

P. Coraccio (Eastland Partners)

- Issue regarding bounds; more were installed than expected.
- PC presented approved plans showing the location of the bounds and the OOC issued in 2013 that stated bounds are to be "no more than 25 feet apart"; bounds were installed as instructed.
- Commission apologized that they did not refer to the OOC prior to this discussion and acknowledged that the developer (Eastland Partners) did what was required so no further action is required from them.
- Discussed possibility that the homeowners can remove "extra" bounds after they get Conservation approval & confirmation of which bound to be removed. Will create a letter to those property owners affected by this matter with instructions on removing the bounds. Will review on case-by-case as the priority is to make sure there is no encroachment within the CR.
- In process of closing out the OOC's for individual lots; will be reviewing for encroachment issues and will address with those property owners. Want to stop lawn maintenance beyond the bounds/markers.
- Property owner of 2 Dogwood Dr expressed concerns with the orange dots that were sprayed onto the bounds (marking those bounds that must remain in place); orange paint will eventually wear off or can be scrapped with a wire brush. Owner indicated they will probably not remove the bounds.
- Commission may resurvey the easement to make sure of the exact location; need to locate bounds that are flush with the ground.
- LSC will be addressing trails at Crosswinds; want to make sure public has access to the Open Space land while minimizing impacts to the owners at 2 Dogwood Dr.
- Question was asked if access for trails can be over the RR tracks; don't believe the Town can direct people to cross the tracks but will look into this.
- Need proper signage for the trails and to determine exactly where the trail easement is; will work with abutters and owners of 2 Dogwood Dr.
- Site visit to 2 Dogwood Dr has been set for Saturday Feb. 22 @ 10:00 am (note - amended after meeting for 11:00 am); public is welcome will meet at the cul-de-sac. Will post the meeting.

8:20 pm

East Street Estates (con't NOI)

Rich Mainville/Andrews Survey

- DEP issued the Water Quality Certification
- Army Corp requested additional information on the 2 parcels that are to be given to the town – what is the mechanism.
- RM provided a correct Planting List for wetland replication area as the one listed on the Dec 2019 plans was incorrect.
- Recommended that he speak with Christa Collins at SVT about possible OS land possible CR.
- Motion for the Town to own the property (OS land) and SVT or Metacomet hold the CR – 2nd & approved.
- DP believes all Con Com items have been addressed in the most recent plans (Dec. 2019).
- MP suggest including the restricted portion of the 2 frontage lots be in the CR.
- PH continued to Feb. 26th @ 8:00 pm.

9:00 pm On-Going Items/General Business

Earth Day: 50th Anniversary is 4/22/20; Lyn Haggerty is coordinating an event to be held on 4/11. MP suggested planting a tree at Heritage Park (Elm St) and asked if the Commission would be willing to purchase a tree. Type of tree is TBD; motion to spend up to \$750 for a tree & plaque to plant at Heritage Park – 2nd & approved.

Metacomet: MP said Metacomet was approached by a school in Franklin that is looking for a place to plan native chestnut seedlings – it was suggested Warren Brook as possible location; seedlings would be planted next year; might be able to create suitable locations in the forest cutting area. Motion for Con Com to partner with Franklin school for the Chestnut Tree project – 2nd & approved.

Admin/Finance: Timesheets signed; motion to sign expense voucher – 2nd & approved.

MM: Motion to sign minutes from 1/8/2020 and 1/22/2020 meetings – 2nd & approved.



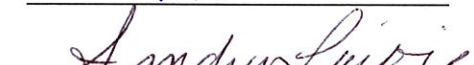
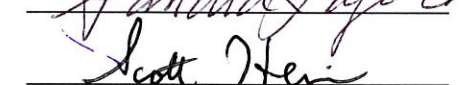
Motions:

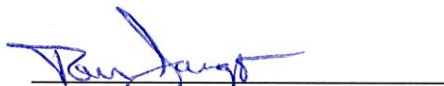



- Sign Positive Determination for 5A Wildwood Ave – 2nd & approved.
- Sign OOC for 109 Hopkinton Rd – 2nd & approved.
- Motion for Chris Scott to sign the Stormwater & Erosion Permit for 49A Warren St – 2nd & approved.

BOH: Notified but the BOH who was contacted by the Hopkinton BOH of a possible violation regarding soil brought to the Upton Ridge site from Hopkinton; DEP has been notified and will be testing.

9:40 pm Motion to adjourn – 2nd & approved

Minutes approved on: 3/11/2020

Document List:

- 1) Con Com Agenda, Action Item Checklist
- 2) Agent's Report 1/9 – 1/22/2020
- 3) Agent's review 109 Hopkinton Rd NOI
- 4) Documents for Crosswinds bounds/easements
- 5) Rockwood MOU
- 6) Preserve at Dean Pond review docs
- 7) Upton BOH notice
- 8) ATM Warrant
- 9) Sign-in Sheet

RCVD TOWN CLK UPTON
2020 MAR 13 AM 10:25



TOWN OF UPTON, MASSACHUSETTS

Conservation Commission

To: Members of Upton Conservation Commission
CC: Kelly McElreath, Town Clerk
From: Denise Smith

Overview of Site Visit @ 2 Dogwood Dr (Crosswinds Subdivision) Saturday, February 22, 2020 at 11:00 am

Members Attending:

Chair - Chris Scott, Vice Chair - Mike Penko

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

Agent - Dave Pickart

Discussed the following items with the owners of 2 Dogwood Dr and several abutters:

- Signage for trail access; can't be located behind the fence as that is RR property.
- Property owner asked if the existing signs (placed by developer at Planning Board request) can be replaced with smaller signs and relocated; can they be removed until the trail has been defined.
- Need for clear trail definition
- Concern with people walking through neighborhood
- Intent to minimize intrusion to 2 Dogwood Dr and neighborhood
- Walked 2 Dogwood Dr property to locate bounds; installed flags to help determine location
- Will work with residents as to acceptable marking of trail
- Fence at 2 Dogwood Dr is on the property line; ideally trail should be located on backside of the fence but no room for that as is RR property. Homeowner stated the fence was placed on the property line so as not to block the utility easement
- Pine trees are located on the easement; may need to be trimmed so people can walk between the fence and the trees.

Chris Scott thanked all for participating. Goals are to define the trail and create clear access with as little intrusion on the property at 2 Dogwood Dr as possible. Stated it is not possible, or legal, for public to cross the railroad tracks and that property has been posted as such.

Continued discussion will take place at the next Conservation Commission meeting on Wednesday, February 26, 2020 at 7:00 pm.

Motion to adjourn at 11:55 am - 2nd & approved.

Minutes approved on: _____



TOWN OF UPTON, MASSACHUSETTS

Conservation Commission

Meeting Minutes – Wednesday 2/26/2020

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

Members Attending:

Chair - Chris Scott, Vice Chair - Mike Penko
Members: Scott Heim, Sandy Lajoie, Tom Jango & Marcella Stasa
Agent - Dave Pickart; Associate Member - Mary Overholt
Bill Taylor – Chair, Open Space Committee

7:00 pm General Business

Agent's Report:

- Report dated 2/13/2020 – 2/26/2020
- Upton Ridge – DEP has not yet done additional testing of the soil; the test that was done on the day soil was moved from Hopkinton does not appear to have contaminants.
- Will follow-up with residents on South St and Main St that need to file with the Commission.
- NOI has been filed by Hopkinton DPW for Lake Maspenock aquatic weed clearing.

Admin/Financial:

- Motion made and seconded for DS to price a 2-draw file cabinet – 2nd & approved.
- Motion made to have a senior work-off person assist with file clean-out.

Website: n/a

OSC: Finalizing trail and fishing easement at the Robertson land. Working to complete the P&S and have a baseline survey done.

7:15 pm RDA – 12A Prospect St

Dan McIntyre/McIntyre E&SS

- Potentially subdividing a 1.25 acres house lot from the existing house lot @ 12 Prospect St.
- Goddard Consulting delineated wetlands; located best spot for new septic system; 100' from wetland but some grading will be about 72' from wetland; previously disturbed area.
- DP comment letter reviewed; looking for soil log for a particular area flags 5 - 9; suggests waiting for data before closing hearing.
- Hearing continued to 3/11/2020 at 8:00 pm.

LSC: Site visit set for 3/7/2020 at 1:00 pm to map/GPS trail(s) at Crosswinds; looking to see what is currently there for trails.

7:25 pm

New Items

LID: Several members participated in meeting on 2/20/2020 with the applicant for “The Preserve at Dean Pond” and other town departments; productive meeting with discussion of LID concepts hoping to be implemented within this subdivision. Discussed need for bounds for OS property.

CR/DR: MP will put on T: drive.

Beavers: Noticed a large dam behind SL’s house.

Forestry: Cutting Plan for Warren Brook CA is within the ACEC thus will need to file an ENF with MEPA; motion to complete the ENF and submit to MEPA – 2nd & approved. Will need to publish a notice in the MDN – looking to run this on Tuesday, 3/3/2020; DS will mail packet to MEPA and others as required.

Earth Day – 50th Anniversary (4/20/2020): The Town Manager asked MP and Lyn Haggerty to go before the Historical Commission to talk about planting a tree at Heritage Park (off Elm St); MP proposed adding a plaque in recognition of Barbara Burke for all her work in getting this park. Question raised as to who has control of the part – DPW or Historical Commission/?

Kelly property: Christa Collins from Metacomet LT is coming to CPC meeting next week to talk about grants to help with cost to purchase these parcels.

7:45 pm

Crosswinds bounds & easement discussion

- Very successful site visit on Saturday Feb. 22nd at 2 Dogwood Dr; all members of the Con Com and several LSC members were present along with property owners and neighbors. Walked the 30’ easement to the back of the property at 2 Dogwood Dr to locate existing trail; not much evidence of a trail; steep slope; looked at bounds that were installed by the developer; fence appears to be on the property line with the easement inside the fence;
- No trespassing signs are posted on RR tracks; prohibits crossing the tracks.
- 1 Trail sign was installed at 2 Dogwood by the developer but is not true identifier of the trail; MP suggested that the sign could be removed until the trail has been identified.
- TJ asked if we remove this sign how do folks who might be looking to access the trail know where they should go.
- The homeowner at 2 Dogwood Dr thinks the existing sign is directing that the trail is over the tracks; her preference is to remove it and wait to put up a new sign until the trail is established.
- DP says the sign is actually in a spot where the trail easement is not located.
- Motion to remove the sign (not the post) – 2nd & approved.
- CS cautioned that it will take a while for the trail to be established; not certain if a kiosk will be installed but would not be on 2 Dogwood Dr.
- Acknowledged Annie Righters email with 12 items; Commission will respond with a letter.
- MP still feels that moving the fence so easement is behind is the best course; proposed getting a quote to do this and have Conservation cover the cost.
- AR stated they would entertain this.
- TJ also mentioned trimming the back of the pine trees would allow access between the fence and the trees; might not need to move the fence. Additional plantings may help better define the easement and trail.
- Noted the location of the fire hydrant on 2 Dogwood Property and agreed to see if it could be relocated but needs Fire Dept approval and DPW to move.
- Issue regarding the bounds being covered was probably something the developer did by mistake; there was no intent to imply that the property owners did anything.
- Question was raised as to why the 30’ easement for the trail; could it be located on further edge of property? Commission stated that will definitely not be clearing all 30’ for the trail.
- BT stated the easement is only for walking across.
- Will keep the property owner updated as to when someone will be on the property.

- DP will work on an updated letter to the residents about the bounds.
- Crosswind residents do have a Facebook page; AR will post the site visit planned for 3/7/2020.

8:15 pm On-Going Items/General Business

Admin/Finance: Timesheets signed

MM: n/a

8:20 pm Motion to adjourn – 2nd & approved

Minutes approved on: 3/25/2020 (via remote meeting participation)

_____	_____
_____	_____
_____	_____
_____	_____

Document List:

- 1) Con Com Agenda, Action Item Checklist
- 2) Agent's Report 2/13/20 – 2/26/2020
- 3) ENF for Warren Brook forest cutting plan
- 4) Annie Righter email re: site visit
- 5) Field notes from Crosswinds site visit



TOWN OF UPTON, MASSACHUSETTS

Conservation Commission

Meeting Minutes – Wednesday 3/11/2020

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

Members Attending:

Chair - Chris Scott, Vice Chair - Mike Penko
Members: Scott Heim, Sandy Lajoie, Tom Jango & Marcella Stasa
Agent - Dave Pickart; Associate Member - Mary Overholt
Chair, OSC – Bill Taylor

7:00 pm Capital Budget

- What is process for submitting items?
- Looking to add \$300,000 for Kelly property; and \$175,000 for Stefans
- Motion to submit these 2 items to the Capital Budget Committee – 2nd & approved.
- Need to get on CBC agenda

7:05 pm General Business

Meeting Minutes: Motion to approve minutes from 2/12/2020 meeting and the minutes of the Crosswinds site walk held 2/22/2020 – 2nd & approved.

7:10 pm RDA – 20 Shore Dr

H. Glassman

- 23' x 10' room addition to existing house; no foundation will be on pile/posts; using techno-posts which require less digging/disturbance.
- Addition is on the street side of the property not the pond side; it is about 60 feet from the pond; addition will be on lawn area and will require removing some burning bushes.
- DP reviewed; no adverse effect to the pond; no erosion controls needed as it slopes toward the road not the pond; it is exempt from the town bylaw; suggest issuing a Neg. #3 & #6.
- Public hearing closed.
- Motion to issue a Determination for 20 Shore Dr for Neg. # 3 & 6 – 2nd & approved.

7:20 pm General Business (con't)

Admin/Financial: n/a

Website: Updated for ice-out date March 2nd; Forest Cutting Plan

OSC: Working on agreement w/ Robertsons; discussed Kelly property – SVT does not recommend applying for a Land Grant but there is another grant that Metacomet can apply for; suggest land to go to the Town but SVT & Metacomet hold the CR; Grant for a max of \$85,000.

LSC: Unsuccessful site walk for trail at Crosswinds; it is difficult to locate, no bounds shown on plans; access between 28 & 23 Dogwood Dr is just a point, perhaps can swap some land to widen access but easement is narrow. No signs currently.

7:35 pm Con't NOI – the Preserve at Dean Pond M. Dryden/Allen Engineering

- Working on LID components; PB hearing was closed last night (3/10) but no decision issued yet.
- Latest revised plans are dated 2/25/2020.
- Open Space markers will be installed; need to determine where & what as will be needed for the CR which will also need a baseline survey.
- Suggest survey markers or pipe; something about hip high so as to be easily located years from now; needs to be permanent.
- Markers will be needed for every corner or curve of the OS boundary; will add to the final plans; also will need trail signs and markers installed prior to houses being built or sold; prior to any building permits.
- Identify the trail access with bushes or fencing to clearly indicate; this will also be addressed in the OOC.
- Need final revised plans; DP will work on a draft OOC.
- BT will reach out to DCR to discuss this – 66 acres of OC with a CR.
- Hearing continued to 3/25 at 7:30 pm.

7:50 pm New Items

Rockwood Meadow: MP met with resident at 55 Dogwood Ln who would like to remove some brush and small trees on the edge of his lawn and OS area; clean up the yard where there are some downed branches/snags and a couple trees that have snapped within 25-30 feet of his deck. Motion to allow Mr. Daley to remove 2 snapped trees and the snag that is leaning and the associated dead branches and brush on the ground within 20' of the lawn – 2nd & approved.

Rockwood Trail: Issues with dogs off leash that are going onto private property; proposed signage for the trail to be installed on existing posts proposed bullets: Stay on the Trail; Dogs Must be on a Leash; Pick up after Dog; will run draft signs by the neighborhood association.

8:05 pm Con't RDA – 12 Prospect St

- DP received the additional info and confirmation of the wetland; suggests issuing a Neg #3 Determination.
- Motion to close the public hearing and issue the Determination for 12 Prospect St – 2nd & approved.

8:10 pm New /Ongoing Items

RR/Maple Ave site: severe erosion problems during recent rain event; pictures were taken from behind the Town's Treatment Plant; reached out to DEP to see if a fine can be issued; possible turbidity data for next event.

Earth Day: MP met with Lyn Haggerty and the DPW to determine a location for a tree to be planted at Heritage Park; need to ask Metacomet if ok as they hold the CR; decided to plant a Sugar Maple; possibly install a plaque for Earth Day in honor of Barbara Burke for all the work she did in getting this park.

Enforcement Order: Motion to issue an EO for 52 Main St if no response (must file an after-the-fact NOI) – 2nd & approved.

Crosswinds: DP created a draft letter re: the bounds to be sent to Crosswinds residents; Motion to issue the letter as amended – 2nd & approved.

8:30 pm East Street Estates (con't NOI) Rich Mainville/Andrews Survey

- RM contacted SVT about the CR and they are not interested; he has contacted Metacomet Land Trust and is waiting to hear back; MP & CS disclosed that they are on the Metacomet Board.
- Still waiting on the Army Corp permit as they want to know who will hold the CR.

- DP provided draft OOC; shared with the applicant and will discuss at next meeting.
- MP shared some thoughts: assuming a land trust will hold the CR a baseline survey will be needed; will need to have the corners of the OS bounded to clearly mark the boundary; will need to determine what type of permanent marker will be used; also would like to have the 2 frontage lots be included in the CR
- PH continued to 3/25/2020 @ 8:30 pm.
- Request to show potential location of bounds on plans.

8:45 pm On-Going Items/General Business con't

Crosswinds: No follow-up site walk planned yet.

Emergency Certificate: Commission was notified of an oil spill that happened at 108 Grove St in Oct. 2019; DP will be meeting tomorrow (3/12) with EcoTec, Inc consultant re: the site cleanup; an NOI will be required and must be filed within a certain time.

Admin/Finance: Timesheets signed; motion to sign expense voucher – 2nd & approved.

Agent's Report:

Report dated 2/27/2020 – 3/11/2020 submitted.

Upton Ridge soil testing was done by the DEP; test indicated non-detectable for contaminants.

Motions:

- Sign a Partial COC for 67 Fiske Mill Rd – 2nd & approved.
- Authorize purchase of magnetic signs for vehicles – 2nd & approved.

9:05 pm Motion to adjourn – 2nd & approved

Minutes approved on: 4/8/2020 – Remote Participation

<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>	

Document List:

- 1) Con Com Agenda, Action Item Checklist
- 2) Agent's Report 2/27/2020 – 3/11/2020
- 3) Agent's review 20 Shore Dr RDA
- 4) Documents for Crosswinds bounds/easements
- 5) Draft letter to Crosswinds residents re: bounds
- 6) East Street Estates - Draft conditions for OOC
- 7) Draft sign for Rockwood Meadow OS sign
- 8) Sign-in Sheet



TOWN OF UPTON, MASSACHUSETTS

Conservation Commission

Meeting Minutes – Wednesday 3/25/2020 -- Remote Participation (gotomeeting.com)

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

Members Participating:

Chair - Chris Scott, Vice Chair - Mike Penko
Members: Scott Heim, Sandy Lajoie, Tom Jango, Alan Miano & Marcella Stasa
Agent - Dave Pickart
OSC, Chair – Bill Taylor

7:00 pm Remote Meeting Opened

DS 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.

7:05 pm General Business

Agent's Report:

- Report dated 3/12 – 3/24/2020 submitted
- 108 Grove St - met with wetlands scientist who is working on the cleanup from the oil spill; an Emergency Certificate was issued and an NOI will be filed.
- Motion made to issue the Emergency Cert after the fact – 2nd; approved unanimously per roll call vote of all 7 members present.
- An RDA has been filed for a new house at 78 High St; applicant has begun site work and erosion controls have been installed; wetland is across the street; request was made by the developer to be able to continue work on the site prior to the hearing for the RDA (set for April 8th).
- Motion to allow work on this site to continue prior to the hearing – 2nd; approved unanimously per roll call vote of all 7 members present.
- Updating draft OOC for East Street Estates

Admin/Financial: n/a

Website: Forest Cutting Plan was posted

OSC: Working on draft CR for Robertson property; BT will distribute to the Commission; working with SVT to start the baseline survey; BT asked if anyone had problem with a potential variance request that the Robertson's daughter (new house on Fowler) may seek for a setback issue for a structure (chicken coop?) to

be built; potential location is not near public area nor visible from trails so no opposition. MP inquired about trail system; according to BT the southern trail was not in the agreement thus the Robertsons are not in favor.

LSC: MP looked at a section of the trail at Rockwood Meadow that is quite wet thus will need a plank boardwalk; trail is well used but not sure when this can be addressed.

Capital Budget request: MP has reached out to a member of the CBC to see how to get items on the list; specifically \$300,000 for Kelly property and \$175,000 for Stefans access.

7:25 pm On-Going Items

Beavers: TJ stated that the dam near SL's house (near Mechanic & Fowler Sts) is getting bigger and the water is higher; DPW has been previously notified of this situation.

Tribal MOU: Cathy Taylor has some concern about the cutting plan at Warren Brook; will address during the public hearing at 8:00 pm.

5 Williams St: DP has been in contact with the property owner who is still trying to finalize with her contractor.

7:30 pm Con't NOI – The Preserve at Dean Pond K. Lobisser/M. Allen & M. Dryden

- Revised plans have been submitted per comments from the last meeting; permanent markers at all angle points of the OS boundary and trail head will be installed and are shown on the plans.
- Noted that the Planning Board voted to approve the Special Permit & Subdivision at their meeting held on 3/24/2020.
- DP complimented the applicant for the great detail that was provided on the plans and the overall project; no further issues.
- Mark Allen asked about condition #29 in the draft OOC regarding approved MOU w/ DCR prior to start of the project; can this be revised to tie the MOU to the issuance of the first building permit.
- MP submitted additional conditions to make it more general in case the DCR falls through which then the OS would go to the town. Ok with completing prior to first building permit being issued; also asked about the trail to the USF – who will build or establish this trail? Concerned that if it is not established prior to going to DCR there could be problems. Asked KL if he would be willing to establish the trail while he still owns the property; KL agreed to get the trail in the shape we want prior to going to DCR; also would like to have binder for cul-de-sac; stake the lots; trail connector and install OS bounds.
- MP expressed additional concern that the DCR may balk at having a CR on this property.
- CS agreed that establishing the trail and installing bounds and trail marker will help to avoid issues that have come up in another subdivision. This needs to be done prior to lots being sold & occupied.
- CS asked if applicant wanted to close the public hearing or wait to review the updated draft OOC at the next meeting.
- MA asked to close the hearing.
- Motion was made to close the public hearing for The Preserve at Dean Pond and issue the OOC within 21 days – 2nd; approved unanimously per roll call vote of all 7 members present.

Note: Cathy Taylor joined the meeting at 7:45 pm

7:45 pm On-going Items continued

Rockwood Meadow: MP informed that no progress has been made on the baseline survey in Upton; HALT has started working on baseline in Hopkinton; we may need to hire someone to do the baseline in Upton; DP indicated that he normally would offer to help but will be working on the upcoming MVP project thus won't have time; MP also expressed concerns of working on this due to the COVID restrictions and concerns with people needing to distance from each other; estimating cost to be about \$3500. Suggestion to use money from the Conservation Fund; MP will get some quotes.

Rockwood Meadow signage: MP presented 3 draft versions for sign to be used on the trail; do we need/want to add language for picking up after dogs? Pick up and carry out dog waste; concern is that people will leave their bags on the trail then someone else will have to clean up; MP noted that we do not have that requirement on any other property; suggest to leave language off the sign.

52 Main St: DP suggesting holding off on issuing the Enforcement Order given the current COVID restrictions.

RR/Hopedale property: BT mentioned that several petitioners were granted intervenor status with full rights to participate in the case.

8:05 pm PH - Warren Brook Forest Cutting Plan

- Public Hearing Notice read
- Noted that Rebecca Wetzel, resident & Mark Andrews, Wampanoag Tribe, joined the meeting
- SH gave overview & explained the objective of the plan; 90 acres are included in the plan; cutting improves habitat, forest health and soils.
- Plan was prepared by a licensed forester and has been filed with MEPA and will be reviewed by the DCR. Plan is currently in limbo due to current government status.
- Opened for questions:
- Cathy Taylor expressed concerns that while some features have been identified by the Tribes they have not had an opportunity to fully survey the property to see if more cultural features exist.
- SH stated a letter was sent to both the Wampanoag & Narragansett tribes but we never heard back.
- Mark Andrews expressed concern that there are lots of ceremonial stones in the area; Upton is an area of great interest; he would like to walk the property when visibility is good.
- Cutting will be done when the ground is firm so as not to cause ruts.
- SH suggests doing a site walk early spring, sooner rather than later.
- CS stated that we would GPS any items located on the property.
- Mark Andrews asked if anyone from the Commission would need to assist or if tribal people could do the site walk and provide info to the Commission.
- Cathy Taylor suggests paying tribal people to do the walk through as they are the experts.
- MP is not opposed to that but we need an estimate of their cost; and would require a copy of the survey with a report.
- MS pointed out that because our money comes from the public how will we handle confidential (sensitive) info if we are paying tribal folks? May need to have executive session to discuss sensitive items.
- Mark Andrews stated that if features are identified we can still accomplish the cutting.
- Rebecca Wetzel expressed an interest in participating as she is very familiar with the property.
- Cathy Taylor suggests setting a timeline for the site walk.
- MP mentioned that the Commission's next meeting is April 8; may need an approval to review ahead of this meeting.
- CS suggests continuing the PH to 4/8 @ 7:30 pm.
- Mark Andrews asked if the trees are already marked for the harvest – answer is yes.
- Tribe will attempt to do the site walk prior to the April 8 meeting; asked for anyone who might have knowledge of the site to participate.
- Cathy Taylor will notify us of proposed date for site walk.
- Money has not yet been approved.
- Motion to authorize money to be spent for the site visit; motion was not seconded.
- Another motion to continue the PH to 4/8 with a proposal for site visit estimate to be submitted before 4/8; - 2nd and approved unanimously by roll call vote of all 7 members.
- MP brought up the Tribal MOU which has been in the works for some time; would like to get this finalized and move forward.

- Mark Andrews stated that he is authorized to act on any MOU/MOA; he has a template for language; Cathy Taylor will email what we currently have as a draft MOU.

Additional items relative to the Forest Cutting Plan:

- MP asked if we should reach out to Grafton as a courtesy regarding ownership of the “triangle” property; SH indicated that is ok but that Town of Upton is currently considered the owner; MS asked that if we raise the issue of unknown owner will we need to contact town counsel?
- MP asked about the early successional forest areas – are they leaving the slash on the ground or will they be chipping it; SH said they can leave the slash but there are regulations; preference is to leave it.
- TJ noticed some trees didn’t have stump spots; can we get a key to the different markings/symbols that are being used; SH has already asked the forester to provide.

9:00 pm On-Going Items/General Business

Eagle Scouts: BT stated that he reached out to those scouts but they have not responded; will remove from list.

OOE Extensions (ponds): DS emailed and left voice message w/ Solitude stating the previous extensions need to be recorded at the Registry of Deeds in order for us to issue extensions; waiting to hear back.

Earth Day: 50th Anniversary is 4/22/20; the event has been canceled; tree site has been located for planting of a sugar maple but will put this off until next year; discussed using granite for recognition marker.

MVP: MP touched base with Hillary King from the State regarding the planning grant; deadline sometime in April?; also spoke with the town manager and plan is to move forward; DP said there is a webinar scheduled and will forward the info to MP.

Crosswinds bounds & trail easement: no new activity and suggestion made to put this on hold given the current circumstances; CS will contact the homeowners at 2 Dogwood to let them know; motion to hold off on any work regarding this matter – 2nd and approved unanimously by roll call vote of all 7 members; DP informed the Commission that the letter was sent on March 23 to the residents of Crosswinds – no response yet.

Admin/Finance: Motion to approve timesheets for DS & DP -2nd and approved unanimously by roll call vote of all 7 members; will table discussion of additional storage for the office; reminder to complete the Conflict of Interest training.

MM: Motion to sign minutes from 2/26/2020 meeting – 2nd & approved unanimously by roll call vote of all 7 members.

Document signing: DP is creating an EDP account w/ the DEP which allows for electronic signature.

9:40 pm Motion to adjourn – 2nd & approved unanimously by roll call vote of all 7 members.

Minutes approved on: 4/8/2020 – Remote Participation

Chris Scott

Scott Heim

Sandy Lajoie

Marcella Stasa

Mike Penko

Tom Jango

Alan Miano



TOWN OF UPTON, MASSACHUSETTS

Conservation Commission

Meeting Minutes – Wednesday 4/8/2020 -- Remote Participation (gotomeeting.com)

RCVD TOWN CLK UPTON
2020 MAY 29 AM 10:29

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

Members Participating:

Chair: Chris Scott, Vice Chair: Mike Penko

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

Associate: Mary Overholt

Agent: Dave Pickart

OSC, Chair: Bill Taylor

7:00 pm Remote Meeting Opened

DS 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.

7:05 pm General Business

West River St beaver issue: Jen Dwinnell & Mike Filios raised concerns about beavers flooding their properties; looking for permission to remove the dam via an Emergency Certificate to breach the dam. DP met with them on site and confirmed the problem. MS asked if any long term solutions or plans as beavers will return. Motion was made for Dave Pickart to issue and Emergency Certificate – 2nd & approved 6-1 by roll call vote: YES - CS, MP, TJ, AM, SL & SH; NO – MS

7:15 pm RDA 78 High St

Mark Allen

- Construction of new house; erosion controls already installed.
- DP reviewed recommends issuing a Neg. 3 - no altering of resource area and Pos. 5 – NOI not required.
- Motion to issue the Determination (Neg 3 & Pos 5) 2nd & approved 7-0 by roll call vote.

7:20 pm Agent's Report:

- Report dated 3/25/2020 – 4/7/2020 submitted.
- Busy doing site inspections.
- Request from resident in Crosswinds subdivision to review bounds in his yard (response to our letter).

- Spoke with an attorney about an OOC that was issued in 1999 for Quail Run (The Village subdivision) located off Grove St which was part of the property at 81 Grove St (Burke's). The house is being sold need to close OOC. Ok to issue a letter stating no problem until a formal request for COC is submitted.
- Working with the DEP for electronic signing.
- Emergency Cert for 108 Grove St will expire before the NOI hearing on April 22; requesting to allow a 30-day extension for the Emergency Cert.
- DP expressed concern about crossing the state line from RI into Mass for work; RI police may require some documentation as to nature of work; suggest a letter from the Town Manager stating the Agent's role is essential; CS will draft something to send to Derek.
- Motion made to issue a letter for 81 Grove St (Quail Run/The Village) – 2nd & approved 7-0 by roll call vote.
- Motion made to extend the Emergency Cert for 108 Grove St – 2nd & approved 7-0 by roll call vote.

7:30 pm Forest Cutting (continued hearing)

- Letter from tribe was received regarding the area of the proposed cutting.
- Mark Andrews stated that currently the tribes have shut down and won't be doing site inspections.
- Discussed draft templates for MOU and draft of expenses related to field/survey work & for monitoring during the actual cutting operation; proposing on-site monitoring for 3 days (likely to be more) and rates are hourly; SH stated the proposed cost is prohibited; TJ has concerns that the harvest will not bring in enough to offset the cost of the survey & monitoring by the tribe.
- If the market rate for the timber is not good the Town can reject all bids thus the harvest may not happen this year; suggest checking with P. Benjamin about the current timber market.
- How long can the cutting plan be delayed? TJ thinks holding off a year would be reasonable.
- CS suggests continuing this hearing until we can get additional info from P. Benjamin.
- Motion made to continue the hearing to June 10 at 7:30 pm – 2nd & approved 7-0 by roll call vote.
- MP asked for revised cutting plan be submitted to ensure that boundaries are correct; want to ensure that the haul trail is not on private property; also wants to make sure that Grafton has been contacted. A strip of land along the town line may be part of Grafton's Pell Farm Conservation Area.
- Motion to have P. Benjamin submit a revised cutting plan & confirm that Grafton has been contacted – 2nd & approved 7-0 by roll call vote.

8:00 pm RDA – TIP Phase 2

**D. Westgate/ DPW Dir
Bill McGrath/BETA
Todd Undiz/BETA**

- This project is continuation of the State's road improvement project (TIP); all work is with the road easement not on private property; utility poles and drainage.
- DP asked why this was filed as and RDA and not a more formal NOI; MassDOT policy is not to file an NOI unless work is within a wetland resource area; DP's major concern are the impact of this project on abutters and the length of time it is going to take thus he would like to request that the applicant notify the direct abutters. Applicant stated they will do this prior to the next meeting.
- DP said the project is well designed; would like to have areas with steep slope have silt fencing installed in addition to the proposed silt socks.
- Discussed trees to be planted and how many to be removed.
- DW explained that the project is overseen by the State and Federal gov't. Phase 2 will run for a full construction season; involved in that a sidewalk is being installed along one side for the street from West Upton (Rte 140) to Pratt Pond; road will be widened and adjusted layout in specific areas.
- BM said 6 trees to be removed and replaced with 3 trees (sugar maples) and is willing to look for additional spots that trees could be planted.

- DP stated again that all private property owners must be provided a copy or notice of the RDA; the Commission cannot legally issue a Determination unless they are notified.
- CS recommends continuing the hearing until the direct abutters have been notified; DBH of trees to be 2.5 – 3 inches in diameter.
- Hearing continued to 4/22 @ 7:30pm.
- MP asked what the DBH & condition is for the 6 trees to be removed; BM said trees are in fair condition and between 20 -36 inches but all are located at the edge of the pavement and most are oaks.
- DP & MP suggest walking the street to look at the trees to be removed and identify possible locations for new trees; will send around an email when site walk is set.

8:25 pm East Street Estates (con't NOI) – continued to May 13 @ 7:30 pm.

8:30 pm The Preserve at Dean Pond – review draft OOC

- Kevin Lobisser & Mark Allen participated in discussion.
- MA raised questions about specific orders (#28, 29 & 30 – email dated 4/8/2020):
- #28 Phasing – proposing sequencing plan not phasing.
- #29 Open Space markers – request to remove the line for individual lots bounds.
- #30 Draft Conservation Restriction (CR) for OS – would like to start site clearing prior to the document being issued; their attorney will need to know who will be holding the OS & CR and given the current state emergency this may not happen anytime soon; MP is looking into who will own the land – DCR? Bill Taylor contacted DCR by email and learned that the only entity that can hold the CR on DCR land is the federal government; BT & MP will do additional research on this.
- MA suggests tying the CR document to lot releases and not general site construction; Commission agreed this seemed reasonable.
- KL asked if there as a “Plan B” if the DCR pushes back on having a CR on the land; MP added some flexibility to the language regarding the CR.
- Question about #44 Boardwalk crossing for trail was raised; no crossings are needed - will remove this item.
- Motion was made to issue the OOC as amended - 2nd & approved 7-0 by roll call vote.

9:00 pm General Business

Admin/Financial: Motion to approve expense voucher -2nd & approved 6-0 by roll call vote; MP abstained.

Meeting Minutes: Motion to approved minutes from 3/11/2020 & 3/25/2020 meeting - 2nd & approved 7-0 by roll call vote.

Website: Adding additional info on Earth Day; also info on trails in Upton and DCR guidelines on trail use. Motion to post info on website - 2nd & approved 7-0 by roll call vote.

OSC: SVT officially hired John Savello to do the survey on the Robertson property; a draft CR has been submitted to the State for review; approached the Robertsons about fishing on the property and they said no. Kelly land - SVT & Metacomet mentioned new grant rounds are open; potentially submitting.

LSC: Suggestion to look at projects for people to work on individually due to COVID impacts.

MVP: Teleconference; proposal for grant in late April; update regs for Climate Resiliency.

Rockwood Meadow: Baseline will put this on hold until the fall; HALT is working on Hopkinton side; they found some old bounds w/ a dead tree that has fallen on top of them; they asked if ok to cut the tree in order to reach the bounds – ok. MP will work on getting bids for baseline. Signs have been ordered.

Warren Brook/WCA: While monitoring the CR SVT found a tent on the property; looks new so will investigate; suggestion to leave a note if no one is around explaining the policy for camping on this property; camping is allowed with permission; MP, AM & SH will make a site visit;

9:30 pm Motion to adjourn – 2nd & approved unanimously by roll call vote of all 7 members.

Minutes approved on: 5/27/2020 (remote meeting)

Chris Scott

Scott Heim

Sandy Lajoie

Marcella Stasa

Mike Penko

Tom Jango

Alan Miano



TOWN OF UPTON, MASSACHUSETTS

Conservation Commission

Meeting Minutes – Wednesday 4/22/2020 -- Remote Meeting (gotomeeting.com)

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

Members Participating:

Chair: Chris Scott, Vice Chair: Mike Penko
Members: Scott Heim, Tom Jango, Sandy Lajoie, Alan Miano & Marcella Stasa
Associate: Mary Overholt
Agent: Dave Pickart
OSC, Chair: Bill Taylor

RCVD TOWN CLK UPTON
2020 MAY 15 AM 8:42

7:00 pm Remote Meeting Opened

DS 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 Business

Agent's Report:

- Overview of report dated 4/8/2020 – 4/21/2020
- Discussed issue at Shore Dr where tree fell across the road; DPW removed the sections from the road and left the remaining pieces; residents expressed concern about possible flooding; spoke with DPW and they will remove the remaining sections and truck away.
- Spoke with Mark Allen about relocation of utility line 31 Westboro Rd; a plan was presented showing location of a new pole; pole will be upslope of wetlands and erosion controls are already in place; pole is in a previously cleared lawn area; no tree removal or trimming is needed. DP suggests this is a minor project and can be handled as a field change. Pole will be shown on the as-built plan for the open OOC. Commission ok'd the minor change.

7:15 pm

NOI – 108 Grove St

Paul McManus/EcoTec
Linda Moore/owner
Bruce Nickelsen/Geologist

- After-the-fact filing relative to oil spill last fall.
- Paul McManus explained that the 275 gallon home heating oil tank in the basement of the home let go and spilled through the floor into the seam between the foundation and the driveway.
- Mass DEP was notified; Con Com issued an Emergency Certificate to allow clean-up.
- Slab was torn up and soils are being removed. Some oil got into shallow ground water/stream; collectors have been put in place. Will excavate contaminated soils.
- De-watering basins have been installed to remove water from the soil in order to dispose of the contaminated soil off site; ground water in this area is shallow.
- Most work is within the paved and gravel driveway; 50 foot area is not developed and mostly Japanese Knotweed; will replace excavated material and hopefully eradicate the knotweed.
- DP indicated that the plan was well designed; sees no issues with remediation; will restore all areas when done; suggest using roadside seed mix where knotweed was growing and a wildlife conservation mix.
- DEP # was received.
- Public hearing was closed; motion to issue the OOC 2nd & approved 7-0 by roll call vote.

7:30 pm

Continued RDA – TIP Phase 2

D. Westgate/ DPW Dir
Bill McGrath/BETA
Todd Undiz/BETA

- Notifications were mailed to 38 direct abutters (w/in 100 feet of resource area)
- Discussed tree removal; a list was provided w/ a map; 12 tree to be removed in the r-o-w mostly Oaks & Maples; might be able to save a couple of the Maples.
- MP & DP drove the route and found a couple spots to plant new trees; asked if any trees can be replaced in the spot they were removed? Site lines were accounted for.
- DW thinks it is unlikely as most trees are being removed to allow installation of the new sidewalk which in most cases abuts private property.
- BM said MassDOT approved the planting of additional trees when appropriate as the project moves along.
- DW said it may not be clear now but as construction is completed they may be able to ID some spots for additional trees.
- TU shared the plans and reviewed the lists of trees to be removed.
- Question from abutter at 98 High St specifically about a dead tree on her property that she would like to see be removed during this project.
- DP will add conditions to the OOC regarding erosion controls to be maintained throughout construction and a site walk be conducted.
- Hearing closed; motion to issue OOC 2nd & approved 7-0 by roll call vote.

General Business continued

Administration: DS suggests posting new applications on the Con Com website so can be viewed by the public since town hall is currently closed.

Financial: Release forms and fees are coming in for Community Garden plots.

OSC: John Savello is working on the survey of the Robertson property; DCR has hired a firm to conduct the baseline report.

LSC:

- Noted that abutters to the WCA have been helping to clear trails but have some concerns for liability issues because that they are using chainsaws on town property but are not members of the committee; would having them sign a liability waiver allow them to continue with clearing? We do have a chainsaw policy.
- MP, AM & SH hiked up to the tent site which is more of a wind screen w/ a fire pit; left a copy of the Land Use Regulations; there is quite a bit of material at the site. Question was asked about what to do with it; will probably take several trips to remove it and we could ask DPW about putting it in their dumpster. Also was suggested we put signs on trailheads and kiosks about removing trash/materials.
- Another item was reported that a WCA boundary wall was breached and a new trail has been created on private property; abutter is willing to help repair the wall; we should let SVT know about this; another area where we need to post guidelines and make people mindful of private property and damage being done. Private property owners should also post no trespassing on their property. Motion to allow LSC and Russ & Ellen Arnold to make repairs to the wall (upon signing a waiver) – 2nd & approved 7-0 by roll call vote.
- DP & MP met with with the homeowners of 15 & 18 Dogwood Dr to discuss bounds; At #15 they would like to remove 2 bounds which are on a sloped area and a tree which is a hazard – DP is ok with both as there is no significant habitat; will be at homeowners expense. Motion made to allow the homeowner at 15 Dogwood Dr to remove the tree – 2nd & approved 7-0 by roll call vote; Motion made to allow the homeowner at 15 Dogwood Dr to remove 2 bounds – concerns were expressed that this sets a precedent but as this is an odd spot and there are safety concerns motion was seconded & approved 6-1 by roll call vote. #18 Dogwood Dr asked to remove 1 bound as in a spot that someone could trip over it; they are letting the area beyond the bound grow in natural state; discussion was held to caution the homeowner that if he disturbs or encroaches on the CR area he will have to re-install the bound at his expense; motion made to allow the homeowner at 18 Dogwood Dr to remove one bound – 2nd and approved 7-0 by roll call vote. It was noted that baseline report has not yet been done for Crosswinds CR.

Magnetic Signs: DP provided info on ordering 12" x 18" signs for Conservation Commission which can be place on side of vehicles when doing inspections or field work; using same company that we purchased the wetland markers; cost per sign \$49.50 per sign; motion made for DP to order 4 signs – 2nd & approved 7-0 by roll call vote.

Appointments: Chris Scott & Mike Penko need to renew appointment to the Commission; they will email Sandy Hakala with their request to be reappointed.

Motions:

- Motion to issue OOC for 108 Grove St - 2nd & approved 7-0 by roll call vote.
- Motion to issue the Determination (Neg. 3/Pos. 5) for Phase 2 DPW Project – 2nd & approved 7-0 by roll call vote.

On-Going Items

RR property Hopedale (near Upton town line): GURR challenged intervenor rights but otherwise not much is happening at this time.

Rockwood Meadow: HALT is working on Hopkinton side; MP has not yet reached out for proposal for someone to do survey on Upton side; will need Town Manager approval for anything over \$500; MP estimates will be \$2500-3000 and could use the Conservation Fund to cover this. Do we want to do this now or hold off until the fall? No deadline but will revisit next month.


Forestry: Abutter notices were sent; SH contacted Grafton about the owner unknown property; TJ was asked by an abutter on Oak Knoll if his land can be included in the cutting plan; Mr. Howarth is also interested; determined that neither can be included at this time but will consider for the next round.

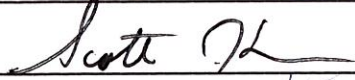
Conflict of Interest/Ethics: DS will resend the email with info & link for online training.


Mosquito Spraying: State is proposing spraying – need to find out more info and what exactly they are planning. Why have Con Coms not been involved or notified? MS will check with MACC & DEP to get more info.

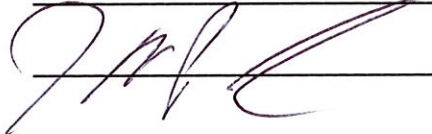
9:30 pm Motion to adjourn – 2nd & approved unanimously by roll call vote of all 7 members.


Minutes approved on: 5/13/2020




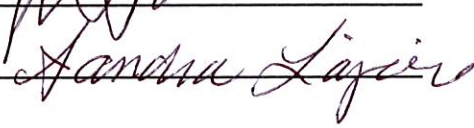














TOWN OF UPTON, MASSACHUSETTS

Conservation Commission

Meeting Minutes – Wednesday 5/13/2020 -- Remote Meeting (gotomeeting.com)

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

RCVD TOWN CLK UPTON
2020 MAY 29 AM 10:29

Members Participating:

Chair: Chris Scott, Vice Chair: Mike Penko
Members: Scott Heim, Tom Jango, Sandy Lajoie, Alan Miano & Marcella Stasa
Associate Member: Mary Overholt
Agent: Dave Pickart
OSC Chair: Bill Taylor

7:00 pm Remote Meeting Opened

DS 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.

Agents Report:

- Report submitted 4/22/20 – 5/12/20.
- Quite busy with inspections and site visits; looked at some DPW routine maintenance projects.
- Will need Commission to sign the following: COC 81 Grove St (old project); OOC 108 Grove St and a 3rd EC to cover until OOC is recorded and Det. for DPW TIP Phase 2.
- Offered his services to survey the wetlands at the town property behind the VFW, discussed with the Town Mgr as this would save the town some money.
- Spoke with property owner at 5 Williams St; she asked if she can put off finishing the work until her job is more secure and she is having trouble getting a contractor to do the work at this time; DP suggests putting off until end of the summer.

Motion to issue COC for 81 Grove St – 2nd & approved 6-0 by roll call vote:

Chris Scott – Y	Mike Penko – Y	Sandy Lajoie – Y
Scott Heim – Y	Alan Miano – Y	Tom Jango – Y

Motion to issue COC for 108 Grove St – 2nd & approved 6-0 by roll call vote:

Chris Scott – Y	Mike Penko – Y	Sandy Lajoie – Y
Scott Heim – Y	Alan Miano – Y	Tom Jango – Y

Motion to have DP issue 3rd Emergency Cert for 108 Grove St – 2nd & approved 6-0 by roll call vote:

Chris Scott – Y	Mike Penko – Y	Sandy Lajoie – Y
Scott Heim – Y	Alan Miano – Y	Tom Jango – Y

Motion to have DP survey the wetlands for the Town on the property behind the VFW – 2nd & approved 7-0 by roll call vote:

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

7:15 pm 141 Hopkinton Rd discussion Nate Dishington

- DP noted tree cutting and disturbance near the wetlands that have been delineated for the TIP Phase 1 project and asked Mr. Dishington to attend a meeting to discuss what he is doing.
- ND explained that there is a lot of ground water ponding in this area and he is trying to get it to drain; currently poor drainage so he's creating a series of trench drains also culvert under the driveway was clogged; he is just trying to improve the drainage.
- SH asked if any erosion controls are being used; ND indicated he will install but needs some guidance as to where they should be placed; DP sited locations.
- ND indicated no additional trees will be taken down.
- DP says this is not subject to the bylaw and is not exempt from WPA; suggest a friendly letter with directions as to what needs to be done to finish what has been started and he will follow up with site inspection.

Administrative/Financial: DS gave brief update on plans for employees to return to work at town hall and opening town hall to the public; nothing will happen until protections are put in place – plexiglass for transaction counters, sanitizer stations, masks & PPE. Will provide current financial update as we are getting near end of FY.

7:30 pm East Street Estates – cont' NOI public hearing

Applicant requested to continue the hearing; continued to May 27th at 7:30 pm.

MP walked the property with Metacomet Land Trust today and noted that the property is very wet.

Speaking for MLT he raised the question regarding the 3 lots off East St that are within the 130' vernal pool protection zone (one lot very minimal area) – does the Commission want to have these lots included in the CR or have a DR place on each lot? A CR is easier to enforce and provides better protection.

Motion to support including lots 1 & 2 in the CR – 2nd & approved 5-0 by roll call vote, Chris Scott and Mike Penko abstained from voting:

Sandy Lajoie – Y	Marcella Stasa – Y	Scott Heim – Y
Alan Miano – Y	Tom Jango – Y	

Website: New page for 2020 OSRP.

OSC: Robertson project moving along; CR review has been completed; DCR & DSC are reconciling their needs; BT suggest adding specific language for the parking area; John Savello is working on the survey. Spoke with Christine Barry about DCR holding the OS land at The Preserve at Dean Pond; she indicated that they are only interested in the larger piece; will set up a site walk within the next week or so.

LSC: Working on a long list of projects that can be done by one person or in very small groups. Signage for Rockwood Meadow is ready to be picked up MP will install. Marcella Stasa has rejoined the group (all approved, including Mike's dogs) and send email to be appointed.

7:45 pm RDA Hartford Ave S

Mike Kelly/Epsilon Assoc.

- Mass Electric/National Grid looking to install a push brace on pole #65 on Hartford Ave S; this is within 100' buffer adjacent to a wooded swamp. This is considered routine work for maintenance/repair.
- Purpose is for structural support to the pole; brace will be installed from the roadway with a small amount of disturbance; will use straw wattles and expect the work to be completed in one day; will grade and mulch the area upon completion.
- DP visited the site and provided comment report; work is exempt from WPA and the bylaw (maintenance/repair/replace); suggests issuing a Neg 5 & Neg 6 with a note that erosion controls are to be installed and disturbed area mulched.
- Hearing closed.

Motion to issue a Determination (Neg 5 & Neg 6) with note – 2nd & approved 7-0 by roll call vote:

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

New Items: No further activity at camp site since items were removed.

On-Going Items:

Climate Resiliency & MVP: MP will work on; no consultant yet and that is Town Managers decision.

DR & CR list: Included in an appendix of the OSRP.

Forestry: SH met with Grafton Conservation Commission (via Zoom) about the owner unknown land; GCC had no concerns w/ the proposed cutting plan; question about the Chase property – Upton access is at the town line.

8:00 pm NOI 49 Warren St

Peter Lavoie/Turning Point Eng.

- Existing 2.5-acre lot (wooded & sloped); wetlands have been flagged; proposing a single-family house closer to the common driveway off Warren St with recharge and roof runoff.
- Septic – 35' from wetland, the well also 35' from wetland and the house is 70' from wetland.
- Proposing 4 concrete bounds at the 30' no disturb line and will use straw wattles along the limit of no disturbance.
- DP comment report submitted; wetland line is good; project is laid out with respect to wetland resources and has no issues.
- DEP # has been issued 311-0773.
- Public hearing closed; commission will vote and issue the OOC.

Motion to issue OOC – 2nd & approved 7-0 by roll call vote:

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

On-Going Items continued:

DP asked about weed control/management at Lake Wildwood – town did it once.

Meeting Minutes: Motion to accept minutes from 4/22/20 & 5/7/20 – 2nd & approved 7-0 by roll call vote:

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

Expense Voucher: Motion to approve – 2nd & approved 7-0 by roll call vote:

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

Motion to issue Determination (Pos 5 & Neg 3) with special conditions for DPW/TIP Phase 2 – 2nd & approved 7-0 by roll call vote:

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

Open Space & Recreation Plan (OSRP): Draft submitted and put on website; will be meeting with BOS next week to review; discussed with the Planning Board and expect a letter of support from them. Will be holding an online review on 5/28/20; has been sent to CMRPC & DCS for comment. As previously mentioned, there is an appendix with list of DR/CR and easements.

Westboro Rd/Young property: BT spoke with Christine Barry about this property (about 35 acres); noticed there are flags along Westboro Rd not sure what those are for.

8:25 pm Motion to adjourn – 2nd & approved unanimously by roll call vote:

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

Minutes approved on: 5/27/2020 (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 5/7/2020 -- Remote Meeting (gotomeeting.com)

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

Members Participating:

Chair: Chris Scott, Vice Chair: Mike Penko
Members: Scott Heim, Alan Miano & Marcella Stasa

RCVD TOWN CLK UPTON
2020 MAY 15 AM 8:42

7:00 pm Remote Meeting Opened

DS 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.

Agenda: Special meeting to review a letter in opposition to the State's mosquito spraying plan H.4650; letter to be sent from the Commission to the State.

CS would like to include language from MACC about the plan being too broad; also that there is no "opt out" option; mention that the Town has voted twice at town meeting against spraying; and will cc the letter to the BOS, Senator Moore & Rep. Muradian.

SH noted that there are 2 separate depts.: Dept. of Fish & Game; and the Division of Fisheries & Wildlife.

CS suggested including the vote of the members present at this meeting and put on Conservation letterhead.

Motion to accept this letter as amended to send to the State -2nd & approved 5-0 by roll call vote:

Chris Scott – Y	Mike Penko – Y
Scott Heim – Y	Alan Miano – Y
Marcella Stasa – Y	

6:45 pm Motion to adjourn – 2nd & approved unanimously by roll call vote of all 5 members present.

Minutes approved on: 5/13/2020

One Main Street • Suite 9 • Upton, MA 01568
T: 508.529.6286 • F: 508.529.1010
concomm@uptonma.gov



TOWN OF UPTON, MASSACHUSETTS

Conservation Commission

Meeting Minutes – Wednesday 5/27/2020 -- Remote Meeting (gotomeeting.com)

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

Members Participating:

Chair: Chris Scott, Vice Chair: Mike Penko
Members: Scott Heim, Tom Jango, Sandy Lajoie, Alan Miano & Marcella Stasa
Agent: Dave Pickart
OSC Chair: Bill Taylor

7:00 pm Remote Meeting Opened

DS 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.

Agent Report:

- Report submitted 5/13/20 – 5/27/20.
- Caught up on inspections within the last 2 weeks; no new filings.
- Upton Ridge is moving toward phase 2.
- Met with the contractor at The Preserve at Dean Pond; erosion controls are installed and swamp mats will be used over wetland crossing.
- Draft OOC for 49 Warren St prepared.
- Possible vacation late June – mid July.

Administrative/Financial:

- Employees will return to work at town hall on June 1st; town hall will not be open to the public until a later date possibly July.
- Reviewed expense account; money to spend by end of FY or turn it back to the town; potential purchases: file cabinet for the office; purchase lumber for boardwalks.

Website: Couple updates made.

OSC: Public comment session for OS&RP tomorrow at 7:00 pm; Robertson project DCR & DSC are still negotiating the CR; not complete yet; ordering a sign for parking area; survey plan is underway; BT hoping to be done by late June. Will contact Greg Trussell for an estimate to clear the parking area and lay some

gravel. Land owner on Mechanic St called to see if the Town is interested in about 3.5 acres of land off Mechanic St w/ frontage on Mechanic St.

LSC: "No Dog" signs installed at Rockwood Meadow trails; tree issue at Whitney CA (west side) trees that need to come down; 4 trees on town land and 2 trees on abutting property; all but one is dead and the concern is that it could fall across the trail or the fence; will talk with a professional to get them removed. Mike Condry volunteered to use his chainsaw but not sure if that is allowed as he is not a member of the LSC; possibly other members could do it if they are willing; TJ not in favor of taking dead trees down in the woods but understands if they come down on the trail or fence. MS will set up a time to meet and discuss the trees. BT mentioned emails re: water at Stefans (community garden) will look into possibly hooking up to town water. Discussion regarding ATV on trails at Peppercorn Hill, resident called to notified us of concerns; discussed signage and possibly asking for a police detail (occasionally).

7:30 pm East Street Estates (con't NOI)

Request to continue the public hearing to June 10th @ 7:45 pm; MP provided and update from Metacomet Land Trust that they are talking about holding the CR but no decision yet; another site walk is planned. Options are to go back to Sudbury Valley Trust to see if they would be interested or talk with HALT and another possibility is for Con Com to hold the CR and someone else own the land. CS would like to include in the OOC language for the establishment of a fund to pay for the CR and pay for the CR baseline report similar to what we used for The Preserve at Dean Pond; Army Corp is requesting the CR and the process. DP will draft some language (similar for The Preserve at Dean Pond); would like to see this move along as it has been tied up for months.

New Items:

The Preserve at Dean Pond open space parcels: BT spoke with Christine Barry (DCR) and she will bring this to their land acquisition dept; will arrange a site visit; CB asked if any known environmental issues; DCR not interested in the smaller parcel (B) but only the larger one; meeting in early June to discuss; the town could take the smaller parcel (B).

Rockwood Meadow trail mowing parking area: Do we want to ask DPW to mow? MP thinks we might not need to mow as there is much foot traffic that is keeping it down.

ATV on Peppercorn Hill trail: TJ asked if there could be a place for them to ride; MS feels that PCH is not the place for ATV; doesn't mesh with conservation land; concern with damage to trails and hazard to walkers. Do we need a police detail or try to locate the riders? Signage on trails; AM suggests a trail cam at parking areas; SH suggests signage and see what happens (response); DP suggesting contacting the power company; MP still in favor of hiring a police detail to send a message to the ORV community; it has been reported that a new trail has been created off Taft St that has ATV use. Intent is to promote passive recreation. CS suggested we ask the police to keep an eye out for trailers on the side of roads.

On-Going Items:

Climate Resiliency & MVP: MP working on grant application with Town Manager.

Forestry: Cutting plan has been approved by DCR; P. Benjamin will be looking to start bid process.

Motions:

Motion to issue OOC for 49 Warren St– 2nd & approved 7-0 by roll call vote:

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

Motion to accept minutes from 4/8/20 & 5/13/20 – 2nd & approved 7-0 by roll call vote:

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

Expense & Debit Vouchers: Motion to approve – 2nd & approved 7-0 by roll call vote:

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

8:20 pm Motion to adjourn – 2nd & approved 7-0 by roll call vote:

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

Minutes approved on: 7/8/2020 (remote meeting)

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

RCVD TOWN CLK UPTON
2020 JUL 9 AM9:20



TOWN OF UPTON, MASSACHUSETTS

Conservation Commission

Meeting Minutes – Wednesday 6/10/2020 -- Remote Meeting (gotomeeting.com)

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

Members Participating:

Chair: Chris Scott, Vice Chair: Mike Penko
Members: Scott Heim, Tom Jango, Sandy Lajoie, Alan Miano & Marcella Stasa
Associate Member: Mary Overholt
Agent: Dave Pickart
OSC Chair: Bill Taylor

7:00 pm Remote Meeting Opened

DS 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.

Agent Report:

- Report submitted 5/28/20 – 6/9/20.
- Spent time at the Preserve at Dean Pond.
- Inspected several properties for tree removal.
- Participated in conference call with G&U RR, ACE, Dennis Westgate & Derek Brindisi and DEP; requested a copy of the 401 Water Quality Certificate that has been filed for the Commission to comment on; also discussed replication being done in Grafton and suggested that there are number of properties in Upton that GURR could purchase for replication; could we provide a list? WT suggested OSC could provide a list of properties.
- Trail issues with off-road vehicles - suggest we ask people to keep us updated if they contact the police.
- Jet skis on Pratt Pond – are there any regs?

Motion to allow tree removal at 2 Breton Rd; 27 Hartford Ave S and 51 Crockett Rd – 2nd & approved 7 – 0 by roll call vote:

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

Administrative/Financial:

- Employees back to work in town hall as of June 1st. Will not be opening to the public until protections are installed (plexiglass, sanitizer stations).
- Current balance of the expense account is \$1783.63; discussed potential expenses.

Motion to spend up to \$500 for boardwalk materials – 2nd & approved 7 – 0 by roll call vote:

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

Motion to spend \$365 for sign at Robertson parking area – 2nd & approved 7 – 0 by roll call vote:

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

Motion to pay \$500 to Phil Benjamin, Forester – 2nd & approved 7 – 0 by roll call vote:

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

7:38 pm Forest Cutting Plan (continued)

- 6 Loggers were contacted; only one showed for the site walk; bids are due soon.
- Hearing continued to 6/24/20 @ 7:30 pm.

OSC: Looked a property on Mechanic St that has great access to Warren Brook; has an existing trail on the west side; BT feels it would be worth considering purchasing this property; TJ suggested this be added to a list of potential properties for the GURR to purchase.

LSC: Created a list of projects for 1 or 2 people to handle; HALT alerted us to a big pile of leaves that is dumped on the RWM property; we will put up “No Dumping” signs; additional signage for the RWM trails regarding dogs has been put up; MP will possibly be mowing at Stefan on Friday if the mower is available from the DPW. MP indicated that the property owner who has allowed the access for mowing is selling the property so our access will probably go away.

New Items:

East Street Estates: MLT held another site walk to look at the OS parcels; the MLT Board will be meeting on 6/18 to discuss.

Robertson CR: DCR & DCS have completed their review and sending to KP Law; hoping to have final by end of next week.

Motion to authorize CS to sign the CR – 2nd & approved 7 – 0 by roll call vote:

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

On-Going Items:

MVP Planning Grant: Draft application has been sent to Derek; due in August; a line item has been included for \$5000 for climate resiliency bylaw & regs.

Motion for Con Com to issue a letter of support for the planning grant – 2nd & approved 6 – 0 by roll call vote:

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

*audio issue

OP&RP: Motion for Con Com to issue a letter of support – 2nd & approved 6 – 0 by roll call vote:

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

*audio issue

Kelly property parcel 17-28: MLT will apply for a grant to purchase the other parcels w/ help from SVT; will the town (Commission) be willing to hold the CR? Some push for town to own & control the property if purchased; If purchased w/ money from CPA it will require a CR.

Motion to have a CR on parcel 17-28 to be co-held by the Town of Upton with SVT (if willing) – 2nd & approved 5 – 0 by roll call vote, *Mike Penko & Chris Scott abstained:

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

8:10 pm On-going Items:

RR: Hopedale has set aside some land for open space compensation.

52 Main St: DP is meeting with the owner to discuss filing an NOI.

Ponds: No additional action from Solitude Lake Management for NOI's; DPW is looking to contract with them for weed control.

Mowing: DPW will provide a mower for Stefans but we will have to mow; MP offered to mow at RWM is needed.

Motions:

Expense Vouchers: Motion to approve – 2nd & approved 6-0 by roll call vote:

Chris Scott – Y	Sandy Lajoie – Y	Marcella Stasa – Y
Scott Heim – Y	Alan Miano – Y	Tom Jango – Y

8:15 pm Motion to adjourn – 2nd & approved 7-0 by roll call vote:

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

Minutes approved on: 7/8/2020 (remote meeting)

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

RCVD TOWN CLK UPTON
2020 JUL 9 AM 9:20



TOWN OF UPTON, MASSACHUSETTS

Conservation Commission

Meeting Minutes – Wednesday 6/24/2020 -- Remote Meeting (gotomeeting.com)

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

Members Participating:

Chair: Chris Scott, Vice Chair: Mike Penko
Members: Scott Heim, Tom Jango, Sandy Lajoie, Alan Miano & Marcella Stasa
OSC Chair: Bill Taylor

7:00 pm Remote Meeting Opened

DS 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.

Administrative/Financial:

- Employees Action Forms for FY21 prepared.
- DS will be resigning as Clerk but will help for immediate future as there is a hiring freeze.

OSC: BT confirmed that 60 acres on Westboro Rd is being considered for development; will be meeting with SVT to discuss some other land in Upton that is being donated.

LSC: Receive an email from Rockwood Meadow trustee regarding some old pine trees on the property line of some residents that abut the conservation land. Looking to find out if they can remove them to improve appearance of the yards. Discussion was held and Commission is not in favor of allowing to cut them simply for ascetics, trees are not hazard; if they want to mark the ones to be cut and let us know we'll review. Motion made for MP to respond to the email with approval to limit cutting/trimming to dead branches only – 2nd ; discussion of the motion members expressed concern that allowing to cut without a plan sets a bad president; this is in a CR to protect and ascetics shouldn't matter; MP said he would allow trimming as the backyards are quite small; SL expressed concern with what they will cut/trim. Amended motion failed 4-no/3-yes by roll call vote:

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

MP will let trustee know that Commission does not approve of cutting.

New Items:

Robertson CR: BT CR for Robertson property is being finalized by DCR & DCS; must be approved and submitted by Friday. Motion to approve and accept the CR from the Robertson's pursuant to MGL c.184 s.32 and by authority of c.40 s.8C – 2nd & approved 7 – 0 by roll call vote:

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

Jet skis: according to state law the minimum pond size is 75 acres so not allowed on Pratt Pond.

MVP Planning Grant: MP is working on Con Com letter of support.

Warren Brook CA MOU: nothing yet from the tribe; is this for BOS & tribe? Cathy Taylor was working with tribes before COVID-19.

Ponds: DPW is working with Solitude Lake Management; current NOI's were due to expire but w/ COVID-19 regs they are extended.

Robertson sign & parking area: will be working on this after July 1.

Meeting Minutes: hold for next meeting.

Expense & Debit vouchers: motion to approve 2nd & approved 7 – 0 by roll call vote:

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

Certificate of Compliance: Request of Lobisser developer to issue complete COC for 20 Glenview St as it has been one year per the partial issued in 2019; per Dave Pickart ok to issue; motion to issue the complete COC for 20 Glenview St – 2nd & approved 7 – 0 by roll call vote:

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

7:30 pm Forest Cutting Plan (continued)

- Scott Heim indicated 3 items to discuss: bids, Cultural Survey by the Wampanoag Tribe and letter of concern from a resident.
- Phil Benjamin, Forester, present for meeting.
- PB mailed bids to 6 local loggers; 1 showed up for the site visit and 2 others responded via email they were interested but unable to meet for the site visit; they have since walked the site.
- 2 bids were submitted; PB researched the high bidder and found he has done a significant amount of work in the area and has good reviews; both bidders are mechanized; high bidder is interested in the logs to sell for lumber and that he is interested in the fire wood as he has contracts with schools that have advanced boiler systems for generating heat that require clean wood chips. The low bidder had a contract with a power plant that is now closed.
- Concerns about how and what will be cut and what will be done with stuff not being logged or chipped? PB - branches & tops that are not used for chips will be brought back into the woods; could be used strategically for trails. How long will cutting take? PB – start late fall and if weather is good should take about 6 weeks; hoping to be done by end of March 2021.
- Payment and bond? Possibly require a \$1000 to be held in escrow.
- Possibility of the haul roads becoming trails; can we get a plan to start looking at what we might want trails and other areas where the fill could be used.
- PB indicated that the cutting is initially quite surprising as there is a definite change and impact to the area; after the first 6 months will begin to see regrowth; discussed use of time-lapse photography; this area will reseed itself and increases insects which attracts birds. Concern was expressed for invasive plants coming in; PB indicated this is always a concern.
- Discussed the landing area as it will be quite large; could be reseeded to bring in some diversity; possibly create a parking area.

- Possibly remove the existing Warren Brook sign as it is quite old; possibly take it apart and put it on new posts.
 - PB stated he was impressed with the high bidder as he is quite good.
 - Scott Heim discussed the letter (email) that was received with concerns about birds being affected by this cutting plan; he drafted a response explaining the intent of this cutting and the positive effects.
 - Discussed the Cultural Resource – Ceremonial Stone Survey Agreement presented by the tribe; this is for the survey; a report and monitoring the cutting. SH made some edits and will return it to the tribe.
 - Concern over the cost of the proposal and that a cap should be put on this; proposal is only for the 91 acres involved in the cutting plan; was discussed if they should survey the entire NUOS area (300 acres) while they (tribe) are working in the area. Again, there was concern for the cost of this to happen but will ask the tribe to see if they are interested (possible contract option). Motion to approve the final cutting plan – 2nd & approved 7 – 0 by roll call vote:
- | | | | |
|-------------------|----------------|------------------|--------------------|
| – Chris Scott – Y | Mike Penko – Y | Sandy Lajoie – Y | Marcella Stasa – Y |
| – Scott Heim – Y | Alan Miano – Y | Tom Jango – Y | |

8:25 pm Motion to adjourn – 2nd & approved 6 - 0 by roll call vote:

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

*audio issue

Minutes approved on: 7/8/2020 (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>	

RCVD TOWN CLK UPTON
2020 JUL 9 AM 9:20



TOWN OF UPTON, MASSACHUSETTS

Conservation Commission

Meeting Minutes – Wednesday 7/8/2020 -- Remote Meeting (gotomeeting.com)

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

Members Participating:

Chair: Chris Scott, Vice Chair: Mike Penko

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

Associate Member: Mary Overholt; Agent: Dave Pickart

OSC Chair: Bill Taylor

7:00 pm Remote Meeting Opened

DS 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.

The following were re-appointed by the BOS and sworn in by Denise Smith, Assistant Town Clerk, at this meeting:

Conservation Commission: Chris Scott and Mike Penko

Open Space Committee: Chris Scott, Mike Penko, Alan Miano and Bill Taylor

Land Stewardship Committee: Scott Heim, Mike Penko, Bill Taylor and Mary Overholt

Agent's Report (verbal):

- Because of recent travel out of state he must remain out of town hall for 14 days; will work from home and do some site visits.
- Was approved for 30 hours/week to be split w/ Northbridge effective July 1 (FY21).

Administrative/Financial:

- DS will continue to assist; will prepare the usual files for FY21.
- Suggest removing the office hours from the website & voice message until town hall opens to the public.
- DP will handle the remote meetings.

Website:

- Working on uploading the final Open Space & Recreation Plan

Draft Administrative Assistant Manual:

- CS will add Minutes & Agenda to the Communication section.
- DS will provide details and instruction/lists for certain items.

7:15 pm**RDA 39 Orchard St****Brian Hassett/Allen Engineering**

- Proposed 1 bedroom in-law suite.
- Work is within the 100' buffer but is entirely on existing lawn area; no trees to be cut.
- Erosion controls will be installed – silt fence w/ straw bales behind.
- Additional work on septic to be done but is outside the buffer except for some grading; plan has been approved by the BOH.
- DP reviewed the plan and visited the site; no issues as all work is w/in the existing lawn; erosion controls will be installed; no adverse impacts; recommends issuing a Neg #3 and Neg #5 as bylaw does not apply.
- Public hearing closed.

Motion to issue the Determination (Neg #3 & Neg. #5) – 2nd & approved 7 – 0 by roll call vote:

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

7:25 On-going Items

RR (Maple Ave): DP will participate in meeting re: 404 filing and 401 Water Quality Cert that was filed; looking for input from OSC for land options; OSC will put this on the agenda for their meeting on July 23rd; if necessary would be willing to move the meeting date to the 16th.

Forestry: SH noted that Phil Benjamin is on vacation thus has not responded to questions from last meeting; will be in touch with Phil when he returns. SH contacted the Wampanoag Tribe to see if interested in walking the entire NUOS site; no response yet. Draft letter prepared in response to Cathy Dodd's email.

Motion to approve and send the letter – 2nd & approved 7 – 0 by roll call vote:

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

The Preserve at Dean Pond: DS updated commission that culverts are to be installed w/in next week; the Planning Board will be having their engineers inspect.

Meeting Minutes:

Motion to approve and accept the minutes as amended from 5/27/20, 6/10/20 & 6/24/20 meetings – 2nd & approved 7 – 0 by roll call vote:

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

OSC: BT informed that the CR for the Robinson property has been finalized and closed; need to install the signs at the parking area; expect legal fees to be less than expected and DCR paid for the baseline and SVT covered most of the cost for the survey. BT acknowledged that SVT and DCR provided valuable assistance; great team work by all involved.

LSC: MP noted that Marcella Stasa and Alan Rosenfield will be joining the committee; a list of small projects has been created but has concerns that EEE will become a problem again this summer. Stefans access continues to be a priority.

7:45 pm con't NOI – East Street Estates

**Richard Mainville/Andrews Survey
Dominic Afonso**

- Metacomet Land Trust has agreed to hold the CR; Army Corp of Engineers will issue the permit now that that has been worked out. RM indicated that final revised plans will be submitted to Planning Board & the Commission.
- DP stated he has no issues; will work on draft OOC.
- MP gave MLT contact info to Rich Mainville.
- David Brooks (abutter) asked about the Chestnut Tree at the entrance; will the developer prune/trim and add mulch per the arborist recommendation. CS indicated this could be added to the OOC.
- MP requested that the draft OOC be sent to the Commission members prior to sending to the applicant.
- Hearing is continued to July 22nd at 7:30 to allow review of the revised plans.

7:50 pm Motion to adjourn – 2nd & approved 7 - 0 by roll call vote:

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

Minutes approved on: _____ (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 8/12/2020 -- Remote Meeting (gotomeeting.com)

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

Members Participating:

Chair: Chris Scott, Vice Chair: Mike Penko
Members: Sandy Lajoie, Alan Miano & Marcella Stasa
Associate Member:
Agent: Dave Pickard
OSC Chair: Bill Taylor
Not Present: Tom Jango, Scott Heim & Mary Overholt

7:00 pm Remote Meeting Opened

DS 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.

Agent's Report (verbal):

- Sites visited highlighted in packet
- COC requested for property off of Chestnut Street being developed by Afonso, been approved by BVT for a parking and field project; currently stopped. Issue COC with note stating project was not completed.
- 95 Taft street- markers attached to boulders- will inform applicant of Committee approval
- East Street asked for continuance meeting set for September 9 @ 7:45
- 7 Dogwood Drive- needs building permit for pool. Agent will review plans and no permanent structure in deed restricted area. Approval will be voted on after reviewing building plans.
 - Vote in favor: Chris, Alan, Marcella, Sandy and Mike

52 Main street

- Applicant or representative not present- Does not have DP file number- continued until August 26th at 7:45
 - Motion in favor: Chris, Alan, Marcella, Mike, Alan and Sandy

Administrative/Financial:

- Meeting minutes tabled for next meeting on 8/26/2020
- Voucher for Rockwood Meadows poster for \$35.95 from Staples to be paid from general fund

One Main Street • Suite 9 • Upton, MA 01568
T: 508.529.6286 • F: 508.529.1010
concomm@uptonma.gov

- Vote in favor: Alan, Chris, Marcella, Sandy. Mike abstained.
- Afonso requesting street acceptance for common drive on Azeala Lane. Requesting COC. Needing site visit to determine committee approval. COC will be voted on next meeting 8/26/2020.

Website:

- Working on uploading the final Open Space & Recreation Plan
- Map for Peppercorn Conservation Area updated- July 2020

Land Stewardship Committee

- Properties need site visits to determine any impact due to tropical storm last week.

7:45 pm

NOI 5A Wildwood Ave

John Dupras/Owner-Ortiz

- Proposed 1 bedroom single household
- Proposed 2 bedroom septic; plan has been approved by the BOH.
- Lots 5A and 0 Wildwood have been merged
- Green cards received, David has copies
- Abutter- Janet Kay (1 Wildwood): concerned about closeness of leech field and well for 5A to her own well as she runs out of water often. All permits for septic and well approved as they meet requirements.
- Abutter- Lin Cody (5 Wildwood)- concerns of wildlife and protected species being impacted. Member of 5 Wildwood- Scott Smith- Wildlife professional reports survey of wildlife has not been completed since 1985-1986. Requests Mass wildlife conduct a site visit to be made aware of wildlife impact due to rare species habitat.
- Natural Heritage and Endangered species program will determine if date and progress of work will go forward. The commission will ensure work is abiding by the permit.
- Continuation of hearing will be September 9th @ 7:30 pending report being completed by National Heritage and Endangered species program.

Motion to continue the Determination pending report findings:

Chris Scott – Y

Mike Penko – Y

Sandy Lajoie – Y

Marcella Stasa – Y

Alan Miano – Y

On-going Items

Erosion Control: Work on

Permit Process: Work on

5 Williams St: work on

129 South St: work on

RR: MP attended site visit with Hopedale boards at Hopedale Parklands. No decision has been made by the town of Hopedale regarding their first right of refusal on the abutting property. RR has offered Hopedale 70 acres of wetland for 50 acres of Parklands upland. Suggestion of letter for Hopedale to recommend trail easement between Parklands and Upton State Forest.

Motion for OSC and Concom to draft letter to Hopedale BOS:

Vote Yes: Chris, Alan, Marcella, Sandy and Mike.

Rockwood Meadows Baseline- Postponed

Warren Conservation- Waiting

Pratt and Taft Pond Weed control- Treatment completed on 8/7. Will inquire about treatment for Wildwood as it was possibly done in 2016 as it was approve at Special Town Meeting in 2015.

Forestry: Updated contract will be sent to Derek to determine who needs to sign.

The Preserve at Dean Pond: Developer has plans for monumentation. They need to update final plan for final. Will hold CR for file, review and approval

OSC: Offer to sell town parcel along Lake Wildwood received. Conservation Fund could be sued to purchase property. OSC to schedule a site visit.

LSC: Marcella and Alan Rosenfield appointed to committee. CPC would like to talk about water source for the community garden. Rockwood has a new display and there are wood chips surrounding the old school house marker. Revising Stefans Farm stewardship plan.

Administrative Assistant Manual- still working on. Hope to have a final draft for committee to review in the coming weeks.

New Items:

Administrative Assistant interview to be held off for the time being. Jessica Mauro from COA will be covering for the time being since the COA is closed.

Household Hazardous waste Day- August 15, 2020.

STM warrant- draft warrants in anticipation for meeting in September with the understanding it may get moved to the Annual Town Meeting in May due to COVID restrictions.

8:57 pm Motion to adjourn – 2nd & approved 7 - 0 by roll call vote:
Sandy, Chris, Alan, Marcella and Mike

Minutes approved on: _____ (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 8/26/2020 -- Remote Meeting (gotomeeting.com)

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

Members Participating:

Chair: Chris Scott, Vice Chair: Mike Penko
Members: Scott Heim, Alan Miano & Tom Jango
Associate Member: Mary Overholt
Agent: Dave Pickart
Not Present: Marcella Stasa, Sandy Lajoie, OSC Chair- Bill Taylor

7:00 pm Remote Meeting Opened

DS 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.

Agent's Report (verbal):

- Due to limited availability of the Agent, no report at this time

Administrative/Financial:

- 3 sets of meeting minutes- to be approved.
- Meeting Minutes for 7/8/20
 - Motion to approve- Chris, Alan, Tom, Mike, Scott
- Meeting Minutes for 7/22/20
 - Motion to approve- Scott, Chris, Alan, Tom, Mike
- Meeting Minutes for 8/12/20
 - Motion to approve: Chris, Mike, Scott, Alan, Tom

Website: Continued to next meeting

Open Space Committee: Continued to next meeting

Land Stewardship Committee: continued to next meeting

7:15 pm RDA 92 Hopkinton Road**Dan McIntyre- McIntyre Engineering/Parrira**

- 4 Acre, single family home, currently condemned.
- Recent owners are going to renovate to live there.
- Failed title 5 and there are 2 septic tanks of property.
- A new tank will be put in place on the property and meets all requirements of the buffer zones.
- Previous 2 tanks will be crushed and filled with clean fill.
- The intent is to restore the land with soil and grass
- Straw wattles will be used for erosion control

Roll call to negative determination:

Vote: Tom, Chris, Alan, Mike

7:30 NOI 125 Westboro Road**Brian Hassett- Allen Engineering/VanBossuyt**

- Septic repair within 100 feet of wetlands
- BOH has approved plans- DEP #:CE311-0777, green card going to DEP office.
- Abutters have been informed via certified mail- will scan and send to commission
- Erosion control will be straw bales
- Dave unable to do site visit but reviewed plans and they appear to have everything in order
- Check will be mailed for commission to pay for legal advertisement

Motion to close hearing based on conditions of: Scan showing abutters notified and check for legal ad

Chris Scott- Y

Tom Jango- Y

Scott Heim- Y

Mike Penko- Y

New Items:

STM Warrant closes 9/11/20 discuss moving items to ATM: Prepare articles for STM knowing they may be pushed back until ATM in the spring.

CPC 2 articles: Kelly Property and Community Garden water supply.

Kane Parcel Dairy Drive- Possible land purchase. Needs a site visit.

39 Orchard Street: Tom visited with developer, informed him he can reduce his erosion control by using straw wattles.

Butler Mendon Street: They are proceeding with merging the two lots. They are aware of needing a permit, but unsure at this time if permit will be awarded.

On-going Items

Erosion Control: Work on

Permit Process: Work on

5 Williams St: work on

129 South St: work on

RR: Letter was submitted to Hopedale BOS recommending trail easement between Parklands and Upton State Forest. Upton Town Manager Derek received copy of letter.

Rockwood Meadows Baseline - Propose possibility of contractor or consultant to do work to be completed this fall. Will discuss further at next meeting

Warren Brook Conservation Area- Waiting for response from Wampanoag tribe. Scott will follow up with an email.

Pratt and Taft Pond Weed control- Mike observed flashboards at Pratt Pond and spoke with weed control and confirmed the flashboards were not treated. Flashboards appeared to aluminum which is good for weed treatment.

Forestry: Updated contract will be sent to Derek to determine who needs to sign.

The Preserve at Dean Pond: Will discuss next meeting

Administrative Assistant Manual- Being worked on. Hope to have a final draft for committee to review in the coming weeks.

7:55 pm Motion to adjourn – 2nd & approved 5- 0 by roll call vote:

Chris, Mike, Scott, Tom and Alan

Minutes approved on: _____ (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 9/09/2020 -- Remote Meeting (gotomeeting.com)

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

Members Participating:

Chair: Chris Scott, Vice Chair: Mike Penko
Members: Sandy Lajoie, Alan Miano, Tom Jango, Scott Heim & Marcella Stasa
Associate Member: Mary Overholt
Agent: Dave Pickard
OSC Chair: Bill Taylor

7:00 pm Remote Meeting Opened

DS 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.

Agent's Report (verbal):

- Limited field work and site visits.
- Thorough review of preserves at Dean Pond, Fowler Street Bridge and Upton ridge. All in good for those projects.
- Drove by Tyler Road project. Discussion later in meeting.
- ANRAD received and scheduled for next meeting "North West Intersect of Westborough Road and North Street" September 23rd at 7:45pm.
- COC 0657- Town well project on West River Road. Tied on deed to properties not owned by the town. Reviewed and all work had been done in compliance with order. Requesting motion to issue COC.
 - Motion to issue COC based on Agents report/findings:
Chris-Y Sandy- Y Marcella- Y Tom- Y Mike-Y Alan-Y
- COC order needs to be signed by all members, will be available at Denise office, call to set time.
- COC for 28/30 Warren Street. Predates current DEP 311-0687. Property was split and NOI was recorded on both deeds. Home on 30 Warren is being sold and needs COC indicating work for 28 Warren does not apply for 30 Warren.
 - Motion to issue COC based on agents report/findings:
Chris-Y Sandy- Y Marcella- Y Tom- Y Mike-Y Alan-Y

Administrative/Financial:

- Meeting minutes from 8/26/2020 to be reviewed for next meeting 9/23/2020
- ESRI needs to be renewed. Agreed. Will forward to Mike for review.

Website: Report of a broken link, not true. No other updates.

Open Space Committee: Bill walked 1.7 acres on Williams street by Lake Wildwood. Existing trail, along the shore connects to trails in abutting private property, which connect to Grafton's open space. There is private property between Williams and open space. The town was offered land for \$20,000 and land is appraised about \$4,000 an acre, town interested for direct purchase. Owner of property also owns 2 tenth of acre to Dairy Drive to abutting private land, inquired about town acquiring land and owner refused.

Land Stewardship Committee: Marcella reports no changes. Continue to work on Stefans plans and to schedule trail work as much as possible

7:00 EO 00 Tyler Road**Marcelo Alves**

- Repaired silt fence, installed catch basin filters, cleaned up debris from Tyler Road and Fisk Mill Road, creating natural stone wall along area and DEP sign is posted.
- Driveway is now paved and barriers have been placed on both sides to prevent erosion. Slope will be wood chips.
- ConComm will leave EO in place, but will allow continuation of work. Site will be check again. No fine will be enforced as it is first offense and once addressed immediate action was taken to remedy issues. Once everything is stabilized will need to inform ConComm and COC will be needed.

Roll call to negative determination:

Vote: Tom, Chris, Alan, Mike

7:15 NOI (con't) 52 Main Street**McLaughlin**

- Rescheduled to September 23rd at 7:15

7:30 NOI (con't) 5A Wildwood Ave

- Bounds were added to plan as requested by Concomm during previous meeting.
- David Pickart, Agent, reviewed updated plans and contingency plan was thorough, no comment at this time and plan complies with all regulations.
- National Heritage dated report on 8/24 stating there will be no adverse effects.
- Silt fence and discharge pipes will be used to protect wetlands.
- Dave suggested dirt bags to be used to control water during drill test.
- Title 5 has been approved by BOH. No start date at this time.

Motion to close hearing:

Chris Scott- Y Marcella-Y Alan-Y Sandy-Y Tom Jango- Y
Scott Heim- Y Mike Penko- Y

7:45 NOI (cont'd) East Street Estates**Afonso**

- Rescheduled to September 23rd at 7:30

8:00 RDA Land off North Street, Westboro Road & Eames Lane**Lobisser**

- 60 Acre site, divided into 2 parcels, zoned as agricultural
- Entrance through gravel driveway on Ames Street and using historic cart paths will be used to do testing in 2 locations where wetlands intersect for: soil, well and sewerage.

- Will not physical cross wetlands as all testing will be done in buffer zones.
- Committee requests holes be filled in carefully and cover with straw or mulch.
- Inquiry about gravel driveway being strong enough to support needed machinery; no anticipated issues as driveway is compacted enough.

Vote for Negative Determination:

Marcella, Tom, Mike, Sandy, Alan, Chris

8:10 ANRAD for same properties

Lobisser

- David reviewed filing as it was thorough and not able to conduct site visit at this time.
- 2 Vernal pools on property; committee has concern for endangered marbled salamanders as the fall is when they lay their eggs in vernal pools
- Committee is requesting a site visit and will continue ANRAD request on September 23rd at 8:00pm

8:30 Discussion Aquatic Weed Control- Pratt Pond, Taft Pond, Lake Wildwood:

Marcella met with Derek in regards to weed control. Derek suggested dredging instead of chemical treatment as it would last longer and there are concerns of the decomposing vegetation affecting the water quality. Mike suggested speaking with Grafton in regards to pros and cons as they have recently conducted dredging with one of their bodies of water. Mike also suggested speaking with a consultant to review each body of water and the best course of action to address weed control. Chris suggested forming a group to review weed control. Possibility of funds from Army Corp to assist with costs associated with Aquatic weed control. Marcella will meet with Derek again and inform him of suggestions from committee and inquire if anyone would be willing to be on pond committee.

New Items:

STM Warrant closes 9/11/20 discuss moving items to ATM: Prepare articles for STM knowing they may be pushed back until ATM in the spring.

CPC 2 articles:

Kane Parcel Dairy Drive- Needs site visit.

On-going Items

Erosion Control: Work on

Permit Process: Work on

5 Williams St: work on

129 South St: work on

RR: No updates at this time.

Rockwood Meadows Baseline- Mike to complete scope to present to vendors to get quote for work that needs to be completed.

Warren Conservation- No updates at this time.

Forestry: Waiting to hear from Derek in regards to the bidding process.

The Preserve at Dean Pond: Waiting on response from DCR.

Administrative Assistant Manual-Committee is continuing to review manual.

9:12 pm Motion to adjourn – 2nd & approved 7- 0 by roll call vote:

Chris, Alan, Scott, Tom, Mike, Sandy, Marcella

Minutes approved on: _____ **(remote meeting)**

*Chris Scott
Scott Heim
Sandy Lajoie
Marcella Stasa*

*Mike Penko
Tom Jango
Alan Miano*



TOWN OF UPTON, MASSACHUSETTS

Conservation Commission

Meeting Minutes – Wednesday 9/23/2020 -- Remote Meeting (gotomeeting.com)

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

Members Participating:

Chair: Chris Scott, Vice Chair: Mike Penko
Members: Sandy Lajoie, Alan Miano, Tom Jango, & Marcella Stasa
Agent: Dave Pickard
OSC Chair: Bill Taylor

7:00 pm Remote Meeting Opened

DS 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.

Agent's Report (verbal):

- 2 site visits last week
- In regards to ANRAD for Westboro/North Street, during site walk there is question of additional vernal pool
- 00 Tyler road- deviated from original plan will let them know they have done too much in regards to: drainage rock, stone/mulch up slope; will follow up and inform them what should be done. Unable to issue full COC at this time as will not be able to see full scale until spring.
- Received drafts for OOC for 5A Wildwood, no comments at this time. Will respond with comments of suggesting adding water to handling pan when testing well. Findings will need to be presented to the agent and commission prior to doing the work and also informed when planning to side drill.
 - Motion to issue COC based on Agents report/findings:
Chris-Y Sandy- Y Marcella- Y Tom- Y Mike-Y Alan-Y
- Received COC for 106 Glenview, septic replacement, completed site visit and everything is complete and all set
 - Motion to issue COC based on agents report:
Chris-Y Tom-Y Marcella-Y Sandy-Y Mike-Y Alan-Y

Administrative/Financial:

- Meeting minutes from 8/26/2020 and 9/9/2020 approved

- ESRI approved to be renewed at 9/9/2020 meeting. Mike requested Jessica sign name and submit for invoice to be submitted to commission to payment.
- Renew magazine subscription to North Woodlands
 - Motion to renew

Marcella- Y	Chris-Y	Alan-Y	Mike-Y	Tom-Y
-------------	---------	--------	--------	-------

Website: All caught up. Mike will reach out to individual for usage of photo from their camp stay at Peppercorn.

Open Space Committee: No update at this time.

Land Stewardship Committee: No Update at this time.

New Items:

59 Mechanic Street COC: Cathy Robertson- 59 Fowler Street correction. Agent has been inspecting project all along. Bounds are in and markers are in everything is vegetated. No reason not to issue full compliance

- Motion to issue COC on behalf of agents recommendation:

Chris-Y	Tom-Y	Marcella-Y	Sandy-Y	Mike-Y	Alan-Y,
---------	-------	------------	---------	--------	---------

COC 28 Warren Issued

COC 311-0657 issued

MVP Grant awarded: Thank you to Mike for a great job!

Lots at Crosswinds

Bill- turns out to be 1 lot, originally 2 lot separated by road, did not happen as there is a narrow lot. No site visit yet. Lot does provide access to center brook. May have some value, will be good consideration as open space. Developer is interested in “getting rid of it” as they are paying property taxes on it.

When plan was drawn up it was separated by road, but is not the case now. In need of a site visit.

Memory tree- Chris is waiting for a call back.

Land Stewardship- Marcella: none at this time

COC 00 Tyler- Has not been received as of yet.

7:00 Discussion Senior Center

Jim Brochu

- Jim Brochu – Chair, Community Center Building Committee
- Paul Flaherty – Vice Chair, Community Center Building Committee
- Steve Kirby (OPM) – The Vertex Company
- Peter and Libby Turkowski, Bill Sylvia, T2 Architects
- Peter Flinker, Dodson & Flinker

The new community center will house the Council on Aging and the library. There are currently 6 variations of how the building will be placed on the site at 9 Milford Street alongside the Upton VFW.

- Steve reports the center is in the early stages of project and will be on the west side of center brook and would like to discuss with commission to get any feedback going forward.
- Peter reports it is a tight spot and septic system would be onsite, with DEP regulations having 2 different setbacks from surface water and wetlands.
- Chelsea states they will explore the option of connecting to town sewer located a bit down the road and if not an option will need to discuss options of a septic system between river and wetlands. Going to do as much as possible to avoid septic as it will also depends on soil testing.
- There will be 3 different variations of building being placed on site with different parking variations. The focus is to place building towards the river to open site between both sites.

- David reports the entire site is river front and a redevelopment project may not work. Dave suggest paying close attention t the redevelopment managers storm water along with DEP standards, if you exceed amount of development of some form from this site there will be limited opportunities. Dave suggest once plans are finalized to discuss further with commission to verify any water questions.
- Mike Penko inquired about storm water as center book is a cold water stream and to check guidelines for that. Also to determine which rooftop would be better for solar. Mike informed Community Center Building Committee that they may want to reconsider location for patio as when water is flowing through the brook it can be very loud as it drowns the noise from 140.
- David stated meeting with the planning board will be required for project and will be peer reviewed by an engineer as it will need a special permit.
- Building Committee reports they are waiting for soil samples to be returned.
- Commission informed committee there is a soil bylaw in town which states any soil you remove from the site cannot be brought out of the town and pertains to any soil on site.
- Jim reports once the committee has building layout confirmed he will come back to present more information to commission.

7:15 NOI (cont'd) 52 Main Street

Kevin McLaughlin

- Built garage within 100 feet of wetland line, not in compliance with setback, did not know until starting to build. Garage almost complete and used hay bales for control.
- Started building since building permit was approved.
- Has DEP file number with no comments.
- No comments from Conservation Agent, commission to vote for OOC.
Approved with comments from agent.

7:30 NOI (cont'd) East Street Estates- rescheduled at applicants request

7:45 ANRAD North Street, Westboro Rd (Map 8 parcel 33)

Dave Therrien

- Agent visited site but was not able to complete entire lot due to size. Appears to have vernal pools, but cannot attest due to how dry it was at visit.
- Boundaries appear to look okay, unsure of where wetlands lines are as the DEP maps do not align as there are shallow pits with standing water and appear to be lined with rock.
- There is no file number at this time and will need to be addressed later time and Dave is requesting assistance from board to help with site walk.
- No plans for property as of yet, but discussion of land being subdivided.
- Bruce Wilson states the property is being analyzed for residential homes, but wanted to know what areas can be worked with. Only oil testing has been done at this time.
- Dave and commission to do another site walk at a later date prior to next meeting 10/14/20.
-

8:10 ANRAD (cont'd) North Street and Westboro Road (Lobisser)

Mike Dryden

- Mike Penko did a site visit and stated there were “impressive” vernal pools on the property. Agent will check the line for vernal pool. Mike recommends hiring someone to determine if marbled salamanders live within the vernal pools.
- The property was too distressed to determine the vernal pools, but could see some work from the exsisting house and stone walls have been mined and removed from the property. Going forward there is not to be anymore removal of stones from stone walls.
- Agent reports he has looked over everything and made some general comments as BVW boundaries are accurate, adjustments that need to be made are: moving flags up slopes, adding flags to areas,

slight depression to determine wetlands and boundaries of vernal pool seems to be conservative and the remainder of the property needs flags.

- Agent relied on maps as the 65 acres are challenging due to terrain and with thick brush in areas.
- Agent discussed with agency to review someone to determine marbled salamander in the vernal pools, received a quote of \$160 per hours and about \$1500 for entire project.
- Commission to authorize \$2500 for project with written report included as recommended by Natural Heritage.
- More discussion will be had by commission before hiring for salamander project.
 - Motion to authorize Dave to reach agreement with Oxbow to inspect presence of Salamanders not to exceed \$3000

All in favor:

Chris- Y Sandy- Y Tom- Y Marcella-Y Mike- Y Alan-Y

- Mike Dryder reports no stone walls have been mined with his project, as it was mined by current property owners.
- Plan is to keep stonewalls intact, Mike Dryder suggests not spending resources on wetland project as the property has no intention of being accessed and or used and there were no other vernal pools on the property other than the two sited by National Heritage.

Continued to next meeting on October 14th at 8:30.

On-going Items

Erosion Control: In the works, drafting a recommendation that should be considered for larger sites should have by November.

Permit Process: work on

5 Williams St: Completed site visit and informed engineer to “rethink approach” as most of the banking has vegetation with native wooden plants already and there is no need to rip out what is there only to lay soil and plant again. Agent is waiting to hear back from engineer.

129 South St: work on

RR: No follow up as of yet. Bill received call from DPW Director Dennis, stating he was informed the RR would be starting their work, but there is no notice of any permits at this time. Unsure if RR purchased from another town. Waiting for follow up.

Rockwood Meadows Baseline study to hire someone MP to draft scope of work- Included in packet is a draft email to request a proposal to send 3-4 who do baselines to ask for work quotes by October 9th to be voted on. Will inform Town Manager Derek after discussion of proposal.

Warren Conservation Area MOU- No updates at this time.

Forestry: Mike reports Scott had discussions with Cathy Taylor about doing field work, and Scott believes there are things that can be worked around. Cathy is to follow up with tribe as no one has spoken with them as of yet.

The Preserve at Dean Pond: no update at this time.

Administrative Assistant Manual- No update at this time.

9:15 pm Motion to adjourn – 2nd & approved 6- 0 by roll call vote:

Chris, Alan, Tom, Mike, Sandy, Marcella

Minutes approved on: _____ **(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 10/14/2020 -- Remote Meeting (gotomeeting.com)

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

Members Participating:

Chair: Chris Scott, Vice Chair: Mike Penko

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

Agent: Dave Pickard

OSC Chair: Bill Taylor

7:00 pm Remote Meeting Opened

DS 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.

Agent Report

- No construction issues at this time.
- 00 Tyler Road held up well over the last two rainstorms.
- Received a request for a partial COC for Lot 2 Pearl street. Concerned about signing anything as requester is unsure if the work was actually completed as the lots have been subdivided previously and there are new owners. Agent suggests drafting a letter requesting they confirm what work has been done and then inform commission of completion information and then commission can review before issuing a partial COC.
 - Motion to issue letter agent drafted. 1st 2nd
 - Chris- Y Sandy- Y Marcella- Y Scott- Y Alan- Y
Mike- Y
- Received two requests for hazard tree removal
 - 59 Fowler street for COC that was issued, 6 trees in total on the river front and leaning over the driveway. Grass will not be maintained as required, would only take the 6 trees down.
 - Approve removing 6 trees:
Chris- Y Sandy- Y Marcella- Y Scott- Y Tom- Y
Alan- Y Mike- Y
 - 55 Mendon Street for the removal of 5 sick trees all in the buffer zone and not located in the wetland. Will be cut down to the stump/roots. No plans to maintain grass only remove trees as they are close to structure.

- Approve removing 5 trees:

Chris- Y

Sandy- Y

Marcella- Y

Scott-Y

Tom-Y

Alan-Y

Mike-Y

- Meeting minutes going forward as Jessica will no longer be working for the town of Upton, last day is on 10-19-2020. Mike will assist going forward and Jessica will complete minutes for this meeting and edits will be managed by Mike.

Administrative Report

- None at this time

Financial Update

- Email was sent to commission from Town Accountant in regard to balances of Commission accounts.

Website

- No update at this time
- Mike inquired about adding information to town website in regard to MVP, Alan will follow up with Derek and requests Mike forward information for the website to Alan.

Open Space Committee

- Bill reports Community Preservation Committee approved warrant for Kelly parcels on Peppercorn Hill and will be present on the November town meeting if approved by BOS, with the possibility it will be deferred to the annual town meeting in 2021. The request from CPA was \$320,000 to acquire 4 parcels to cover purchase and transactions costs.
- There are 2 parcels within the Upton State Forest on 1 deed and the last known owner was Cordilla Temple who passed in 1911. The 2 parcels consist of 5 acres and 2 acres for a total of 7 acres. The property abuts the landlocked Brown property. There are dozens of heirs to the Temple property and the Brown family attorney has been contacting the heirs to purchase their interests in the property because it will provide frontage on Southborough Rd. Some of the heirs to the Temple property have offered their shares to the town for conservation purposes.

Land Stewardship Committee

- No update at this time

New Items

Partial COC 00 Tyler Street

- Dave is unsure if request was for a partial or full. Will be partial if issued, as it is not able to be assessed for a full COC until next spring. Lawn is well established; mulch looks good and gravel was added for secondary parking. The plans received did not include location of bounds that was requested by ConCom. Dave suggests issue partial COC with notes of locations of bounds and for them to remain in place until spring and to be reassessed for a full COC. Motion to issue partial COC:

- Chris-Y

Marcella-Y

Mike-Y

Alan-Y

Sandy-Y

Scott-Y

Lots at Crosswinds

- Dave did a site walk of this property and there is enough area for a kayak to be launched into Center Brook. There is town property located across the street which could be used for parking. There is a steep grade leading to Center but has potential. The parcel is upstream of the GUR and Dave questions the legal aspect of going under a railroad bridge in a boat. Can the RR prevent travel on the book underneath the RR bridge? Commission will follow up with Derek and ask for a Town Counsel opinion.

Memory tree-Land Stewardship

- Marcella has not received a call back.

Kane Parcel Dairy Drive

- Bill reports during the last OSC meeting it was recommended ConCom acquire the parcel using the Conservation Fund, to not exceed \$6500 plus expenses and legal fees. It is a nice parcel of land with level trails 3-4 feet wide with access to Lake Wildwood. No parking available, but the value of the property is it links to Grafton's open space and trails located off of Williams Street.
- Motion by MP to authorize the Open Space Committee to purchase the subject property with purchase price of \$6,500 plus expenses paid out of the Conservation Commission Conservation Fund. SL Second.

Chris- Y Sandy- Y Marcella- Y Scott-Y Tom -Y
 Alan-Y Mike-Y

Robertson's

- Everything completed for reimbursement, only needs application signed by conservation chair. Will plan to meet and submit tomorrow.

Kelly Land

- Discussed in OSC update

On-going Items:

Erosion control policies

- Working on

Permitting process discussion

- Working on

RR

- no update

Rockwood Meadows Baseline Report

- Mike sent 5 requests to vendors and only received 2 responses: from Mass Audubon who stated they lack staff at the moment, and HALT made a bid of \$8000,
- Defer award until spring.

Warren Conservation Area MOU

- Cathy Taylor has been working on project and has done a site walk with Tom, Scott, and Bettina from the Tribe. There were some stone rows that have been identified as significant and will continue to work on this.

Forestry

- Edits have been proposed to forestry contract by contractor, including requesting an extension of contract until 12/2021, as the forester cannot complete cutting by 3/2021. There is no cutting allowed between April and July. It was requested to change payment method from a lump sum upfront to breaking payments into 3 parts: 1/3 at signing, 1/3 at start and 1/3 paid at 50% completion. Payment should be deposited by Town Accountant in the Land Stewardship Revolving Fund account.

Preserve at Dean Pond Open Space parcel

- No update.

Administrative Assistant Manual

- No update.

STM 11.10.20

CPC 2 approved articles the Kelly property and water hook-up for the Stefans Farm Community Garden.

Both have been submitted to BOS for town meeting 11/10/2020

EO 00 Tyler

- Will need to be released in order to issue partial COC once suggestions are met.
 - Motion to release EO for 00 Tyler Road
Chris-Y Sandy-Y Marcella-Y Scott-Y Tom-Y Alan-Y
Mike-Y

Jessica's last day 10.16.20.

Site Visits:

Approve & Sign Documents:

Meeting Minutes 9/23/2020

- Approve vote:
Chris-Y Tom-Y Alan-Y Mike-Y

Timesheets, Expense Vouchers and others as needed

AGENDA ITEMS/HEARINGS

7:00 Discussion Blue Spaces with D. Brindisi

- Derek states he supports the goal to preserve Upton's Blue spaces and would support anything the Conservation Commission deem necessary to preserve water quality and would like to discuss further the possibility of forming a Pond Committee.
- Pond committee could include Pratt Pond, Taft Pond, Wildwood Pond, Goss Pond. Unsure about North Pond as they already have established their own organization. The Town of Hopkinton is already doing things to manage aquatic plants as they draw down the water every year.
- Dave tasked to draft a mission statement for the Pond Committee to submit to Derek a and BOS for review and approval. Pond Committee proposal to be further at next meeting October 28, 2020 at 7:00pm.

7:30 ANRAD (CON'T) North St, Westboro Rd (Map 8 parcel 33) Therrien

- 19.7 acres of land, agent completed site walk to check for wetlands and possible vernal pools. Flags were moved to appropriate locations. Mike Dean reports 1 of the vernal pools may not meet vernal pool specifications.
- Dave Pickart reports applicants have made recommended changes, plans have been updated and noted the 2 vernal pools in question. Formal finding of the areas cannot be done at this tie. Agrees the vernal pool is marginal as it may not mee the qualifications.
- Does not have DEP number at this time.
- Agent suggests issuing ANRAD once DEP file number is received and it will be continuing until next meeting to officially close hearing October 28, 2020 @ 7:30.
- Dave ill draft ARAD and send to applicant for review once DEP file number is issued.
- Motion to issue ANRAD upon receipt of DEP file number
Vote: Chris- Y Sandy-Y Marcella-Y Scott-Y Mike-Y Alan-Y

8:00 ANRAD (con't) North Street and Westboro Road - Mike Dryen/Jeff Sage/Kevin Lobisser

- Mike D. reports suggestions from previous meeting with conservation of adding flags, moving current flags and plans have been updated.
- Oxbow review of property on 10/13/2020 evaluated 7 areas including 2 vernal pools and resource areas with 5 areas which may support vernal pool habitat. Marbled salamander were not

encountered.

- Jeff reports he did go back and investigate vernal pool following Oxbow report findings, including PVP 3 and 4, due to the drought it is making it difficult to exhibit vernal pool conditions at this time.
- Mike D. suggests that the areas will be excluded from any future plans and no work will be done in that area.
- Dave agrees that the areas will not be impacted by the project and agrees with the findings of recent reports.
- Currently does not have DEP file number and will need to have one to complete ANRAD. Dave suggests updating/adding bales and placing straw on top of test pits.
- To be continued until next meeting on 10/28/2020 at 7:40 and ANRAD hearing will be closed at that time after DEP file number is received.
- Motion to issue ANRAD upon receipt of DEP file number

Vote: Chris- Y

Sandy-Y

Marcella-Y

Scott-Y

Mike-Y

Alan-Y

Next Meeting:

10:28.20 7:45 NOI (con't) East Street Estates (Afonso)

11.11.20 No meeting Veteran's Day

11.25.20 No meeting Thanksgiving

9:09 pm Motion to adjourn – 2nd & approved 7- 0 by roll call vote:

Chris, Alan, Tom, Mike, Sandy, Marcella and Scott

Revised Minutes approved on December 9, 2020 (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 10/28/2020 -- Remote Meeting (gotomeeting.com)

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

Members Participating:

Chair: Chris Scott, Vice Chair: Mike Penko

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

Agent: Dave Pickard

7:00 pm Remote Meeting Opened

DS 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.

Agent Report

- Afonso common drive off West River Street. Pond level unusually low. Beaver activity? Tom and Dave will investigate.
- Possible violation at 12 Church Street. Dave talked with owner and asked for installation of erosion control. Chris asked Dave to draft a letter to owner.
- 137 Fowler hazard tree. Motion to allow removal of the tree made by Tom, seconded by Chris. Unanimous approval by individual voice vote.
- Cindy Alexander, 7 Dogwood Drive: Request to remove hazard tree in protected open space and to remove some open space bounds. Motion to allow removal of the tree, if deemed necessary during site visit, made by Marcella, seconded by Sandy. Unanimous approval by individual voice vote. Four members were opposed to removal of bounds. Mike and Tom want to review in field before making a decision. Dave will schedule site visit.
- Possible Station Street parcel violation observed by Marcella...agricultural use occurring in or near emergent wetland by new owner. This is historically a visible problem site. Dave to write letter to new owner asking for a delineation and berm to protect wetland from agricultural activities.

Administrative Report

- None at this time

Financial Update

- No update at this time.

Website

- No update at this time
- Mike still interested in created an MVP page.

Open Space Committee

- Kelly acquisition: Capital Budget Committee supported the acquisition. SVT sending targeted mailing (post card) to town in advance of the November STM. No word yet on MLT Conservation Partnership Grant application.

Land Stewardship Committee

- Greg Trussel hired to mow fields at Stefans. Dick Howarth asked to mow at Howarth Gen

New Items

Kane Parcel

- BOS would like to meet with ConCom about the Kane property.

Crosswinds Parcels

- Mike and Dave talked with Derek. Acquisition of the parcels by the town is in process.

55 Mendon Street Hazard Trees

- Chris gave owner approval for removal.

On-going Items

Erosion control policies

- Working on

Permitting process discussion

- Working on

GUR

- Mike reports Chapter 61 property adjacent to Hopedale Parklands has been purchased by the GUR, ignoring the town's first right of refusal. Hopedale STM subsequently voted to acquire the property.

Rockwood Meadows Baseline Report

- Defer until spring.

Warren Brook Conservation Area Forestry

- First payment received from logger. Balance owed to consulting forester (Phil Benjamin) has been paid.
- Tribal oversight services and Phil Benjamin oversight will require another contract. Chris to obtain account balances. There is a \$10,000 FY limit on expenditures from the Land Stewardship revolving fund.
- Motion to hire tribal SHPO for cost not to exceed \$3,000 to inventory features, develop resource protection plan , and provide field oversight during harvest made by Scott, seconded by Sandy. Approved by unanimous individual voice vote. Scott will talk with Derek about a contract with the tribe.

Preserve at Dean Pond Open Space Parcel

- No update.

Administrative Assistant Manual

- Chris will send out an update.

STM 11.10.20

- Kelly Peppercorn Hill acquisition and water supply for Community Garden on the warrant.

Azalea Lane - Pending Acceptance by Town

- Dave indicates property has been cleaned up – no red flags.
- Question: why is transfer of Open Space not occurring at this time?

Westborough Road Town Owned Parcel

- Marcella noted that trees are being harvested on the parcel and near wetlands. ATV track and trailer noted on the property. Dave will coordinate a site visit.

Approve & Sign Documents

- None

Meeting Minutes

- Motion to approve 10/14/2020 minutes made by Marcella, seconded by Sandy. Approved by unanimous individual voice vote.

Timesheets, Expense Vouchers and others as needed

- None.

AGENDA ITEMS/HEARINGS**7:00 Discussion (CON'T) Blue Spaces with Derek Brindisi (Town Manager)**

- Dave provided draft proposal for a potential Upton Lake/Pond Committee in the meeting packet.
- Derek suggested presenting concept for the committee to BOS. Dave and Chris offered to participate.
- Derek inquired about composition of the proposed committee. Possible members include lake shore residents, an Upton resident with technical expertise, and ConCom, BOH, Recreation, and DPW representatives. Preferably it will be a stand-alone committee rather than a ConCom subcommittee.
- Derek suggested meeting with BOS on December 15. Dave will refine proposal for a stand-alone committee. Further ConCom discussion scheduled during December 9 meeting at 7:00.

Other discussion with Derek: Derek is recruiting a full time department assistant to replace Denise and support ConCom and other boards. Interviews planned for mid November. Upton has a new part-time town planner (shared position with town of Bolyston). The planner, Paul B., is scheduled to start on November 9.

7:30 ANRAD (CON'T) North St, Westboro Rd (Map 8 parcel 33) Dave Therrien and Mike Dean

- Revised plans previously submitted to Dave P.
- DEP File number issued.
- Applicant is in agreement with information in draft ORAD prepared by Dave P.
- Hearing closed.
- Discussion regarding need to record an ORAD. Motion that recording of the ORAD is not required made by Mike, seconded by Alan. Approved by unanimous individual voice vote.
- Motion to issue ORAD made by Marcella, seconded by Tom. Approved by unanimous individual voice vote.

8:00 ANRAD (con't) North Street and Westboro Road -

- Applicant not present.
- DEP File Number issued.
- Motion to close hearing and issue ORAD made by Scott, seconded by Tom. Approved by unanimous individual voice vote.
- Recording of ORAD not required.

Discussion 95 Crockett Road Dock – Bob Stallard

- Bob would like to install new dock and remove ca. 20 trees (most are hazard trees).
- Dave shared plan showing location of trees to be removed and Bob explained rational for removal.
- Stumps will be left in place.
- NOI required for the dock. Trees near pond should be included in the NOI. Site visit needed to evaluate hazard trees.

Next Meeting (December 9):

- 7:00 Blue Spaces Discussion with Derek.

8:52 pm Motion to adjourn – 2nd & approved by unanimous individual roll call vote:

Minutes approved on: December 9, 2020 (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 12/23/2020 7 P.M.-- Remote Meeting (gotomeeting.com) (No recording taped*)

To: Members of Upton Conservation Commission
CC: Kelly McElreath, Town Clerk
From: Chris Scott, Chair

Members Participating:

Chair: Christine Scott, Vice Chair: Mike Penko

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

Associate Member: Mary Overholt

Agent: Dave Pickart

Open Space: Bill Taylor

7:00 pm Remote Meeting Opened

Dave Pickart 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

- Nothing new.

Agent Report

- Nothing new.

Administrative Report

- Nothing new.

Website

- Nothing new.

Open Space Committee

- Bill Taylor gave a Williams Street update.

Land Stewardship Committee

- Nothing new.

New Items

7:00 Fowler Street Bridge

- Dave described the wetland replication area relocation area for the Fowler Street bridge project.

COC 311-0774 9 Wildwood

- COC Issued.

On-going Items

Erosion control policies

- Nothing new.

Permitting process discussion

- Nothing new.

Railroad

- Nothing new.

Rockwood Meadows Baseline Report

- Deferred until spring.

Warren Brook Conservation Area Forestry

- Nothing new.

Forestry

- SH DB contract.

Preserve at Dean Pond Open Space Parcel

- Nothing new.

Administrative Assistant Manual

- Nothing new.

Approve & Sign Documents

- An expense voucher for Mike was approved.

Meeting Minutes

- Minutes for 12/9/2020 meeting accepted.

AGENDA ITEMS/HEARINGS

7:10 RDA 103 Crockett Road

- Dave Pickart read hearing notice.
- Project was for an addition to a SFH in a previously disturbed area.
- Presentation done by homeowner.
- Agent's report was discussed. No Questions.
- Hearing Closed.
- NEG 3, By-Law does not apply. DET issued.

7:20 NOI (CON'T) 15 Claflin Street

- DEP number received.
- Bounds marked on plans.
- Hearing closed.
- OCC to be drafted and issued by Dave.

7:30 NOI (CON'T) 11 Claflin Street

- DEP number received.
- Bounds marked on plans.
- Hearing closed.
- OCC to be drafted and issued by Dave.

Next Meeting (January 13, 2021)

8:45 pm Meeting adjourned.

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

Chris Scott

Mike Penko

Scott Heim

Tom Jango

Sandy Lajoie

Alan Miano

Marcella Stasa

Mary Overholt