



# **TOWN OF UPTON, MASSACHUSETTS**

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## **Conservation Commission**

Meeting Minutes – Wednesday 1/9/19

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

### **Members Attending:**

Chris Scott, Mike Penko, Scott Heim, Tom Jango & Alan Miano  
Mary Overholt, Associate; David Pickart, Agent & Bill Taylor, OSC/LSC

#### **7:10 PM General Items**

- ATM warrant items; we have 4 revolving funds (Wetlands bylaw, Stormwater bylaw, Land Stewardship, and Community Garden) plus the Conservation Fund. We will submit article to request \$5000 for the Conservation Fund – motion, 2<sup>nd</sup> & approved.
- Question about the Forestry Revolving fund which comes under Land Stewardship – how much can we spend? P. Benjamin will bill us after sale of forest harvest; we could pay from the Conservation Fund if necessary.
- MP researched purchasing a brush mower; rented one in the past and is very useful for trail/path clearing and maintenance. Spoke w/ Dennis at DPW who said the Town has one – question if we could use it. To purchase one it is about \$5000 plus need a place to store it. MP suggests holding off for another year.
- FY20 Proposed Budget & Narrative; motion to submit - 2<sup>nd</sup> & approved.

#### **7:20 PM 0 Chestnut St (lot 3) NOI (con't PH)**

- Applicant requested to continue the PH; continued to Jan. 23rd @ 7:30 pm.

#### **General Items continued**

- Agent's report dated 12/13/18 – 1/8/19.
- 19 Shore Dr request for COC – looks good but wetland markers need to be installed (they were purchased today); DP recommends Commission sign the complete COC tonight and he will do final site visit once they are installed then we will release it to the applicant. Motion to issue the COC after DP verifies – 2<sup>nd</sup> & approved.

#### **7:35 PM East Street Estates Definitive Plan NOI (con't PH)**

- Applicant requested to continue the PH; continued to Jan. 23<sup>rd</sup> at 8:00 pm.
- Reviewed DP's comment letter; will provided to Stantec & has been forwarded to the applicant.

**7:50 PM      Economic Development Committee      Donna Desjardins**

- General discussion of the Upton Center revitalization effort; looking to get feedback and involvement from as many people as possible.
- Public forum to be held on Wed., Jan. 23<sup>rd</sup> @ 7:00 pm in the main hall.

**8:30 PM      General Items continued**

**Admin/Financial:** Timesheets signed.

**Website:** AM continues to update as needed.

**OSC:** Met with CPC and they accepted the draft for the Robertson property for the ATM; DCR contribution will be \$150K; will see what the Land Grant will cover.

**LSC:** Draft of the 2018 Annual Report was presented; LSC is evaluating another option to access to Stefan's land. Foyes are interested in revising the easement and moving it closer to the powerlines where there is already a path; would like to hire the same engineer to review and determine a feasibility plan; cost would be about \$3500 and could pay from the Conservation Fund; motion to authorize up to \$3500 from the Conservation Fund for this project – 2<sup>nd</sup> & approved.

**Beavers:** TJ is keeping an eye on Southboro Rd and Fowler Rd sites; he will follow up with Mike Callahan. At Fowler St/Mechanic St the beavers have not repaired the dam behind the houses; Tom will keep an eye on the grate at Southboro which currently is clear.

**OS & Rec Survey:** will be mailed with the Census this month; BT will attend the BOS meeting to explain the survey.

**Rockwood Meadows** – previously voted to purchase a timber frame kiosk for \$2820; will be ready by the spring but we need to pick it up; may need to rent a U-Haul; motion for CS to sign the order for the kiosk – 2<sup>nd</sup> & approved.

**2018 Annual Report** – motion to approve – 2<sup>nd</sup> & approved.

**Facebook** – DP working on this.

**OS email list** – MP confirmed list is ready to be imported into Mail Chimp.

**Forest Stewardship:** Letter from Phil Benjamin with his estimated costs; motion to accept this proposal – 2<sup>nd</sup> & approved. SH will talk w/ the Town Manager.

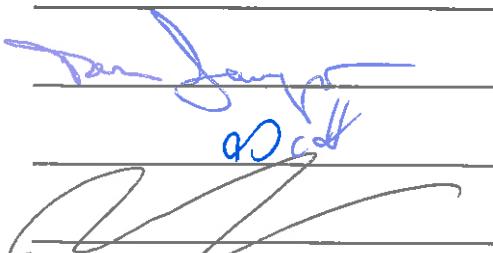
**Tribal MOU:** finalized the letter to the tribes regarding the forest management plan for North Upton Open Space (NUOS).

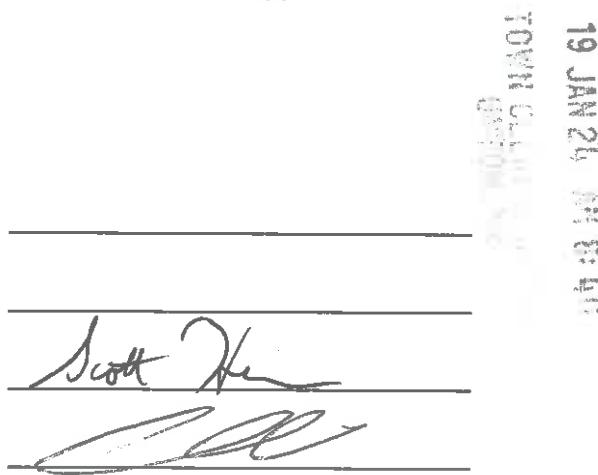
**Whitney Parking Area** – permit for the sign has been issued; G. Trussell will begin installation asap.

**Meeting Minutes:** Motion to approve minutes from 12/12/18 – 2<sup>nd</sup> & approved.

**9:00 PM      Motion to adjourn – 2<sup>nd</sup> & approved**

Minutes approved on: 1/23/19

  
Don Desjardins  
D. Desjardins

  
Scott He  
S. He

**Document List:**

- 1) Con Com Agenda/Action Item Checklist/sign-in sheet
- 2) Agent Report: 12/11/18 – 1/8/19
- 3) Proposed FY20 budget & narrative
- 4) Draft 2018 Annual Report
- 5) Draft 2018 LSC Annual Report
- 6) EDC handout: “Creating a Shared Vision for Upton Center Revitalization”
- 7) Draft letter to Tribes re: NUOS
- 8) Ltr dated 1/8/19 from Phil Benjamin



# TOWN OF UPTON, MASSACHUSETTS

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## Conservation Commission

Meeting Minutes – Wednesday 1/23/19

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

### Members Attending:

Chris Scott, Mike Penko, Sandy Lajoie, Scott Heim, Tom Jango, Alan Miano & Marcella Stasa  
Mary Overholt, Associate; David Pickart, Agent

### 7:10 PM General Items

#### Agent's Report

- Reviewed report dated 1/9/19 – 1/22/19.
- Received a Request for COC for 178 North St; site visit made and all looks good.
- Motion to issue the COC – 2<sup>nd</sup> & approved.
- Request for COC is anticipated for 10 Depot St; motion to sign and issue after DP reviews and approves – 2<sup>nd</sup> & approved.

**Admin Report:** All meeting minutes for 2017 & 2018 have been posted on website. Received an email regarding OOC Extension for Fiske Mill Pond however the OOC expired 2 years ago; will send a letter to the applicant; DS will draft and forward to CS. Timesheets and voucher signed.

**Website:** CS discussed putting a disclaimer on the website about canceling w/in 24 hours of a meeting; not fair to abutters who show up to find out hearing is postponed; what would penalty be for canceling?

### 7:15 PM Fowler St Bridge – amended OOC J. Freeman/BETA

- OOC required installing 3 boulders in the stream but the property owner objected thus requirement needs to be removed and plans revised w/o boulders.
- Commission sees no impact by removing them; will put a letter in the file noting this.
- They are seeking a Chpt 91 Waterway License.
- Motion to approve amendment for Fowler St Bridge – 2<sup>nd</sup> & approved.

### 7:25 PM General/Ongoing Items

**LCS:** Forestry plan Phil Benjamin; proposal for alternate access at Stefans land; reached out to K. Lobisser regarding Rockwood Meadows; kiosk has been ordered for Rockwood Meadows.

**Facebook:** DP is working on setting this up.

**MM:** Motion to accept minutes from 1/9/19 – 2<sup>nd</sup> & approved.

**MACC Workshop** - March @ Holy Cross; DP is going (Northbridge is covering fee).

**Municipal Vulnerability Plan – CS will reach out to the Town Manager to see if we should pursue.**

**7:30 PM 0 Chestnut St (lot 3) cont NOI**

**Mark Moody/G&H**

- Revised plans presented and reviewed; DP provided comments.
- DP mentioned land-locked piece of USF land and asked if the applicant would offer an easement to allow access; will check with BT about access. MM will relay this to the owner/applicant.
- Can the house and septic be moved further back/away from the wetlands?
- Continued to 2/13/19 @ 7:30 pm.

**8:00 PM East Street Estates Definitive Plan cont NOI**

**Steve O'Connell/Andrews**

- Revised layout
- Wetland fill = 8154 sq ft; 5 stormwater basins (infiltration basins)
- Mitigation of wetland fill/replication area = 8154 sq ft.
- DP provided comment letter; suggests a different location for the replication area
- Waiting for comments from Planning Board engineer before providing revised plans
- Army Corp of Engineers site walk was held; ENF has been filed
- Still waiting on DEP #
- Applicant is open to reducing the lot sizes in order to increase OS area even though it is not an OS plan
- Commission has suggestions for wetland plantings and for wetland replication area
- 100 ft vernal pool resource area, then 30 ft no build; three houses are at the no build line – can anything be done to move them further?
- Need to have an arborist look at the tree (horse chestnut) at the entrance to subdivision.

**8:20 PM Motion to adjourn – 2<sup>nd</sup> & approved**

Minutes approved on: 2/13/19

Dave Jang  
Andrea Lajos  
CDH  
PC

Mark Moody  
Scott Henn

**Document List:**

- 1) Con Com Agenda, Action Item Checklist & sign-in sheet
- 2) Agent Report: 1/9/19 – 1/22/19
- 3) Agent review for Lot 3 - 0 Chestnut St

19 FEB 19 10:15 AM  
TOWN OF BURLINGTON  
KELLY



# TOWN OF UPTON, MASSACHUSETTS

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## Conservation Commission

Meeting Minutes – Wednesday 2/13/19

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

### **Members Attending:**

Chris Scott, Mike Penko, Sandy Lajoie, Scott Heim, Tom Jango, Alan Miano & Marcella Stasa  
David Pickart, Agent; Bill Taylor, OSC

### **7:10 PM General Items**

#### **Agent's Report**

- Reviewed report dated 1/23/19 – 2/13/19.
- Discussed Moon Hill Estates development to be built in Northbridge; significance of OS and the connection to the USF and open space in Upton – MP & BT will draft a letter conveying this.
- Prepared a draft of the Commission Fees sheet; further discussion needed.

**Admin Report:** Timesheets and voucher signed; current expense spreadsheet provided; update from Gillieson Hobart with pictures from his completed Eagle Scout project and a donation check to the Commission from his Troop; motion to accept the donation from Troop 4 – 2<sup>nd</sup> & approved; will deposit into the Land Stewardship revolving fund.

**Website:** AM added cancellation policy to the Con Com page; suggestion to create a new invasive species list.

**OSC:** still working with the Robertsons.

**LCS:** received property for alternate access at Stefans w/ the land swap; cost is \$2000 – motion to fund the alternate access study from available fund in our expense account (FY19) 2<sup>nd</sup> & approved. MP will be attending the MACC Conference and taking the workshop on erosion control.

**7:30 PM 0 Chestnut St (lot 3) NOI - cont ph** **Mark Mooney/G&H**

- Revised plans presented with possible locations for an easement for access to the land-locked USF land (60+ acres); couple possible locations presented.
- MM indicated concerns with hunters using the easement.
- Commission strongly expressed the need for the access easement for all users, of which hunters are a small segment. As this is to be a small trail the Commission would consider relocating it to 10' off the wetland.
- MM stated that applicant is away but will discuss with him; looking to continue the hearing.
- Continued to 2/27/19 @ 7:30 pm.

**7:40 PM General Items continued**

**OS & R Survey:** DS stated 530 surveys have been returned to date; MP created an Excel spreadsheet to input responses; looking to complete process by end of March; also need to complete a Word document for the survey questions that required written response.

**Rockwood Meadows:** still no word from KL if he will partially fund kiosk in exchange for LSC building boardwalks.

**OS email list:** so far there are about 28 names on the list; suggestion to put a link on the website for the MailChimp sign-up.

**MM:** motion to accept the minutes from 1/23/19 – 2<sup>nd</sup> & approved.

**7:45 PM East Street Estates Definitive Plan NOI - cont PH**

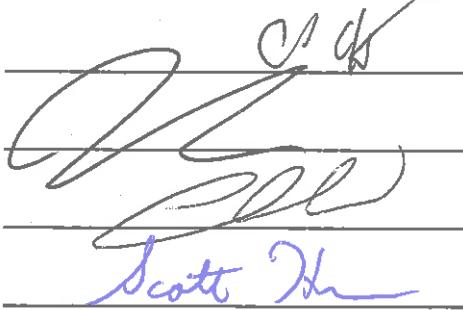
- Late request to continue the public hearing; Hearing continued to 2/27/19 at 7:45 pm.
- Commission (MP) will send a letter to MEPA office re: update for potential Walnut St access.

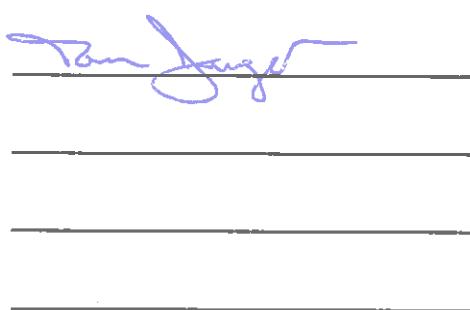
**Crosswinds Open Space area:** suggestions for naming the OS area – Crosswinds or possibly Center Brook; motion made to name the OS area “Center Brook Conservation Area” – 2<sup>nd</sup> & approved; also discussed 2 small parcels on the Station St side that were not included in the Town’s acceptance of easements; Motion to have DP investigate – 2<sup>nd</sup> & approved.

**Forest Heights land:** 107 acres located off North St is currently in tax-taking by the Town; this land is contiguous with 400+ acres of protected currently open space; MP would like to build case to protect the land should it come under town ownership later this year.

**8:20 PM Motion to adjourn – 2<sup>nd</sup> & approved**

Minutes approved on: 2/27/19





**Document List:**

- 1) Con Com Agenda, Action Item Checklist & sign-in sheet
- 2) Agent Report: 1/23/19 – 2/13/19
- 3) Conservation Commission Fees (draft)
- 4) Expense spreadsheet (2/13/19)
- 5) Revised plan for 0 Chestnut St (Lot 3)
- 6) East Street Estates MEPA letter; possible access from Walnut St
- 7) Cross Winds parcels
- 8) Forest Heights documents



# TOWN OF UPTON, MASSACHUSETTS

## Conservation Commission

Meeting Minutes – Wednesday 2/27/19

To: Members of Upton Conservation Commission  
CC: Kelly McElreath, Town Clerk  
From: David Pickart

### **Members Attending:**

Chris Scott, Mike Penko, Scott Heim, Tom Jango and Alan Miano  
David Pickart, Agent; Bill Taylor, OSC

### **7:15 PM      Economic Development Committee (EDC) Discussion**

- Steve Rakitin and Dave Ross from EDC requested information and clarification on WPA/Bylaw restrictions and setbacks that may apply to Town Center project; Commission provided some general guidance (project should provide some resource improvements/enhancements, compensate for lost flood storage, improve stormwater treatment, etc.) but indicated that formal determinations could not be made until some type of application is filed; It was agreed that MP and/or DP would conduct some initial research and provide EDC with some informal guidelines and recommendations.

### **7:30 PM      311-0755/Lot 3 Chestnut Street (cont.)**

- Mark Moody from G&H presented revised plan with easement along western boundary of development (mostly within 30 foot NDZ) to BVT property; MP requested eastern limit of easement be marked (by survey) in the field with survey pins; Plan/deed defining easement to be prepared and recorded with Worcester County ROD; Motion to close public hearing – 2<sup>nd</sup> & approved.

### **7:45 PM      DEP# Pending/East Street Estates**

- Commission received a request from ASE to continue Public Hearing; Motion to continue to 3/13/19 at 7:45 PM – 2<sup>nd</sup> & approved.

### **7:45 PM      General Items**

#### **Agent's Report**

- Reviewed report dated 2/14/19 through 2/27/19.
- Continued discussion of Moon Hill Estates development to be built in Northbridge; BT attended and commented at Northbridge Conservation Commission public hearing and will attend Planning Board hearing; MP & BT are drafting letters on preserving open space and providing connectivity to abutting protected lands.

- Commission reviewed and voted to issue updated fee schedule with minor modifications (removal of last section, addition of \$150 fee for non-residential RDA).
- Commission approved DP request to charge 4 hours of his time to attend MACC workshops on 3/2.

**Admin:** Timesheets and vouchers signed; Mail circulated; No report or spreadsheets issued due to DS's absence.

**Website:** AM added link to Facebook Page; Will add updated fee schedule when ready.

**Forestry:** still awaiting contract from forester.

**LCS/OS:** discussed/agreed to hold Town Brook clean up on 4/27/19 as part of other town-sponsored events; Need for scouts/other volunteers to build kiosks due to significant price increase by current supplier; Metacomet to have 30<sup>th</sup> anniversary meeting/celebration on 5/19; More OS surveys received – several Commissioners are working on tabulating results.

9:00 PM      Motion to adjourn – 2<sup>nd</sup> & approved

Minutes approved on: 3/12/19


**Document List:**

- 1) Con Com Agenda, Action Item Checklist & sign-in sheet
- 2) Agent Report: 1/23/19 – 2/13/19
- 3) Conservation Commission Fees (2<sup>nd</sup> draft)
- 4) Revised plan for 0 Chestnut St (Lot 3)



# TOWN OF UPTON, MASSACHUSETTS

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## Conservation Commission

Meeting Minutes – Wednesday 3/13/19

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

### **Members Attending:**

Chris Scott, Mike Penko, Scott Heim, Tom Jango, Alan Miano, Sandy Lajoie & Marcella Stasa  
David Pickart, Agent; Bill Taylor, OSC; Mary Overholt, Associate Member

### **7:00 PM General Items**

#### **Agent's Report**

- Reviewed report dated 2/28/19 – 3/13/19.
- Notice USGS is doing some survey work in town.
- Governor's Landing ANRAD notices have been sent to abutters but hasn't been filed with us and not sure what abutters list was used.
- Do we want to set a site walk for former Forest Heights property (off North St)? Yes, set for Sun, March 31<sup>st</sup> @ 9:30 am.

**Admin/Finance:** Timesheets and vouchers signed; updated Expense Account spreadsheet.

**Meeting Minutes:** Motion to sign minutes from 2/27/19 – 2<sup>nd</sup> & approved.

**OSC:** Robertson property original appraisal was done in 2018; looking to update for 2 house lots – who will pay? Teacher from Miscoe Hill Middle School is inquiring about building trails on land behind the school, some of which is privately owned; would need to talk with property owners. MP noted that there is a failed culvert in that area that could be dangerous; and MS noted that trails behind the school could have the public or “non-school people” on them and might be a risk for students and the school. BT attended the Northbridge Planning Board meeting to ask them to consider the connection between the Moon Hill project and Upton land and the possibility of trails; F”USF agreed to send a letter to Northbridge and would like to ask the Commission to also send a letter; Motion was made for BT to draft a letter from the Con Com – 2<sup>nd</sup> & approved.

**LSC:** Estimated cost by engineer for alternate access at Stefan’s land is \$130,000 but is based on ledge assumptions; asked for a proposal for conducting testing to verify ledge present. Will look into preparing RFP for implementing turtle mgmt. plan which we might be able to pay from turtle money.

**EDC Letter:** MP forwarded a draft letter for comments; please return to Mike so he can finalize and send out prior to the forum on 3/23.

**Updating Regulations:** MP attended the MACC workshop on Climate Resiliency; we may need to amend Wetland Regulations but may not need to amend the Wetland Bylaw. Updates are mostly

for hydrology related issues – rainfall rates, floodplain and stormwater infrastructure - which may also want to discuss with the Planning Board. Also we should review the Stormwater Bylaw.

**Beavers:** There may be some activity again off Mechanic St near Fowler.

**Erosion Control:** Mike picked up some info at the MACC conference for a company that provides biodegradable products.

**OS & Rec Survey:** Over 850 have been returned; members are entering data into excel & word.

**Computer/GIS:** DS will follow up on new computer for the office; may want to purchase new software before end of FY.

**Rockwood Meadow kiosk:** kiosk is ready to be picked up; will p/u after holes for the footings are prepared - looking at some time in April.

**Clean-up:** April 27<sup>th</sup> is town cleanup – will work on brook near town hall.

**Motions:**

- Issue Amended OOC for 28 (previously 32) Southboro Rd – 2<sup>nd</sup> & approved.
- Issue OOC for 0 Chestnut St (Lot 3) – 2<sup>nd</sup> & approved.

**East Street Estates continued NOI** – applicant requested to continue the hearing – set for 3/27/19 @ 7:30pm.

8:00 PM Motion to adjourn – 2<sup>nd</sup> & approved

Minutes approved on: 3/27/19

Scott

Scott T

CCW

Benjy

John G  
JJ

**Document List:**

- 1) Con Com Agenda, Action Item Checklist
- 2) Agent Report: 2/28/19 – 3/13/19
- 3) Draft letter to EDC
- 4) Climate documents
- 5) Erosion Control info



# TOWN OF UPTON, MASSACHUSETTS

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## Conservation Commission

### Conservation Commission Meeting Minutes March 27, 2019

**Attendees:** Tom Jango, Alan Miano, Mike Penko, Chris Scott, Marcella Stasa, Conservation Agent Dave Pickart  
**Guests:** Bill Taylor (took minutes at the meeting for Department Assistant Denise Smith)

Meeting called to order at 7:12

#### Reports

- Agent's Report
  - See agent's report for March 27, 2019.
- Administrative report
  - No update
- Financial Update
  - No Update
- Website
  - Invasive page created and Asian long-horned beetle page was moved to the new page.
  - Ice-out March 24 added.
- Open Space Committee
  - Robertson project update: Robertsons are considering having perc tests done to confirm whether or not the property could support more lots than estimated in the original appraisal report. Values in that report are effective as October 2018. Bill reported that, if the property can support more lots, Ashley Davies of SVT had asked whether an update of the existing appraisal, updated to reflect the additional lots but still effective of October 2018, would be sufficient for Community Preservation purposes. She has confirmed that it would be sufficient for LAND Grant purposes. Bill will follow up with the Chair of the Community Preservation Committee to ask her to research whether a new appraisal will be needed for CPC purposes. Bill asked whether or not the Conservation Commission could pay for an updated or new appraisal.
  - It was moved, seconded and unanimously approved to spend up to \$2,500 from the Conservation Fund for an updated/new appraisal.
- Land Stewardship Committee
  - Bill and Mike reported that an individual attended the last Board of Selectmen's meeting to get feedback on his idea of creating a dog park. He thought Stefans Farm East might be a suitable site. Mike responded that that this was turtle habitat and probably not suitable for a dog park. BOS suggested that proponent attend next Land Stewardship meeting to discuss proposal with the committee and to determine whether the LSC would lead a project or whether it was better to create a dog park committee.

#### Site visits

- Forest Hills – North Street – 3/31/2019 9:30 a.m.

#### Approve and sign documents

- Meeting minutes
  - Moved, seconded and approved to accept minutes of March 13
- Timesheets
  - No action.

- Expense vouchers
  - No action.

#### Action item checklist

- Beavers – grate at Westborough/Southborough needs to be cleaned. Chris will notify DPW Director Westgate.
- Erosion control policies
  - No action
- Permitting process discussion
  - No action
- Memorandum of Understanding with Narragansett tribe
  - Bill mentioned that he attended a presentation regarding working with Native American tribes at the Massachusetts Land Trust Conference. Most notable takeaway from the presentation was that if federal money was involved in a project the tribes needed to be invited to comment on the project by the Federal government.
- 5 William Street – March
  - No action
- Open Space and Recreation plan
  - Mike reported that most of the data had been tabulated. He is confirming that the data in Excel is complete and the answers to the open-ended questions for about 75 surveys needed to be recorded.
- ESRI GIS software and new computer
  - No action
- Rockwood Meadows kiosk – March
  - On track to pick it up the kiosk in Vermont soon.
  - Scott checked with Phil Benjamin, the forester working on the North Upton Forestry Plan, to see if he knew of anyone else and is awaiting a response.
- Forestry
  - Pending completion of contract by Procurement Manager.
- Stefans' access
  - Pending proposal from Thompson-Liston for additional site work.
- 129 South Street
  - Pending response from property owner.
- Forest Heights resource areas
  - 3/31 site walk
- Moon Hill Estates
  - No action.
- April 27 Cleanup Day – brook near town hall
  - No action.
- Updating regulations for climate resiliency
  - No action.

#### Hearings

##### 7:15 Hearing - Notice of Intent filed by Hopkinton DPW for Lake Maspenock dam/gate replacement

Appearing for the applicant:

- John Westerling - Hopkinton DPW
- Alan Orsi and Lauren Gluck - Power Engineering

Project description:

- Replace original low-level gate to Lake Maspenock dam – the dam is 800 feet long and the low-level gate is in Upton
- Plan is to bring equipment in on a path from Crockett Road and stage equipment near the work area
- Pool of water drains across the proposed path and the staging area is along/within BVW
- Timber mat bridge, timber mat platform will be used to protect wetland resources

- Will reseed with wetland mix as recommended by agent
- Will access upstream side along pond bottom – work will be done in August when 5-foot drawdown is permitted
- It will take 1-2 weeks to prepare access, one week to demolish the existing structure and one week to install the new structure
- All excavated materials will be removed
- Risks to Mill River resulting from insufficient flow from the dam during work were discussed and it was agreed to add a minimum CFS to the NOI conditions
- It was agreed to add a condition that the revegetated area be monitored

Applicant asked to close the hearing. ConComm will issue OOC within 21 days.

#### **7:35 Hearing - Request for Determination – 52 South Street – installation of a solar array**

Appearing for the applicant - Sarah Delacruze/Isaksen

Project description:

- Installation of ground mounted solar array at 52 South Street - roughly 18 x 32
- There is a pond on the property
- Closest point between pond and proposed work is 20 feet
- Helical screws that are screwed 6 feet into the ground will be used to mount array and a trench will form array to house. Array is legally considered a permanent structure.
- The Conservation Agent commented that it was a straightforward project and that erosion controls were probably not necessary as there will be no soil disturbance due to the screws

Applicant asked to close hearing. ConComm will issue RDA within 21 days.

#### **7:45 Hearing - Abbreviated Notice of Resource Area Delineation – Route 140 Realty Trust – Milford Street**

Applicant asked to continue hearing to April 10th

Hearings next meeting:

- Nipmuc Rod & Gun Club
- Route 140 Reality Trust

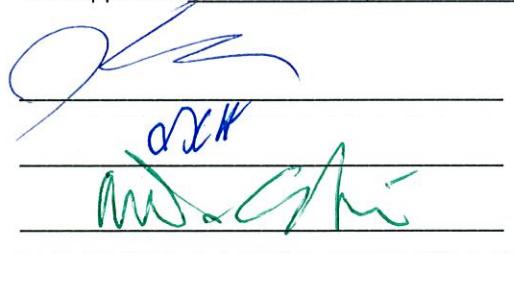
East Street discussion – low impact storm water management practices (LID)

- Town DPW director doesn't think the DPW can maintain roadside swales
- Conservation Agent would like to talk to DPW director about why the DPW can't maintain the swales. He may have a study that shows swales are less expensive to maintain swales vs. catch basins
- Important to have ConComm and Planning Board come to an agreement on LID practices - ConComm urging use of LID practices and Planning Board urging use traditional practices

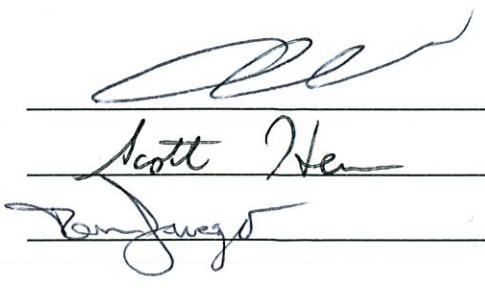
Adjourned 8:30

Date approved

5/8/19



Handwritten signatures of Scott Hen and Tom Juego over three lines of text. The signatures are in blue ink. The first line has '5/8/19' and 'Date approved'. The second line has 'Scott Hen'. The third line has 'Tom Juego'.



Handwritten signatures of Scott Hen and Tom Juego over three lines of text. The signatures are in blue ink. The first line has '5/8/19' and 'Date approved'. The second line has 'Scott Hen'. The third line has 'Tom Juego'.



# TOWN OF UPTON, MASSACHUSETTS

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## Conservation Commission

19 MAY 2019

Meeting Minutes – Wednesday 4/10/19

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

### Members Attending:

Chris Scott, Mike Penko, Sandy Lajoie, Scott Heim, Tom Jango, Alan Miano & Marcella Stasa  
David Pickart, Agent; Bill Taylor, OSC

### 7:00 PM General Items

#### Agent's Report

- Reviewed report dated 3/28/19 – 4/10/19.
- Will respond with a detailed letter to the abutter regarding new home on Glenview St.
- Governors Landing – found a new vernal pool; will work on getting it certified; informed the applicant's wetlands person.

**Beavers:** TJ spoke with Mike Callahan about the issue with the culvert fencing at Southboro Rd; Mike Callahan suggested installing diversion fencing at an estimated cost of \$600. Motion was made to install the fencing – 2<sup>nd</sup> & approved.

### 7:15 PM NOI Fiske Mill Pond

### C. Gosselin/SOLitude Lake Management

- Nipmuc Rod & Gun Club is applicant
- Treating for variable milfoil which is invasive and covering about 80% of the pond; will be chemically treating using an EPA approved herbicide product; it is applied subsurface.
- DP reviewed and found NOI to be very thorough; found that pond has 3 owners of which one is the Town of Upton; will need to get the town and one other owner to sign the NOI. Asked if they considered treating this with a winter draw-down; CG explained that the draw-down is not a guaranteed way of treating but they did consider it. Will this treatment affect private and public water supply? CG stated that none of the herbicide travels through groundwater as it binds to solids; have tested wells for the chemical and it has never come back positive. Previous order for the pond expired prior to requesting an extension thus new filing was needed. Herbicides used have no restrictions but company policy is to post that treatment is taking place. They will treat once per year for the duration of the OOC. Noted that on one figure the water lily was not specifically mentioned and should be part of the green area; will update the figure. Treatment is for 2% solution to be mixed with 50 gallon drum of water and spread with a subsurface application. Treatment will be done during the active grow season ideally mid-May. DEP number has not been issued so hearing continued to 4/24/19 @ 7:10 pm.

7:40 PM      **General Items continued**

**Admin/Finance:** Discussed if any purchases are needed for the office; suggestion by DP to purchase a GPS Unit for approximate cost of \$1600; DS will check on status of new computer for the office. Motion to sign expense voucher – 2<sup>nd</sup> & approved; timesheets signed.

**Agent's Report continued:** DP participated in a meeting at town hall with the G&U RR, DEP and other Town departments to discuss the status of the landfill closure; RR wants the town to share in the cost of monitoring; RR also discussed plans for expansion which will involve altering wetlands; RR claims they are exempt from local bylaw & Wetlands Protection Act but will need to go back to MEPA for info/advisory discussion regarding a land swap. DP stated it is not exempt from Federal Regulations. RR will file a 401 Water Quality Certification DP asked the DEP to let us know when it has been filed. Army Corp of Engineers is interested in mitigation area – how it will be done and how much; Impact area will be restoration/preservation or a fee-in-lieu (\$275K) which is paid to the State General Fund not the Town. DP weighed in on Upton's interest for conservation or preservation of the land; RR seems open to doing something for the Town. Forest Heights (off North St) is a possible offsite location that the Town may potentially; draft something to show to the Corp and DEP prior to RR filing.

**OSC:** Appraisal for the Robertson property was less than expected and being reviewed by the Robertsons; the Land Grant is due in July.

**LSC:** Still looking at proposal for alternate access at Stefans land; DS will look for topo plans from a subdivision that was proposed back in the late 90's or early 2000's; this would save some money if we have them. A large crossing on a trail in Warren Brook has some rotted spots that should be replaced; MP met with the Housing Authority about installing a trail kiosk behind Coach Road apartments (trails run behind homes up to Warren St); they are not opposed to the kiosk and having trail access but currently there are issues with the parking area next to the gas station as to ownership.

**LID Presentation:** Discussed doing a presentation to the Planning Board; see if we can get on their agenda.

**Motions:**

- OOC for Lake Maspesnock – 2<sup>nd</sup> & approved
- Neg. Det. #6 for 52 South St – 2<sup>nd</sup> & approved

8:25 PM      **Motion to adjourn – 2<sup>nd</sup> & approved**

**Minutes approved on:** 5/18/19

John  
CH  
904

QHR

LL  
Scott Her

Tommy

**Document List:**

- 1) Con Com Agenda, Action Item Checklist
- 2) Agent Report: 3/28/19 – 4/10/19





# TOWN OF UPTON, MASSACHUSETTS

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## Conservation Commission

Meeting Minutes – Wednesday 4/24/19

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  
David Pickart, Agent; Bill Taylor, OSC; Mary Overholt, Associate Member

#### 7:10 PM RDA - Rockwood Meadow

LSC/Mike Penko

- Proposed work on the existing trail including 2 stream crossings at Rockwood Meadow Open Space land.
- Looking to build 16' plank boardwalks total length of area up to 24'; K. Lobisser has agreed to build one and LSC will do the other.
- DP reviewed and determined project is needed and will have minimal temporary impacts.
- Motion to close the hearing 2<sup>nd</sup> & approved; Mike Penko abstained from vote.

#### 7:15 pm NOI - 106 Glenview St

Fred Lapham/Shea

##### Engineering

- Application for replacement of septic system; new system will be out of buffer on existing lawn area in front yard.
- Old tank/system is within the buffer so will need to get a small machine in to fill the tank with sand and regrade the land.
- New system is for 4-bedrooms and because of high ground water requesting variance from BOH to allow it to be 3' over the ground water instead of required 4'; this is allowable under Title 5.
- Will need a lot of fill in order to level the front yard.
- DP reviewed and confirmed that majority of work is out of the buffer on the existing lawn; BOH has not signed off was waiting for Con Com review.
- DEP # is 311-0758.
- Request to close hearing; OOC will be issued within 21 days.

#### 7:25 pm Agent's Report

- Reviewed report dated 4/11/19 – 4/23/19.
- Construction of a barn at 52 Main St is within the buffer; not sure by we were not contacted for building permit but construction has started; informed the owner that he needed to install

erosion controls ASAP (straw bales have been installed) and that he will likely need to file an application with the Commission. Commission determined that an NOI is required.

**7:30 pm NOI - 31 Westboro Rd**

**Mark Allen**

- Proposed addition to existing house for a one-car garage within the buffer zone; wetland has been flagged no wetland alteration.
- Erosion controls will be installed and proposing 4 permanent wetland markers.
- Will remove existing carport.
- DP review: all work is within the buffer but on lawn or previously used area; no cutting/clearing needed; the bylaw does not apply; at the wetland boundary found activity of fill (wood chips and gravel) that looked to be fairly recent. Owner reported that previous owner had a large wood pile in that area and probably where snow was plowed. There was a trail from the abutting property of wood chips. It appears that this was done prior to the current owner but suggest pulling out the material to restore the wetland; not sure how extensive. Current owner will investigate and report back on this matter. Suggest making this restoration a condition of the OOC; also suggest a snow storage area be noted away from the wetland.
- DEP # 311-0757
- Request to close the hearing; OOC will be issued after further info on the wetland fill situation.

**7:40 pm ANRAD (continued) – Governors Landing**

**Patrick Garner**

- Guerriere & Halnon is resurveyed the old wetland line (2008) and provided larger plans; need to remove the old/abandoned flags from the plans.
- A vernal pool has been located on the site and is protected under the Upton Wetland Bylaw; DP will file this with NHESP for certification.
- DP has looked at all wetland flags and determined majority to be accurate; wetland line is upslope; don't need to delineate bank as no crossings needed.
- Neighbors asked questions about the vernal pool and streams that run through the property.
- Continued to May 22, 2019 @ 7:30 pm; DEP has not yet issued a file number.

**8:10 pm General Items**

**Admin/Finance:** Timesheets and expense voucher signed

**Website:** DP would like to have direct link to his email to make it easier for people to contact him; AM will check Town's policy on this.

**OSC:** Prepared a letter re: Moon Hill Estates subdivision (Northbridge) to be sent to the Northbridge Planning Board from Con Com & OSC asking to consider trail access to various open space land that abuts this property.

**LSC:** Purchasing from fruit trees to plant at community garden.

**Beavers:** Definitely active again off Mechanic St near Fowler; beaver activity in a new location on East St and also someone reported a beaver in the pond at Maplewood Cemetery.

**OS & Rec Plan:** If we are going to apply for a land grant for Robertson property we will need a draft plan by the end of June/early July.

**Computer/GIS:** DS will check again on the status.

**Clean-up:** April 27<sup>th</sup> is town cleanup – 10 am.

**East Street Estates continued NOI** – applicant requested to continue the hearing – Commission continued this to June 12 @ 8:30 pm.

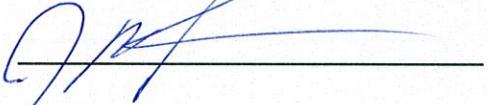
**IMA w/ Northbridge:** Agreement for Agent – do we need the agreement; would like to increase the Agent's hours to 15 in Upton leaving 4 hours for Northbridge. DP suggests continuing with the agreement for another year.

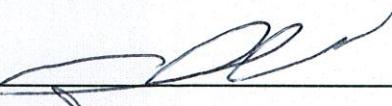
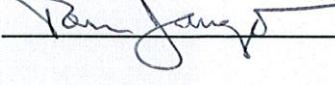
**Motions:**

- Issue Determination for Rockwood Meadow – 2<sup>nd</sup> & approved.
- Sign OOC for 106 Glenview St – 2<sup>nd</sup> & approved.

**8:45 PM** Motion to adjourn – 2<sup>nd</sup> & approved

Minutes approved on: 5/8/19


**Document List:**

- 1) Con Com Agenda, Action Item Checklist
- 2) Agent Report: 4/11/19 – 4/23/19
- 3) Agent review – 106 Glenview St NOI
- 4) Agent review – 31 Westboro Rd NOI
- 5) Agent review – Governors Landing ANRAD
- 6) Current Expense spreadsheet
- 7) Ltr for Northbridge Planning Board (dated 4/24/19)





# TOWN OF UPTON, MASSACHUSETTS

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## Conservation Commission

Meeting Minutes – Wednesday 5/8/19

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

### **Members Attending:**

Chris Scott, Mike Penko, Scott Heim, Tom Jango, Alan Miano, & Marcella Stasa  
David Pickart, Agent; Bill Taylor, OSC

### **7:00 pm Agent's Report**

- Reviewed report dated 4/24/19 – 5/8/19
- Did CR walk with SVT at Whitney CA – questions about the kiosk

### **7:05 pm RDA - 109 Glen Ave**

**R. Groth**

- Removing an existing shed and replacing with new one within buffer zone.
- New shed will be slightly larger and will have a stone base/pad.
- DP visited the property and state that Mr. Groth is an excellent steward of the wetlands.
- DP recommends that wattles be used while installing the gravel/stone base; also, that a Negative Det. be issued and stated this project is not subject to the bylaw.
- Hearing closed; Motion was made to issue a Negative Determination – 2<sup>nd</sup> & approved.

### **7:10 pm General Items**

**Website:** Updated DP's email contact.

**OSC:** Robertson property has been perc'd; appraiser will start later this month and should be done by end of June. Received and email from Ann Mazur (Mendon) regarding 4.5 acres of open space on the Upton side of the Sylvan Springs development; 35 acres of chapter land may be coming up for sale off Old Miscoe Hill Rd.

**LSC:** Kiosk at Rockwood Meadow has been installed; discussed the Pollinator Agreement which promotes habitat motion made to sign the agreement – 2<sup>nd</sup> & approved.

### **7:20 pm Continued NOI – Fiske Mill Pond**

**M. Salem/SOLitude Lake Mgmt**

- DEP # has been issued; received signature confirmation from additional property owners.
- Hearing closed; motion to sign the OOC – 2<sup>nd</sup> & approved; will issue w/in 21 days.

7:25 pm      **General Items continued**

**Church St culvert:** noticed during the Town clean-up day that there is erosion happening to the culvert; MP will contact the DPW to see what can be done; will suggest some plantings or bio-stabilization methods instead of dumping rip rap. DP will price out stakes or fiber logs.

**Beavers:** TJ noted that they are very active in multiple locations; Mike Callahan removed the dam but the beavers have rebuilt it and it is behind the pond leveler at USF (downstream) which is causing water to back up towards the berm. Also, beavers are very active again at the Fowler St/ Mechanic St area.

**Site Visit:** TJ met with home owner about removing some trees which are considered hazard trees; ok to remove but will need to be cut and removed but no chipping in the wetlands will need to be moved away then chipped. Also noted while there that the home owner is dumping yard waste in the wetland; he was told to remove that material. Agent will contact him with further instructions.

**Tribal MOU:** Doug Harris visited the site and there may be some ceremonial stones near Whitney and Sweet William Farm area (Thompson property).

**OS & Rec Plan:** Meeting with the Recreation Commission; proposing a visioning session in June.

**Computer/GIS:** Google drive account set up and noted computer is running very slow; DS will follow up with the Town Clerk on purchase on new computer; will provide specs for what is needed to support GIS.

**Forestry:** Contract to be signed by the Town Manager.

**Moon Hill Estates (Northbridge):** Letter was sent; DP is meeting with engineer in Northbridge.

**LID presentation:** Putting together a presentation will see about getting on Planning Board agenda.

**Metacomet meeting:** Sunday 5/19 at 1:00 pm at Nipmuc HS.

7:45 PM      Motion to adjourn – 2<sup>nd</sup> & approved

Minutes approved on: 6/12/19

Sandra Lajoie  
MSL  
MM

Mike GJ  
LL  
Scott J  
Tony J

**Document List:**

- 1) Con Com Agenda, Action Item Checklist
- 2) Agent Report: 4/24/19 – 5/8/19
- 3) Agent review – 109 Glen Ave NOI
- 4) Pollinator Resolution & Pledge
- 5) Current Expense spreadsheet



**TOWN OF UPTON, MASSACHUSETTS**  
**Conservation Commission**

## Meeting Minutes – Wednesday 5/22/19

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

**Members Attending:**

Chris Scott, Mike Penko, Sandy Lajoie, Tom Jango, Alan Miano, & Marcella Stasa  
David Pickart, Agent

## 7:00 pm Kelly parcels near Peppercorn Hill

- Kelly family is selling several parcels totally about 70 acres; prime location to connect with existing trails at Peppercorn Hill.
- Could we apply for a land grant in July for this property? It is too late for this year to apply for the Robertson property and not sure we can use more than 1 source of State funding – DCR and/or land grant. The second round of funding from the land grant would be less money.
- Motion to spend up to \$6000 from the Conservation Fund for an appraisal of the Kelly property at Peppercorn Hill potentially in June in order to submit a land grant application in July – 2<sup>nd</sup> and approved.

## 7:05 pm Request for COC 20 Glenview St John Mastroianni/LLD Land Dev.

- Requesting a partial COC; installing mulch tomorrow and the wetland bounds (2) have been installed.
- DP supports issuing a partial COC; As-built plan was submitted and replication area is done but need to have growth of the wetland area and lawn area. Erosion controls will stay in place until site is stabilized.

7:15 pm NO 1 95 Taft St

## Dave Marquedant

- New house & driveway are outside the buffer zone but the wall is partially within; majority of work on the site is outside the buffer; closest point of the limit of work is 71'.
- Additional erosion controls will be needed and 3 bounds/markers; DM added to the plans.
- DEP # has been issued 311-0761
- No issue with installation of the well; will use erosion controls while digging & equipment is on site.
- Request to close the public hearing; OOC will be issued within 21 days.

**7:20 pm      Hopkinton Rd**

**J. Mastroianni/LLD Land Dev.**

- DP noticed that a wetland was crossed during testing for a potential subdivision and that this site is in ACEC
- JM explained that there is an existing path and culvert so they used that for access for testing for the roadway; they didn't cut anything in the wetland.
- DP is concerned that this is the 2<sup>nd</sup> time the engineer has crossed a wetland for site testing; the engineer was previously informed of proper procedure.
- This site will require a bridge crossing but as it is ACEC b/w not sure wetlands can be filled & replicated.
- DP suggests an informal discussion with the developer & engineer about issues they will need to consider to develop this site. Commission will send a letter to them stating concerns. Will also reach out to the current property owner.
- JM noted that this site is heavily used by ATV and horses.

**7:40 pm      ANRAD (con't) Governors Landing**

- Applicant not present but revised plans were submitted.
- DP has reviewed them and noted they have been very conservative with the wetland boundary and is ok with closing the hearing.
- Motion to close the Governors Landing ANRAD hearing – 2<sup>nd</sup> & approved.
- Motion to sign the ORAD for Governors Landing – 2<sup>nd</sup> & approved.

**7:50 pm      General Items**

Motion to sign the Partial COC for 20 Glenview St – 2<sup>nd</sup> & approved.

**Agent's Report:** Reviewed report dated 5/8/19 – 5/21/19; Rockwood Meadows CR/OS bounds are being installed and getting questions from owners. MP suggests doing a site visit to do a baseline report.

**Admin/Finance:** Discussed purchase of new computer; timesheets & vouchers signed.

**OSC:** Discussed Kelly property near Peppercorn Hill (see notes on page 1). Will need to ask CPA for more money than originally discussed for the Robertson property; the land grant needs to be submitted by 7/11/19.

**LSC:** Need to follow-up with Greg Trussell & Mr. Poteau about the kiosk at Whitney CA; working on trails at Rockwood Meadow and will have an opening walk

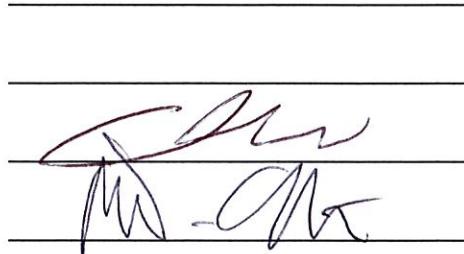
**Beavers:** Beavers at Southboro Rd will have to be trapped as they are causing serious flooding concerns; TJ spoke with Mike Callahan about extending the piping as that was successful at Baker Pond but we will need to trap the beavers first. Also beavers at Fowler/Mechanic St will also need to be trapped as they are going to impact the roads and concerns that many trees near the road are dying or already dead and are potentially a hazard. Trapping must be authorized by the BOH – motion for Chris Scott to contact BOH for trapping at Southboro Rd and Mechanic St – 2<sup>nd</sup> but not approved; vote was 3-yes and 3-no. Motion was amended for NO trapping but to install pipe at Southboro Rd and to alert the BOH & DPW about the conditions – 2<sup>nd</sup> & approved (5-yes and 1-no).

**Site Visit:** AM visited 133 North St and walked the site with Mr. Howarth; he forwarded a report via email but basically no action is needed by the Commission.

**8:40 pm      Motion to adjourn – 2<sup>nd</sup> & approved**

Minutes approved on: 6/12/19





**Document List:**

- 1) Con Com Agenda, Action Item Checklist
- 2) Agent Report: 5/8/19 – 5/21/19
- 3) Agent review – 95 Taft St NOI
- 4) 133 North St – Site Visit report (AM)
- 5) Current accounting spreadsheets



# TOWN OF UPTON, MASSACHUSETTS

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## Conservation Commission

Meeting Minutes – Wednesday 6/12/19

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

### **Members Attending:**

Chris Scott, Mike Penko, Scott Heim, Sandy Lajoie, Tom Jango, Alan Miano, & Marcella Stasa  
Mary Overholt, Associate Member  
Bill Taylor, OSC

#### **7:00 pm 154 West River St discussion**

**J. Dwinnell**

- Looking to see if it is possible to connect trails from West River St over Center Brook to trails on the South St side. If so, what is the process? Would be used for walking and horses.
- The West River has an existing bridge but need to cross Center Brook; would probably be about 150 feet long and 8 – 10 feet wide; this is a very marshy area in which it is very easy to get stuck; freaks horse out.
- Would probably require an NOI filing with Con Com with replication area; also need to check with the Army Corp of Engineers as there is a flowage easement (West Hill Dam).
- Also, will need to get the property owner(s) on the South St side to be co-applicant(s).

#### **7:30 pm General Business**

Motion to allow Boy Scout troop from Milford to camp at Peppercorn Hill – 2<sup>nd</sup> & approved.

**Admin/Finance:** Motion to authorize the Chair to spend up to \$1500 for a new computer for the office – 2<sup>nd</sup> & approved; timesheets and expense voucher signed.

**OSC:** OS/Rec Plan meeting set for 6/13 at 7 pm at Nipmuc will present results for the survey. Met with K. Lobisser & M. Allen to discuss potential project off Hopkinton Rd; possible 70+ acres for small subdivision (14 houses) with about 50 acres for OS; includes an easement, abuts USF with many trials on this property; also discussed LID ideas.

**LSC:** Prioritizing projects - mowing & kiosks; could use assistance with mowing at Stefans; Rockwood Meadows needs to have a baseline of the CR done; MP will communicate with HALT; will hold an event when the trails are formally open; will have a work party for trails at Rockwood. Looking to have appraisal done of the Kelly property near Peppercorn Hill - G&M estimate is \$2900; motion to authorize the appraisal – 2<sup>nd</sup> & approved. MP will talk with abutters about access at Stefans.

**Beavers:** Mike Callahan did the work to extend the pipe at Southboro Rd, water is already over and the beavers will need to be trapped. Also suggest trapping at Fowler/Mechanic St. CS will notify the BOH & DPW of the situation.

**Forestry:** Phil Benjamin provided insurance info; will need Derek (Town Mgr) to sign the contract. Prior to cutting we should hold a public meeting explaining what is being done and a site walk. P. Benjamin will do the site walk.

**Moon Hill project (Northbridge)** – letter was sent regarding trail connectivity.

**LID Presentation** – discussed with K. Lobisser & M. Allen and they are willing to provide some info and where they have done projects (examples).

**Church Street culvert** – DPW did respond but currently other projects have priority.

**MM** – Motion to approve minutes from 5/8/19 and 5/22/19 – 2<sup>nd</sup> & approved.

**Motion** – Motion to issue OOC for 95 Taft St – 2<sup>nd</sup> & approved.

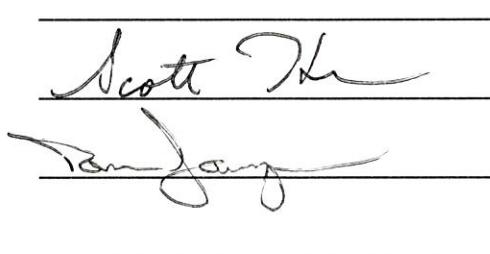
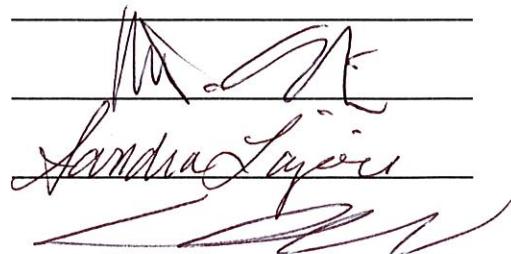
**8:30 pm      East Street Estates (continued NOI)**

**R. Mainville**

- Revised plans; replication area moved per MP request; increased wetlands in OS; increased the amount of OS to about 9 acres. VP not included in the land to be donated to the town; would lose a couple house lots if included; will be have a conservation easement.
- Detention areas are still in the same location; and still 16 house lots.
- Proposed playground within the cul-de-sac area (2 lots).
- MEPA was done over the winter; Water Quality Cert has been submitted.
- Army Corp is ok as long as donating land to the town.
- Chestnut tree at the entrance will have a wall around it; still waiting for arborist to weigh in.
- Alternate access? Mr. Afonso has contacted the adjacent property owner with an offer to purchase some land off Walnut St. Certified letter was sent last week asking to reply by 6/27.
- There is potentially another owner on Walnut St; access from Walnut St would be better as no wetland crossing would be needed.
- Stormwater Management – changes were made to drainage per DPW as they don't have the equipment to manage drainage swales; will include granite curbing.
- Con Com looking to move toward LID; AM suggested that if the applicant were to donate equipment to clean the swales in lieu of installing granite curbing (which is quite costly) the town would then have the equipment going forward.
- Wetland mitigation plan (O&M Plan was submitted); monitoring reports will be required by Army Corp.
- Need a better planting plan.
- Continued to July 10<sup>th</sup> at 8:00 pm.

**8:50 pm      Motion to adjourn – 2<sup>nd</sup> & approved**

Minutes approved on: 7/10/19



**Document List:**

- 1) Con Com Agenda, Action Item Checklist
- 2) Agent Report: 5/22/19 – 6/11/19
- 3) Current accounting spreadsheets



## TOWN OF UPTON, MASSACHUSETTS

### Conservation Commission

Meeting Minutes – Wednesday 6/26/19

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

#### **Members Attending:**

Chris Scott, Mike Penko, Tom Jango, Alan Miano, & Marcella Stasa  
Mary Overholt, Associate Member  
Dave Pickart, Agent  
Bill Taylor, OSC

#### **7:00 pm      Cold Water Fisheries**

#### **P. Coffin of Blackstone River Coalition**

- Provide information and explanation of their goals to support naturally occurring habitat and provide clean rivers.
- Small grant for Cold Water Fisheries (CWF).
- CWF is a resource that Con Coms should be concerned with; comes under “outstanding resources” on NOI.
- Much of Upton is within CWF: West River, Center Brook, Taft Pond & Cronin Brook.
- Will provide a copy of his materials/powerpoint to the Commission.

#### **7:15 pm      Agent's Report**

- Review report dated 6/12/19 – 6/26/19.
- Discussed road maintenance projects; will need to file RDA.
- Discussed beaver issues; trapping is done through BOH and any equipment or structures or breaching dams is through Con Com.
- DPW will be replace water mains on 2 roads (Pleasant St & River Rd) within the paved roadway; is exempt but will use wattles.
- July 23 – Aug 13 will be on vacation.
- East Street Estates – DEP# has been issued; Water Quality Certification sited problems.

**7:30 pm RDA 3 North St**

**M. Dean/S. MacDonald**

- Upgrading septic system for Title 5; existing house within lawn area.
- Meets the setbacks from the well and wetlands; BOH has approved.
- Will need bounds; 2 have been added to the plans.
- DP reviewed and confirmed it is a straightforward project; there is a large wetland but this project is at the top of the slope and no vegetation clearing is needed and minimal impacts.
- Erosion controls will be installed 35' from wetland.
- Hearing closed; Determination will be issued.
- Motion to sign the Determination – 2<sup>nd</sup> & approved.

**7:40 pm General Business**

**Admin/Finance:** Motion to authorize Mike Penko to purchase lumber up to \$500 – 2<sup>nd</sup> & approved; timesheets and expense voucher signed.

**7:45 pm NOI 9 Wildwood Ave**

**L. Lof**

- Project to 1) renovate the existing home by adding a 3-foot extension to the house; extend the existing deck and add a patio area. 2) Install a dock in the lake.
- DP visited the site; renovation work is all within the buffer on existing lawn; dock extends into rare species habitat (Lake Wildwood); DEP # has not been issued and they have submitted to NHESP.
- The dock can be placed to have little or no impact to bvv and to land underwater; very minimal loss to flood storage.
- DP suggests carefully staking the area where work will occur; erosion controls will be temporary.
- There are other docks on the lake; may need the town (through town manager or BOS) to ok the dock.
- Hearing continued to 7/10 at 7:00 pm.

**8:00 pm NOI State Road Project (High St & Hopkinton Rd)**

**B. McGrath/BETA**

**D. Westgate/DPW Dir.**

- MassDOT TIP (Traffic Improvement Project) to improve pavement and durability of the roads; this is first phase of the project; and provide some pedestrian & bike accommodations.
- Proposing a traffic signal at Pratt Pond intersection with left turn lanes.
- Resource areas 800 feet west of School St/Pratt Pond intersection; sidewalks to be installed; retaining walls, drainage improvements; deep sump catch basins, swales – open drainage; there will be an underground infiltration system at the end of High St (point).
- At North Main St & School St intersection adding a little green area along the pond with trees and a bench; side slopes will use stone not loam & seed.
- Drainage pipe at the Rice property (intersection of Westboro Rd & High St).
- Some floodplain impacts; minor filling w/ repaving; 388 cf of impact – will replicate.
- Riverfront area – working w/in paved area.
- At Cider Mill Ln there will be 5 leaching-catch basins.
- No sidewalks but bike lanes along Hopkinton Rd.
- After the Forest St intersection will be matching grades to reduce impacts; noted a potential vernal pool over the town line in Hopkinton.
- DP provided comment/review report; revise plans will be submitted; noted that original wetland delineation was done in 2012 and additional delineation done recently but the old flags are still shown on plans which makes it very confusing; flags need to be updated in the table. Very minor impacts - 42 sf

permanent and 90 sf temporary; no replication proposed may apply for 401 Permit; may update to show some replication.

- Recommend a wetland seed mix.
- Bylaw? Is exempt but should request a waiver.
- MassDOT State transportation improvement project (TIP); state is paying for the construction but the town owns the road and is paying for design, r-o-w issues, acquisitions and easements. Phase I is complete through the town's portion and MassDOT is doing bid & advertising.
- Phase I construction is scheduled to begin next spring/summer (2020); town will have oversight of construction hours.
- MP asked if any mitigation along Pratt Pond could be done to improve the pond; are any trees being cut and if so how many and are there opportunities to replace. Possibly plant some along the shoreline as mitigation from other areas.
- Potentially will be planting trees at 70 School St and 4 Hopkinton Rd.
- ENF was filed; will be a site visit.
- No DEP# yet; continued to 7/10 & 7:30.

#### **General items continued**

**Beavers:** Conversation with Dennis Westgate he asked what the DPW can do to help. Funds are controlled by BOH & Con Com; assist with structures that need routine maintenance; input for safety/integrity of roads and if trapping is necessary need to contact the BOH. Areas of concern are Southboro Rd, Fowler Rd & East St. Will keep us updated and are responsive to our requests and suggestions. Thanked DW for quick response of DPW. TJ spoke with Mike Callahan to let him know that the beavers have already built beyond the new pipe. MC will look again at no charge.

**OSC:** The Robertson appraisal has been submitted but will need an amendment; invoice submitted and will pay with FY19 funds; Robertsons have agreed to sell to the town for \$500,000 which is about \$119,000 less than appraisal. They want to restrict hunting on this property to bow hunting only and fishing to be catch & release only. TJ pointed out that this is stocked by the State so we may not be able to restrict fishing. BOS will be updated.

**Website:** Open Space survey results will be posted.

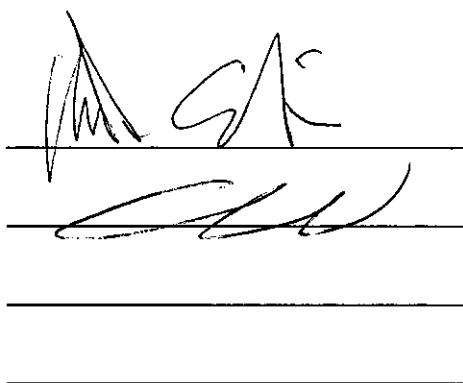
**LSC:** Kiosk at WCA to be installed need to coordinate with Greg. Will purchase wood for boardwalks; some mowing done at Stefans land; Work on Rockwood trail easement access will haul in materials before the HOA takes over in August; garden is for homeowners only; need to do a baseline of CR bounds in the backyards. Pleasant Woods (off Warren St) has evidence of structures/jumps probably kids.

#### **New Items:**

- Research from Tufts regarding squirrels and water snakes; we can give permission for town properties in our control; CS will email.
- Peppercorn Hill land – possible land grant for next year; need to think about a Forest Management plan; possible State funds.
- Camping at Peppercorn Hill – allowed will send regulations.
- Request for a wedding at Heritage Park – no restrictions for this beyond the stated regulations.
- We were given permission from Ann Foye (through Tom Davidson) to access Stefans for a test.
- Mass. Vulnerability Plan – Con Com is interested.

9:35 pm Motion to adjourn – 2<sup>nd</sup> & approved

Minutes approved on: 7/24/19



Handwritten signatures of GAC and GLH are placed above two horizontal lines. The signature 'GAC' is on the top line, and the signature 'GLH' is on the bottom line.

**Document List:**

- 1) Con Com Agenda, Action Item Checklist
- 2) Agent Report: 6/12/19 – 6/26/19
- 3) Agent's review – Mass DOT TIP Phase I
- 4) Agent's review – 3 North St, septic replacement
- 5) DEP ltr dated 6/21/2019 re: 11 East Street (East Street Estates) Water Quality Certification
- 6) Sign-in Sheet.



## TOWN OF UPTON, MASSACHUSETTS

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### Conservation Commission

Meeting Minutes – Wednesday 7/10/19

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

#### **Members Attending:**

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

**7:00 pm**

- 9 Wildwood Ave NOI continued to next meeting (7/24) as no DEP # issued.
- David Brooks of 3 Cranberry Cir, raised questions regarding the Chestnut Tree at the entrance to the proposed subdivision East Street Estates; DS confirmed that an Arborist will be hired to take a look at the tree. Also, questions regarding the CR markers at Rockwood Meadow. Meeting has been set at Rockwood w/ the HOA to discuss this matter – Tues, 7/16/19.

**7:15 pm      RDA 63 Fiske Mill Rd**

**Dan McIntyre/M.E.S.S.**

- Septic replacement for failed system (Title 5 – selling the home).
- Existing system is within the lawn and will put the new system there as well and is within 50 feet of the wetlands; wetlands are in front of the lot in a wooded area.
- Revised plan shows erosion controls; slope protection – using a photodegradable mat that degrades within 45 days.
- New system is DEP approved.
- Addressed DP comments; need a waiver from the BOH for the 50' setback.
- DP confirmed location for the system is suitable given the terrain of the lot.
- No bounds needed.
- Hearing closed; will issue Neg. Det. pending the BOH waiver.

**7:25 pm** – Motion to sign the application for the Land Grant – 2<sup>nd</sup> & approved.

7:30 pm NOI (cont) State Road Project (High St & Hopkinton Rd) B. McGrath/BETA  
D. Westgate/DPW Dir.

- DEP # issued 311-0763.
- Updated plans include:
- Paved swale @ Pratt Pond (stones)
- All wetland flags have been corrected and updated
- Swale doesn't go through wetlands
- Will replicate for last wetlands
- Broad spectrum wetland seed mix will be used
- Additional trees will be planted near Gore Rd; looked at planting some around Pratt Pond but there aren't many suitable spots; will use native species – Commission will suggest some species.
- Estimated that 2 trees will be removed from the wetland buffer and they will replant 5.
- PH closed; OOC will be issued within 21 days

7:40 pm Agent's Report

- Review report dated 6/27/19 – 7/10/19.
- Met w/ Five Fork Farms regarding their new barn w/ solar; issue with the CR so SVT will formally act on it; suggest putting this on the agenda for next meeting.
- 167 North St drainage pipe is present again.

## General items

## **Motions:**

- Motion to issue a COC for 39 Westboro Rd – 2<sup>nd</sup> & approved.
- Motion to issue a COC for 327 Westboro Rd – 2<sup>nd</sup> & approved.

**Meeting Minutes:** Motion to approve minutes from 6/12/19 – 2<sup>nd</sup> & approved.

OSC: Getting ready to submit the Open Space & Recreation Plan.

**Website:** Open Space survey results will be posted.

LSC: Kiosk at WCA to be installed need to coordinate with Greg.

**Forestry:** Contract has been sent to the Town Manager for signature.

8:00 pm Cont NOI East Street Estates

R. Mainville/ASF

- Ltr was sent to the abutter re: purchasing property; no response.
- Revised plans with changes presented:
- Added planting list (120 trees, plants, shrubs)
- Info on State Regs included
- Added grading (elevations) to basins
- Still proposing 16 lots
- 8150 sf of wetlands altered and replicating 8700 sf
- Con Com will provide comments on plantings
- Wetland monitoring plan needs to be submitted to the Army Corp
- DP noted that a letter was issued by the DEP w/ technical problems on the 401 permit
- Commission has questions about "fair market value" of Mr. Afonso's offer to the abutter.
- RM stated that there is another potential lot for access but they have not yet approached the owner.
- Hearing continued to 8/14 at 8:00 pm

**Additional motions:**

- Motion to sign the Determination for 63 Fiske Mill Rd – 2<sup>nd</sup> & approved.
- Motion to sign the OOC for the TIP project on High St & Hopkinton Rd – 2<sup>nd</sup> & approved.

**National Grid Ltr 7/9/19** for maintenance project; exempt from the bylaw.

**8:30 pm** Motion to adjourn – 2<sup>nd</sup> & approved

**Minutes approved on:** 7/24/19

Anthony Lajevic  
a. t.  
JZ

W. G.  
Al M  
Sara M

**Document List:**

- 1) Con Com Agenda, Action Item Checklist
- 2) Agent Report: 6/27/19 – 7/10/19
- 3) Agent's review – COC request for 39 Westboro Rd
- 4) Agent's review – 63 Fiske Mill Rd RDA septic replacement
- 5) National Grid letter dated 7/9/19 for Utility Line Maintenance
- 6) Sign-in Sheet.



# TOWN OF UPTON, MASSACHUSETTS

## Conservation Commission

Meeting Minutes – Wednesday 7/24/19

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

### Members Attending:

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

7:15 pm      **RDA 14 North Main St**      **Scott Butler/Wescott Homes**

- Building a new single-family house on this property (previous house was demo'd).
- Will use erosion controls not subject to WPA but Town bylaw only as w/in 200 feet of the pond (across the street).
- Will have town water & sewer.
- Hearing closed; will issue Neg. Det. pending the BOH waiver.

7:20 pm Cont NOI – 9 Wildwood Ave

- DEP # has been issued 311-0764.
- Will use straw wattles or bales for erosion control as noted on the plan.
- PH closed; OOC will be issued.

## General items

**Website:** AM will be making some updates.

**OSC:** Land Grant application was delivered to the State; site visit by DCR was done today. Working on the final Open Space & Recreation Plan. Young's property on North St is being looked at by DCR.

**G&U RR/Hopedale project:** BT attended the DPU hearing held in Hopedale; RR is looking to build a railyard/depot on a portion of a 155-acre parcel one the Upton/Hopedale town line that abuts the USF and Hopedale parkland. BT spoke with Mr. Delli Priscoli about connection to Upton land and possibly working with the town. Some of the land is in chapter. Land is assessed for about \$2 million.

7:50 pm Five Fork Farm barn & solar project

L. Lam

- National Grid will be installing conduit which will run partially in the CR. Kristen at SVT has been informed. National Grid requires a road or access road to be able to get their trucks on site. Question asked about how length of this section in the CR.

- National Grid is reluctant to using the backside of 153 North St because of physical obstacles (stonewalls); best option is to use the existing driveway which then passes through the CR.
- SVT's concern is running the conduit through the CR.
- Looked at potential access through Lot 1 (adjacent to 153 North St) which is owned by the Lam family but concern is if the lot is sold the electrical service for 153 North will run through the abutter's property. National Grid proposed an easement but that is not preferred.
- To move forward with running through the CR will need an agreement by all parties. AM will reach out to SVT to draft a letter (restriction) that will be agreeable to all. Will also talk with National Grid about the unusual circumstances of this project.
- The new service will also feed the existing barn.
- Lyh Lam said they are not looking to build this summer; asked if the transformer can be shifted back to 153 North (CR side) is that better?
- Commission will see what SVT suggests; will put on the agenda for next meeting (8/14 @ 7:45).

**General Items continued**

**LSC:** Holes have been dug for the new kiosk at WCA; need to be inspected before installation continues.

**Building sign offs:** Request from Building Dept. to review 101 Orchard St and 33 Fiske Ave – MP will review both.

**Beavers:** Asked DPW to contact BOH for trapping at Southboro Rd and Fowler/Mechanic St; something needs to be done soon or roads will be impacted at both locations.

**GIS Software:** Motion made to spend up to \$1500 to purchase license for new software – 2<sup>nd</sup> & approved. Once the new computer is installed MP will install new GIS software.

**Kelly parcels:** Appraiser will be looking at this soon.

**Meeting Minutes:** Motion to approve minutes from 6/26/19 & 7/10/19 – 2<sup>nd</sup> & approved.

**Admin/Finance:** Motion to sign expense voucher – 2<sup>nd</sup> & approved; timesheets signed by Chair.

**8:30 pm      Rockwood Meadow discussion**

**A. Leonard & J. Mastroianni**

- A meeting was previously held with the developer, residents and HALT to discuss the CR and bounds. Tonight's meeting is to review items from that meeting.
- John Mastroianni (Lobisser) stated that whatever the Commission wants they will do in terms of installing bounds; to date they have installed as required in the CR.
- Residents are concerned with the bounds (6"x6"x2' concrete markers) along the roadway/sidewalk. They would like to have them be flush with the ground as they are concerned these will be a tripping hazard. HALT has ok'd ground level makers in this area.
- CS stated concerns that mowing is occurring beyond the bounds; no problem with moving along the roadway but want to stop mowing in the meadow area.
- Upton bounds are 18-24 inches above ground; will require those behind properties to be above ground but if they are flush along the roadway the HOA will need to make sure they are kept visible. Another solution would be to move them off the sidewalks.
- This will be part of the CR inspection.
- CS asked where snow will be piled. The CR does talk about snow management.
- Motion was made to approve replacing 6 concrete bounds w/ Berntsen markers to be flush with the ground as shown on the plan; visibility of these makers is to be maintained – 2<sup>nd</sup> & approved.
- MP will send an email to HALT and Lobisser.

- Another issue raised by residents is that the pond on site is within the CR but there is no trail or path to get there. Also, the pond has tree/brush along the edge that they would like to clear some in order to make it accessible for fishing.
- Will have our Agent make a site visit and determine if a filing should be done. CR does allow for invasive species control.
- It is a deep pond and has steep slopes so anything that can be done to make it safer.

**Additional items:**

- Motion to issue an EO for the DPW to breach & remove the beaver dam at Southboro Rd – 2<sup>nd</sup> & approved.
- Motion to sign the Determination for 14 North Main St – 2<sup>nd</sup> & approved.
- Motion to sign the OOC for 9 Wildwood Ave – 2<sup>nd</sup> & approved.
- 12 North Main St looking to install a natural gas line – will need to submit an RDA.
- BT will review the Easement Document for Chestnut St and provide language for maintenance.

9:30 pm Motion to adjourn – 2<sup>nd</sup> & approved

Minutes approved on: 8/28/19

qcf  
Sondra Lajoi  
DL

MM  
LL  
Ben Jany

**Document List:**

- 1) Con Com Agenda, Action Item Checklist
- 2) Sign-in Sheet
- 3) Info on RR property/Hopedale
- 4) Mass. Electric Easement drawing for Five Fork Farm
- 5) Rockwood Meadow doc re CR/bounds
- 6) Chestnut St Easement docs

RCVD TOWN CLK UPTON  
 2019 SEP 3 AM8:40

**Conservation Commission  
Meeting Minutes  
August 14, 2019**

Attendees: Chris Scott, Mike Penko, Sandy Lajoie, Scott Heim, Tom Jango, Alan Miano, Marcella Stasa, Mary Overholt, Dave Pickart

Meeting called to order at 7:00 p.m.

**12 North Main Street Hearing**

Gas line installation from street to house

Property owner described project

Moved and seconded to issue a Negative 3 determination

**Website Update**

New version of Peppercorn trail map added.

**Open Space Report**

Robertson Project: Bill described Mike's concern that project would not be scored very highly based on how points are given for each LAND grant criterium and, as such, the town would not be awarded the LAND grant. Discussed whether or not to increase the amount that had been requested from the Community Preservation Committee. Bill recommended that we proceed with the amount originally requested from the CPC and consider requesting more we are not awarded the LAND grant. Bill agreed to send CPC application to Conservation Commission with one day for comment before submitting it to CPC. Mike described how LAND grant projects are scored and the score that he came up with for the Robertson project.

Forest Heights land: The finalization of the tax taking is imminent as Forest Heights' right of redemption has been foreclosed by the Land Court. Members of Open Space Committee and Conservation Commission, along with representatives of Metacomet Land Trust and Sudbury Valley Trustees will meet with Town Manager to describe importance of parcel and to discuss ways it might be protected. Dave offered to do some map making. [Note: it was learned during the meeting that Forest Heights had a year to petition the Land Court to recover its right to redeem the property.]

Kelly land: Appraisal completed and the four parcels that were the subject of the appraisal were appraised for \$260,000 for the four parcels embedded in Peppercorn.

**7:15 Hearing - Town of Upton Reconstruction of Town Hall Parking Lot**

Dennis Westgate, DPW Director, on behalf of Town Manager and Town Clerk, and Chuck Eaton from C&E Associates, described the project.

- Project proposed to address accessibility issues. Redesign will improve accessibility, improve ease of use, and increase number of spaces.
- No or minimal increase in impervious surface.

- Parallel parking on town hall side of parking lot converted to head-in/perpendicular parking spaces – allows legal handicap space on town hall side of the parking lot.
- Need to expand riverside parking to permit head-in on town hall side.
- Will eliminate some impervious surface too.

The Commission, Agent and applicants discussed the project:

- Add catch-basin hoods to improve stormwater treatment
- Use hydroseeding mulch instead of blanket.
- Working with Viking, owner of abutting property, to get permission for the work that may be on their property. It was noted that the Note of Intent can include a condition that this issue needs to be resolved.
- There was a discussion of whether or not there should be more handicap spaces. Consultant responded that ADA rules only require one as 1-25 space parking lot only requires one. It was noted that this analysis does not consider the spaces across the road used for Town Hall parking.
- Consider using bushes - arrowwood and/or witch hazel - to replace the trees that need to be cut down to complete the project.
- USGS shows the stream as perennial stream. If it's considered riverfront, it's redevelopment, but may require some additional steps. Wait for DEP comments.
- Consider putting the infrastructure in place for a charging station.
- Since Viking owns the relevant area, use this as an opportunity to get agreement with Viking to add erosion controls where the Church Street culvert outflow is eroding the stream bank.

Since there is no DEP number the hearing needed to be continued. Continued to August 28, 7:00 p.m.

#### **7:30 Hearing - ADA compliant walkway to pavilion and fire pit at Kiwanis Beach**

Dennis Westgate, DPW Director, on behalf of Recreation Commission, and Chuck Eaton of C&W Associates described the project.

- Paved accessible walkway 4-feet from handicap spot to fire pit and pavilion – accessibility that meets the regulations.
- Minimal grading to correct pitches and grades
- Erosion control measures between disturbed area and beach
- Does not impact existing beach/sand area

The Commission and Agent did not have any questions or concerns about the project.

Since there is no DEP number the hearing needed to be continued. Continued to August 28, 7:02 p.m.

### **Beaver Update**

Trapper captured 2 beavers - one male and one female. Trapper thought that might be all of the beavers at the site.

### **7:45 Hearing - Five Fork Farm**

Li Lam attended on behalf of Five Fork Farm

Sudbury Valley Trustees provided a one-page approval for the transformer to be located on Lot 1. It was noted that if Lot 1 comes under separate ownership, will need to have discussions about what happens with the transformer. Moved and seconded to approve the resolution approved by SVT.

### **Crosswinds Update**

Need to confirm trails are accessible and to clear trails. Also need to check 16 Dogwood for to assess/confirm whether or not the lawn has been extended into the area protected by the Conservation Restriction.

### **8:00 p.m. Hearing - East Street Estates**

Dominic Afonso and Richard Mainville appeared for East Street Estates

The Planning Board decided that evaluating drainage from the property is the responsibility of the Conservation Commission. New drainage calculations show that in certain rain events drainage from the site will exceed current drainage. Rooftop infiltration addresses most issues except for run-off to west. It was noted that the rooftop systems must be maintained by homeowners in order for them to continue to manage stormwater.

It was agreed that swale would be added behind homes that have increase in run-off per the calculations.

It was recommended that the diameter of the area around the tree at the intersection of the access road and East Street be increased to 40 feet to better protect the tree.

It was recommended that the number of trees in the replication area be doubled as overplanting trees helps ensure that area regenerates successfully. Some changes to the tree species were recommended too. Dave will send email instructing doubling of number and changing mix.

The Commission asked the project proponents to share their responses to the issues raised by the Department of Environment Protection in the letter sent to them by the DEP and copied to the Conservation Commission. As they were copied on the letter, they need to know how the issues were resolved.

The Commission also asked that the proponents approach the owner of the land off Walnut Street that has access to the site about buying the land and using it for access to the development.

Hearing continued to August 28, 7:45 p.m.

**Chestnut Street Easement Deed Update**

Dave will send draft to Afonso and Town Counsel.

**Agent's Report**

Nothing to add to the printed report.

**Capital Budget Items**

The Town Manager sent out a request for an update to the Capital Budget. Mike suggested that the Stefans access project be added to the capital budget with an estimated cost of \$175,000.

Moved and seconded to add \$175,000 Stefans Access project to Capital Budget and approved unanimously.

**November 5 Special Town Meeting Warrant**

Moved, seconded and approved unanimously to submit an article for \$5,000 for the Conservation Fund for the November Special Town meeting warrant.

**Other**

- Mr. Howarth emailed Commission asking about the work Tufts is doing in Howarth Glen and Marcella agreed to discuss the Tufts research with Mr. Howarth.
- Dave called 5 William St owner on Monday but has received no response yet.
- Moved, seconded and approved unanimously to reissue signature approval for Five Fork Farm NOI.

Moved, seconded and approved unanimously to adjourn at 9:09

Minutes approved: 9/11/19



Handwritten signatures of town members are placed over the date "9/11/19" on four horizontal lines. The signatures include "gt", "Linda M", "Geri", "Ben Jay", "JM", and "JL".



## TOWN OF UPTON, MASSACHUSETTS

## Conservation Commission

Meeting Minutes – Wednesday 8/28/19

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

### Members Attending:

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

Bill Taylor, OSC; Mary Overholt, Associate Member

Dave Pickart, Agent

**7:00 pm      Con't Abbrev. NOI 1 Main St - Town Hall Parking &  
                    Con't Abbrev. NOI Kiwanis Beach project                      D. Westgate/DPW Dir.**

- DEP requesting stamped Stormwater plans for both projects; waiting on DEP #s
- Both continued to next meeting on 9-11-19
- Resident requested copies of plans for both projects – DW will provide.

7:10 pm 3 Chapin Rd RDA J. Marquedant

- Replacing septic due to failure
- Not subject to bylaw
- Wetlands & soils have been reviewed; will be 72 feet from wetland
- Installing an alternate technology system in front of the house; has been reviewed by BOH
- Erosion controls have been indicated on the plans; will use filter sock and silt fence
- Hearing closed; Determination will be issued

**7:15 pm NOI Upton DPW Roads/Maintenance Project D. Westgate/DPW Dir.**

- DEP # has not been issued
- Previously submitted work plan updated for current projects
- DEP has guidelines for these blanket projects; DP will forward to the Commission
- Continued to next meeting on 9-11-19

## 7:30 pm General items

**Beavers:** Dennis Westgate informed that dam has been removed at Southboro Rd.

**Agent's Report:** Reviewed report dated 8/15/19 – 8/27/19

Agent's report continued:

- Going to look at the common driveway at Warren St/High St for 2 houses to see if clearing and earth moving triggers the Stormwater Bylaw; will check out the wetland across from the cell tower as has been an erosion issue in the past.
- Suggest we need to send letters to every resident in Crosswinds & Rockwood Meadow regarding the CR; explain what this means and what they can and cannot do. MP also suggests we document existing conditions; we should notify the PD and residents that we will be doing inspections.
- Spoke with a resident at Crosswinds who is interested in getting goats to eat poison ivy on her property; not a great idea as goats eat everything thus might be detrimental. She also would like to cut down 1 tree that is close to the house; Motion to allow removal of 1 tree at 18 Dogwood Dr and recommend against using goats for poison ivy – 2<sup>nd</sup> & approved.
- Also discussed resident at Station Street end that is blocking the walking trail; DP will contact them.
- Looked at the derelict boat that someone reported is sinking in the water at North Pond/Lake Maspenock off Crockett Rd; who has jurisdiction as Upton property is only the shoreline? Motion to authorize DP to take Mr. Marino's offer to tour the lake from his boat – 2<sup>nd</sup> & approved.
- Easement at Chestnut St property has been recorded but they are willing to revise the language (if necessary) once we receive comments from town council; motion was made to allow construction of the house to continue – 2<sup>nd</sup> & approved.

7:45 pm        NOI for East Street Estates continued to 9/11/19 at 7:30

General Items continued:

**Admin/Financial:** Motion to sign expense voucher 2<sup>nd</sup> & approved. Timesheets signed by Chair.

**OSC:** CPC hearing for the Robertson property has been set for Sept 5<sup>th</sup>; BT is working on draft for P&S. A conference call was held with Christa Collins of SVT to discuss the Forest Heights property (off North St); will discuss with Derek. Shooting to complete and release the OS & R Plan by October. BT explained steps when Town is doing a tax-taking. Appraisal has been received for the Kelly property (parcels) – what is next step? Suggestion to hold off until after the STM in November and perhaps bring up at the ATM in May; BT is checking to see if the appraised value figure can be released – do we have to disclose at this time?

**LSC:** HALT is proposing a couple areas within the CR at Rockwood Meadow that should be swapped for management/review; areas along Rockwood Ln that in Hopkinton but Upton is responsible for and areas in Upton that Hopkinton is responsible for – they are proposing we switch to line up with the correct town. Motion was made to accept HALT's proposal for monitoring the CR at Rockwood Meadow – 2<sup>nd</sup> & approved. Stefans activities have been postponed due to the EEE concerns specifically will notify the Roots in Nature event that was proposed for September; will advise they should hold off until after 1<sup>st</sup> frost.

**5 Williams St:** DP spoke with the contractor who reached out with questions about this.

**Moon Hill Estates (Northbridge):** Granted access to Northbridge.

**Whitney CA kiosk:** Replacement materials have been purchased and holes have been dug; need to get Greg Trussell back to complete the installation – tentatively looking at 9/3 or 9/4 depending on his availability.

**Heritage Park (off Elm St):** We've been contacted by someone who would like to hold a wedding on this property will advise that they must contact Metacomet Land Trust for approval.

**Proposed bylaws:** Sustainable Upton group proposing language for bylaw to ban Styrofoam & plastic bags; collecting signatures for petition.

**Meeting Minutes:** Motion to approve minutes from 7/24/19 – 2<sup>nd</sup> & approved.

8:30 pm Motion to adjourn – 2<sup>nd</sup> & approved

Minutes approved on: 9/11/19

M. G.

9/11/19  
JW

Sage Ol  
LL  
BaJ

**Document List:**

- 1) Con Com Agenda, Action Item Checklist
- 2) Sign-in Sheet
- 3) Agent's review – 3 Chapin Rd RDA
- 4) Agent's Report – 8/15/19 – 8/28/19



# TOWN OF UPTON, MASSACHUSETTS

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## Conservation Commission

Meeting Minutes – Wednesday 9/11/19

RCVD TOWN CLK UPTON  
2019 OCT 11 AM9:56

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

### **Members Attending:**

Chris Scott, Mike Penko, Alan Miano, Marcella Stasa, Tom Jango & Scott Heim  
Bill Taylor, OSC; Mary Overholt, Associate Member  
Dave Pickart, Agent

#### **7:00 pm      Con't Abbrev. NOI 1 Main St - Town Hall Parking      D. Westgate/DPW Dir.**

- DEP # received 311-0766
- One comment from DEP is to include Lots 95 & 102 in the NOI/OOC
- DP referenced comments already reviewed
- Request to close the hearing; hearing closed. OOC to be issued w/in 21 days

### **Agent's Report**

- Report dated 8/28 – 9/10/19
- Spoke with KP Law regarding easement at Chestnut St lot.
- Contacted project manager for the project on Warren St (near High/Hartford Ave N); will need to review the Stormwater Bylaw requirements for land clearing thresholds.
- Spoke with person who submitted a request to camp at Warren Brook as they are conducting a tree study; asked him to put this off until after first frost. TJ will be meeting with him to see what the tree study is about. Motion was made to deny the request to camp at Warren Brook - withdrawn

#### **7:10 pm      Con't Abbreviated NOI Kiwanis Beach project      D. Westgate/DPW Dir.**

- DEP # received 311-0765
- Request to close hearing; hearing closed. OOC will be issued w/in 21 days

### **7:15 pm      General Business**

**Admin/Financial:** Motion to sign expense voucher – 2<sup>nd</sup> & approved; timesheets signed.

**LSC:** Hiring engineer for investigating additional access at Stefans land est. \$3,000; also \$1,200 – 1,500 for excavator to dig test pits which will help reduce the cost of access estimate. Possibly use

DPW's equipment to dig the test pits; DW will look into doing this work so we can possibly get on the ATM warrant for the funds to build the access. Motion to spend up to \$4,500 to hire the engineer to investigate the additional access and to hire a contractor to dig the test pits, if the DPW can the test pits we will not spend all the money – 2<sup>nd</sup> & approved. TJ suggests we wait to see if we can generate income from the forestry project at Warren Brook.

**Forestry:** Still working on getting the contract signed for P. Benjamin; he will be paid from the Land Stewardship revolving fund and/or Conservation Fund. Money from the timber sale is deposited into the revolving fund but has a spending limit of \$5,000 per year. Can we increase the spending limit? Motion to submit an article for the Nov. STM to increase the spending limit from \$5,000 to \$10,000 per year – 2<sup>nd</sup> & approved.

**7:30 pm      Con't NOI Upton DPW Roads/Maintenance Project      D. Westgate/DPW Dir.**

- DEP # has been issued 311-0767
- DEP comment that culvert replacements will require separate OOC
- DP issued draft OOC; DW asked if #27 (Written Notification) if email is acceptable – yes
- Request to close the hearing; hearing closed and OOC will be issued w/in 21 days

**7:40 pm      Municipal Community Center Feasibility Report      M. Bachtold/J. Nowicki**

- MB & JN of the Feasibility Committee presented the report and concept plan
- Proposing to build on the property at 8 Grove St; question was asked if the former garage had any floor drains that could have impacts on soil/ground. Current owner has done some testing which indicated no but that was a few years ago so more testing will be done.
- Biggest issue with this site is the limited number of parking spaces; number of handicapped spots is determined by the size of the lot not the building.
- Storm Water Management – roof runoff will be addressed; potential for solar on the roof.

**8:00 pm      Ongoing Items**

**Rockwood Meadow MOU:** HALT is drafting the revised CR document.

**Forest Heights (North St):** There was an updated resources plan done in the 90's; Acorn Estates? DS will check storage area.

**Moon Hill Estates:** Approval includes a parking area for access to USF and 7 acres of OS land in Northbridge.

**Whitney kiosk:** Waiting on Greg Trussell to schedule a time to install; can be done with 3 people; will be done on Friday 9/13 @ 12:30.

**Kelly property:** Appraisal received; expense voucher submitted for \$3,900; next step will be the P&S.

**Motions:**

- Motion to sign a Neg. Determination for 3 Chapin Rd – 2<sup>nd</sup> & Approved.
- Motion to re-sign OOC for 106 Glenview St – 2<sup>nd</sup> & Approved.
- Motion to sign OOCs for DPW/town projects: 1 Main St, 99 Kiwanis Beach Rd and town-wide road/maintenance projects – 2<sup>nd</sup> & Approved:

**Crosswinds letter:** Reviewed draft letter for property owners with CRs; proposed info session at our meeting on Oct. 9<sup>th</sup> at 7:00 pm.

**8:40 pm** Motion to adjourn – 2<sup>nd</sup> & approved

Minutes approved on: 10/9/19

Scott I. Henn  
David J. Dugay  
Sandra M. Henn  
MD

*[Signature]*

## Document List:

- 1) Con Com Agenda, Action Item Checklist
- 2) Agent's Report – 8/28/19 – 9/10/19
- 3) Municipal Community Center Feasibility Committee Report
- 4) Forest Heights info
- 5) Draft CPC warrant article for Robertson Project
- 6) Draft CR info letter & guidelines



# TOWN OF UPTON, MASSACHUSETTS

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## Conservation Commission

RCVD TOWN CLK UPTON  
2019 OCT 11 AM9:56

Meeting Minutes – Wednesday 9/25/19

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

### **Members Attending:**

Chris Scott, Sandy Lajoie, Alan Miano, Marcella Stasa & Tom Jango  
Bill Taylor, OSC and Dave Pickart, Agent

**7:00 pm 9 Wildwood Ave – Amended NOI (311-0764) Linnea Lof**

- Amending the NOI to add an attached garage; revised plans will be delivered to Comm.
- Distance is approximately 14 feet from the corner of the garage to the wetland.
- DP visited the site and confirmed that this will be entirely within the maintained lawn; 1 mature tree will need to come down; suggest requiring 2 wetland bounds to be installed at the edge of the lawn.
- Request to close the hearing; hearing closed; amended OOC will be issued.

### **Agent's Report**

- Report dated 9/11/19 – 9/24/19
- DP raised concerns about going over his hours as we continue to be very busy; possibly will be able to get some hours “back” from Northbridge as they are contracting him for 4 additional hours; will discuss getting 4 hours back in Upton after the Northbridge contract is signed.
- Spoke with CMRPC about the MVP Grant; they were surprised that Upton wasn’t already participating. They suggest we hold off until April for the next round of grants as they will be able to provide assistance to us; spoke with Derek who seemed interested and will check with DPW, Police, Fire too. Commission supports that we should take advantage of this program.

**7:15 pm RDA – Shore Dr Utility Pole (Mass Electric) Heidi Graf/BSC**

- Installation of a new utility pole and supports for an existing pole; materials removed for the holes will be removed from site.
- DP reviewed and verified work is upland of the wetland; they have provided more than adequate provisions for erosion controls.
- Noted that technically they would need a variance but as there really is no other location and the pole is necessary.

- This project is not subject to the WPA but is for the Town Bylaw; DP suggests issuing a Positive Determination but stating that an NOI is not required for the bylaw; project is approved.
- Request to close hearing; hearing closed. Determination will be sent to BCS.

**7:20 pm Agent's Report continued**

- Received the revised draft of the Grant of Easement document for Chestnut St property; minor revision from town counsel. Motion to issue the easement – 2<sup>nd</sup> & approved.

**7:25 pm General Business**

**Admin/Financial:** Motion to sign expense voucher – 2<sup>nd</sup> & approved; timesheets signed.

**OSC:** BT attended a State event in Salem at which we were awarded a \$234,429 Land Grant for the Robertson property. Great job! We are still waiting to hear from DCR to see if they will authorize \$125,000 and to see if \$177,000 will be approved at the STM.

**LSC:** Baystate Trail Riders are holding an event on the last weekend of October; trail ride at Whitney CA and Warren Brook; some trail clearing/maintenance will be done in early October.

**7:40 pm Ongoing Items**

**STM warrant:** 2 articles submitted

**Pleasant Woods (behind Dunkin Donuts):** several dead trees at the top of the hill behind the parking lot at DD; not sure if they are on Town land or DDs. Will do some research to determine who owns and Chris will contact the DPW as is a safety issue.

**Holiday Schedule:** Motion to cancel the Nov. 27 meeting (Thanksgiving Eve) and Dec. 25 (Christmas Day) meetings – 2<sup>nd</sup> & approved.

**Beavers:** They are active again at Southboro Rd – building another dam.

**5 Williams St:** Site is more stable and regeneration has begun; DEP is not pushing as the owner does not have funds to restore the area; the good news is they have stopped the violation activities.

**Forestry:** Will pay P. Benjamin from the Revolving Fund and Conservation Fund (50-50).

**Kelly Property:** Need to send a letter to the Kelly's; OSC will discuss tomorrow night and come back to Con Com with a draft.

**Mendon St Common Driveway:** Resident spoke w/ DP about culvert & drainage issues which could have impacts on the wetlands; will speak with the DPW.

**Whitney kiosk:** It has been installed.

**East Street Estates:** Motion to continue the public hearing to Oct. 9<sup>th</sup> at 7:15 pm – 2<sup>nd</sup> & approved.

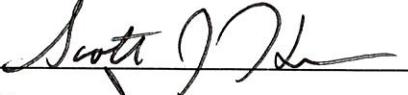
**Motions:**

- Motion to sign a Neg. Determination for 3 Chapin Rd – 2<sup>nd</sup> & Approved.
- Motion to re-sign OOC for 106 Glenview St – 2<sup>nd</sup> & Approved.
- Motion to sign OOCs for DPW/town projects: 1 Main St, 99 Kiwanis Beach Rd and town-wide road/maintenance projects – 2<sup>nd</sup> & Approved:

**7:50 pm Motion to adjourn – 2<sup>nd</sup> & approved**

Minutes approved on: 10/9/19

  
Sandra Rajeev  
OCH

  
Scott Johnson  
Tom Jangor

**Document List:**

- 1) Con Com Agenda, Action Item Checklist
- 2) Agent's Report – 9/11/19 – 9/24/19
- 3) Grant of Conservation Trail Easement (Chestnut St) – draft.
- 4) Agent's review of 9 Wildwood Ave.
- 5) Sign-In Sheet



## TOWN OF UPTON, MASSACHUSETTS

### Conservation Commission

Meeting Minutes – Wednesday 10/09/19

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

RCVD TOWN CLK UPTON  
2019 NOV 21 AM8:18

#### **Members Attending:**

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

#### **7:00 pm 3 Brooks St RDA**

- Replacing existing septic system for single family house; no alternate site available.
- DP spoke with the BOH and they will be reviewing this tomorrow at their meeting but they indicated they don't have a problem with this location.
- Hearing closed.
- DP stated that a Positive Determination will be issued but not subject to the Bylaw.
- Motion to sign the determination – 2<sup>nd</sup> & approved.

#### **7:05 pm General Business**

**Agent's Report:** Report dated 9/25 - 10/8/19; finalized letter to Crosswinds residents re: CR info meeting. DP informed the Commission that he has taken a temporary position as the Agent for Holyoke.

**Admin:** set public hearing for and NOI for a new OS subdivision "The Preserve at Dean Pond" located off Hopkinton Rd – set for 11/13 @ 7pm. CS signed the Crosswinds letter. DS will be on vacation the week of October 14<sup>th</sup> and November 11<sup>th</sup>.

#### **7:15 pm Citizen Petitions for 2 warrant articles for STM (Nov. 5<sup>th</sup>) L.Wodin/**

- Presentation given regarding the petitions: 1) ban single-use plastic bags and 2) ban Polystyrene (Styrofoam) products; stated that 122 cities & towns have already enacted bans. If passed at STM they will become effective 6/30/20.
- Question was asked as to who will enforce this? BOH
- Motion that the Commission will support both articles at STM – 2<sup>nd</sup> & approved.
- Motion to issue a letter to Sustainable Upton in support of these articles will cc the BOS and BOH – 2<sup>nd</sup> & approved.
- AM suggested having a list available for STM of the Upton Business that will be affected by these articles.

- CS suggests bring examples of reusable bags, food and beverage containers to the STM; example of what other towns with bans are using.
- A resident also suggests having examples of environmental impacts.

**7:40 pm Kelly property/parcels**

- MP asked if ok to release the appraisal report.
- Motion was made to release the appraisal report – 2<sup>nd</sup> & approved.
- Possibly will have an article on the ATM in May 2020 to purchase these parcels.

**7:44 pm East Street Estates continued PH**

- Received a written request to continue the public hearing; motion made to continue to Dec. 11<sup>th</sup> @ 8:00 pm – 2<sup>nd</sup> & approved.

**7:45 pm Robertson Property**

- BT gave update; DCR has budget \$150,000 if we receive this the land grant will be reduced by that amount. Mandatory meeting for the land grant on 10/22. Steve Sloan of SVT is working on this proposal; SVT is considering a postcard mailing similar to what was done for SWF purchase – SVT will pay for this. Do we want to include any supportive comments from OSC or Con Com? Any legal issue with having OSC or Con Com comments on the postcard? Will check with Derek. Would like to have these in the mail by 10/23. Motion to have postcard sent by SVT & OSC (paid by SVT) – 2<sup>nd</sup> & approved (per Town Manager's ok). Need to be ready for STM to explain use of the CPA funds for purchase and improvements to existing properties. Can the 10% designated CPA funds be used for land not purchased by CAP? Steve will find out. OSC is looking to hold an info meeting at the OSC meeting on 10/24. Derek will issue a press release on the land grant award. Language for a draft CR in progress but have some questions: 1) Are agricultural activities allowed? The Robertson indicated that they want to dial back from commercial to more personal uses; 2) Access & parking for trail and fishing, the land grant absolutely requires public access; 3) Working on the P&S; and 4) Need to get the OS & Recreation Plan approved, CS will check with the State to see if they have any comments.

**8:15 pm General Business continued**

**OSC:** SVT is issuing an RFP for capacity building – 120 hours for Americorp; BT suggests having them create a rating/ranking system for Conservation properties and create an action plan. Motion to have BT submit an RFP to SVT – 2<sup>nd</sup> & approved. BT participated in a webinar on "Heat Smart Program"; will look for technical info on this such as wood pellets, air source heat pumps; he will talk with Ann Mazur of Mendon. CS sent a request to be appointed to the OSC

**Financial:** Motion to sign expense voucher – 2<sup>nd</sup> & approved; CS signed timesheets.

**LSC:** Trail clearing at Warren Brook for the BSTR pumpkin ride on October 28<sup>th</sup>; noted that the Lams have put some plastic and irrigation tubing on our easement BT will ask them to move it away as potentially could scare the horses.

**Rockwood Meadow MOU w/ HALT:** new document submitted w/ previously discussed amendments. Motion to sign the new MOU regarding the CR at Rockwood Meadow – 2<sup>nd</sup> & approved.

**STM:** November 5<sup>th</sup>

**Annual Report:** Begin working on the draft for 2019 report.

**8:30 pm      Ongoing Items**

**Beavers:** Resident of 78 Mendon St called with some questions and concerns about activity in this location; DP will contact her.

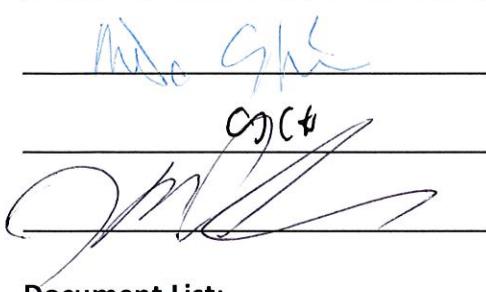
**Forestry:** Contract with Phil Benjamin is done; will meet with him and he will begin marking the property on 10/14; will hold an info session prior to doing the cutting.

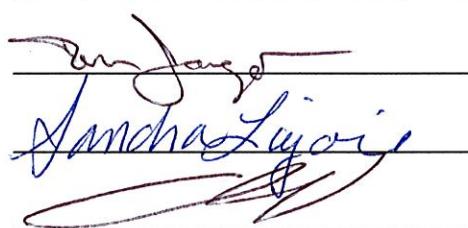
**Stefans access:** Dennis Westgate (DPW) is willing to help with the test pits; he will visit the site to determine what they can do.

**Moon Hill Estates (Northbridge):** per DP Northbridge Con Com is signing the orders next week.

**8:45 pm      Motion to adjourn – 2<sup>nd</sup> & approved**

Minutes approved on: 11/13/19





**Document List:**

- 1) Sign-in sheet
- 2) Con Com Agenda, Action Item Checklist
- 3) Agent's Report 9/25/10 – 10/8/19
- 4) Agent's review of 3 Brook St
- 5) Upton Plastics & Polystyrene Reduction pamphlet
- 6) Account updates
- 7) Rockwood Meadow MOU w/ HALT
- 8) Ltr from EOEEA re: LAND Grant awarded to Upton for the Robertson property
- 9) Draft postcard for Robertson property (SVT)



# TOWN OF UPTON, MASSACHUSETTS

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## Conservation Commission

RCVD TOWN CLK UPTON  
2019 NOV 21 AM8:18

Meeting Minutes – Wednesday 10/23/19

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

### **Members Attending:**

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

### **7:00 pm      Crosswinds CR info meeting**

- One resident attended; resident of 7 Dogwood Dr ask some questions specific to her property and about the trails. Asked if ok to prune the large oak that is on her property as it has several branches that are dead – Commission stated yes ok for her to hire an arborist to do that work. Also said she has 5 cement posts (CR markers) running through the middle of her yard and is concerned that the kids will get hurt on them and she wanted to know if some could be removed; Commission pulled out a plan for the subdivision and noted that the developer installed more markers than required (should only be at property lines) so we will contact them to have the ones in the middle of the yard removed (same for other properties where extra markers were installed). Stated concerns with the trail that runs behind her house as people wind up in her yard; ok for her to put up private property signs and the Commission will be putting up trail markers. DP will contact the developer.
- DP spoke with an attorney about the property located at the end of Dogwood Dr (at the RR tracks) where the trail access is located; Commission needs to clearly mark the trail and the access.

### **7:30 pm      General Business**

**Agent's Report:** Report dated 10/10 – 10/22/19

**Admin/Financial:** timesheets signed; MP asked to get a detail of the Conservation Fund – DS will ask the Account for info.

**OSC:** Continue to work toward the purchase of the Robertson property; there are concerns about mailing a postcard to selected residents – should be mailed to everyone. A flyer is being proposed instead and handed out to everyone and anyone who wants it and will be available at the STM; will have SVT, Conservation and Open Space logos asking for support of the article at the STM. SVT is working on the CR and P&S documents. Comment letter received from the State relative to the final Open Space & Recreation Plan only minor comments mentioned.

**7:45 pm Rockwood Meadow – COC A. Leonard, M. Allen and J. Westerling**

- Request for COC was submitted; all 58 units are built and occupied.
- DP has reviewed and provided a list of items & questions for developer to address.
- Several items have already been addressed: wetlands and replication areas are delineated and stabilized; basins have been cleaned and detention area pumped.
- DP stated that the replication areas was done properly and is functioning very well; he doesn't see that issuing the COC has any impact on the CR.
- John Westerling, president of the HOA stated that they have no concerns and feel that the developer has done a fine job with this development.
- Motion to issue the COC and hold it until final review of the Planning Board's engineer (DGT) – 2<sup>nd</sup> & approved.
- MP asked a question of Mr. Westerling (HOA) about mowing/plowing the parking area and access area for the trail; if the HOA would include this in their maintenance the Commission would pay to have this done and is allowed to do this even though the land is in Hopkinton. Mr. Westerling said he would bring this matter to the HOA for discussion and will provide a quote on the cost.

**8:00 pm General Business continued & New Items**

**Lake Maspenock:** Mr. Westerling, in his capacity as DPW Director of Hopkinton, asked the Commission if Hopkinton needed to file anything with Upton as they are planning to use an herbicide during the draw-down of the lake. They cannot lower the water level enough due to shallow wells to eradicate the weeds and feel an herbicide is needed. Upton town line is at the shoreline thus nothing needs to be filed for treatment in the water.

**LSC:** Test pits have been dug by the DPW on Stefan's land to determine the depth of the ledge/bedrock relative to the potential access area.

**CPA funds:** Question was asked at our last meeting if the 10% that is set aside for OS can only be used to purchase land – answer is NO; the CPA was modified to include Recreation in the OS portion so that money can be used for and OS or Recreation project not just land purchases.

**Mosquito Spraying:** Draft of handout being prepared with info regarding spraying. Motion for Conservation Commission to oppose the warrant article for Upton to join the Central Mass Mosquito project – 2<sup>nd</sup> & approved.

**Robertson Property:** Cynthia Robertson came in to stress the importance of have the support of the OSC and the Conservation Commission; also she stated concerns about sending a flyer to selected people; she stated it should be sent to all or made available to everyone.

**Rockwood Meadow baseline survey:** MP suggested that we take pictures to include in the baseline; how should we handle those properties that have encroachment violations/issues? Suggest that all matters be directed to the HOA.

**Annual Report:** Send comments/revisions to CS prior to next meeting (11/13).

8:40 pm Ongoing Items

Beavers: Active at Southboro Rd & Mechanic St (near Fowler St).

**Forestry:** Met with P. Benjamin and he has started to mark trees with blue paint; an informational meeting/site walk will be held prior to any cutting to explain the process.

**Motions:** Motion to sign the COC for Rockwood Meadow (and hold as previously voted) – 2<sup>nd</sup> & approved.

8:50 pm Motion to adjourn – 2<sup>nd</sup> & approved

Minutes approved on: 11/13/19

*DPK*

*Don Janey*  
*City of Grafton*  
*CLW*

*Sandra Lijoie*

**Document List:**

- 1) Con Com Agenda, Action Item Checklist
- 2) Agent's Report 10/10/19 – 10/22/19
- 3) Pictures of test pits at Stefans
- 4) Draft handout re: Mosquito Control Project; and Article from Grafton newspaper
- 5) 2018 Annual Report – draft for 2019



## TOWN OF UPTON, MASSACHUSETTS

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### Conservation Commission

Meeting Minutes – Wednesday 11/13/19

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

#### **Members Attending:**

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

<b>7:00 pm</b>	<b>NOI – Preserve at Dean Pond (PDP)</b>	<b>Mark Anderson/Kevin Lobisser</b>
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- Public notice read.
- Proposed 14 lot open space subdivision off Hopkinton Road.
- 60 of 82 acres preserved as open space.
- Low impact stormwater management design proposed.
- Abuts Upton State Forest (USF).
- Wetland crossing required (< 5,000 sf). WQC not required. Project is in an ACEC. Detention basin is within 30 ft. no disturb zone.
- Agent comments provided in meeting packet. David has not yet walked entire site.
- Planning Board and Town Engineer have opposed LID stormwater management for other subdivisions.
- Long discussion about public access to open space and trails (existing and proposed). Legal status of Gore Road is uncertain, but it is used by public to access Upton State Forest and could provide public parking. Beaver activity has flooded some trails. MP requested that trails insure both PDB residents and the public dry access to USF.
- DEP File number or comments not available.
- Site walk (public invited) scheduled for December 8. Meeting continued until December 11.
- Dave to draft comprehensive comment letter to Planning Board with input from Commission and Open Space Committee.

#### **Rockwood Meadows Discussion**

- Plan on preparing Conservation Restriction baseline report in the spring.

#### **Annual Report**

- Draft in progress (due in January)

#### **Agent's Report (pdf provided)**

- Upton Ridge cleanup ok.
- Erosion control installed at Fiske Mill Road

- GASCO tree removal request approved by Commission.
- Orchard St. Lot. Cattail marsh was mowed. Dave has drafted letter to owner with invite to December 11 meeting. Motion to fine \$100. 2<sup>nd</sup> and approved.

#### General Business

- Request to purchase hanging file folder (\$400 from Wetland Protection Fund).
- Motion to approve minutes for October 9 and October 23 minutes. 2<sup>nd</sup> and approved.

#### Updates

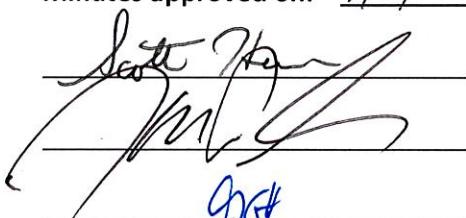
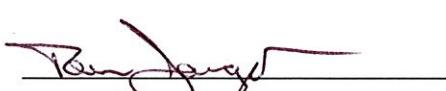
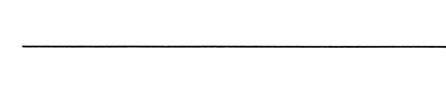
- Open Space Committee: Purchase of Robertson CR approved at town meeting. Draft of P&S needed for Kelly property. DCR may be acquiring the Brown property off Southborough Road.
- Land Stewardship Committee: Work dates set for November 17 at Rockwood Meadows and December 7 at Pixies Park.
- Stefans Access: Discussion of alternatives. Need to contact owners of two abutting properties before making a recommendation. Motion to pay \$2,500 Thomson Liston bill. 2<sup>nd</sup> and approved.
- OSRP: Comments on July draft requested
- Crosswinds: Dave and Mike to mark spurious bounds to be removed.
- Motion to support new Solarize MA Program. 2<sup>nd</sup> and approved.
- Motion to support of Forest Legacy Program extension into south central MA (including Upton). 2<sup>nd</sup> and approved. Mike to draft letter.

#### Regulatory Motions:

- Sign COC for Orchard St (311-078). – 2<sup>nd</sup> & approved.

8:56 pm Motion to adjourn – 2<sup>nd</sup> & approved

Minutes approved on: 1/8/2020

#### Document List:

- 1) Con Com Agenda, Action Item Checklist
- 2) Agent's Report
- 3) Sign-in Sheet

RCVD TOWN CLK UPTON  
2020 JAN 10 AM9:00



## TOWN OF UPTON, MASSACHUSETTS

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### Conservation Commission

Meeting Minutes – Wednesday 12/11/19

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

#### **Members Attending:**

Chris Scott, Mike Penko, Scott Heim, Alan Miano & Marcella Stasa  
Bill Taylor, OSC, Dave Pickart, Agent and Mary Overholt, Associate Member

#### **7:10 pm General Business**

**Agent's Report:** Report dated 11/14 – 12/11/19

**Admin/Financial:** timesheets & expense voucher signed

**7:15 pm NOI – 00 Tyler Rd (311-0768) Tom Libby/G&H**

- New house and septic; driveway is in the 100' buffer but moved out of the No Disturb Zone; minor work within the NDZ of the isolated wetland; ledge outcrop impacts moving the location; driveway slope is 15%.
- Added 3 bounds along the edge of wetland; MP asked if the isolated wetland could be a vernal pool – DP does not think it is. Added 3 more bounds for the isolated wetland.
- Application is before the BOH for permit.
- Request to close hearing; will need revised plans to show bounds and BOH approval.

#### **7:25 pm General Business continued**

**Agent's Report continued**

**7:30 pm RDA – 6 Main St Town of Upton/BOS**

- Town owned property; DP presenting for the Town; looking to demolish the structure and cover site with crushed stone; straw wattles will be used as site is within 100' riverfront and 100' buffer zone; this project is an improvement as changes property from impervious to pervious.
- Future building will require filing with DEP/Conservation.
- Motion to issue a Negative Determination.

#### **7:40 pm NOI – 67 Fiske Mill Rd Fred Lapham/Shea Eng.**

- Septic repair/replacement for existing single-family house; site is challenging as to elevation and ground water. Proposing a Cultec leach bed which is about 40% smaller than previous system; allows for usable front yard.
- Work area is w/in the hill keeping as far from the wetland as possible – about 40'; will use a 4-foot boulder retaining wall with boulders from the site; about 50' from wetland and 100' from the well.

- BOH has approved the system.
- DP was looking for greater setback from BVW but upon Fred Lapham's explanation realize it is not possible to achieve this. The house was built in the 1970's thus not subject to the bylaw. The new system is definitely an improvement and meets Title 5. DP recommends that 3 bounds be installed so new owners will know the boundary.
- DEP number has not yet been issued; FL stated some urgency as the house is for sale with a closing date of 1/10/2020. Request to close the hearing but need to get revised plans w/ bounds and DEP #. Commission will sign the OOC and hold.

7:55 pm 0 Station Street

S. Antinarelli

- Property was bought from the Town at auction; Mr. Antinarelli stated he mowed the property to keep people from dumping on it and to keep it clear; he also mentioned that an abutter has expanded their garden onto this property; property was surveyed and pins installed.
- CS explained that this area is a wetland resource area - cattails and the field; Mr. Antinarelli didn't know that he can't mow or cut the cattails. He has no plans to build on the property.
- Commission suggests that he mark the property w/ no trespassing and no dumping signs.

8:05 pm Rockwood Meadows HOA

- HOA asking if ok to remove hazard trees – yes; and discussion of snow removal & storage concerns – is it ok to dump snow into the detention basin off Rockwood Ln (right side)?
- MP mentioned that DEP doesn't have clear regs on this matter.
- DP has concerns with extreme snow packing and sand settling, what affect will this have on the basin function? Member representing the HOA said they don't use sand in the development and that the only snow that will be dumped in this basin is from the Cranberry Cir cul-de-sac as there is nowhere to put the plowed snow from the street; no snow from individual driveways/lots will be dumped there.
- Commission is willing to give provisional ok to use the basin this winter to see how it works; allow a certain percentage in the fore bay and will look at language in the CR to see about snow storage; suggestion was made to use part of the parking lot at the clubhouse.
- Commission will send an email or letter with suggestions.
- Ok for HOA to contact DP if there is a big snow event to get ok to use the fore bay.

8:35 pm Annual Report & FY21 Budget

- Motion to remove account info/figures from the report as covered by the Accountant – 2<sup>nd</sup> & approved.
- Wages are increased w/ COLA and new compensation plan.
- If we want to break the IMA with Northbridge we need to notify them by Dec. 31, 2019. DP is now 19.5 hours with Northbridge; will need to talk with Derek.
- Motion for CS to talk with Derek to discuss IMA and give her the authority to act – 2<sup>nd</sup> & approved.
- FY21 Budget level funded with exception of wages: Expense - \$9000; Beaver Fund \$4000 and Conservation Fund \$5000. Motion to approve – 2<sup>nd</sup> & approved.

8:45 pm General Business (con't) & On-Going Items

**OSC:** EOEEA Agreement to be signed by Commission and Town Manager for the Fowler-Warren St parcels; P&S for Kelly parcels – article for ATM to purchase would need to also be discussed with CPC, Fin Com and Capital Budget Committee; looking into a land grant; contact Maspennock

**LSC:** Thompson-Liston invoice needs to be paid for work at Stefan's property; Rockwood Trail walk was a great day; will ask if DPW if they could plow the Rockwood Meadow parking area.

**Beavers:** Water is high at Southboro Rd; may affect the Bog Haunter.

**LID Presentation:** Need to have discussion with Dennis Westgate and Planning Board.

8:40 pm Ongoing Items

**Beavers:** Active at Southboro Rd & Mechanic St (near Fowler St).

**Forestry:** Met with P. Benjamin and he has started to mark trees with blue paint; an informational meeting/site walk will be held prior to any cutting to explain the process.

**Site Walk:** Will discuss the site walk that was held at The Preserve at Dean Pond site at the public hearing in January.

## Motions:

- Sign the expense voucher for Thompson-Liston (\$4300) for work at Stefan's land – 2<sup>nd</sup> & approved.
- Sign OOC for 67 Fiske Mill Rd – 2<sup>nd</sup> & approved.
- Sign OOC for 00 Tyler Rd – 2<sup>nd</sup> & approved.
- Sign Determination for 6 Main St – 2<sup>nd</sup> & approved.
- Sign COC for 55 Crockett Rd – 2<sup>nd</sup> & approved.
- Sign OOC Extension for 48 Williams St – 2<sup>nd</sup> & approved
- Sign OOC Extension for Sylvan Spring development – 2<sup>nd</sup> & approved.

**MVP:** Upton is currently not participating; Next grant round is due in January – if we get the grant we need to have the plan done by June 2020. MP will see if there is an extension to the grant deadline; DP highly recommends that we work with CMRPC to participate in this program; need to get this on the radar form next year (2020). Motion to notify Derek that ConCom will be the lead for MVP – 2<sup>nd</sup> & approved.

**9:25 pm** Motion to adjourn – 2<sup>nd</sup> & approved

Minutes approved on: 1/8/2020

Minutes approved on: 1/15/2018  
  
Scott J. Kenney  
D. M. K.  
Sandra Lajisi

John Deacon

### Document List:

- 1) Con Com Agenda, Action Item Checklist
- 2) Agent's Report 11/14/19 – 12/11/19
- 3) Agent's report for 67 Fiske Mill Rd
- 4) Ltr dated 12/8/19 from Eric & Eileen Shobe, 72 Hopkinton Rd
- 5) Sign-in Sheet

RCVD TOWN CLK UPTON  
2020 JAN 10 AM9:00