



TOWN OF UPTON, MASSACHUSETTS

Conservation Commission

Meeting Minutes – Wednesday 1/10/18

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

Members Attending:

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

7:00 PM 19 Shore Dr NOI (cont)

E. Mainini of G&H

- Revised plans presented; added location for 8 bounds and determined should add 1 more; highlighted potential vernal pool; 100' line shown.
- Revised plans for bounds will be submitted.
- Request to close the hearing; OOC will be issued.

7:10 PM General Items

Meeting Minutes – motion to accept the minutes of 11/8/17, 12/13/17 and 12/27/17 – 2nd and approved.

Website – AM continues to update as necessary.

LSC – waiting for estimate from Stumpy's for work at the schoolhouse site on North St.

Admin/Office – motion to sign expense voucher – 2nd & approved; CS signed timesheets.

Forestry – final draft sent around for review; will put on the website if no comments by next meeting.

Cultural Resources at Warren Brook – will set up site visit for the spring.

Regulations & Fees – still under review but DP suggests we put the current fee schedule back on the website.

Policies & NOI v. RDA – MP is working on a table to help people determine what filing is needed; working on narrative too and found that the town of Bedford's website has some good info; CS suggests a flowchart or decision tree.

Beavers – becoming more of a problem at Fowler St; will reach out to new DPW Director Dennis Westgate.

Turtle study/habitat – MP emailed Dan Wells' proposal for review at next meeting; need to get final comments to Dan; can we do work under the powerlines? Need to contact Nat'l Grid.

Performance Evaluations – CS conducted evaluations for DP and DS.

Five Fork Farm – AM & DP went on a site visit with SVT; determined that the barn would be visible from North St; Dan Stimpson (SVT) and Daniel Lam (FFF) came up with a proposal to move the barn out of the CR and entirely on the Lam's property. This eliminates any issue with changing the easement and restrictions. We will issue the OOC for the current NOI then they will need to come back with an amendment. Moving the barn has less impacts.

Agent's Report – 12/30/17 – 1/10/18

- Met with DPW & their engineers for Fowler St bridge replacement project; DPW is not exempt from the Bylaw but can request waivers; project will require NHESP & ACEC review.

Motions:

- Sign OOC for Fox 4 Paintball – 2nd & approved.
- Sign OOC for Five Fork Farm – 2nd & approved (MP recused).

Annual Report – reviewed draft and edits made; prepare for next meeting.

Crockett Rd/Naze CR – MP representing Metacomet Land Trust; Naze are donating the land to Metacomet who will then transfer it to the Town (Conservation Commission). Motion was made to approve the CR with minor amendments – 2nd & approved (MP recused). The small portion of land that is in Milford won't be protected by the CR. MP will forward to the Town Manger & BOS for review.

8:00 PM **Motion to adjourn** – 2nd & approved

Minutes approved on: _____

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Document List:

- 1) Con Com Agenda
- 2) Sign-in Sheet
- 3) DCR letter dated 11/29/17 re: interest in 30 acres (Robertson property)
- 4) Agent's Review – 5 Williams St
- 5) Agent's report dated 12/30/17 – 1/10/18



TOWN OF UPTON, MASSACHUSETTS

Conservation Commission

Meeting Minutes – Wednesday 1/24/18

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

Members Attending:

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

7:00 PM 5 Williams St (EO) C. Limas & M. Azizi/ASA Engineering

- Revised plans submitted per Agent's comment letter.
- Slope revised to 1:2.5 (less steep); will loam & seed, no riprap.
- Will use some of the material to level the back yard.
- Will use fiber matting for stabilization.
- Erosion controls will be installed at the top of the slope and will use a seed mix; trying to restore grade to what it was; will plant Junipers too.
- DP approved revisions and this plan.
- Work will be in 2 Phases and will begin ASAP depending on the weather; had planned to install the erosion controls couldn't because of the temperature.
- Commission will issue a letter that plan & phasing is acceptable; need to contact the office prior to starting any work and to have erosion controls inspected.
- Motion for partial release of the EO – 2nd & approved.

7:15 PM 3 Oak Dr NOI Greg Bunavicz/Borderland Engineering

- Proposing to build a single family house on this property.
- Dave Therrien flagged the wetland line; drainage shown for Oak Dr.
- DP and Dave Therrien did a site walk; revised plans were presented.
- 7 bounds were proposed; will purchase wetland medallions.
- They have filed with the BOH for the septic & well.
- Closest point to the wetlands is 30 feet; closest neighbor is 63 feet (1 Oak Dr).
- DEP has issued the number: 311-0741.
- DP comments: was surprised by the amount of upland on the property; per the site visit the original wetland line was revised.
- Questions from abutters were answered.
- Motion to close the hearing was seconded & approved.
- OOC will be issued w/in 21 days; need to wait to install the erosion controls – proposing to use compost sock.

7:30 PM Agent's Report 1/11/18 – 1/22/18

- 97 Crockett Rd – dispute between neighbors about work done at the shore line.
- Five Fork Farm – tree removal is in a resource area; SVT letter limits impact; will need a cutting plan but 6 cords of wood for personal use can be cut; amended OOC has been submitted and PH set for 2/14/18.
- Cathy Taylor email re: the Station St lot that was sold at auction – CS will respond.

7:55 PM Annual Report

- Motion to accept the report as amended – 2nd & approved.

8:00 PM General Items

Meeting Minutes – motion to accept the minutes of 1/10/18 – 2nd and approved.

Website – AM continues to update as necessary; Stewardship Plan is almost ready to go.

Forestry – final draft of Stewardship Plan is out; working on a “press release” for information session and then a public hearing; proposed date for info session is Sat. Feb 24 @ 1 pm and the PH at our meeting on March 14th. DS will check dates for Town Crier and check room availability at town hall.

OSC – Treasurer/Collector is getting ready to take the Forest Heights property (off North St) for back taxes; possibly will happen this year. Update on Naze Property CR – BOS is unwilling to sign it at this time; they would like more info on what can be done on the property (hunting). Additional discussion will take place at the next BOS meeting on 1/30.

LSC – walk at Goss Pond is planned for this Sunday (1/28) at 1 pm; there is some interest by a resident in rehabbing the old fire place/chimney – does anyone have any information on this? Will review email from SVT about volunteerism.

Admin/Office – motion to sign expense voucher – 2nd & approved; CS signed timesheets.

Cultural Resources at Warren Brook – MP working to set up a site visit for the spring.

Beavers – problem continues at Fowler St.

Turtle study/habitat – will finalize at next meeting and get back to Dan Wells.

FY19 Budget – motion to submit level fund budget except wages – 2nd & approved.

Motions:

- Sign OOC for Fox 4 Paintball – 2nd & approved.
- Sign OOC for Five Fork Farm – 2nd & approved (MP recused).

8:00 PM Motion to adjourn – 2nd & approved

Minutes approved on: _____

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Document List:

- 1) Con Com Agenda & Action Check list
- 2) Sign-in Sheet
- 3) Agent's report dated 1/11/18 – 1/22/18
- 4) Draft “press release” for stewardship plan
- 5) Current expense account spreadsheet
- 6) Draft FY19 budget



TOWN OF UPTON, MASSACHUSETTS

Conservation Commission

Meeting Minutes – Wednesday 2/14/18

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

Members Attending:

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

7:00 PM Fowler St Beavers

- Per the DPW they won't be involved as it is not currently impacting the public road but private property. This will eventually impact public safety as possibly trees will come down across the road or they will flood the street.
- TJ strongly believes we need to trap the beavers as a beaver deceiver will not work in this area. Suggests that the beavers be trapped then breach the dam; previously the dam breached on its own.
- This is a rare species area.
- Recommendation – need to trap by when and who? Do we wait for something to happen (per the DPW)?
- MP suggests that the wood turtles might be overwintering in this area thus we should hold off until the spring when they come out of hibernation.
- Will revisit in the spring; suggest DPW review & monitor the area for hazard trees.

7:15 PM FiveFork Farm (153 North St) Amended OOC E. Mainini (G&H) / D. Lam

- Mike Penko recused himself.
- Relocating the barn so as not to be located w/in the CR easement; this significantly reduces the amount of clearing to be done w/in the 30 foot not disturb zone.
- Less intrusive design.
- DP reviewed and suggested minor tweaks which were implemented.
- SVT has reviewed and approved; not further issues.
- Will amend the CR as necessary.
- Motion to close the hearing 2nd & approved.
- Motion to sign the amended OOC – 2nd & approved.

7:25 PM Agent's Report 1/23/18 – 2/14/18

- CDM replacing pipe at Glen Ave wellfield; replacing is exempt but what if putting a new pipe in the existing trench? They will file with NHESP; are they aware of the turtle nesting area? When do they anticipate doing the work? Can have them file an RDA or NOI so we can make them aware of the window of time in which they can work.
- Met w/ Greg Trussell of Harford Farms for property at Farm St/Hartford Ave S – he wants to install a pole structure (30' x 120') that will sit on a concrete pad (no foundation); will use for office and equipment storage.

7:35 PM Forestry Plan – North Upton Open Space

Cathy Taylor

- Have provided a copy of the stewardship plan to the tribes; they will probably have some comments. Tribes are interested in doing an MOU for stone ceremonial landscape in order to ensure historic preservation. Cathy provided a draft MOU which would be between the tribes, the BOS, Conservation Commission & Historical Commission for protection & preservation. Do the BOS need to sign the MOU is this is Open Space land? Possibly send a letter to the Historical explaining the significance. Tribes have a meeting on 2/26 and Upton is on their agenda. There is a State law that requires confidential site info be kept by the Historical Commission; Conservation would like to have access to this info as it would be useful when making management decisions. Will need to discuss the MOU with the BOS and have town counsel review. Cathy is planning to attend next BOS meeting.
- Info session for the Stewardship Plan is Saturday 2/17/18 @ 1:00 pm.

8:00 PM General Items

Meeting Minutes – motion to accept the minutes of 1/24/18 – 2nd and approved.

Website – AM continues to update as necessary; North Upton Open Space Stewardship Plan has been posted and info on the information session.

OSC – SVT made a presentation about the Robertson land; DCR and/or town and/or SVT for CR; appraisal is \$350,000 and DCR has committed \$250,000; would need to ask CPC for the remaining \$100,000. This property excludes the existing house and possibly one additional house lot; easement for trail w/ public access and parking. Currently the balance in the CPC Open Space fund is about \$300,000.

LSC – Boy Scout boardwalk project at Stefans – site visit planned for 10:00 am Saturday 2/17.

Admin/Office – motion to sign expense voucher – 2nd & approved; CS signed timesheets. Motion to pay for DP to attend the MACC Spring Conference – 2nd & approved; motion to pay Beaver Solutions annual maintenance - 2nd & approved.

Permitting Process – MP prepared a draft for review; intent is to put this on the website for the public; language was borrowed from town of Bedford and adapted for Upton.

Turtle study/habitat – TJ spoke with someone at National Grid and sent them the study and proposal for habitat near the powerlines. They will provide detail regarding restrictions and comments. Held off providing Goddard comments on turtle habitat plan until next meeting.

Naze CR (Crockett Rd) – document was approved by the BOS; final draft being reviewed by DCS. Suggest sending a letter to Jodie Naze thanking her for her contribution.

ATM Warrant – motion to approve article for revolving accounts and Conservation fund – 2nd & approved.

Motion – sign the OOC for 3 Oak Dr – 2nd & approved.

Dwinell Property/West River St – will contact to set up site visit.

8:40 PM Motion to adjourn – 2nd & approved

Minutes approved on: _____

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Document List:

- 1) Con Com Agenda & Action Check list
- 2) Sign-in Sheet
- 3) Agent's report dated 1/22/18 – 2/14/18
- 4) Glen Ave Wellfield Site Plan (proposed)
- 5) Draft MOU for Tribal Historic sites
- 6) Draft Permitting Process document
- 7) Email dated 2/14/18 re: DPW and Beavers
- 8) Wood Turtle Habitat Management Plan (2/14/18)



TOWN OF UPTON, MASSACHUSETTS

Conservation Commission

Meeting Minutes – Wednesday 2/28/18

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

Members Attending:

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

7:00 PM West River St – update

N.Gamache/G&H

- Serious problem with beavers blocking the outlet control structure causing flooding and erosion issues; ponding of water too; DPW has done some clearing; Met with DP on site.
- MP suggests installing a culvert fence; suggest calling Beaver Solutions.
- Need to clear and possibly remove the beavers; haven't found the den.
- This is private land – need a trapping permit from the BOH; Emergency Certification w/ Con Com is needed.
- Overall updated pads are installed for the 3 houses. A stand of white pines is at the location where boulders for bounds were proposed; would need to remove most of the trees to install them.
- DP suggests adding more signs instead of removing the trees btw the boulders.

General Items

Meeting Minutes – motion to accept the minutes of 2/14/18 – 2nd and approved.

Website – AM continues to update as necessary; Pratt Pond ice out info updated.

Admin/Office – CS signed timesheets; Community Garden forms and plot fees coming in.

Motions:

- Issue & sign the COC for 6 Plumbly Rd – 2nd & approved
- Sign the Five Fork Farm CR document – 2nd & approved; AM noted that in the CR Section 2B.2 (wood cutting) states that the Grantee can cut wood not the Grantor.

7:15 PM NOI – 39 Westboro Rd

Rick Rankins

- DEP # has been issued 311-0742.
- Existing house is to be torn down; install and relocate a new well and septic (replacing the old cesspool); rebuild the house (4-bedroom).
- Closest point to the wetlands is 50 feet.
- Will crush & fill the cesspool
- Silt fence will be used; bounds noted on plan.
- Some fill will be needed.

- Abutters well is at least 200 feet away; concern with wetlands between the properties and the leach field; the new septic system will have better filtration than the existing cesspool.
- BOH has not yet approved the system; waiting for the OOC.
- DP comments: Title 5 does come into play with the NOI; BVW was flagged; septic system and work is within DEP regs.
- Abutter expressed concerns with turtle habitat (possible) and salamanders.
- Is there a distance from bottom of septic to the top of the water? Question for BOH
- Request to close the hearing; Motion to close the hearing – 2nd & approved.

7:35 PM NOI – 117 South St

Russ & Sherry Berger

- DEP # has been issued 311-0743.
- Looking to construct a 36 x 72 foot barn for horses.
- There is a stream on the edge of the property; closest point of the barn to the stream is 65 feet.
- Between the barn and the stream there is upland.
- 3 pastures exist on the property with stonewalls.
- Clearing will be needed; erosion controls – straw bales and silt fence at 55 foot line; suggest using straw wattles.
- Bounds will be 50 feet off the stream can use boulders.
- Possibly could install solar panels on the barn (not definite).
- Manure management – keep it 100 feet from the wetlands and the neighbors; planning to compost fields but plenty of room.
- Comments from abutters: Jonathan Calianos is in support of the plan; William Rianhard concerned with water backing up from Goss Pond as culverts need to be cleared and will there be any runoff from this property? Should be minimal as this site has good soils for filtration. DP said he would talk with the DPW about the culverts.
- Minimal area to be cleared.
- Request to close the hearing; motion to close the hearing – 2nd & approved.

7:55 PM RDA Hartford Ave N (Route 140 to Warren St)

Michael Hornig/BETA

- Replacing the water main which about 3,000 feet; will stay within the existing roadway; will be within the buffer zone of wetlands in a couple area; will use straw wattles and silt sacks in catch basins.
- Work could take up to 6 month; will install a temporary waterline; removing the old pipe and install the new pipe in the same trench.
- At the 42” culvert at Capeway will run the main under so as not to disturb the culvert.
- Wetlands have been flagged for the TIP project.
- Will not stockpile materials.
- DP reviewed; plans are very detailed; comment that the ditch at Capeway has runoff; need to have someone look at it to see if wattles are needed in this area.
- MP asked if compost sock could be used instead of straw wattles as concerned with the netting.
- Will install approximately 600’ – 700’ of erosion control; project will be opened and backfilled every day.
- Abutter stated concerns about hours of work; Mr. Hornig stated that he thought the proposed hours will be Friday – Monday 8 pm to 5 am; we will pass along the concerns with work hours to the DPW Director.
- Request to close the public hearing; motion to close - 2nd & approved.

8:00 PM Agent's Report

- Report dated 2/15/18 – 2/28/18
- Sent Eve Schuler (NHESP) and email about the turtle habitat at Glen Ave wellfield.

8:30 PM General Items continued

OSC – Robertson's are having property perked; hoping to meet end of year deadline. BVT land on Chestnut St is for sale will reach out to them to ask for access to the SF land and possibly parking. Trask land and house on Mendon St (approximately 30 acres) has been donated to the Town but it has not yet been accepted by the town.

Forestry – Info session was held on 2/17 had 2 people attend; public hearing will be held on 3/14/18 @ 8:00 pm.

North Upton MOU – Cathy Taylor will attend BOS to discuss the document.

Rockwood Meadow MOU – reviewing the draft document that was reviewed by Town Counsel a couple years ago.

Turtle Habitat – TJ has been talking with Elizabeth Fresolone of National Grid; National Grid wants this located outside their easement; they are willing to help with invasive species. Nat'l Grid has concerns with equipment under the power lines. Will send Nat'l Grid's comments/concerns to Dan Wells to see what he can do.

8:45 PM Motion to adjourn – 2nd & approved

Minutes approved on: _____

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Document List:

- 1) Con Com Agenda
- 2) Sign-in Sheet
- 3) Agent's report dated 1/22/18 – 2/14/18
- 4) Agent's review 39 Westboro Rd NOI
- 5) Agent's review 117 South St NOI
- 6) Agent's review Hartford Ave N water main replacement RDA
- 7) Ltr from G&H re: West River St (311-610) status update
- 8) Turtle habitat documents; email from National Grid



TOWN OF UPTON, MASSACHUSETTS

Conservation Commission

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

Members Attending:

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

7:00 PM West River St – update

N. Gamache/G&H

- Serious problem with beavers blocking the outlet control structure causing flooding and erosion issues; ponding of water too; DPW has done some clearing; Met with DP on site.
- MP suggests installing a culvert fence; suggest calling Beaver Solutions.
- Need to clear and possibly remove the beavers; haven't found the den.
- This is private land – need a trapping permit from the BOH; Emergency Certification w/ Con Com is needed.
- Overall updated pads are installed for the 3 houses. A stand of white pines is at the location where boulders for bounds were proposed; would need to remove most of the trees to install them.
- DP suggests adding more CR & wetland signs instead of removing the trees btw the boulders at the toe of the slope.

7:15 PM Agent's Report

- Report dated 3/1/18 – 3/14/18.
- Solitude Lake Management asked for re-signed original OOC for Mill Pond even though it has expired.
- 97 Crockett Rd – filed an Amended OOC hearing is at our next meeting; is there a fee? Amendment is actually less impact and considered minor.
- Crosswinds requested a COC for all the lots and the subdivision.
- Fowler St beavers – water level is closer to the road.

7:30 PM NOI Pump Sta. (50 Glen Ave) & Sewer Ext. (Hartford Ave S)

Dan Coughlin & Colleen Puzas

- DPW/Town project; extending up to Upton Ridge but allows for expansion to the system.
- Forced main down to the existing station.
- Pump station at 50 Glen Ave is a gravity collection station; will have a fence; plans show annual high water, wetlands and zones. All work is within 100' buffer but out of the riverfront area.

- Most work for the sewer extension is within the street; erosion controls will be along Hartford Ave S; will use wattles and silt fence. MP expressed concerns about the type of wattles to be used as they can be an entrapment risk if not removed (polypropylene).
- Sewer pipe will rest on abutments under the bridge.
- Will use nets to prevent any debris or sediment from falling into the river.
- Con Com concerns with turtle nesting area.
- NHESP comments received.
- DP also expressed concerns with erosion controls.
- Revised sheets submitted based on DP comments.
- Trenches will be closed each day.
- Limited project complies with Riverfront; 4,075 sf new disturbance; 47,000sf riverfront thus under 10%.
- Suggest screening for pump station for the abutter; there is something proposed but will talk with the abutter.
- Project should be 4 – 6 weeks. Will slice the erosion controls and remove the casing when done.
- Work hours will be 7am – 5 pm Monday – Friday.
- Pump station will have submerged pumps so noise should be minimal.
- Request to close the PH – will issue OOC w/in 21 days.

General Items

Website – update as necessary; will link DEP and delete info on Permit Extension Act.

OSC – Afonso has put an offer on the BVT land on Chestnut St (about 28 acres). BT would like to maintain access to trails so may reach out to Afonso. Robertson's are hiring an engineer to see if land will perk.

Admin/Office – CS signed timesheets; Motion to sign expense voucher – 2nd & approved. Received a notice that the DCR has provided a free year subscription to Northern Woodlands Magazine due to our Forest Management Plan.

ATM – CS will confirm the revolving funds with Derek

Permit Process – DS will review the draft MP prepared.

Erosion Controls – researching alternative products.

8:00 PM PH – North Upton Open Space Land Stewardship Plan – Scott Heim, presenter

- Management of Town-owned properties on North St approximately 300 acres (5 individual parcels); Stewardship will manage.
- Couple years ago we hired a licensed Forester who prepared a forest management plan. We have also received input for MA Division of Fisheries and Wildlife & biologist from Mass Audubon.
- Will accept written comments on the draft until March 30th.
- Mrs. Howarth – very supportive of this plan.
- Mr. Howarth – would like to have his land (about 28 acres) be included in the Stewardship Plan as an access location for timber harvesting; he submitted a letter dated 3/14/18.
- Mrs. Howarth asked when this would take place. Thinking probably do some cutting in Fall 2018/Winter 2019. If this is successful will we expand to include other town-owned land?
- Money from the sale would go into a revolving fund (Land Stewardship).
- Mr. Howarth recommended a Forester - Grey Masterman; said he is very good.
- Motion to adjourn public hearing – 2nd & approved.

North Upton MOU – waiting for update from Cathy Taylor.

Turtle Habitat – National Grid comments have been sent to Dan Wells.

Motions:

- Sign OOC for 39 Westboro Rd – 2nd & approved.
- Sign OOC for 117 South St – 2nd & approved.
- Issue a Negative Determination for Hartford Ave N water main replacement RDA – 2nd & approved.

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

Minutes approved on: _____

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Document List:

- 1) Con Com Agenda
- 2) Sign-in Sheet
- 3) Agent's report dated 3/1/18 – 3/14/18
- 4) Email (3-12-18) from Derek Brindisi re: Revolving Accounts
- 5) Email (3-12-18) from Dave Pickart re: Beaver issues



TOWN OF UPTON, MASSACHUSETTS

Conservation Commission

Meeting Minutes – Wednesday 3/28/18

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 and Scott Heim
David Pickart, Agent; Mary Overholt, Associate & Bill Taylor, OSC

7:00 PM General Items

Meeting Minutes – Motion to accept minutes from 2/28/18 – 2nd & approved.

Website – Pratt Pond ice out dated; link for DEP added and remove Permit Extension Act.

Admin/Office – CS signed timesheets; Motion to sign expense voucher – 2nd & approved. Received several waiver forms and checks for the community garden. Denise will be on vacation 4/18 & 4/20.

Agent's Report – 3/15/18 – 3/28/18.

7:25 PM West River St – update

Bruce Williams/G&H

- Pond has overtopped the bank which is causing quite a bit of erosion; culvert clogged by beaver activity and the outlet structure broke while trying to clear it thus the pond has no outlet.
- Looking to replace the culvert and add beaver exclusion fencing; extremely concerned with flooding downstream.
- Scott Heim stated that this will need Fish & Wildlife approval as part of the CR; Dave Pickart spoke with F&W and DEP today – temporary solution to ease the situation is allowed and replacement of the culvert will require filing but will try to expedite. DEP said Con Com can issue and Emergency Certification for the culvert replacement as long as they file after the fact.
- Emergency Certification for design presented tonight.
- DP stated that they need to ensure that the pond elevation is the same as previous to this problem.
- Attempted to clear the culvert and have done quite a bit of work w/out approval of notice including a retaining wall. Mr. Afonso has had previous violations with fines.
- Suggest using temporary measures to stabilize the slopes until application is filed and reviewed by DEP and F&W.
- G&H is concerned that if a sudden release from the pond should happen it will flood properties downstream. They would like to plug the outlet to ensure that a sudden release (of whatever is clogging) can't happen until the replacement is completed. Can't locate what is happening w/ the pipe as it is 4 feet underwater.
- Concerns that the roadway will wash out and the town's water pipe.
- Commission authorizes 1) stabilization of the area 2) contact F&W about filing new or amended and 3) issue the Emergency Certification.
- Question was asked if they could siphon the pond with a pump to release some of the water? Would need to run pump over the road.

7:45 PM 97 Crockett Rd – Amended OOC

Rick Marino

- Applied for a Variance w/ the ZBA for the boathouse to be 2 feet off the property line but was denied thus need to move it 10 feet off the line.
- Renovation required – reducing size of the boathouse from 18'x28' to 17'x28'; will eliminate the cantilevered dock and will have one dock that will run n/s not e/w.
- Retaining wall will be moved back 1.8 feet; lake will gain w/ this revision.
- DP reviewed and said the work has decreased from the originally approved plan thus there is an increase to the land under water; will be more work on the bank; wetland resource area has increased (less impact to resource).
- Motion to close the hearing – 2nd & approved.
- Amended OOC will be issued w/in 21 days.

7:55 PM General Items continued

Turtle Study – MP sent Dan Wells the comments from National Grid; additional funds will be needed. Motion to issue \$500 – 2nd & approved.

Naze letter – CS signed thank you letter.

8:00 PM East Street Estates NOI

Travis Brown/Andrews Survey

- F&D Central Realty Corp is the applicant
- 16 Lot Open Space residential development
- ANRAD previously submitted; does have a wetland crossing will use a 3-sided box culvert.
- Roadway is 26 feet per PB regs but looking to reduce the size.
- All grading is outside the 50' buffer zone.
- Proposing an erosion control restoration mix at basins; swales will have grass outside the 30' no disturb line.
- Mitigation wetland fill; replication area chosen for field – wet meadow; suggest plantings, logs and boulders for habitat.
- DP stated more info needed for mitigation.
- Bank impacts and bvw triggers threshold for wildlife habitat assessment.
- Bylaw fee is \$1450 (\$600 already paid) have a check for the additional \$850.
- Limit of work needs to be shown on the plans and the erosion control line.
- Check with Army Corp of Engineers and water quality.
- Mitigation 1:1 but probably will be 5:1.
- Considerable OS area – do we want a CR? How will it be conveyed?
- Total of 25 acres of OS (3 parcels) and 11 acres are upland.
- Detention basins are not calculated as part of OS.
- Moved lots off East St so they are not visible; keep front land open – vernal pool.
- Scott Heim asked question about replication area. How would wet meadow be maintained? May need to do maintenance such as mowing or provide habitat value. Will there be a homeowners association? Could manage with Town owned CR. Suggests using Atlantic White Cedar between the vernal pool and the larger wetland.
- Mike Penko said Army Corp will be protective of the vernal pool (500 feet).
- SH – need to show the vernal pool and the 100 foot & 30 foot lines.

- Abutter Adam Reitz (Hopkinton Rd) asked about drainage & runoff from the site; says he gets a lot of surface water already and has a high water table; concerns with impacts to the Hopkinton Rd side of this project.
- DP said Con Com has jurisdiction over wetlands and that the Planning Board will also be reviewing and will have a public hearing.
- Stormwater management includes peak rate of runoff, basin designs to handle flow, recharge areas and water quality.
- MEPA filing is also required.
- Dick Amato (East St abutter) concerned that subdivision road will drain onto East St.
- Will do a site walk but want to have the center line of the roads and basins flagged.
- Hearing continued to 4/11/18 @ 7:45 pm.

8:30 PM Crosswinds Subdivision

Phil Coraccio/Eastland

- Finalizing subdivision.
- Request for COCs has been submitted.
- MP will review the OS deeds; trail access & signs.
- Continued to 4/11 @ 7:00 pm.

8:50 PM General Items continued

Rockwood Meadow MOU – Kevin Lobisser indicated will work on the trails this spring; MOU sent to Derek for town counsel review.

Cultural Resources – still waiting for comments from the tribe; Bill Taylor went to the DCR public meeting (Doug Harris was there) for Resource Management Plan for Blackstone Complex which includes the USF. FUSF has comment about beaver issues and berms around the bogs - what is the value of them? Tom Dodd will put together a list of birds; any other info for the forest that needs to be included. Doug Harris wants to make sure this Management Plan includes acknowledgment and protection of ceremonial stones.

OSC –Robertson's property discussed with the BOS; Steve Sloan/SVT appraisal done and Robertson have concerns and are having the property perked; the appraisal may need to be redone. The State has reduced the money available (from \$250K to \$180K); BOS decided not to support at this time (ATM) but will let it move forward.

Beaver Fund – CS & MP attended Finance Committee meeting to discuss this w/ BOH; BOH cited state law that says the fund should be under the BOH. Bob Fleming suggested splitting the fund between Con Com and BOH – each to get \$4000. Will discuss further at our next meeting.

Abutter Lists – BT mentioned that abutter lists can go to a homeowners association not every resident.

Southboro Rd bog – need to dump some rocks on the berm between n/s bogs to help stabilize. MP will reach out to the DPW director to discuss.

LSC – cutting at the North St schoolhouse foundation will take place on 4/6 & 4/10.

Motion: Issue and sign the Hartford Ave S/Glen Ave OOC – 2nd & approved.

9:20 PM Motion to adjourn – 2nd & approved

Minutes approved on: _____

Document List:

- 1) Con Com Agenda/Action Item Checklist
- 2) Sign-in Sheet
- 3) Agent's report dated 3/15/18 – 3/28/18
- 4) Expense Account spreadsheet (3/28/18)



TOWN OF UPTON, MASSACHUSETTS

Conservation Commission

Meeting Minutes – Wednesday 4/11/18

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

Members Attending:

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

7:00 PM Crosswinds C. Boardman & P. Coraccio/Eastland

- Discussion of OS parcels and trail access.
- Owner of 2 Dogwood issues with trail access due to modification of the subdivision road; ok with access as long as it not across their front yard; proposing a 10 foot path marked with trail signs; MP suggest using survey bound (flush w/ the ground) to mark the easement – will need 6 bounds.
- Also discussion of access at detention basins for trails; MP will review the deeds for next meeting.

7:20 PM 10 Depot St – NOI Laura Hebb

- Construction of a new single family house to replace the house trailer that was removed several years ago.
- DP reviewed – lot is flat and was previously developed; there is a small intermittent stream at the rear of the lot, no bvw on the lot but is across the street; stream is about 110' from the street.
- Need to show the stream on the plan; may require a variance from the bylaw for no build/no disturb distance.
- Will have town water & sewer.
- Laura Hebb is having the lot surveyed will present a new plan.
- Discussed bounds and plantings.
- Hearing continued to 4/25 @ 7:00 pm. DEP # has been issued.

7:30 PM East Street Estates NOI – received written request to continue the hearing to our next meeting on 4/25/18 – set time for 8:00 pm.

7:31 PM Fowler Street Bridge Replacement NOI Town of Upton/DPW

- Joseph Freeman & Mark Gershwin/BETA Group & Dennis Westgate, Upton DPW Director
- Replacement of bridge and extension of the water line from Mechanic St down Fowler St for future expansion/development.
- Will use a 3-sided precast concrete structure.
- Rip rap will be placed for scour protection; new guardrail will be installed.
- The new bridge will be 22 feet wide to meet MassDOT standards; old bridge was 16 feet; the Town received a \$500K grant.
- Warren Brook area is ACE/Priority Habitat and Estimated Habitat; letter was received from Mass Wildlife.
- Will have minor alteration of bvws (25 sf); are proposing to replicate 1:1
- 185 linear feet of impact to bank and land underwater.
- This is within the 100 year floodplain and w/in riverfront but is previously developed.
- Floodplain propensity storage will be replicated to the max possible.
- Submitting a Chapter 91 License as is in the Blackstone Watershed.
- DP reviewed – need hoods for catch basins; suggest installing live cuttings (shrubs) in the rip rap to fill in and eventually cover over; more detail of plantings was provided.
- DEP # has been issued.
- Will use silt fence and sandbags to route water down one side while working on the other side then will switch.
- Will use Tupelo instead of Red Maple trees.
- Timing of the project depends upon when all permits are granted.
- Using rip rap on the bank and streambed to prevent scouring; TJ raised concerns about the affect this will have on the native brook trout which do spawn here.
- Rip rap is to MassDOT standard but could use stockpiled material from the bed to cover/fill; add some boulders too.
- How much bank does the Town own? Minimal area as is privately owned; would like to have the bank revegetated where the property owner currently “maintains” the area.
- Approval from property owners is still needed; we could make that a condition.
- MP asked about performance standards for plants & shrubs – 2 year.
- Revise plans to include: 1) streambed proposal (rip rap, original materials & boulders), 2) live stake or seed mix in rip rap on bank and 3) variance from bylaw for setbacks.
- Hearing continued to 4/25 @ 7:15 pm.

8:15 PM Beavers

- Dennis Westgate/DPW Dir stayed for discussion.
- BOH permits trapping when immediate threat to health or public safety and Conservation deals with preventative or maintenance measures.
- Review document “Procedures for reviewing Beaver Complaints”.
- 3 possible options: 1) trap, 2) breach the dam and 3) install water level devices such as beaver deceivers or fencing.
- Items # 2 and # 3 requires Con Com review/approval.
- We will continue to inform the BOH & DPW of situations.
- Depending upon what mitigation is taken we don’t have to go to the BOH; if we can prevent an emergency situation we can permit through State.
- If the West River St culvert was dammed the beavers will be back to rebuild; this will need a culvert fence to keep them out.

8:50 PM Agent's Report dated 3/29/18 – 4/10/18

- Met with people regarding potential solar facility off Westboro Rd (Thompson property)
- Should set a site visit for East Street Estates before next meeting.
- SVT inspection of Whitney CA on 4/25 and setting one for Five Fork Farm.

9:00 PM General Items

Meeting Minutes – Motion to accept minutes from 3/14/18 – 2nd & approved.

OSC – Harvey Trask bequeathed about 80 acres to Trustees of Reservation which indicated they may possibly sell. BT will contact the Trustees to see what they intend and to see if we can do a site walk. There is an article for the ATM to accept about 30 acres of land that Harvey Trask bequeathed to the Town; this does have some restrictions for use of the land. FUSF preparing feedback to DCR for the Resource Management plan.

LSC – trees cleared at North St schoolhouse foundation; still about 3 more to be removed.

Admin/Office – CS signed timesheets; Motion to sign expense voucher – 2nd & approved. Received several waiver forms and checks for the community garden. Denise will be on vacation 4/18 & 4/20.

Rockwood Meadow MOU – Town counsel revised by adding Con Com to the signature block and removed the BOS.

Cultural Resources – will review document provided by Cathy Taylor.

Comment Ltr to DCR

Motions:

- Sign the Emergency Certification issued for West River St culvert – 2nd & approved.
- Issue & sign Amended OOC for 97 Crockett Rd – 2nd & approved.

9:25 PM Motion to adjourn – 2nd & approved

Minutes approved on: _____

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_____	_____
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Document List:

- 1) Con Com Agenda/Action Item Checklist
- 2) Sign-in Sheet
- 3) Agent's report dated 3/29/18 – 4/11/18
- 4) Agent's review – 10 Depot St
- 5) Agent's review – Fowler Street Bridge replacement
- 6) 3-30-18 Ltr from Fish & Wildlife re: Fowler Street Bridge replacement
- 7) Draft - Beaver Management documents
- 8) Draft – letter to DCR re: Blackstone Complex Resource Management Plan
- 9) North Upton Open Space Management Plan – draft document from Cathy Taylor



TOWN OF UPTON, MASSACHUSETTS

Conservation Commission

Meeting Minutes – Wednesday 4/25/18

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 and Scott Heim
David Pickart, Agent; Mary Overholt, Associate & Bill Taylor, OSC

7:00 PM 10 Depot St – con't NOI

Laura Hebb

- Submitted plot plan; 56' from back corner of the house and 31' from property line to the wetlands.
- Land was previously disturbed but DP suggests installing 2 bounds 10' inside the property line.
- Hearing closed; OOC will be issued w/in 21 days.

7:15 PM Fowler Street Bridge (DPW) – con't NOI

Joe Freeman

- Submitted revised plans with included additional info; provided info on new plants per previous discussion.
- TJ asked about replication area & rip rap.
- Hearing closed; OOC will be issued w/in 21 days.

7:20 PM General Items

Meeting Minutes – Motion to accept minutes from 3/28/18 & 4/11/18 – 2nd & approved.

Website – continue to update as needed; updated forestry & DEP info.

OSC – reviewing the East Street Estates subdivision application and will provide comments.

LSC – waiting for Stumpy's to finish cutting on North St (foundation); SH removed tree at the Whitney CA; reviewing plans for access points for Stefans land -- Orchard St or Mechanic St.

Admin/Office – CS signed timesheets; Motion to sign expense voucher – 2nd & approved. Denise will prepare account balances as end of FY is approaching.

Regulations & Fees – discussed if we should be issuing fines and if so when? Had a serious failure of erosion controls at a site on North St (single family house) and this was the 3rd problem at this site. MP spoke with a worker on site but have not heard from the contractor as yet. We can fine up to \$300/day. Suggested policy would be to send a letter w/ \$100 fine for repeat offense; motion was made for DP to draft a letter for fine for 175 North St for up to \$100 for 3rd violation – 2nd; discussion of fees and will be deposited into Wetland Protection Account – Approved.

7:35 PM Eversource –RDA**R.Sommers & D.Klinch/Epsilon Assoc.**

- Proposed 8-inch gas line along approximately 2.7 miles of road (Hopkinton Rd/High St & Hartford Ave N).
- This is an upgrade to the existing system; Eversource wants to do this work prior to the MassDOT project planned for the spring of 2019 along this corridor.
- This will be an open trench (2-3 feet wide 4 feet deep) beneath existing pavement; no stockpiling of material will backfill the trench and end of each day.
- Several wetlands on either side of roadway; work will be within buffer of streams and require crossing; perennial stream and riverfront area of approximately 600 feet. Will not do the crossing at this time and will submit an NOI when ready.
- Utility within existing roadway is exempt.
- Within floodplain not proposing any change and will return the site to the existing conditions.
- Proposing to use straw bales for erosion and sediment control; catch basins will be protected.
- Is subject to the wetland bylaw and to construction General Permits –SWPPP & NPDES.
- DP reviewed and commented application was very thorough.
- Expect project to take 1 – 2 months; proposed work hours – day time w/ some night work possible; Late June – early July 2018.
- Pipe is ductile iron; will not be pressurizing this line until late 2019.
- SL asked about erosion control at Pratt Pond – will use straw wattles.
- MP stated that if using polypropylene wattles they need to be removed ASAP upon completion of the work.
- Hearing closed; Determination will be issued.

8:00 PM Agent's Report dated 4/11/18 – 4/25/18

- DP stated concerns that he doesn't have enough hours to do CR site walks as his focus is on reviewing applications; Commission discussed possibility of additional hours, comp time or if we could pay Dave as a consultant beyond his normal hours.
- Suggest site walks and routine inspections could be handled by a Commission member.
- West River St work at culvert near town well – still need to file after the work has been completed; questions about fish in the pond.
- Received letter from CDM Smith regarding the work at the Glen Ave wellfield; Commission has concerns with known turtle habitat on this site.
- Received request to continue the NOI for East Street Estate NOI to next meeting; Commission set for 5/9 @ 7:30 pm. Site walk set for Wed, May 2nd @ 5:30.

8:15 PM Proposed Solar Facility off Westboro Rd**Adam Christie/ZPT Energy Solutions
Kevin McGarry/Fuss&Oneill
Andrea Kendall/LEC Environmental**

Kevin McGarry presentation of the project:

- Proposed 2.5 megawatt solar facility on approximately 72.4 acre site (Thompson property).
- Approx. 22.7 acres will be cleared -- 16.1 acres for arrays and detention basins with surrounding fence; and grubbing approx. 18.4 acres.
- Will have a wetland crossing which will use directional drilling (approx. 200 – 300 feet).
- Phasing will include: clearing (no ground disturbance); stormwater basins & swales; then arrays (no more than 5 acres at a time).
- Will use filter socks along slopes and will be staggered to prevent sheet run-off.

Andrea Kendall presentation/overview of the site:

- Forested site w/ field area.
- Perennial stream with ACEC.
- 2 hillside wetlands with intermittent stream; an isolated wetland; mixed hardwood forest w/ bvw.
- Big logs will be removed and smaller ones will be chipped and possibly kept on site.
- No work in riverfront.
- Construction access will be through Glen Echo subdivision; road will be reclaimed asphalt to the site.

Discussion:

- MP stated that Warren Brook is cold water which will affect stormwater system.
- TJ state that there is beaver activity on this site.
- TJ asked about using a pollinator mix in the area outside the arrays; Adam stated they have used a NE pollinator w/ grasses and it was mentioned that there is a NE wildflower mix that can be used around and under the arrays.
- US Fish & Wildlife has developed a mix specifically for solar arrays.
- SH asked if bank has been delineated for resource areas.
- They are talking with the 2 abutters to the access road.
- Proposing silt fence with straw bales at bottom of slope; compost filter socks to breakup flow coming off steep slopes; suggested they use wood chips from the site.
- Water quality monitoring plan will probably be required for turbidity testing.
- MP raised questions about the Commission requiring funds to hire an independent water quality monitor and possibly a bond until the site is stabilized.
- Concerns with slopes and runoff; ledge?
- No blasting or grading; will use material from the site for basins and probably bring in material to construct the berms.

8:45 PM General Items

Draft letter re: Blackstone Complex Resource Management Plan – TJ asked about berms and MP confirmed there are definitely 2 berms. MP spoke with Dennis Westgate to see if DPW could assist with dumping some stone to help reduce erosion. Motion to approve the letter and send – 2nd & approved.

Motion to sign voucher to reimburse Marcella Stasa for recording fees (Worcester Registry of Deeds) – 2nd & approved.

Appointments – reviewed email regarding BOS appointments.

8:55 PM Beavers

- Southboro Rd culvert screen is blocked (from beavers) and will need to have DPW clear it.
- TJ met with Mike Callahan and Mike suggested installing another fence further out from the culvert.
- Beaver Management document from Division of Fish & Wildlife states that BOH has authority of trapping and Conservation over items that affect water quality/levels/management; basically want local departments to handle & manage issues.

9:15 PM Motion to adjourn – 2nd & approved

Minutes approved on: _____

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Document List:

- 1) Con Com Agenda/Action Item Checklist
- 2) Sign-in Sheet
- 3) Agent's report dated 4/11/18 – 4/25/18
- 4) Agent's review – Natural Gas Line Installation
- 5) Draft – letter to DCR re: Blackstone Complex Resource Management Plan
- 6) Division of Fisheries & Wildlife – Beaver and the Law
- 7) Procedure to Review Resided Beaver Complaints



TOWN OF UPTON, MASSACHUSETTS

Conservation Commission

Meeting Minutes – Wednesday 5/9/18

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, Scott Heim and Marcella Stasa
David Pickart, Agent; Mary Overholt, Associate & Bill Taylor, OSC

7:05 PM 0 Glenview St - NOI

M. Allen/Allen Engineering

- Proposed single family house; driveway runs up the property line; septic is out of the buffer and no disturb zone.
- Goddard flagged bvw; finger-like projection.
- Requesting waiver from replication as is 488 sf.
- No large trees are to be removed.
- DP comments:
- Found some additional areas of isolated seep; no wetland vegetation as is upland; visited the site with Scott Goddard.
- Old well on site should be removed and could use this area as replication.
- Driveway crossing is 2:1 slope w/ culvert under; could use a vertical wall to reduce the impact. Driveway turnaround will require a waiver as is within the 50 foot zone.
- Steep slopes will require erosion controls.
- Will require bounds at the 30 foot line; closest point to the wetland – flag 12 is at the wetland.
- Crossing could go to 1:1 to reduce amount of impact and get further from the wetland; install trap rock.
- Question about dimensional issues of the lot; Steven Greenwald conducted a title search on the property and states it is a preexisting nonconforming lot (letter provided); we will wait for confirmation from Pat Roche, Upton's Zoning Officer.
- No DEP file # yet. Need a letter for waivers.
- Continue the hearing to 5/23/18 at 7 pm.

7:30 PM West River St RDAs - Lot 2R & Lot 3R

B. Poxon/G&H

- Presenting both RDAs together; legal frontage is off West River St access by a common driveway – 2 house lots.
- All work is outside the buffer (house, septic, driveway and associated grading) will have town water.
- CR easement on both lots.

- DP comments: these lots are part of an existing OOC (311-0610) for the common drive and the overall project (3 houses). OOC states no houses until completion of road (common driveway) off West River St; stabilization of grading; turtle nesting areas established and As-built provided.
- Issuing a Negative Determination (would be the normal course of action) but in this case it would be in violation of the open OOC. All work is outside the buffer; suggest asking town counsel for an opinion if we can issue the Neg. Det. but not sign the building permit until other conditions are satisfied.
- Builder/developer wants to get equipment in prior to finishing the driveway & crossing.
- NOI is being prepared by Oxbow for the crossing work; Commission is not willing/able to issue the Det. until confirmation of items that need to be done from the open OOC.
- Mr. Afonso has had fines in the past thus very reluctant to push this forward w/out items being completed. Need a schedule of when the items from the OOC are to be completed.
- Request to close the RDA; hearing closed.

7:55 PM Amended OOC – 32 Southboro Rd (311-0703) G. Mihov/G&H

- Single family home, driveway, well & septic -- modify the plan.
- Slight rotation of the house required moving the septic, driveway & well; well is being moved to the other side of the driveway.
- DP comments: no further encroachment; erosion controls will remain the same.
- complies with setbacks; bounds are downslope of erosion controls and some of the bounds are on the no disturb line; driveway is in Rare Species – Natural Heritage stated a separate MESA filing was needed but has not yet been filed. Pile of debris w/in the bound area is 5 feet from the edge of wetland and noted 3 metal containers near wetlands.
- Items to be completed:
 - o MESA Permit must be filed ASAP; they have had 3 years to file.
 - o Bounds – must move 2 bounds to be consistent with the plan.
 - o Remove containers and debris.
 - o Need revised plans
- Request to close hearing; hearing closed.

8:10 PM Agent's Report

- Review of report dated 4/26/18 – 5/9/18.
- Discussed need for additional hours for Agent; Motion made to approve 4 additional hours per week until the end of the FY – 2nd & approved.
- Will need to do a site walk for the solar project on Westboro Rd; possible need for bond and fees for a consultant.
- 175 North St letter and fine. Motion to issue letter – 2nd & approved.
- JR Estates – trucks traveling between subdivision and the 3 house lots on West River St. Commission will investigate.
- 30 Church St – work done but restoration has not been done; Dave contacted the engineer but not action has been taken yet. Should a letter be sent?
- East Street Estates – continued NOI to 5/23 @ 7:30 pm.

8:15 PM General Items

Meeting Minutes – Motion to accept minutes from 4/25/18 – 2nd & approved.

Website – updated links to Mass Wetland/DEP and forms; will update beaver info.

OSC – provided comment letter regarding East Street Estates subdivision application to the Planning Board. Spoke with John Robertson confirmed that test pits were done & they work fine; will need to modify the appraisal. Trask property was accepted at town meeting; Bill Taylor will contact the Trustees of Reservation.

LSC – Community Garden project and Stefans scout project in progress.

Admin/Office – CS signed timesheets; Account balances provided.

Beavers – reviewed draft procedure sheet; \$8000 beaver fund split -- \$4000 to Conservation and \$4000 to Board of Health. We can still suggest trapping need to refer to BOH & DPW or we can apply for the permit through BOH and hire a trapper. Tom Jango stated concerns about how to handle and why don't we act sooner to prevent problems. Need to educate DPW & BOH.

Regs & Fees – need to update fees on the website.

Rockwood Meadow MOU – Hopkinton Area Land Trust (HALT) has reviewed & approved and Upton town counsel reviewed & Ok'd; Mike Penko updated for trail maintenance. Motion to issue & sign the MOU – 2nd & approved.

Southboro Rd – MP met with the DPW to discuss putting stones on the berms; DPW agreed it was a good idea but they don't have time. We could hire a contractor and pay from beaver fund. MP will contact and discuss with DCR.

Motions:

- Issue OOC from 10 Depot St – 2nd & approved.
- Issue OOC for Fowler St Bridge replacement – 2nd & approved.
- Issue Determination for Eversource gas line project – 2nd & approved.
- Issue COC for 49 Old Grafton Rd – 2nd & approved.
- Request bond for solar project (Westboro Rd) and to hire a monitor – 2nd & approved. MP will inquire as to what the amount should be.

9:25 PM **Motion to adjourn – 2nd & approved**

Minutes approved on: _____

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Document List:

- 1) Con Com Agenda/Action Item Checklist
- 2) Sign-in Sheet
- 3) Agent's report dated 4/26/18 – 5/9/18
- 4) Agent's review – 32 Southboro Rd amended OOC
- 5) Agent's review – 0 Glenview St
- 6) Letter re: 175 North St violation & fine
- 7) Draft Procedures to Review Resident's Beaver Complaints (5-9-18)
- 8) Rockwood Meadows MOU
- 9) Document re: requiring a bond under the wetlands bylaw.



TOWN OF UPTON, MASSACHUSETTS

Conservation Commission

Meeting Minutes – Wednesday 5/23/18

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, Scott Heim and Marcella Stasa
David Pickart, Agent; Mary Overholt, Associate & Bill Taylor, OSC

7:00 PM 0 Glenview St – continued NOI

M. Allen/Allen Engineering

- DEP file # has been issued (311-0748).
- Revised plans submitted; 25% reduction in fill and slopes reduced from 3:1 to 2:1 which reduces the area to 365 square feet.
- Double row of erosion controls will be used on the southern boundary.
- Minimized grading as going with a smaller house box; 4 feet less fill.
- 30' no disturb line and permanent wetland markers added to plan.
- Don't need a water quality certificate as the original plans have been revised (reduced).
- Dave Pickart reviewed the revisions – overall look good.
- Zoning issue for Pat Roche (Zoning Officer).
- Request to close the hearing; hearing closed.

7:10 PM Agent's Report

- Review of report dated 5/10/18 – 5/22/18.
- Waiting for Town Counsel opinion re: determinations for Lot 2R & Lot 3R West River St; we could issue a Neg. Det. with condition that the OOC must be met.
- Azalea Dr resident express concerns about trucks traveling on the dirt road behind the subdivision; connects Azalea Dr to Afonso's 3 lots on West River St; there are sand & gravel piles in this area; is this activity in the OS area? Yes – what are the restrictions? Concerns for the turtle habitat. Why is this activity happening? Mr. Afonso was present and gave update; he is moving fill and loam from the back of JR Estates to the 3 lots; needs to plant trees in JR subdiv. – trees will be planted in front of the lots about 10' from the curb on both sides of the street. Site visit has been set for May 29th @ 6:30 pm for JR Estates & 3 lots on West River St and the culvert; will post as a meeting; Mr. Afonso gave permission for public to attend.
- DP is working on letter for 5 William Street.

7:40 PM East Street Estates continued NOI PH R. Mainville/Andrews Survey & Eng.

- Wetland crossing is an area that was previously disturbed; culvert will be 15' x 3'; detention basins are outside the buffer area.
- Replication area will look like adjacent wetland – not a wet meadow.
- Haven't filed with the Army Corp of Engineers (ACE); need ACE input.
- Questions about OS – doesn't meet the requirement? Might need to change to a conventional subdivision. Will still need Con Com, ACE & DEP approvals.
- Vernal pool mitigation has very strict guidelines & restrictions.
- Won't close the public hearing as we need: info from ACE; OS info and more info on the replication area – what type and plants?
- Hearing continued to 6/13 @ 7:30

8:05 PM General Items

Website – updated links to Mass Wetland/DEP and forms.

LSC – Scout project completed; Marcella Stasa will be reducing her participation for a year; talk of doing a yard sale as need to make space in the shed at community garden. Commission thanked Marcella for all her work over the years.

Admin/Office – CS signed timesheets; motion to sign expense voucher & debit voucher – 2nd & approved. Discussed purchasing tablet in order to reduce the amount of paper needed for meetings; does the Town have cloud service? Also discussed purchasing a computer for Dave; Chris will look into these items. Current expense account spreadsheet provided.

Motions:

- Issue OOC for 0 Glenview St – 2nd & approved.
- Received a Request for COC for 236 Milford St (Hopedale Cardiology) – DP visited the site and recommends a partial release as the “no snow storage” signs need to be installed; Motion to issue a partial COC – 2nd & approved.
- Issue amended OOC for 32 Southboro Rd and extend for 3 years – 2nd & approved.

Beavers – reviewed the revised draft procedure sheet; beavers at Southboro Rd have flooded the Rabbit Run Trail; also water is very close to the road. Is anything being done? The channel is vulnerable. Perhaps it is time to trap the beaver(s). Could we fence off the ditch? Concerns that fence would be easily clogged and hard to clear. We've already notified the DPW but not sure what can be done if anything on their part. We can ask Mike Callahan (Beaver Solutions) for suggestions; TJ will contact him and propose a suggestion from MP to run fencing along Westboro Rd to the berm then back along the other side. Culvert at the trail is on DCR land so we would need to notify them. MP asked Greg Trussell for a quote to dump rocks at the berm – might also need a police detail.

Open Space/Recreation Master Plan – looking to have revisions by Feb 2019.

Whitney Conservation Area parking easement – owner is paving the parking area (easement); can we now line the parking spaces? Need to locate the easement markers that were previously installed. We should ask Mr. Poteau if he has plans for lines. Need to install the kiosk. Motion for 3-step plan: 1) install kiosk; 2) parking lines and 3) redo survey to outline the easement boundary upon discussion with Mr. Poteau – 2nd & approved.

9:00 PM Motion to adjourn – 2nd & approved

Minutes approved on: _____

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Document List:

- 1) Con Com Agenda/Action Item Checklist
- 2) Sign-in Sheet
- 3) Agent’s report dated 5/10/18 – 5/22/18
- 4) Draft Procedures to Review Resident’s Beaver Complaints (5/23/18)
- 5) Expense balance spreadsheet (5/23/18)



TOWN OF UPTON, MASSACHUSETTS

Conservation Commission

Meeting Minutes – Wednesday 6/13/18

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, Scott Heim and Marcella Stasa
Mary Overholt, Associate & Bill Taylor, OSC

7:05 PM NOI – West River St culvert

N. Gamache/G&H

- Repaired/replaced culvert on the access road to 3 house lots and the Town's wellfield off West River St.
- An Emergency Order was issued and the work has been completed as there was a serious issue with water levels and the existing culvert was broken and not functioning.
- Installed a 14" pipe at the level of the pond across the existing driveway; rip rap has been installed.
- Filled 144 sq ft and replication area is 240 sq ft in an area that is already disturbed; wetland mix of seed adjacent to original wetland. Existing wetland elevation is 274 – replication is 273.
- Filed with Fisheries & Wildlife; letter received 5/31/18.
- Replication details are in the NOI but not on the plan.
- Monitoring or supervision will be needed for 2 years; propose to have Oxbow monitor at the applicant's expense.
- DEP # 311-0749.
- Need input from the DPW Director regarding the roadway.
- Continued hearing until 6/27 @ 7:00 pm.

7:15 pm NOI – Hopkinton Rd gas line installation

Epsilon/Eversource

- Installing an 8-inch gas line at stream crossing.
- Previously filed an RDA for the 2.7 mile project from Hartford Ave N to Hopkinton Rd.
- Project is under Hopkinton Rd within the National Grid ROW; proposing a box culvert.
- Will saw cut pavement and dig a 3 – 5 foot trench install the line then back fill.
- Open cut at the stream crossing; sand bag dam, pump system and silt fencing to be used.
- Will restore grades of streambed prior to construct.
- Impacts pertain to excavation: 10 linear ft bank; 10 sq ft bvwy; 430 sq ft land under and 350 sq ft BLSF.
- Meets performance standards; expect minimal environmental impacts.

- Will use native seed mix; seed free straw.
- Water is 2 – 3 feet deep at the crossing; sand bag upstream end 1st then work downstream; expect the sand bags to be less impactful.
- Duration is expected to be 2 days in the water way; trench is 2 ft wide through the stream about 20 ft in length.
- Excavated material will be managed while being stored and will be reused in restoration and will use a seed mix above the water line replacing veg that is already there.
- Dave's comments:
 - o need to remove sand bags slowly so as not to have scouring
 - o need written request for waiver(s)
 - o flag #'s have been added to the plans
 - o stabilization – replace in kind; need written description and details for excavated material details for storage
 - o addressed questions/issues from Dave's review - #1- yes; #2 pumps & generator are gas powered and will be in the roadway area; #3 will provide written comments.
- Hearing continued to 6/27/18.

8:00 PM Cont NOI – East Street Estates

R. Mainville/Andrews Eng.

- Entrance changed to preserve the large tree; will be 2 sided around the tree.
- Wetlands are flagged; does not fit open space requirement as there are more wetlands than originally determined.
- Revising the plan to be a conventional subdivision but will have the same number of house lots but no open space.
- Question was asked if the tree will survive being an “island” in the pavement? The “island” will be about 15 feet across.
- Question was also raised about the land that can’t be developed due to the wetlands; Mr. Afonso said he may deed it to the Town.
- Hearing continued to next meeting but Rich Mainville will confirm next date.

8:00 PM NOI – ZPT Energy Solar Installation

Adam Kristy/ZPT Energy
Kevin McGarry/Fuss & O'Neill
Andrea Kendall/LEC

- Kevin McGarry presentation - access is from Howarth Dr and is residential property; interconnection comes from the Westboro Rd side. Total acreage is 72.4 acres of which 23.8 acres will be cleared for the arrays and total area grubbed is 19.9. Large trees will be removed and small ones chipped & used on site; stumps will be ground; area outside the arrays but inside the fence will not be cleared. From Howarth Dr it is 360 to the array via the access road. Interconnection from Westboro Rd (concrete pad) will go underground to the arrays; will use directional drilling which allows crossing the resource area w/o disturbance then pull the wire through approx. 250 – 300 ft of drilling at a depth of about 3 feet. Detention basins & swales will capture all stormwater and disperse with level spreaders; increase of peak flow at outlet control structures. Solar panels are spaced to allow sunlight and to prevent panels from collecting and discharging water/runoff in large quantities. Erosion and sediment control: will use compost filter socks & temporary basins during construction; permanent control w/ check dams; no work w/in 30 ft of wetlands.
- Andrea Kendall wetlands presentation – perennial stream is a tributary of Warren Brook which flows through the site; floodplain & bvw; 2 hillside wetlands on the property and

isolated wetlands in the SW corner of the site. ACEC area – cold water fishery; there is a beaver dam blocking an old culvert located on an old cart path; can determine mean area of high water by looking at past years prior to the beaver activity; estimate of mean annual high water is delineated.

- Phasing of project: clear the site; build drainage features (basins & swales); array construction; site stabilization then final cleanup.
- Questions regarding directional drilling: how is depth is determined? Geotech investigation; what happens if you hit rock or ledge? How will drill rig be situated to protect the wetlands? Where is discharge (slurry) from the boring going to be stored? A slurry pit will be created and will be surrounded by erosion/sediment controls. Will use straw not hay. Question about stormwater discharge - pre and post effects on wetlands and isolated wetland area; concern about surface flow and groundwater.
- DP comments: discussed items in his written review and will address his questions and issues. Several recommendations were included.
- Commission expressed concerns with the steepness of the grade/area where this project is to be located; erosion & sedimentation – how to prevent problems; Applicant is proposing to stabilize the area with plantings and will leave the erosion controls in place until plantings have been established; also silt fencing, straw bales and compost filter socks will be placed intermittently to prevent sheet flow. Asked for example of other projects that applicant has done with steep slope/grade – Southbridge had 3:1 slopes (Dresser Hill Rd) on 25 acres; asked if we could get a copy of that application.
- Discussed hiring an independent consultant to monitor water – applicant agreed to pay.
- Also discussed requiring a bond for this project for protection if there are any problems during construction or a disaster of any sort. Suggestions for other towns that have required a bond (Grafton?).
- Asked for permission for members to access the site to monitor once activity starts – will check with the property owner.
- Questions about phasing and what equipment will be used given the steepness of the slopes; a staging area and stockpile area is shown on the plans and a gravel road will be created for this operation; will clean up subdivision roads at end of each day.
- Timeframe of project? Originally hoping to start clearing this fall with construction in the spring but Commission expressed concerns with clearing before the winter for site stabilization.
- Questions/comments from audience:
 - o Concerns with impacts to wetlands/vernal pool and the residences downhill from this project. Cannot increase the amount of water leaving the site; the applicant stated that they are actually proposing to decrease the amount of peak flow but overall will not change the amount; state that they have done other projects with residences below the site.
 - o Concerns with wells and the aquifer; how will runoff from the site affect and what materials will be in the runoff? Contamination concerns. Is there any protection offered for potential future impacts? Can baseline testing of wells be done? Applicant state that there are no toxic products leached from the materials in the arrays/panels; no danger of contamination to the aquifer; there are data sheets available.
 - o Concerns with clearing and the underbrush; applicant stated they are clearing forested area but will not grub entire site; will use a NE conservation seed mix under the arrays.
 - o This lot is already wet – what will happen to the environment dynamic if there is more water or less water? The stormwater report determines that they cannot increase peak rate; volume of water will increase and will percolate back into the ground.

- What happens if the model doesn't work? We rely on 3rd party reviewers to check the applicant's calculations.
- Suggest that the Commission should hire a professional erosion control specialist to review and monitor.
- Abutter stated they are strongly opposed to this project; perennial stream is Whitehall Brook; concern with the amount of disturbance of land & location to residential properties; impacts to the environment and animals.
- Impact on property taxes for abutters? Is there a benefit to the Town?
- Applicant has to prove that there is no adverse impact to the area; no chemical or herbicides will be used for vegetation maintenance all will be done mechanically.
- As part of turbidity testing can we do any other testing?
- Hearing continued to 6/27/18 @ 7:30

9:15 PM **General Items**

Finance/Expense – expenses for end of FY include tablets/computer; turtle study \$500; Greg Trussell for work at Southboro bog \$400 plus \$300 if we need a detail (beaver fund); motion to cap lumber purchase at \$1500 – 2nd & approved.

Meeting minutes – motion to approve minutes from 5/9, 5/23 & 5/29 meetings – 2nd & approved.

Website – updated links to Mass Wetland/DEP and forms.

LSC – MP will be temporary chair; request for lumber purchase; expect concept plans for Stefans land access; several work dates proposed; when to install kiosk at SWF?

Admin/Office – CS signed timesheets; Employee Action Forms for DS & DP signed; motion to sign expense voucher – 2nd & approved. Can we hire DP as a consultant in addition to being an employee? CS will ask the town manager.

Motions:

- Issue OOC for 0 Glenview St – 2nd & approved. Issue OOC for 0 Glenview St – 2nd & approved.
- Hire Greg Trussell to replace stone at northern berm on Southboro Rd for \$425 (from beaver fund) 2nd & approved. Request to hire a police detail for \$300 was not approved.
- Accept Beaver Procedure – 2nd & approved.
- Hire Greg Trussell to work on parking lot at Stefans for up to \$750 – 2nd & approved.
- Approve replacement of dead trees at Five Fork Farm – 2nd & approved.

Site visits – CS did a couple site visits for the Building Dept.

10:00 PM **Motion to adjourn – 2nd & approved**

Minutes approved on: _____

Document List:

- 1) Con Com Agenda/Action Item Checklist
- 2) Sign-in Sheet
- 3) Agent's report dated 5/23/18 – 6/12/18
- 4) Agent's review of Gas Line Stream Crossing
- 5) Procedures to Review Resident Beaver Complaints (6-13-18 draft)
- 6) Agent's review of 2.5 MW Solar Facility



TOWN OF UPTON, MASSACHUSETTS

Conservation Commission

Meeting Minutes – Wednesday 6/27/18

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

Members Attending:

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

7:05 PM NOI – West River St culvert

- DPW Director (Dennis Westgate) stated concerns with height of the pipe but deferred to Natural Heritage's approval.
- Motion to close the hearing – 2nd & approved.
- OOC will be issued.

7:10 PM NOI – 173 West River St

R. Mainville/Andrews Eng.

- Proposing a new garage to an existing home which will be about 15 feet from wetland; a couple trees will need to be removed and some grading to be done.
- DP comments: work is primarily in existing lawn area; wetland boundary is straightforward; very visible; no better location is available and won't need to extend the driveway. Need to notify abutters in Northbridge. Upton bylaw does not apply. Suggest 3 bounds be installed for future homeowner to reinforce the wetland line.
- DEP number has not been issued so will continue the hearing to 7/11 at 7:00 pm no need for applicant/engineer to attend; revised plans showing bounds are needed.

7:20 PM Cont NOI – Hopkinton Rd gas line installation

D. Klinch/Epsilon

- Revised submittal received 6/22/18.
- Waiver list sent separately.
- Added temporary stockpile location – will use wattles for erosion control.
- Expect to complete the crossing in 2-3 days (max a week).
- Added detail on resource/restoration area.
- Concerns with beaver activity – one downstream and one upstream not sure what can be done; work is in the National Grid ROW so Eversource is limited to area of work would need permission from National Grid to breach the dam; possibly need Commission to suggest the dam be breached. Should be able to get the work done without much trouble.

- DP asked the Commission if they want to have a wetland scientist present for the 2-3 day work period. Applicant offered to hire a specialist – Commission agreed was needed. SWPPP inspection will be done throughout the project.
- Request to close the hearing; will notify when ready to start.
- OOC will be issued at next meeting.

7:35 PM Agent's Report 6/20 – 6/26/18

- Solar project -- discussed hiring our own reviewer/consultant particularly for phasing plan and construction; questions about wells may involve Planning Board, Board of Health and Con Com; panels are not a problem for run off unless they are broken but questions about herbicide use and what they use for washing the panels (if that is done) could be contaminates. Applicant said they would provide other sites but have not done so. Hearing continued to 7/11 at 8:00 pm; site visit still needs to be scheduled; motion to have DP ask New England Environmental if they can provide support on the solar project and request a proposal – 2nd & approved.

8:00 PM RDA 226 Milford St

Right Place Storage

- Installation of a well and water system/supply for a bathroom facility in the office.
- Installing a tight tank system and a 1 – 1½ inch plastic water line at the edge of pavement.
- Silt fence will be used for trenching of the water line. The well will be several hundred feet deep.
- Work is in previously disturbed area.
- Request to close the hearing; Determination will be issued by next meeting.

8:10 PM Agents report continued

- 117 South St has open OOC for construction of a barn and now they want to build another structure for an indoor riding ring. Does the new structure need a new NOI filing or can they amend the open OOC? Even if done as amendment will still need a hearing and to notify the abutters and can charge fees.
- Will meet with homeowner at 30 Church St to review site; he has been very responsive.

8:20 PM General Items

Website – on-going updates.

OSC – BT spoke with Trustees of Reservation regarding plans for the Trask property – they will keep us in the loop; meeting with SVT re: the Robertson property – it did perc so a new appraisal will be submitted. Spoke with Planning Board about the East St Open Space plan and trying to preserve the front field as OS – applicant can go to the ZBA for a variance thus suggest sending a letter to Mr. Afonso letting him know that he does have that option; motion to support OSC sending a letter to Mr. Afonso – 2nd & approved.

LSC – purchased lumber for garden & Stefans land; would like to purchase battery operated weed whacker (and extra batteries) and wildlife camera – 2nd & approved. Access to Stefans concept plans for 2 access cost estimates were received – Orchard St side is \$110K and Mechanic St near the garden is \$60K; Mechanic St road/driveway would be in a gully and would prevent the property owner from crossing so as it is an easement we might need the Foye's permission. Question was asked of town counsel – still waiting to hear back; steep slope is also concern for erosion issues; neither option is great; possibly reach out to the Foye's to see if they would sell us property that would allow different access. Trail maintenance continues have about 16 miles and currently have

done about a quarter mile. Need to think about allowing others to do some of the work such as people who use the trails that have expressed interest; need volunteers or may need to hire someone; 2 work days are planned for July.

Admin/Finance – MACC roster updated; motion to sign expense voucher – 2nd & approved; motion for Mike to purchase camera and weed whacker and to sign a voucher – 2nd & approved.

Motions:

- Pay town counsel invoice for Rockwood Meadow MOU review – 2nd & approved.
- Issue COC for 26 Plumbley Rd – 2nd & approved. Issue OOC for 0 Glenview St – 2nd & approved.

9:00 PM Motion to adjourn – 2nd & approved

Minutes approved on: _____

_____	_____
_____	_____
_____	_____
_____	_____

Document List:

- 1) Con Com Agenda/Action Item Checklist
- 2) Sign-in Sheet
- 3) Email from Dennis Westgate/DPW Dir 6/21/18
- 4) Agent's report dated 6/13/18 – 6/26/18
- 5) Agent's review of 173 West River St – detached garage
- 6) Epsilon letter dated 6/22/18
- 7) Agent's review of 226 Milford St



TOWN OF UPTON, MASSACHUSETTS

Conservation Commission

Conservation Commission Minutes

Meeting Minutes – Wednesday 07/11/2018

To: Members of the Upton Conservation Commission
CC: Kelly McElreath, Town Clerk
From: Bill Taylor

Members Attending: Chris Scott, Mike Penko, Tom Jango, Alan Miano,
and Mary Overholt, Associate Member; David Pickart, Agent

7:05 PM Continuation of 173 Westboro Road/Detached garage hearing

- As requested by the Commission at the previous meeting, prior to tonight's meeting the applicant submitted a revised plan showing bounds.
- Motion to close the hearing, 2nd & approved.

7:10 PM Agent's Report

- Reviewed report dated 7/11/2018
- No problems with sites except shoulders of 175 North Street are still eroding. The sediment is being caught in sediment control device.
- 30 Church street – restoration has been completed successfully
- Fox 4 Paintball – site clean/minimal odor
- Whitney Farms - gave permission to take out perimeter controls
- Talked with SWA (formerly NEE) about providing review on ZTP erosion controls

7:30 PM General Business

- **Minutes** – Moved to approve minutes of Wednesday, 6/27/2018, and Wednesday, 6/13/2018, 2nd & approved.
- **Web site** – updated Wetlands Protection Act forms links. Added “Beavers and the Law – A Citizen's Guide to Addressing Beaver Conflicts.” Chris will send final version of “Procedure to
- **Open Space** – Update on status of efforts to protect Robertson land.
- **Land Stewardship** – Update on status of Stefans access and the Trask land bequeathed to the Trustees of Reservations.
- **Admin/Fin/Office** - Motion to approve expense voucher, 2nd & approve (\$575 Greg Trussel for rip-rap and MACC membership \$673)
- **Beavers** –Mike Penko emailed DPW about cleaning the culvert grate at the intersection of Westboro and Southboro roads. *culvert fence Mike of Beaver Solutions offered a check-dam solution but decided not to do anything*

- **OOCs** - Moved to issue 311-0749 West River Road Order of Conditions, 2nd & approved. Moved to issue 311-0750 Eversource gas line Order of Conditions, 2nd & approved.
- **RDA** – Moved to issue Rightway Storage Negative 3/Positive 5 Determination of Applicability, 2nd & approved.
- **Other** - Upton Ridge requested approval of conservation bounds plan. Agreed to ask Upton Ridge to add 10 bounds as shown on marked-up plan. Generally speaking there should be a bound behind each building.

8:00 PM Continuation of ZPT Energy/0 Westboro Rd Notice of Intent hearing

- Applicant just received the Planning Board's peer review report and will provide a response to their comments by the next meeting.
- Applicant will incorporate the changes in the wetlands delineation that resulted from the site visit with ConComm agent and applicant's wetland consultant.
- Applicant will incorporate responses to Conservation Commission comments.
- Surveyor has staked the locations of the site's key features so it is ready for the site visit. Scheduled site visit for Monday, July 16, 5:30 PM
- Discussion regarding hiring construction-level/period erosion control review. SWCA (formerly NEE) estimated that it would cost \$2,500 for such a review. Applicant suggested that planning board peer review is sufficient. Applicant's concern is timing and is more amenable if review could be completed relatively quickly. Commission will expedite the review. Applicant agrees to performance bond and will pay for site monitoring. Commission agreed to spend no more than \$2,500 for erosion control review and to ask them to complete review by first meeting in August.

Visitor questions/comments

Jason Chimenti
2 Francis Drive

- Q: What is the Conservation Commission's jurisdiction? ConComm Response: 100' from wetland/200' from river.
- Q: What is the risk to wetlands of the drilling, are there any toxic lubricants used in actual drilling? Applicant Response: None in the drill. Risk of spill from the engine driving the drill and leaks from slurry pits controlled by erosion control around the drill and slurry pits.
- General comment: Strongly against the project. Notes that Department of Energy Resources guidance on siting preferences strongly discourages siting locations that result in significant forest cutting.

Homeowner
Westboro Road

- A: Is there a way the developer can provide an insurance policy to cover remediation of contaminated wells? Response from Applicant: There is nothing that will contaminate Westboro road wells. The water from the project will not enter the aquifer supplying the wells. A copy of the applicant's insurance certificate was provided to Planning Board.

General discussion about the risk of toxic materials leaching from panels:

- Applicant noted that Department of Environmental Protection permits solar facilities within wellhead protection zones.
- Applicant is not aware of any developers that have provided pre-construction water testing.
- Applicant noted that the panels are expected to last minimum of 50 years. The lease for the site is for 20 years with two 5-year renewal options.
- Question: What do you do if one of the panels break? Applicant response: Glass generally spiders, and does not break, if hit by debris. If there's significant damage the panel is replaced.
- Question: Are panels cleaned with water? Applicant Response: The panels are cleaned with water.

Hearing continued to July 25, 7:30 PM

Meeting adjourned at 8:49

Minutes approved: _____

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_____	_____
_____	_____



TOWN OF UPTON, MASSACHUSETTS

Conservation Commission

Meeting Minutes – Wednesday 7/25/18

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

Members Attending:

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

7:05 PM General Items

Website – AM updated beaver documents.

OSC – Discussion of land research – survey & title search for Robertson property; estimated cost of \$1500 - possibly use Conservation Fund or maybe CPC or land grant.

LSC – Did some trail work a couple weeks ago and looking at couple hours this weekend at Warren Brook. Scout project at Stefans has been completed. The Lams had a question about insurance & liability for the scout project @ the Whitney Conservation Area – it is covered by the Scouts. Received revised cost estimates for access to Stefans land – from Mechanic St it has significant increase to \$120,000, there was an error in the previous calculation for the volume of ledge; Orchard St access is estimated at \$130,000. Will reach out to Ann Foy about possible access from her property; BT spoke with the Town Manager about contacting other land owners about access – he was ok with that.

7:10 PM Discussion re: 166 West River St

P&A Mansfield

- Mansfield's are purchasing the property from Mr. Afonso and have concerns with the state of the rear of the property. They knew there would be a slope but it is steeper than they anticipated and boulders to be placed along the conservation land were to be 15 feet apart but they have been installed basically on top of each other so there is no passing through. Also they are much larger than expected. Looks like they were simply dumped by the developer. This takes away from the natural beauty of the land and the conservation land. The developer refuses to remove them and was very irate when approached about this matter. Also, concerned about another area on their lot where the developer removed too much fill and now anytime it rains there is ponding. The Mansfields were told that the larger boulders were going to be crushed and trucked away; they were ok with the plan to place boulders every 15 feet and understood that there would be conservation land in the back of their property. They say the entire site is "unfinished" looking and the conservation land looks like a construction dumping ground where there is supposed to be turtle habitat. They have also contacted Natural Heritage to review this area. The developer told them he was done with this land. DP

stated concerns with the area that was stripped and is flooding during any significant rain event. Would like to arrange a site visit with Natural Heritage & Oxbow. As-Built plans will be required by the developer and the COC won't be issued until the Commission is satisfied. MP raised questions about installing a beaver fence at the new culvert at this location and stated that the replication area still needs to be completed. The Mansfields would like to be present for a walk through. The Commission will send a letter to the developer with items to be addressed.

7:35 PM Cont NOI – Westboro Rd Solar project

K. McGarry/Fuss & O'Neill, A. Christy/ZPT Energy & A. Kendall/LEC Envir.

- DS verified that the abutters were properly notified for the NOI hearing.
- Addressing major changes & comments from DP, the Commission, DEP and DGT (Planning Board peer review).
- Kevin McGarry confirmed that this site is 2 lots on 72.4 acres; total area being cleared is 23.8 acres and 19.6 will be grubbed; within the fence for both south & north areas and the equipment pad is 14.7 acres; access road off Howarth Dr is 360 feet long and 15 feet wide. Straw bales & existing conditions will be added to the plans; a steel pipe swing gate will be located on the access road; utilities from the equipment pad will be underground.
- Revising outlet control structures – will be located at the bottom of the basins to allow them to drain completely in order to reduce any standing water. Also added drainage profiles.
- Site walk was conducted on Monday, 7/16; AK & DP also conducted another site walk checking specific areas; did find another isolated wetland which requires revising the wetland flags.
- DP looked at swales and verified soils; did flag a sloped isolated wetland (which is unusual) need to identify this on the plans.
- Erosion control plan was beefed up; SWCA has been to perform peer review of the erosion & sediment controls; expect to complete review by Aug. 2nd.
- Applicant is still hoping to begin construction this Fall – weather dependent. Erosion & sediment controls will be installed and if the weather changes temporary measures will be installed to stabilize the site for the winter. It is possible they won't begin the project until the Spring.
- K. McGarry stated process for stabilizing the site: 1) install perimeter controls on downslope, 2) build drainage swales & detention basins and 3) install compost filter socks at base of slopes and on top of detention basins. Proposing to use winter rye & wood chips (from the site) and filter mats/blankets. Mulching of the tree material works very well for erosion control. Details are provided in the plans for seed mix to be used – NE Conservation/Wildlife Mix and NE Erosion Control for detention basins & moist areas.
- DP asked about the States “Smart Program” which opens August 1st – how does this affect this project? AC stated they aren't looking to hit this deadline so not looking to rush the approval.
- Questions & comments from the Commission:
 - 1) CS previously asked about the height of the stockpile area – AC stated it will not be more than 15 feet and will install erosion controls.
 - 2) Examples of other projects – AC provided to DP (will forward the email).
 - 3) MP previously asked about providing a bond (separate from the Planning Board) and what amount would be appropriate; MP reached out to some contacts and they advised that we need to evaluate the risk – specific concerns are clearing this steeply sloped area and the cold water fish at the bottom; MP proposed \$2500 per acre that is being grubbed thus

roughly \$50,000. AC stated that the towns of Dighton, Spencer & Grafton also inquired about bond info and that \$50,000 was reasonable.

- 4) CS spoke with the BOH regarding impacts of this project on wells and response was they don't see this as a problem; the aquifer is a natural filter and she also checked with the Union for Concerned Scientist and they also had no issues with solar project impacts.
- Questions & comments from abutters:
 - 1) Looking for a list of hazardous materials related to solar project; AC stated there are no hazardous materials; materials are encapsulated inside cells which are safe and have no chance for contamination. Specification sheets are provided in the application. Project has been review by peer review (DGT) and the Fire Dept. AM also stated that solar panels are made for residential area and are safe also all PVC conduits are the same as used in residential homes. MP asked what products will be used for maintenance – AC stated no herbicides are to be used; also asked if panels are washed – answer is No.
 - 2) Were other sites provided that have similar slopes in residential areas? Commission stated that given the concerns with this site an outside consultant (Erosion & Sediment Control Specialist) has been hired to review and monitor the site.
 - 3) What are long-term affects – possible contamination of water? Will cutting 19 acres of trees cause a change of winds? Since this project required a use variance – could the use change again? Answers: According to Mass DEP Public Water Supply – requirements for land use and stormwater solar is an allowed use and is not classified as a source of contamination; no treatment of water runoff is required but control of the amount of water runoff is required. Wind – this is still a large vegetated area; will have plantings (evergreens) along the access from Howarth Dr; Applicant stated that the lease for this project is locked in for 20 years with the possibility of 2 -5 year extensions and they cannot predict what will happen beyond that timeframe. AC stated that the project is fully financed to be built & maintained. AM pointed out that the Glen Echo subdivision cleared about 60 acres and has had no significant affects due to wind; wind won't be funneled into other areas simply will spread through the existing trees.
 - 4) Will the access area create a wind channel? No as the wind will still move through the existing trees.
 - 5) What amount of aluminum is in the panels? Will it affect water? All studies say no affect.
 - 6) How many solar panels on this site? No specific number given but there are many. Materials are encapsulated and as long as the panels are intact there is no leaching concern. CS stated she will provide some information from research she has done.
 - 7) Setback issues? Conservation has requirements for wetlands – no work within 30 feet of a wetland and no structures within 50 feet; Property line setbacks are under Planning Board review – 100 feet from property line to the fence then another 15 feet to the panels.
 - 8) Will water patterns change with this project? Effect off runoff on wells? Property owners are being asked to take the risk of neighboring this project and have concerns for property values. KM explained that the Westboro Rd side of this project will have a small gravel road with a concrete pad and no significant impact to water flow/runoff; stormwater treatment of runoff and this site has large pervious surfaces overall drainage patterns are not being changed. Cannot increase flow; serious erosion controls will be installed during construction; once done the land will be re-vegetated and will help stabilization.
 - 9) How are animals impacted? Large amount of this property is not being affected and the fence will be 6 inches off the ground to allow animals to pass through.

- 10) What happens after the project is completed and site is stabilized and bond is returned and then the next year or two there is a failure of some sort? The Operation & Maintenance Plan (O&M) addresses erosion on the site; the Commission will include long-term conditions.
- 11) Vegetation maintenance? No herbicides will be used only mechanical methods and the Order of Conditions will specify what is allowed and when. Proposing to use a NE Conservation/Wildlife seed mix on the entire site except the drainage swales which will use NE Erosion Control/Restoration Mix. It was noted by the Commission that this mix is not intended to be cut short. May need to explore other seed mixes.
- 12) Resident at 181 Westboro Rd says they think they have a vernal pool on their property – how will this be impacted? DP will make a site visit to check it out; project is not within the buffer area.
- 13) How much cutting will happen outside the fence? Only about 10 feet along the fence for safety and to keep any trees from growing on the fence; will not have a regular schedule will only do maintenance if needed.

Property will still be owned by the Thompsons but the solar area is being leased.
Hearing is continued to August 8 at 7:30 pm.

9:00 PM General Items

Agent's Report 7/11 – 7/25/18

Discussed OSC sending a letter to Mr. Afonso re: East Street Estates to strongly encourage that they continue with plans for an Open Space subdivision; perhaps a variance from ZBA could be granted; motion to send the letter - 2nd & approved. DP will draft a letter.

East Street Estates -- Motion to continue the public hearing to 9/26 @ 7:15 pm – 2nd & approved.

Admin/Finance –expense voucher & timesheets approved.

Governor's Landing Subdivision is being revised; conceptual plans were submitted to Planning Board; they have asked DEP to extend the Superseded Orders, however, as major revision is proposed not sure this appropriate. Applicant has request to attend upcoming Con Com meeting tentatively put on 9/26 @ 8:30.

Beavers @ Southboro Rd – there is a dam; DPW has cleaned the grate but we need to get the water down; Mike Callahan is coming out to look in the next week; MP suggested we hire someone to remove the dam; TJ stated if we remove the dam we must trap the beavers otherwise they will simply rebuild it. Motion to authorize removal of the dam with a police detail for approximate expense of \$1000 with trapping of the beavers and an Emergency Permit from the BOH – 2nd and approved by vote of 4-yes and 3-no. Amended to authorize up to \$1500 – 2nd approved vote of 4-yes and 3-no. DP will write up the Emergency Permit and CS will contact the BOH & DPW.

Motions:

Sign the final document for the Naze CR – 2nd & approved.

Issue the COC for 30 Church St – 2nd & approved.

Maple Ave parcels – per Town Manager's email request to review parcels for any potential use; comments to Derek by 8/10.

9:45 PM Motion to adjourn – 2nd & approved

Minutes approved on: _____

Document List:

- 1) Con Com Agenda/Action Item Checklist
- 2) Sign-in Sheet
- 3) Agent's report 7/11/18 – 7/25/18



TOWN OF UPTON, MASSACHUSETTS

Conservation Commission

Meeting Minutes – Wednesday 8/8/18

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 & Scott Heim
Mary Overholt, Associate Member & Bill Taylor, OSC

7:00 PM High St lots/discussion

Chad Boardman

- Informal discussion of property off High St/Warren St (Pratt Hill) for potential development of 2 house lots. Both lots have appropriate frontage on High St but one of the lots would require a wetland crossing for the driveway. Looking to see if Conservation would support a request to move the driveway to be a common driveway for both houses. This would require ZBA and Planning Board approval.
- One of the lots will need an NOI filing with Con Com but generally the idea of avoiding a wetland crossing is favorable.
- MP also mentioned that these lots may be sensitive to the Narragansett Tribe and would like to inform Cathy Taylor who is in contact with the tribe.
- Chad Boardman will talk with Pat Roche to discuss the common driveway issue.

7:30 PM Cont NOI – Solar project off Westboro Rd

- Applicant requested a continuance of the hearing to our next meeting on August 22nd. Commission accepted the request and set time for 8/22 @ 7:30 pm.
- Public hearing was continued but a few abutters were present and restated concerns regarding their wells and what impacts this project could potentially have; concerns for property values and contamination/runoff issues; and overall concerns regarding changes to the hillside and what impacts could happen. Some discussion was allowed for general comments & questions not specific to the application.
- CS said would do some further research on this issue and put links on the website; some information regarding solar has already been put on the website.
- One abutter asked if there was any way of requiring the developer/owner of the solar farm to hold an insurance policy should there be a problem in the future once the facility is up and running.
- AM made personal comments regarding property values and stated that should there be any failures or problems from this site State & Federal regulations and requirements would kick-in. Also explained that this project is designed so as to not increase the flow of water off the site and should mimic what is already occurring.

- TJ suggested that property owners should have their wells tested (privately) for documentation should there be a problem in the future.
- Another abutter stated that this is really an electric plant in the middle of a beautiful wood area; not opposed to solar but this area is not appropriate.
- CS explained that if houses were to be built instead of this solar facility there would actually be more impacts to the area and the neighborhood; additional septic systems, well, lawn care products.
- MP also explained that the property owner may still have area to build a couple houses; thoughts on approaching the owners to see if they would think about leaving area as Open Space.
- Discussion of visual screening and what should be planted that the deer won't eat.

7:50 PM General Items

MM – motion to approve minutes from 7/25/18 meeting – 2nd & approved.

Website –update links for solar info.

OSC – Discussed the Robertson Property Preservation Plan (about 50 acres); need to update appraisal to include the buildable lots – estimate is \$500,000. Request to make sure the area will be open for public use – fishing, hiking, etc. Potential funding breakdown: \$125,000-DCR, \$232,500-State Land Grant and \$142,500-CPA. Need to update the OS & Recreation Plan for the grant and will also need CPC approval and town meeting approval – looking at possibly spring 2019. This area does have rare species habitat, ACEC, cold water stream & historical significance. Would like to ask Conservation to pay for the title search which should be btw \$750-\$1000. Motion to fund the title search for the Robertson property from Expense budget not to exceed \$1000 – 2nd & approved. Also talking with TOU about site visit to Trask property.

LSC – continuing trail work @ Warren Brook will be out again this weekend Sunday 8/12 8–11 am. BT noticed an area where moths have killed a large area of deciduous trees – should the forestry plan be updated? SH suggests not updating as there will always be natural changes to the forest. Will further review/evaluate Stefans access off Orchard St – expense is a factor. Ordering a sign for the Community Garden. Granite marker has been installed at the schoolhouse foundation on North St.

Admin/Finance –expense voucher & timesheets approved.

East Street Estates – plans for a Conventional Definitive Subdivision have been filed with Planning Board; request to withdraw the Open Space plan has been submitted; Commission would like to ask the PB to keep the OS file open until it is determined if a variance for the OS requirement can be requested. Also, will need to file a new NOI as this plan is significantly revised from the OS plan NOI. Motion was made to request a new NOI – 2nd & approved. PH set for 9/26 2 7:15 pm.

Beavers @ Southboro Rd – 2 beavers were trapped need to contact Greg Trussell to remove the dam.

Cultural Resources Site Walk – Doug Harris of the Narragansett Tribe is conducting a couple site walks – need to sign up to attend.

Centerbrook near Town Hall – Ken Glowacki sent in some photos showing the need for cleanup of this area. Suggest adding this to the town-wide cleanup on Earth Day.

Maple Ave parcels – no potential uses; CS will contact the Town Manager.

9/12/18 Meeting – meeting canceled due to Public Forum on Marijuana Regulations to take place at 7:00 pm at Nipmuc HS

8:35 PM Motion to adjourn – 2nd & approved

Minutes approved on: _____

_____	_____
_____	_____
_____	_____
_____	_____

Document List:

- 1) Con Com Agenda/Action Item Checklist
- 2) Sign-in Sheet
- 3) Agent's Supplement review – ZPT Solar Array/Westboro Rd
- 4) SWCA Peer Review 7/31/18 – ZP Westboro Rd Solar Array
- 5) Robertson Property Preservation Plan
- 6) Stefan Access plan (proposed)
- 7) Solar Panel links for website
- 8) Ken Glowacki email re: Centerbrook cleanup w/photos



TOWN OF UPTON, MASSACHUSETTS

Conservation Commission

Meeting Minutes – Wednesday 8/22/18

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 & Bill Taylor, OSC

7:00 PM 167 North St

M. Polinski

- Serious erosion problems; owner was asked to attend this meeting.
- Owner has tried various methods for erosion controls. Trying to finalize the driveway; spread loam and seed and put straw on top hoping it will begin to grow soon.
- Catch basin needs to be cleaned and put in a new sock; Town would need to come and take the cover off to clean it.
- Sediment was pushed across the street into the stream as the catch basin was full; this is private property across the street so Mr. Polinski cannot clean it; will check with the DPW about the catch basin.
- Making appropriate efforts to get this controlled.

7:05 PM 117 South St - Amended NOI

S & R Berger

- Original barn has been built and now looking to build an indoor riding arena. Currently have 5 horses on the property.
- DP visited and determined that the proposed area is upland and arena will be approximately 25 feet from intermittent stream; flat area and work is within the buffer zone; area has some fairly small sickly pines and red maples (4-8 in diameter).
- Only looking to clear what is needed for construction of the new structure; no outdoor pasture.
- MP suggests clearing enough to prevent trees from falling on or toward the new structure (12 – 15 feet) and use this area for erosion controls.
- Dry wells will be used for rooftop runoff.
- Manure pile is down the hill in the middle of the property; use a tractor to move.
- Question from an abutter: Is this going to be an event arena with the intent to have shows? SB stated it will be for individual lessons not for shows or to be used as an arena; no plans for such activity.
- Request to close the hearing – hearing closed.
- Motion to issue OOC for amended NOI – 2nd & approved.

7:25 PM 28 Hartford Ave N

R. Desjardins

- RD attending on behalf of the Affordable Housing Trust to discuss plans for this property.
- AHT is proposing to demo the existing house and rebuild a duplex for affordable housing. Currently talking with Habitat for Humanity about this project. May develop this as a 40B project as this is a single family residential zone and may not be able to get a variance from ZBA for a duplex.
- Will also file an NOI as there are wetlands on the property; the Upton Bylaw will apply so they may need to ask for a waiver.
- Will need to show bounds on the plan.

7:35 PM

Con't NOI – Westboro Rd Solar

A. Christie & B. Skoultchi of Pro-Tech Energy

A. Kendall – LEC Environmental

S. Martin – Fuss & O'Neill

R. Shepherd - SWCA

- Filed revised plans earlier this week; incorporated SWCA comments (7-31-18) & DP comments. Still waiting for DGT comments.
- Sean Martin addressed changes & amendments - specifically: replace filter socks with stone for erosion control; double row of perm. Controls within 100'; sediment control, swales, check dams and basins changes reflected on sheet CP100; also construction sequence also on CP100 showing clearing for phase 1 & details; Phase 3A – reduce area of disturbance. Plan sheet of sequencing will do as part of the SWPPP; Detail sequencing plan with dates CP100-104 have been revised with details; General Note sheet includes general construction requirements.
- Conservation comments have been reflected: erosion controls tubes & stone; site inspections determined potential vernal pool area near 180 Westboro Rd is approximately 400' away from work.
- DP noted an isolated wetland near 170 Westboro Rd; plans have been updated and the gravel drive off Westboro Rd was relocated beyond the 30' not touch area.
- Ryan Shepherd received revised plans today but generally looked like comments were addressed; sequence and oversight will be a major issue with this project.
- Adam Christie stated that Pro-Tech will be constructing this facility with their employees – not contractors.
- DP stated that they have addressed his comments; new wetland was located properly; make sure detail for erosion controls is specified.
- AM added info & fact sheets from Mass DEP to our website with references from independent sources; suggest the applicant provide fact/info sheets at the onset of the application.
- CS noted that in SWCA's report they recommend daily monitoring of the site during construction, especially the initial site clearing & basin construction phase.
- AC (Pro-Tech) stated that daily monitoring may be overkill as work moves slowly – every other day may be adequate.
- RS (SWCA) agreed this is flexible depending on what is happening on site.
- SM (Fuss & O'Neill) submitted a schedule of work and anticipates weekly updates or expectations of anticipated work.
- CS stated concerns with runoff which won't be visible from the street.
- MP stated concerns with clearing in November (potentially) and stabilizing the site over the winter; asked SWCA for comments.

- RS (SWCA) said they have seen both successful sites and failed sites; if they can get stabilization done by October that would be preferable as this is a very challenging site no matter the time of year.
- AC said they have done over 50 projects in Mass; won't force the project if too late in the season also weather dependent.
- Resident at 184 Westboro Rd stated very strong concerns about being downhill of this project.
- AC stated the project is further away with buffer in between.
- MP suggests 1) using a hydro-mulch/bonded fiber matrix mats; usually added to the SWPPP & construction plans; we will be able to review & comment on SWPPP; 2) water quality monitoring for turbidity as there is a cold-water trout stream on the property that we need to protect.
- CS asked for colored version of the phasing plan; will include in the SWPPP
- AK (LEC) suggested that the seed mix can be a condition of the OOC – review prior to planting to determine the preferred mix.
- AC said SWCA has developed a seed mix and can provide details; only need to mow 2x per year.
- Still waiting for DGT comment for Planning Board peer review; on the agenda for Aug. 28th.
- AC discussed possibly closing the hearing tonight.
- Con Com prefers to get all comments (PB & SWCA) prior to closing the hearing; also as we are not meeting on 9/12 there would be a problem with issuing the OOC w/in 21 days. Next meeting is 9/26.
- AC asked if we could meet on 9/12 to discuss language for draft OOC. The commission agreed to meet at 6:00 pm on 9/12.
- Hearing continued to 9/12 at 6 pm.

8:20 PM General Items

MM – motion to approve minutes from 7/11/18 and 8/8/18 meetings – 2nd & approved.

Website – AM has posted fact and info sheets for solar arrays.

SWF Kiosk – permitting requirements can be 1) an accessory structure or 2) a sign; consensus is that this is a sign (municipal recreational facility). Suggestion was made to include all kiosks & signs on one permit; MP will do a plan showing locations. BT will apply for a sign permit with the Building Dept.; need to discuss with Derek to see if he supports location at SWF.

LSC – trail maintenance at Warren Brook is almost done; next will be Stefans land. The sign for the Community Garden has been received.

Admin/Finance –expense voucher & timesheets approved.

Beavers @ Southboro Rd – BT asked on behalf of the FUSF if we can but some fill @ the trail or if a culvert was needed? What is the long-term solution for this area? Can't have beavers there; culvert is continually clogged – should we install a fence with a larger grid? We should ask Mike Callahan to check and involve DPW in this discussion.

MOU Cultural Resources – Cathy Taylor send a draft.

Trask Property TOR – BT received permission to walk the property.

Crosswinds – motion to sign Quitclaim Deed for the Open Space lots – 2nd & approved.

166 West River St – status of boulders – this is within Con Com purview; DP will send Afonso a letter.

9:30 PM Motion to adjourn – 2nd & approved

Minutes approved on: _____

Document List:

- 1) Con Com Agenda/Action Item Checklist
- 2) Sign-in Sheet
- 3) 117 South St – amended NOI documents
- 4) SWF Kiosk documents (via email)



TOWN OF UPTON, MASSACHUSETTS

Conservation Commission

Meeting Minutes – Wednesday 9/26/18

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; David Pickart, Agent & Bill Taylor, OSC

7:00 PM 20 Shore Dr – discussion

H. Glassman

- Property is on Taft Pond – preexisting nonconforming lot.
- Looking to add a small detached 2 car garage. Will probably need to go to ZBA for a variance for setbacks.
- Commission stated that an NOI will be needed with a plan showing the wetlands; need to have property surveyed and have wetlands properly delineated.
- Upton bylaw doesn't apply.

7:05 PM NOI – East Street Estates

R. Mainville/Andrews Eng.

- F&D Central Realty filing for Definitive Subdivision plan. Replaces previously filed Open Space Subdivision plan.
- This is a proposed 16-lot subdivision on 47 acres; lots will be 2 acres.
- Wetlands have been delineated including a vernal pool.
- Wetlands replication = 8,000sf therefore needs MEPA filing and Army Corp of Engineers filing.
- 5 basins are proposed; roadway will be 26ft with a 4ft sidewalk.
- Proposing a 15ft x 3ft open box culvert at the existing intermittent stream; meets ACE requirements.
- A couple houses are in the buffer zone.
- MP asked if any of the replication area in in the vernal pool resource area and stated that this would be a problem; does not want this to occur.
- CS asked if the houses in the buffer zone can be moved out; Rich Mainville stated no not under the current configuration.
- SH asked what type of wetland is being replicated; RM said it is currently an open field thus proposed replication area is to be shrubs; SH said can plan it so that eventually it would be wood/forest area.

- MP stated that there is a problem locating a replication area within an existing resource area; under Town bylaw 1:1 replication is required; the Army Corp has other requirements or choices such as preservation.
- Applicant is proposing to deed an open space parcel to the Town.
- CS suggestion preservation of areas with existing trees to mitigate for the lower wetland areas.
- Con Com members are not in favor of replicating wetland within 100 ft of the vernal pool plus the 30 ft no disturb so total of 130 feet.
- Preservation of areas would probably reduce the amount of replication needed and Con Com is favorable to this; DP offered to meet with the applicant and someone from the Army Corp to discuss.
- DP review/report was provided to the applicant; also noted that the bylaw fee was incorrectly calculated thus additional \$850 is required.
- MP interested in attending site walk w/ MEPA when set; applicant is still providing details to MEPA.
- Discussed the large tree at the entrance which applicant is trying to preserve; suggestion was made to have an arborist look at it and determine how the current proposal will affect the tree; Con Com would like info on that.
- DEP # has not yet been issued.
- Walnut Street abutters raised concerns for their wells; applicant indicated that there should be no impacts.
- Questions also about safety concerns at the basins.
- PH continued to October 10th at 7:15 pm.

7:45 PM Governors Landing discussion

J. Roelofs, Atty

- JR provided an informal overview of the conceptual plan that is currently before the Planning Board; concept plan is for a senior housing community (SRC zone) and townhouse development (GB zone) located off Milford St. Developer/applicant is Fafard.
- Proposing to bring water & sewer to the site; will come up from Station St and run through the development out to Route 140 (Milford St).
- Previously this project was approved for 59 single-family houses after legal process w/ Con Com and Planning Board.
- This concept plan provides alternative housing per Upton's Housing Production Plan; townhouses in the GB zone is permitted through ZBA Special Permit process; and the Senior Housing Community is through Planning Board Special Permit.
- The Senior Housing Community would set aside 20 acres of open space; also, will talk with the Affordable Housing Committee.
- Tighter development footprint increases buffers to wetlands and provides more open space; also, this development adds different housing type to the housing stock.
- Will be reflagging wetlands and verifying buffer lines (30-50-100 ft); will hire a wetlands consultant; will need to file an NOI but probably not until next year (2019); DP suggests flagging the wetlands now and file an ANRAD.
- Applicant was asked if any thought to providing retail in the front (GB zone); they have considered but the developer doesn't think there is a market for commercial development in this area.

8:15 PM NOI – Fowler St (Robertson property) J. Savello

- Sandy Lajoie recused herself as she is an abutter to this property.
- This is approximately a 40-acre lot; looking to cut out 1 lot for a single-family home and the remaining land will be put in a CR; currently working with SVLT.
- Per John Robertson (property owner) 10 – 11 acres across Fowler St will also be included in the CR which makes the total site about 46 acres; a new appraisal of the land will be done after the lot is cutout. The intent is to put land into a CR and perhaps allow as a farm and will have walking trails.
- Proposed new lot abuts Warren Brook; bank, wetland and buffer zones have been delineated; proposing to access within the 100-200 ft riverfront zone as there is already an exiting path in this location with acceptable grades; this cart path was for access to an old mill. Disturbance for driveway is 3,800 ft and additional 5,500 for house & septic -- which is 8.5% of the 69,000-sf lot;
- This proposed driveway access and location of house & septic requires minimal grading and a small cut at driveway for garage under the house.
- Alternate proposals for driveway outside the 200' zone would require more grading and access at curve in the roadway which would be hazardous; would need to cut banking for site lines on the street and would also need retaining walls; alternate 2 would have 14,000 sf of disturbance and alternate 3 would be 17,000 sf.
- 100-year flood is shown; only impact is at driveway entry.
- NHESP response has been received and indicates “no take”.
- Erosion controls need to be shown; can be wattles or compost tubes.
- Area is ACES & Priority Habitat.
- Flag 8 & 9 were questioned; need to show the 30 ft no disturb and 50 ft no build lines.
- Will require bounds on the driveway; where driveway turns/bends use concrete bounds.
- This proposal has least impacts.
- DP thanked the Robertsons for committing to preserve this land; raised questions about work in the riverfront area; possibly move the house by a couple feet to get it out of the riverfront; JS stated that moving the house puts additional driveway in the riverfront; proposing to pave the driveway.
- Will need to take down some large white pines that are near the road; they are outside riverfront.
- Bylaw fee received but DEP # has not yet been issued.
- Continued to 10/10 @ 7:30 pm.

9:05 PM Con't NOI – Westboro Rd Solar A. Christie & K. McGarry

- Draft OOC reviewed; AM raised question with #22 -- valid “use variance” and all permits to be obtained. CS will check with town counsel on this language.
- Applicant presented scans created by a drone from various locations; actual presentation was made at Planning Board hearing on 9/25.
- Other items from OOC were discussed and amended, specifically #s: 40, 32, 29, 30, 32 & 41.
- Abutters asked about “use variance” and raised questions about the initial ZBA notice; asked if the abandoned structure located on this property is to be removed – applicant stated yes.
- In order to verify language the hearing is continued to 10/10 at 7:45 pm.

9:50 PM General Items

MM – motion to approve minutes from 8/22/18 meetings – 2nd & approved.

Admin/Finance –expense voucher & timesheets approved.

Motions:

- motion to issue COCs for 236 Milford St and 21 Francis Dr – 2nd & approved.
- Motion to sign & submit the Sign Permit Application – 2nd & approved.

0 Milford St NOI – applicant did not show; continued to next meeting 10/10 @ 8:00 pm.

10:00 PM Motion to adjourn – 2nd & approved

Minutes approved on: _____

_____	_____
_____	_____
_____	_____
_____	_____

Document List:

- 1) Con Com Agenda/Action Item Checklist
- 2) Sign-in Sheet
- 3) Agent Reports: 8/23/18 – 9/11/18 and 9/12/18 -9/26/18
- 4) DP Application Review – 0 Fowler St
- 5) DP Application Review – 0 Milford St
- 6) DP Application Review – East Street Estates
- 7) Mass Fish & Wildlife letter re: Fowler St NOI
- 8) Proposed plan for 20 Shore Dr (Glassman)
- 9) Draft Special Conditions for Westboro Rd Solar (311-0751)
- 10) Scans for Westboro Rd Solar NOI

Conservation Commission
Meeting Minutes
October 10, 2018

In attendance: Commission members Tom Jango, Sandy Lajoie, Alan Miano, Mike Penko, Chris Scott, and Marcella Stasa and Conservation Agent David Pickart

Meeting called to order at 7:00 PM

Review and approve meeting minutes

Motion to approve minutes of Wednesday, August 26, 2018 as written seconded and approved.

Website update

Land Stewardship Committee page updated to show new committee officers and photographs added to Conservation Commission page.

Open Space Committee report

Chair will meet with Board of Selectmen at their November 20 meeting to get approval to locate the sign/kiosk in the Whitney parking area.

Financial report

Motions to approve payment to Koopman's and to Gatehouse Media were seconded and approved.

Other business

Request for a Certificate of Compliance for 20 Dogwood Drive (Crosswinds) was submitted to the commission. Motion to approve a Certificate of Compliance for 20 Dogwood Drive was seconded and approved.

Agent's Report

No major issues

Upton Ridge going well

Afonso on W River Rd looking good, a lot got done in the last couple of weeks

David will be away end of October through Nov 8 and week after Christmas

Northbridge will be terminating the Intermunicipal Agreement, which will raise Dave's availability to 19 hours/week. Dave will let the Town Manager know when that's taken place

Three potential violations were reported and investigated:

124 South Street - Katherine Scanlon Trust (Across the street from 117 South St): Small structure/shed in wetland. Diane Judd will let the Building Inspector know about the structure.
Shore Drive: Asphalt/fill dumped on Antinarelli lot or in town right-of-way. Dave will follow up with Department of Public Works.

51A South Street: Anonymous call that tree cutting taking place near West River. Nothing is visible from the street.

Dave will follow up with DPW and send letters.

7:15 - Continued Hearing – East Street Estates - Afonso

Hearing continued at request of applicant.

Update agenda

Mike reviewed standing agenda and proposed removing several items (Crosswinds/Christian Hill/21 Pearl/Christian Hill/W River Dwinell/75 Fiske Mill/Dave's vacation).

New Business

Conservation Commission's ESRI ARC GIS software version is dated (9.6 vs. 10.6). Cost to upgrade is \$1,236 (state contract price) and it's \$400/year for technical support. The usefulness and need to upgrade were discussed. The GIS software is very useful, it can be used to record, among other things, location of bounds, location of trails, and trail conditions and to produce maps. The Conservation Commission has used v9.6 for 8 years and has only used technical support to move the program from one computer to another.

Continued Hearing - 0 Fowler Street - Robertson

John Savello appeared for the applicant.

Mr. Savello reported on the changes to the previously presented plan:

- Added siltation controls – straw bales/socks
- Added Upton 30 and 50 feet buffer zones and noted that the 50 foot buffer zone clips entrance to the driveway and that activity within 30-50 area is grading, landscaping and driveways.
- Added no-disturb bounds
- Moved proposed house out of 200 foot riverfront area no-disturb zone

He also noted the Department of Environmental Protection issued a file number, the Planning Board approved the "Approval Not Required" plan, and the Board of Health approval was pending for the septic system

Mr. Savello asked on behalf of the applicant, Cathy Robertson, whether the Commission would be able to prepare the turtle protection plan required by the Natural Heritage and Endangered Species program. The Commission responded that they can't as it's a conflict of interest and mentioned that Goddard Consulting/Oxbow Associates have done work in Upton. It was also suggested that the applicant ask NHESP to review the radio-tag study done by Goddard for Upton to see if they will release the plan requirement based on the study results.

Mr. Savello requested that the hearing be closed

7:45 - Continued hearing - 0 Westborough Rd – Thompson Family Trust/ZPT Solar

Adam of ZPT Solar representing the proponent.

Ms. Scott noted that Town Counsel confirmed that the Order of Conditions just needs to say that all other permits need to be obtained (Condition #22).

Changes from the previous version of the Order of Conditions were reviewed:

- #29 – Draft Storm Water Pollution Prevention Plan shall be submitted within 45 days; draft comments shall not be unreasonably withheld; Conservation Commission shall not be liable if SWPPP controls fail
- #32 Change to 45 days; acceptance shall not be unreasonably withheld
- #42 Added “Commission may impose daily fines pursuant to its authority...” Okay with applicant

Mr. Penko suggested that straw wattles be deleted from condition #38 as they are not included in applicant’s plan.

Applicant stated that he was satisfied with all of the conditions and asked to close the hearing.

Motion to close hearing was seconded and approved.

Motion to issue Order of Conditions for 0 Westborough Thompson Family Trust/ZPT Solar was seconded and approved.

8:00 - Eversource request to amend Order of Conditions

Eversource requested that its Order of Conditions be amended to reflect that it would strap the gas pipe to the Hopkinton Road bridge instead of burying it under the stream. The Agent will ask Eversource to send a letter to the Commission outlining the change and will respond for the Commission that the change is okay.

8:15 - Continued hearing - 0 Milford Street – Land Planning

Norman Hill appeared on behalf of the applicant.

Mr. Hill described the project:

- Building 53 feet from Bordering Vegetated Wetland
- Septic system 64 feet from Bordering Vegetated Wetland
- Applicant described how the lot was split from a bigger parcel by the relocation of Route 140. The pavement from the old Route 140 is still there.
- There will be no activity in the 30 feet no disturbance zone.
- Ledge prevented applicant from ... in front of the proposed building
- The septic design has been approved by the Board of Health
- Drainage off roof clean and will go into infiltration area
- Drainage off parking addressed in stormwater management plan

Discussion of alternatives:

- Could you remove the old pavement? Only half as the rest is on the abutting property.
- Can you make the building smaller? A smaller building is probably not viable.
- Can you make it two floors? Elevators/stairwell add substantially to cost and are not usable space.
- Did you consider porous pavement? Pavement blocks are 30% more expensive and can't be plowed.

The Commission requested the following changes to the plan:

- Add bounds along tree line to plan.
- Add "No snow beyond this point" signs
- Show edge of old pavement on the applicant property
- Add soil/seed mix used to loam and seed
- List native shrubs to be used and spacing.

Commission also asked that applicant submit letter from Code Enforcement Officer confirming that the lot is grandfathered.

Hearing continued to October 24 at 7:30

Forestry management plan

Agreed to discuss forestry management plan at next meeting. Mike commented that Conservation Commission should lead forest management as Land Stewardship Committee is busy.

Motion to adjourn at 8:58PM was seconded and approved.



TOWN OF UPTON, MASSACHUSETTS

Conservation Commission

Meeting Minutes – Wednesday 10/24/18

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 & Scott Heim
Mary Overholt, Associate; David Pickart, Agent & Bill Taylor, OSC/LSC

7:00 PM General Items

Agent's Report:

- Report submitted for 10/10/18 – 10/23/18
- Spoke with property owner at 29 Warren St who wants to remove 5 trees that are in or near the wetlands and is concerned they will come down in a storm. These are considered hazardous so no issue with taking them down.
- Motion was made to authorize removing the 5 trees at 29 Warren St – 2nd & approved.
- DP mentioned he has canceled his vacation for next week.
- Draft letter to MEPA re: East Street Estates; MP had comments; site visit with the Army Corp has been set for 10/31/18 at 10:00 am.

Office Report:

- DS vacation week of 12/3 – 12/5.
- Working on cleaning office and files.

Admin/Finance:

- Expense voucher & timesheets approved and signed.
- Will update wetland accounts to determine if we can increase to DP's hours to 15/week. Not renewing the IMA with Northbridge.

Website: AM continues to update as needed; NUOS Stewardship Plan has been updated.

OSC: Robertson's property has been fully surveyed; waiting on the updated appraisal.

LSC:

- Mr. Howarth has offered to mow the field at Glen Echo (Howarth Glen) for \$300 (same price as 2 years ago). He can do it in early November it hasn't been done in 2 years. MP walked the field and noticed some autumn olive growing which could be treated with herbicide. SH has a Pesticide Applicator License and MP will let his lapse at end of year.
- Motion to approve \$300 for Mr. Howarth to mow the field – 2nd & approved.

- MP is working on updating the Open Space & Recreation Plan and hoping to have it done by May 2019; looking to do a survey as the last one was 2011; possibly have a survey in the Annual Street Listing sent out by the Town Clerk and/or Survey Monkey; would like to target 500 households and provide a SASE.
- Motion to spend up to \$600 for postage for support of the OS & Rec Plan – 2nd additional discussion regarding the amount – amend the motion to increase the amount to \$1000 to include printing – 2nd & approved.

7:25 PM Con't NOI – 0 Milford St

N. Hill

- Mr. Hill met with the Building Commissioner (Patrick Roche) regarding the lot; a letter from Mr. Roche was provided which confirmed that the lot is pre-existing non-conforming.
- Bounds were added to the plan at the 30' not disturb line; no work is proposed in this area.
- Proposing to revegetate with mountain laurel as noted on the plan.
- Details on the stormwater system are included on the plan; and O&M provided.
- Question was asked about the old pavement that was noted; it is buried under about 6" of pine needles & leaves. It is already breaking up and is under ground cover. Is it worth disturbing the land to dig it up then replant? Commission stated that it was not worth removing.
- PH closed; OOC will be issued.

7:35 PM On-Going Items

SWF Kiosk (sign):

- Mr. Potheau says he is ok with the sign; because it is being installed on private property (within the town's easement) Pat Roche (Bldg. Commissioner) requires that we hire a professional installer who has insurance; Metacomet has money to pay for this. BT will check with the Town Manager to see if the BOS need to approve the sign.
- Motion was made to accept funding from Metacomet to pay for the installation of the sign at SWF on the Potheau's property – 2nd & approved.

Beavers:

- TJ updated that it appears that the culvert at Southboro Rd is blocked; may not be beavers but just debris and material clogging the culvert; suggestion was made to have Beaver Solutions come out and make a determination as to what best solution might be and to have maintenance agreement; in the mean time CS will ask the DPW to check and clear the culvert grate. TJ also noted that it appears the beavers are damming at the Fowler St location he will investigate; this will ultimately affect back yards; CS will inform DPW on this too.

Taft Mill Estates OS parcel: this has not been transferred to the jurisdiction of the Con Com; should do a site visit – set for Sat., 11/17/18 at 1:00 pm

File 311-0610 - West River St common driveway (Afonso) expired August 2018; DP has been advised by the DEP (for another project) that we can still accept the Request as he is very close to finishing the project; motion was made to issue and extension for this project – 2nd & approved.

Warren Brook Watershed: RDA has been prepared & submitted for trail maintenance work; public hearing set for 11/14/18 @ 7:15 pm.

Motions:

- Sign & issue the OOC for 0 Fowler St (Robertson) – 2nd & approved.
- Sign & issue the OOC for 0 Milford St (Hill) – 2nd & approved.

8:10 PM Forestry

- Need to move forward with cutting plan; we should get a couple of proposals; SH & TJ will start the process. If over \$10,000 will need 3 quotes.
- MOU with tribes – check status with Cathy Taylor; tribes have an informational presentation on how to identify and preserve cultural sites - cost is \$500. BT stated that FUSF is willing to pay up to 1/3 of the cost; MP stated that Metacomet is thinking of having this presentation at their annual meeting.

8:25 PM Motion to adjourn – 2nd & approved

Minutes approved on: _____

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Document List:

- 1) Con Com Agenda/Action Item Checklist
- 2) Agent Report: 10/10/18 – 10/23/18
- 3) Ltr from Patrick Roche, Bldg Commissioner re: 0 Milford St
- 4) Current Expense report



TOWN OF UPTON, MASSACHUSETTS

Conservation Commission

Meeting Minutes – Wednesday 11/14/18

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 & Scott Heim
Mary Overholt, Associate; David Pickart, Agent; & Bill Taylor, OSC/LSC

7:00 PM General Items

Agent's Report: Report submitted for 10/24/18 – 11/9/18

Office Report: DS attended a workshop on public hearings; also discussed site visit protocol.

Website: AM continues to update as needed; info on climate change has been added.

OSC: Robertson's property has been fully surveyed; waiting on the updated appraisal. Met with SVT AmeriCorps on assistance opportunities; meeting with a UMass Grad student. Draft survey for Open Space Plan.

LSC: Stumpy's working at the schoolhouse site on North St; we are on the BOS agenda for signs & kiosks; work day scheduled for Sun 11/18 from 9 – 12 at Howarth Glen field; BT & MP doing some trail work; LSC will have a new Chairperson in January.

Meeting Minutes: Motion to accept minutes from 10/10 & 10/24 meetings – 2nd & approved.

7:15 PM Warren Brook Trail RDA

Mike Penko

- Conservation Commission proposing improvements of trail system off Grafton Rd.
- 4 areas to install plank boardwalks with 2'x 6' decking and will have footers; 1 area w/ narrow 24" wide boardwalk at stream; Areas have been identified in the North Upton Open Space Stewardship Plan; all areas are on the main trail.
- Mike Penko recused from vote.
- Motion to issue a Negative Determination – 2nd & approved.

7:30 PM On-Going Items

Rockwood Meadows:

- BT & MP walked the site with Kevin Lobisser representative; looking at trail to determine what will be needed in terms of boardwalk & signage; KL is concerned about keeping people on the trail and not on resident's property. MP is pricing a kiosk for the parking area. Looking at purchasing a larger size for about \$2800 and possibly have by next month; to date we have had 7 built by Boy Scouts and we built one; 2 more are slated to be built by scouts. KL has agreed to build a wetland crossing (causeway or boardwalk); maybe we can do a trade with KL in that we will build the boardwalk if he would give some money for the kiosk – some amount that is fair. Suggestion was made to see if BVT could assist. BT said there is a process for BVT and probably a waiting list for projects and we would like to get signs up soon. The parking area is visible so a nice professional sign/kiosk would be preferable at this location; it is also likely to be a popular spot.
- Motion was made to support spending up to \$2800 for a kiosk @ Rockwood Meadow with some possible funding to come from KL – 2nd & approved. (Funding from general expense)

Facebook & social media:

- MP suggests creating a Facebook account to post info such as public events such as the Robertson property walk with SVT will be Dec. 2nd from 10 – 11:30 am. AM mentioned that the town website does allow for signing up to get news items. DP offered to manage a Facebook page (he said Northbridge is also creating one).
- MS has been keeping an email list on her own computer in order to provide info but it should be elsewhere. MP said Metacomet uses "Mail Chimp" for emailing.
- Motion to have MP & DP work on a Facebook page – 2nd & approved.
- Motion to have MP move forward with Mail Chimp for email list – 2nd & approved.

7:45 PM COC Requests – West River St

Afonso

- 311-0610 (entire site) - DP met with Mr. Afonso & Ron Tubman of G&H and was very pleased with progress on these sites. Suggest removing the erosion control barriers. Suggest issuing a partial COC for the overall site.
- 311-0737 (166 West River St) - DP reviewed and looks great but noted a couple gullies on N & E side due to above average rainfall; suggests issuing a partial COC as this will need to be repaired in the spring.
- SH asked about the spacing of the boulders – yes, they have been corrected; turtle area also has been done.
- Mr. Afonso is present and is aware of items that will need to be finalized in the spring; final paving will happen in the spring for the common driveway. Mr. Afonso asked if partial COC would allow for sale of home to happen? He states that work has been done but finalizing and fixing to happen in the spring.
- Common driveway will be owned by the homeowners; possibly will add a perpetual item for paving & maintenance of slope in the COC.
- Motion to issue full COC for both with the condition that slopes need to be maintained (166 West River St) – 2nd & approved.
- Still an open OOC for the culvert project.

8:05 PM North Upton Open Space (NUOS) Stewardship Plan - Forestry Scott Heim

- SH spoke with Phil Benjamin (Forester) and sent him a copy of the plan; setting up a site visit with him.
- MP asked about tribal issues and suggests that we send a letter to the tribes to explain what we are doing and ask for their support; some items have been GPS'd. SH will draft a letter to the tribes.

8:15 PM On-going Items:

Beavers: TJ spoke with Mike Callahan about a grate at Southboro Rd and is waiting to hear back. DPW pulled out the grate as it was filled with debris and water is now flowing. There is a dam at Fowler Rd but water appears to be flowing.

Permitting Process: draft document sent around for comment; DS stated need to increase fees for public hearing notice in newspaper (MDN); Motion to increase legal notice (ad) fee to \$90 – 2nd & approved.

Firewood Lottery: drawing will be sometime the first week of December; will pick 3 names plus an alternate.

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

Minutes approved on: _____

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Document List:

- 1) Con Com Agenda/Action Item Checklist
- 2) Agent Report: 10/24/18 – 11/9/18
- 3) Agent's review West River St projects (311-0610 & 311-0737)
- 4) Draft Permitting Process document
- 5) Kiosk information – Rockwood Meadow.



TOWN OF UPTON, MASSACHUSETTS

Conservation Commission

Meeting Minutes – Wednesday 11/28/18

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, Scott Heim & Marcella Stasa
Mary Overholt, Associate; David Pickart, Agent; & Bill Taylor, OSC/LSC

7:00 PM General Items

Agent's Report: Report submitted for 11/10/18 – 11/27/18

Admin/Financial: updated account balances provided. Timesheets & expense voucher signed.

Website: AM continues to update as needed; info on BSA 2018 projects has been added and additional information on climate change (new report).

7:15 PM Lot 0 Chestnut St NOI

Afonso

- Applicant emailed DP saying they want to continue to our meeting in December.
- CS read the PH notice and opened the hearing then continued it to Dec. 12th at 7:30 pm.
- Abutter S. Merusi stated concerns with the amount of wetlands on the property and wants to make sure that the applicant will be monitored closely and held to whatever is permitted.

7:20 PM General & On-going Items

OSC: Site walk at the Robertson's property on Sunday Dec. 2nd has been canceled; site walk at SWF with SVT is scheduled for Sunday Dec. 12th from 10 – 11:30 meet at the parking area. Received the updated appraisal of the Robertson property: estimated value of CR is approx. \$443K; the Robertson's were hoping for closer to \$500K; SVT can go up to 10% above the appraisal and questions was asked about CPA funds.

LSC: two work events were canceled due to weather; Stumpy's invoice received – pay from CPA funds. BOS approved installation of the sign at SWF. Greg Trussell can do the work and has the appropriate insurance.

Taft Mill Open Space Site Walk:

- Site walk held Sat. Nov 17th; site is approximately 11 acres; 1 certified vernal pool and potentially 2 additional VPs.
- Do we want LSC or Con Com to ask to get control of this property in order to manage it? We would need to have a warrant article at town meeting to put the property under the care, custody and control of the Con Com (no CR) so becomes Art. 97; or we can go directly to the BOS to ask them to put the property under care, custody & control of the Con Com – 2/3 vote of BOS can approve. BT will provide language to be forwarded to the Town Manager.
- Motion to ask BOS for care, custody and control of this property – 2nd & approved.

Glenview St (new house lot): complaint about runoff coming from the site AM investigated and noted there is some water but not impacting wetlands but will ask developer to rectify.

Open Space & Recreation Plan: MP created survey (draft) will need to create a cover letter; Town Clerk needs by early December if we want to include w/ the Annual Census Form that is mailed out in early January. This would be 3 pages. As an FYI we will update the BOS that this is happening.

Rockwood Meadow kiosk: There is a scout that is interested in building a kiosk so potentially we will not need to purchase one. The scout has been invited to the next LSC meeting. No word yet from KL about assistance with boardwalk or loop trail.

Annual report – draft in progress.

Email list – MP created a Mail Chimp account.

8:10 PM **Motion to adjourn – 2nd & approved**

Minutes approved on: _____

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Document List:

- 1) Con Com Agenda/Action Item Checklist/sign-in sheet
- 2) Agent Report: 11/10/18 – 11/27/18



TOWN OF UPTON, MASSACHUSETTS

Conservation Commission

Meeting Minutes – Wednesday 12/12/18

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

Members Attending:

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

7:15 PM East Street Estates Definitive Plan

R. Mainville/ASE

- Revised plans delivered today (12/12/18).
- Met with Army Corp of Engineers; replication area moved and increased to 8825 sf (approx. 10 - 12% bigger); must give OS land to a conservation organization – either the Town or a land trust.
- 5 detention basins 3 of which are partially within the 100' buffer zone.
- Stormwater control revised for up to 100 year storm; potential impacts from 2 year storm have increased.
- DP has only give a cursory review as plans were delivered today; still need DEP file # and ENF. DP will review and provide comments/questions.
- Change in size of the detention basins as they have added more basins.
- Total site area is approx. 40 acres of which 9.2 acres are being proposed as open space.
- Two lots inside the circle are over 80,000 sf lot size as are 3 others; MP commented that the oversized lots could be reduced to increase the open space area.
- Question about what type of replication area – is it forested?
- Continued to 1/9/19 @ 7:30 pm.

7:45 General Items

Agent's Report: Report submitted for 11/28/18 – 12/11/18

Admin/Financial: Timesheets & expense voucher signed; performance reviews done for DS & DP; motion to issue a partial COC for 3 Oak Dr – 2nd & approved.

Meeting Minutes: Motion to approve minutes from 11/14 & 11/28 (as amended) – 2nd & approved.

Website: AM continues to update as needed.

OSC: Talking with CPA about the Robertson property and likelihood of paying more than the appraised value; some indication that the Robertson's may accept the appraised value. Reviewing draft of the OS & Rec Survey; Kelly McElreath is checking with her vendor on the cost of including the survey & cover letter with the mailing for the annual census. Comment was made regarding the survey question about school aged kids in the household – what age is that intended for? May need

to be more specific about age such as K – 8 or K – 12. Motion was made to authorize spending up to \$1500 for the mailing – 2nd & approved.

LSC: Clearing and mowing being done at Howarth Glen field.

Firewood Lottery: 3 winners and an alternate were selected; all have been contacted; a motion was made to put the winner's names on the website. DS will ask Kelly McElreath to put an announcement on the home page of the website.

SWF sign/kiosk: Greg Trussell has been hired to do the installation; he has appropriate insurance.

Beavers: TJ is keeping an eye on Southboro Rd and Fowler Rd sites; he will follow up with Mike Callahan.

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

OS & Rec Survey: will contact the Town Manager to let him know this is being worked on; BT has informed the BOS; will post this on the new Facebook page and on the website.

Annual Report: draft still being finalized.

Taft Mill OS: OSC will reach out to the BOS should we also ask about Crosswinds OS? BT will investigate.

Forest Stewardship: SH received an email today from Phil Benjamin (Forester) with estimate of his cost; if over \$10K we need to get 3 quotes. We can talk with PB and perhaps have him invoice at each stage of work. Suggestion was made to inquire if the company that is awarded the forest harvesting would sell firewood to Upton residents at a reduced rate.

8:25 PM Motion to adjourn – 2nd & approved

Minutes approved on: _____

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Document List:

- 1) Con Com Agenda/Action Item Checklist/sign-in sheet
- 2) Agent Report: 11/28/18 – 12/11/18
- 3) Info on longevity pay for budget
- 4) Draft OS & Rec Survey and cover letter
- 5) Draft letter to Tribes re: NUOS
- 6) Draft Annual Report
- 7) Copy of email from Phil Benjamin