

# CONSERVATION COMMISSION

Town of Upton



Massachusetts

508-529-6286  
concomm@upton.ma.us

1 Main St, Box 9  
UPTON, MASSACHUSETTS 01568

## Meeting Minutes – Wednesday 1/9/2013

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

### Members Attending:

Chris Scott, Mike Penko, Marcella Stasa, Alan Miano, and Tom Jango

#### 7:40PM 6 Francis Dr – easement

E. Rae/D. Howarth

- Property owner Edward Rae has questions regarding a drainage swale that runs across the back of his property but is not shown on his deed.
- He is researching why and when it was installed. Mr. Howarth recalls this being done by Pulte to address water coming off the hill and running across North St.
- For safety reasons Mr. Rae would like to pipe it and bury the pipe. He is not looking to remove it entirely if it is properly functioning.
- Can it be redirected into the existing drainage easement that was built as part of the subdivision and now belongs to the Town? Would need to look at the calculations for that easement – can it handle more water? Need to look for the Glen Echo Drainage Study.
- We can check Schofield's reports to see if they have any info on this easement.
- Does Con Com have any jurisdiction? Not a resource area but is a buffer.
- DPW has been out to the site but as this was not accepted by the Town this easement is not under their jurisdiction.
- Could this have been a temporary construction easement?

#### 8:30PM Town Hall Renovation project

J.Savello & T.Paris; D. Manley

- **Site Improvements to Town Hall & Warren St parking area:**
- Subsurface perimeter drain around the building for Storm Water purposes; this will decrease the amount of impervious surface around Town Hall.
- Run-off from the parking area will be collected in 2 deep sump catch basins; discussion of alternate systems such as Storm Septors/Vortex systems. These are more expensive but will keep more sediment from entering the brook. Con Com would prefer the Septor system for the lower parking area but the deep sump system is fine for the top of the parking area.
- Not expanding the parking area on Warren St but some work will be in the no-disturb area.
- Infiltration not needed.
- Town will need to file an NOI for this project.
- **Improvements to the Unitarian Church parking lot (Church St):**
- This lot will allow for additional parking for Town Hall.
- Town will design lot w/ curb cuts, paving & painting the parking spots. Not expanding the size of the parking area but will improve the function of the lot and will include a swale to prevent run-off into the brook.
- Town will need to file an NOI w/ the Church being co-applicant as they are the owner of this property.

#### 9:20PM Forest Management Policy (draft)

- Members met w/ BOS on 1/8/13 to discuss the draft policy; BOS supported this document.
- Con Com will hold a public hearing; draft will be put on the website prior to the hearing.
- Tentative date for public hearing is 3/13/13.

**9:35 PM          Agents Report**

- Per report submitted 12/12/12 – 1/9/13.

**9:45 PM          Discussion of Chace Property**

- 2 acres parcels at Grafton/Upton town line that extends into Warren Brook area in Upton. Town has been approached by Mr. Chace regarding Upton purchasing this land.
- MP contacted the Assessor's for info on these parcels; Assessors have no info that Mr. Chace owns any land in Upton, no record of taxes paid.
- Does Upton already own these parcels? Further research is needed. LSC will be the point of contact.

**10:10PM          General Items**

**Meeting Minutes**

- Motion to approve minutes from 12/12/12 – 2<sup>nd</sup> & Approved.

**Website**

- Will add the Forest Management Policy (draft).

**LSC**

- Applied for a grant through the Recreational Trails Program; money will be used for signage.
- Motion to reimburse MS for \$169.61 - 2<sup>nd</sup> & Approved.

**Finances**

- Current vouchers signed.
- FY14 Budget.

**Motions**

- Motion to accept the final Annual Report – 2<sup>nd</sup> & Approved.
- Motion to accept changes to the Green Communities letter and send to BOS – 2<sup>nd</sup> & Approved.

**10:35 PM          Meeting Adjourned**

**Minutes approved on \_\_\_\_\_**

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

### Members Attending:

Chris Scott, Mike Penko, Marcella Stasa, Scott Heim, and Alan Miano

### 7:35 PM Westboro Rd – Mud Run (Trail Race) R. Thompson/D. O'Rourke

- Property owner Ray Thompson proposal to have a trail race on his property (approx. 72 acres). This is a foot race.
- Estimating a 5 – 6 mile course which will zigzag around the property; looking to minimize wetland crossings.
- Non-permanent obstacles along the course.
- Want to preserve the environment; will flag the trail; not looking to clear cut but do some cutting for trails.
- Need to look for invasive species and remove them.
- Concerns about parking area; suggest that he put gravel at the entrance to the parking area in order to reduce tracking dirt & sediments onto the roadway.
- Erosion controls will be needed.
- Boardwalk over wetlands in order to keep people out of the wetlands.
- NHESP? Rare species habitat?

### 8:20 PM Agents Report

- No printed report.
- Site visits to Maple Ave landfill and Cross Winds; not much happening at either site.
- 274 Mendon St site visit for foundation – no problems.
- Discussion regarding need to work more closely with Code Enforcement and the need for Con Com to sign off on projects.

### 8:35 PM General Items

### Meeting Minutes

- Motion to approve minutes from 1/9/13 – 2<sup>nd</sup> & Approved.

### Website

- Forest Management Policy (draft) has been added.

### OSC

- Draft letter to Mr. Chace; MP had some revisions regarding the signs.
- MP spoke w/ Grafton Con Com Agent – land that was thought to be Grafton might actually be Upton.
- Motion to approve letter w/ tonight's amendment to be sent as email to Mr. Chace – 2<sup>nd</sup> & Approved.

### LSC

- Submitted Recreational Trails grant; money will be used for signs & kiosks around properties.
- Motion to sign the letter of support and a letter authorizing MS to be signatory for the grant - 2<sup>nd</sup> & Approved.

**Storm Water Bylaw** – finalizing at meeting on 1/30/13.

**Forest Management Policy** - public hearing set for 3/13/13 at 8:00 pm; will submit article for Town Crier.

**Finances**

- Current vouchers signed.

**9:25 PM Meeting Adjourned**

**Minutes approved on** \_\_\_\_\_

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## Meeting Minutes – Wednesday 2/13/2013

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

### Members Attending:

Chris Scott, Mike Penko, Marcella Stasa, Scott Heim, Alan Miano and Tom Jango

### 7:35 PM South St – Gravel Pit/Cutting Plan H. Poirier & B. Sisco

- Exiting Gravel Permit will expire this summer; the work being done is ok w/in the existing permit. They will need to apply for a new permit before the summer; Will need to file w/ NHESP.
- A cutting plan will also need to be filed.

### 7:50 PM 6 Shore Dr E. Bergman (potential buyer)

- Needs a Certificate of Compliance as there is an open Order of Conditions.
- Will need to file an As-Built plan w/ contours and wetland line flagged.

### 8:00 PM Agents Report

- Per submitted report dated 1/24 – 2/13/13.
- Reviewed Kenneth Village CR made site visit; Initial concern that there are several violations; MS has photos from the original walk for comparison. If there are violations a letter will be sent to the Condo Association.
- Selby will prepare a formal CR report.

### 8:15 PM Warrant Items for ATM

- Forestry Revolving Fund; discussion of dollar amount – set at \$5000 expenditure limit. Motion to put an article on the warrant – 2<sup>nd</sup> & approved.
- Possible Community Garden Fund per LSC.
- Stormwater Revolving Fund.
- Wetland Bylaw Fund discussion of expenditure of \$20,000.
- Conservation Fund.
- Discussion of an article to be placed on the warrant regarding the Thompson parcel (13 acres adjacent to Warren Brook and Town owned) in the custody and care of the Conservation Commission. Also, the Taft Mill parcel.

### 9:15 PM Budget

- Wetland Bylaw Fee Structure – need to look at RDA/NOI fees; possibly a COC fee.
- Will hold a public hearing to discuss fees on 3/13/13.

### 9:30 General Items

Meeting Minutes – MS will amend 1/23/13 minutes.

**Website**

- AM will add wetland fee hearing info.

**OSC**

- Scenic Road Bylaw will not be ready for ATM; will need to hold a hearing to designate roads.

**LSC**

- Submitted Recreational Trails grant.
- Worcester Chapter of the AMC offered to help w/ trails.
- Eastern Mountain Sports has a program that pays their employees to work on trails – might be worth looking into.
- Town Counsel is reviewing the trail easement at Peppercorn Hill.
- Motion to allow a night (sunset) activity at Peppercorn Hill for some time in March to view a comet; will need a location with an eastern view – 2<sup>nd</sup> and approved.

**Office/Misc**

- John Root – Con Com didn't endorse or sponsor his program as he never provided info. Told him to remove any reference from his materials.

**Finances**

- Current vouchers signed.

**10:10 PM Meeting Adjourned**

**Minutes approved on \_\_\_\_\_**

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cc: Kelly McElreath, Town Clerk  
From: Denise Smith, Administrative Assistant

### Members Attending:

Chris Scott, Mike Penko, Marcella Stasa, Scott Heim, Alan Miano and Tom Jango

#### 7:35 PM 11 Wildwood – NOI C. Minnich

- Removing existing deck and putting on an addition w/ a foundation.
- Will be a smaller footprint than the existing deck had; also adding a small deck in another location.
- Possibly will add a retaining wall and terrace to eliminate the slope.
- Erosion controls will be needed; one set at the bottom of slope near pond and a second set at the top of the slope closer to the area of work w/o being in the way. Straw no hay.
- **Conditions:**
- 2 rows of straw wattles (at top and bottom of slope) and silt fence at bottom.
- Plans w/ info on terrace and/or retaining wall will be needed prior to building.
- Excavated material can be used as fill for terrace or retaining wall; any excess will need to be removed from the property.
- Meet w/ Selby prior to building
- Hearing Closed – Order of Conditions will be issued w/in 21 days.

#### 7:55 PM 69 & 71 Crockett Rd – NOI M. Allen

- Chris Scott recused from hearing.
- Upgrade of failed septic system.
- Will clean and fill 3 existing cess pools per the BOH.
- New system will include 2 tanks w/in the 100' buffer zone; will be piping to leach field which is located across Crockett Rd; 5 – 6 trees will need to be removed for the leach field.
- The new system will meet Title 5 requirements and then will be selling the property.
- Erosion controls will be installed.
- Selby has visited the property and has no issues.
- 71 Crockett Rd is not currently occupied it is used as a summer house; primary dwelling is at 69 Crockett Rd.
- **Conditions:**
- Remove excavated materials.
- Erosion controls must be in place prior to beginning excavation.
- Hearing Closed – Order of Conditions will be issued w/in 21 days.

#### 8:05 PM Employee Matters/Benefits K. Picard/BOS

- Discussion on having all administrative functions for all town employees be handled by the Town Manager.
- Roles/functions would still be directed by the individual Boards/Commissions.
- CS raised questions as to who would do performance reviews and sign payroll; also hiring/firing issues.
- KP indicated that they (BOS) are collecting questions/feedback at this time; no language has been drafted yet.

**8:15 PM Agents Report**

- Per submitted report dated 2/14/13 – 2/27/13.
- Upon further review it appears that some of the suspected violations have been eliminated as they are not w/in the Kenneth Village property. Once the ground is clear of snow another visit will be made.
- Walked Cross Winds today (2/27/13) and found quite a bit of water in the fore bay. Selby will keep an eye on this and continue to monitor erosion controls.

**8:25 PM Forest Stewardship Program Mike Downey/DCR**

- Scheduled for 3/27/13 meeting; will have a presentation on Stewardship.

**8:30 PM General Items**

**Meeting Minutes** – will have minutes from 1/23/13 & 2/13/13 for next meeting.

**Website**

- AM added FAQ re: BIOMap.
- Will put public hearing info for Forestry & Fees on the website.

**LSC**

- Volunteers to continue work at SWF.
- Received a letter from Mr. Chace in response to our letter; MP would like to issue a response to Mr. Chace addressing the following: 1) Discuss w/ the Assessors to determine ownership; 2) Clarify that we will use the alternate trail and he can post but not w/ UCC reference; and 3) Explain MA tax credit program available if he donates the land (to Grafton or Upton). BT will draft a letter.

**Warrant Items for ATM (5/9/13)**

Language to be submitted for the following Revolving Funds:

- A) Wetland Bylaw R.F.
- B) Community Garden R. F.
- C) Storm Water Bylaw R. F.
- D) Land Stewardship R. F.
- Motion for Wetland Bylaw & Storm Water Bylaw Revolving Funds that involve expenditures by Upton Con Com can be authorized by the Chair but must be approved by UCC at a meeting – 2<sup>nd</sup> and Approved. (Policy)
- Motion to have Land Stewardship Com vote at a meeting to authorize LSC Chair to expend money from the Community Garden and Land Stewardship Revolving Funds – 2<sup>nd</sup> and Approved.
- Motion that we accept wording for warrant articles as discussed and amended – 2<sup>nd</sup> and Approved.

**Finances**

- Current vouchers signed.

**Motions**

- Motion to issue and sign OOC for 11 Wildwood Ave – 2<sup>nd</sup> & Approved.
- Motion to issue and sign OOC for 69 & 71 Crockett Rd – 2<sup>nd</sup> & Approved; Chris Scott recused from hearing & vote.



**Future Warrant Article**

**B. Talyor/LSC**

- Discussion of draft Warrant Article to transfer 2 Town-Owned properties to the care of the Con Com.
- BT has drafted two versions of an article; will include maps.
- Both parcels are adjacent to Open Space land and contain wetlands.
- Will meet with the BOS to discuss prior to presenting any article for a future town meeting.

**9:15 PM      Regular Meeting Adjourned**

**Members resumed housekeeping work in file room downstairs**

**Minutes approved on \_\_\_\_\_**

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

### 7:35 PM 6 Shore Dr – Request for COC (311-582) S. Blum

- Selby reviewed and determined the fence needed to come down as was not on the original NOI and is w/in the no-disturb area.
- According to homeowners attorney (Ms. Blum) most of the fence & footings were removed today (pictures to confirm).
- COC will be issued w/ the condition that entire fence & footings are to be removed or an Enforcement Order will be issued.
- Motion to issue and sign the COC – 2<sup>nd</sup> & Approved.

### 7:45 PM Wetland Bylaw Fee Schedule Public Hearing

- Discussion of proposed changes to the fee schedule.
- Selby gave an overview of Ashland's fees.
- Intent of raising the fees is to bring our fees in line with other towns; our fees are inadequate to cover the costs associated with reviewing projects, issuing determinations or conditions and issuing COCs for completed projects.
- Motion to close the PH and discuss the fee increase at a later date – 2<sup>nd</sup> & Approved.

### 8:00 PM Draft Forest Management Policy (dated 10/20/12) Public Hearing

- Two week deadline for submitting written comments (by next mtg on 3/27/13).
- LSC currently manages 800 acres (approx.) of conservation areas and Stefans Farm & Goss Pond.
- Overview of General Goals, forest classifications (4 classes) and designation of Upland Forest as Forest Reserve.
- General Plans: Land Stewardship & Forest Management Plans.
- Intent is that Forest Cutting Plans will require a public hearing w/ public input prior to enacting the plan.
- Protect resources.
- General provisions: use of consultants; proposing a Forest Revolving Fund at May ATM 2013; tree nurseries
- Review of Definitions.
- Setback guidelines are very conservative.
- Discussion/Questions/Comments:
- Con Com only has authority over conservation land not Stefans or Goss Pond; LSC (through the Con Com) has management over all lands.
- Forest Preserves - should allow for some flexibility to allow cutting for encouragement of a specific species.
- Recreation Trails – suggest putting a line in any contracts w/ loggers or contractors that they must repair any damage to trails.
- Appreciate fact of consideration of cultural resources; would like to see some type of setback and limit the type of equipment that is used around any such resources.
- May need to have a separate management plan/policy on protecting cultural areas.

- Land Stewardship Plan – may or may not include a MA DCR Forest Plan? This is a case-by-case item. Our town criteria is more stringent/protective than the DCRs; The DCRs plan is for forestry only whereas the LS plan is everything; may be instituted in steps such as first a LS plan then a forestry plan down the road.
- There is no “Forest Management Definition”; possible suggestions: Deciding what trees to cut; or conversely - Deciding what trees not to cut.
- What are the consequences of not having a policy? Responses: may be missing some opportunities to improve our town properties (per established goals); taking back some of the responsibility for what resources we use instead of taking from other areas; wildlife diversity; a forest that is not managed is not always a healthy forest; also will aid in keeping down invasive species; a policy protects and prevents action on town land.
- We are not intending this to be a commercial venture but cutting is needed for some species and to increase diversity of species, wildlife and resources.
- Much concern about and against any cutting or management.
- Need to review the deed (particularly for the Snow property) which contains language for management; not all DCR Best Management Practices (BMPs) are “best”.
- Need to include any CR or deed restrictions info in policy
- Suggestion to add fire or prescribed burning to the Management Policy.
- Motion to close the public hearing – 2<sup>nd</sup> & Approved.

**9:05 PM      Town Hall Renovation – NOI (311-671)**

**J. Savello**

- Drainage improvements – currently 2 catch basins at the parking area on Warren St will be eliminated and replaced with manhole and deep sump catch basins.
- Decrease impervious coverage by about 6,000 sf which will decrease the flow from the site; will use pervious materials.
- Perimeter drains and roof drains will be used (roof drains where existing gutters)/
- Adding another drain on the front walkway at the new handicap entrance.
- Proposed changes are an improvement to the site.
- Stormwater Report was file w/ the NOI also an Operation & Maintenance Plan and Stormwater Pollution Prevention Plan.
- Grading changes to the parking lot on Warren St; will add fill to decrease the grade along the top; also adding a new berm and guardrail.
- Concerns about snow plowing in the parking area.
- Erosion controls are accounted for with use of silt fencing.
- Construction schedule – start June 2013 complete July 2014; Warren St will be closed off during construction; outdoor work won’t be done until spring 2014.
- Utilities will be installed during construction of drains.
- Motion to close the public hearing – 2<sup>nd</sup> & Approved.

**9:35 PM      Westboro Rd Trail Race - RDA**

**R. Thompson**

- Looking at a max of 300 runners/participants
- Estimated that the parking area can hold 365 cars; will have a traffic detail/cop. Question on soils in parking area.
- Will have 10’ – 20’ of gravel where the parking area enters the road; will clear the high grass and thicket area; may need to remove some small trees which will be mulched and used on site.
- 3 wetlands crossing will be temporary. Roughly 90’ – 100’ of crossing (total)
- Course is 3.2 – 4 miles
- Agent raised issue of amount of disturbance/alteration? Commission determined that as the alteration is of a temporary and minimal nature that the RDA filing is sufficient.
- Hearing has been continued until Wednesday, March 27<sup>th</sup> at 7:30 as waiting to hear from Natural Heritage and Selby will do a site visit.

**10:00      General Items**

**Finances** - Current vouchers/payroll signed.

**Meeting Minutes** – Motion to approve minutes from 1/23/13 & 2/13/13 and 2/27/13 – 2<sup>nd</sup> & Approved.

**Website**

OSC - BT drafted a response letter to Mr. Chace's letter; suggested adding info on tax credit program.  
LSC

**Finances FY14**

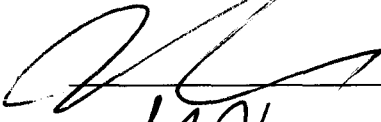

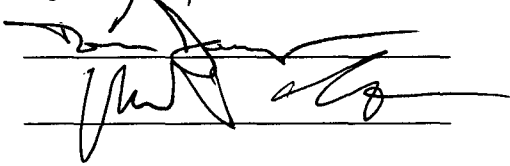
**Kenneth Village** – site visit will be planned for spring 2013.

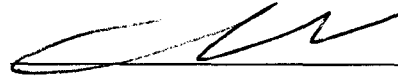
**General/Office** – resend link for State Ethics test; move file cabinet from town hall basement to Con Com office.

**10:20 PM Meeting Adjourned**

**Minutes approved on**

3/27/13

  
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### 7:30 PM 47 Mechanic St – Forest Cutting Plan

- Commission received a copy of the Forest Cutting Plan and will invite Mr. Sisco (cutter & Agent for land owner) to our next meeting for formal discussion.
- Neighbors Tom & Cathy Dodd express concerns regarding wood turtle habitat and Great Horned Owl nesting area somewhere on this property; Cathy spoke w/ the Guy LaChance/State Forester and he hadn't received the plan but will review once he receives it; hadn't been rec'd by Natural Heritage either.
- Also, John & Cynthia Robertson expressed concerns that they have mistakenly delineated areas on their property.
- Commission will send comment letter to the DCR.

### 8:25 PM Working Forest Initiative presentation

M. Downey

- Presentation on the State's Forest Stewardship Program which is a grant program.
- Town can build a Stewardship plan to meet our needs/requirements; the State has a minimum that we can tailor as we want.
- Once a plan is created the Town is not obligated to enact it.

### 9:15 PM Agent's Report

- Per submitted report dated 3/14/13 – 3/27/13.
- Prepared OOC for Town Hall Renovation project (311-0671).
- Motion to sign the Town Hall OOC – 2nd & Approved.

### 9:40 PM Wetland Bylaw Fees discussion

- Need to increase fees as follows:
  - RDA - \$100
  - NOI – pursuant to the State Categories
  - ANORAD - \$2/linear foot; max of \$200/single-family lot; \$2000 max all other projects
  - COC - \$100 for single-family; \$250 all other projects
  - Extension of OOC - \$100
  - Re-issue of any Orders, Determinations or Certificates - \$50
  - Enforcement Orders - \$100
- Motion to accept increases to the Wetlands Bylaw Fees – 2<sup>nd</sup> & Approved.

**10:00 PM**

**General Items**

**Motions:**

- Motion that the Con Com would request that the funds for the Agent's salary come from the Fin Com Reserve account as oppose to the Beaver Fund if possible – 2<sup>nd</sup> & Approved.
- Motion that Con Com would like to request the line item in the FY15 Budget for Salary be increased to \$30,000 – 2<sup>nd</sup> & Approved.

**Finances** - Current vouchers/payroll signed.

**Meeting Minutes** –Motion to approve minutes from 3/13/13 – 2<sup>nd</sup> & Approved.

**Website** – Alan & Denise will work on updating the fee schedule document.

**General/Office:**

- Letter to Mr. Chace will be sent.
- Thompson/Westboro Rd RDA continued to April 24<sup>th</sup> at 7:30 pm.
- Denise on vacation week of April 15<sup>th</sup>. Will check to see if we can have coverage in the office.
- Selby on vacation week of April 1<sup>st</sup>.

**10:25 PM**

**Meeting Adjourned**

**Minutes approved on** \_\_\_\_\_

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## Meeting Minutes – Wednesday 4/10/2013

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

### Members Attending:

Chris Scott, Mike Penko, Marcella Stasa, Scott Heim, Tom Jango and Sandy Lajoie

### 7:35 PM RDA Kiwanis Beach Pavilion M. Cortese & J. Porter (scout)

- Pavilion will be located to the left of the Ramsey Building (if you are facing the building).
- Almost 90 feet from the edge of the water.
- One tree is being removed by the DPW due to an issue w/ the septic; no trees are being removed for the pavilion.
- Slab foundation; Design will match the Ramsey Building.
- Hearing closed; determination will be issued.

### 7:45 PM Agent's Report

- Per submitted report dated 3/28/13 – 4/10/13.
- Site walk at Westboro Rd (Thompson property) set for Wed. 4/17.
- Need to set a date for a site walk @ Kenneth Village and the landfill (Maple Ave).
- Contacted Mr. Cook to do a site walk at his property on Milford St.

### 8:00 PM 47 Mechanic St Cutting Plan B. Sisco

- Natural Heritage listed box turtles should also include wood turtles.
- Cutting will be done as a winter project (beginning Nov 2013).
- Site walk set for 4/16 at 9:00 am with Guy LaChance (State Forester).
- Bill Sisco and Selby walked today; reviewed property lines and flagged boundary (located through deed); trees are marked w/ blue to be cut; boundary trees are marked w/ 3 stripes.
- 5 wetland crossing are identified and flagged; BVW associated w/ the crossings are fairly small area.
- Will build temporary metal bridge over the widest crossing and the others will be done as pole crossings. These will be removed when cutting is done.
- Concerns of the abutters (J & C Robertson) as to the property line; B. Sisco & J. Robertson will walk to review the line.
- If any nests are found in trees they will not cut that tree.
- Cutting is done by 1 man with a chain saw and will pull out w/ a skidder; will remove a couple of truck loads per week.
- Will have a landing area
- Con Com sent a letter to G. LaChance – reviewed w/ B. Sisco.

### 8:25 PM General Items

**Finances** - Current vouchers/payroll signed; FY14 we can amend but Blythe suggested we wait until we know the specific amount; Chris will meet w/ Blythe next week; Bill Taylor will prepare a forecast of potential fee income.

**Meeting Minutes** –Motion to approve minutes from 3/27/13 – 2<sup>nd</sup> & Approved.

**Website** – Updated filing fees; note that RDA fee was reduced from \$100 to \$50 per the bylaw.

**OSC** – Appointments should be made by the Con Com (as is a subcommittee) not the BOS.

**LSC** – Appointments should be made by the BOS (not Con Com). Chris will discuss w/ Blythe – need to review the charge as to how it was written and want to make sure it is done legally; Bids for work on parking area at SWF.

**General/Office:**

- Positive response letter from Mr. Chace.
- Thompson/Westboro Rd RDA continued to Ap
- Chapter 61 land off Pond St (near Lake Whitehall) would provide trail access to Peppercorn Hill.
- Forestry Interns from UMass – police chief will do CORI checks; interns will be doing inventories of town-owned land next fall or over winter break (2013/2014).
- ATM warrant items – Chris will discuss revolving funds w/ Blythe next week.
- Wetland Bylaw Fees – suggestion was made to allow waivers for financial hardship; motion was made to exclude waiver idea – 2<sup>nd</sup> & Approved.
- On 4/11/13 Chris will be meeting w/ the BOH to discuss moving money from the Beaver Fund. It was suggested by the Town Manager that Con Com discuss this w/ the BOH however a majority of the Con Com members don't agree with this suggestion.
- Motion to issue a Negative Determination for the Kiwanis Beach pavilion – 2<sup>nd</sup> & Approved.
- Need to update the Regulations with the new fees.

**9:35 PM Meeting Adjourned**

**Minutes approved on** \_\_\_\_\_

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# CONSERVATION COMMISSION

Town of Upton



Massachusetts

508-529-6286  
concomm@uptonma.gov

1 Main St, Box 9  
UPTON, MASSACHUSETTS 01568

## Meeting Minutes – Wednesday 4/24/2013

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

### Members Attending:

Chris Scott, Scott Heim, Tom Jango, Sandy Lajoie and Alan Miano

### 7:35 PM Agent's Report

- Per submitted report dated 4/11/13 – 4/24/13.
- Site walk at Maple Ave landfill set for Wed. 5/15 @ 6 pm.

### 7:50 PM RDA – 11 Christian Hill Rd

D. Therrien

- No building or disturbance w/in 100 feet except to remove a couple trees.
- Septic is outside 100' line.
- Selby visited the site and noted a potential small isolated wetland btw flags A10 & A11 at the 50' line.
- Need to show the driveway and the isolated wetland on the plan; bounds may be required.
- Selby & Dave will go back to the site to test the soils and determine if it is an isolated wetland.
- Continued hearing until May 8<sup>th</sup> @ 7:30 pm.

Thompson/Westboro Rd continued to May 8<sup>th</sup> @ 7:40 pm.

### 8:10 PM Southboro Rd

DCR

- Boardwalk/trail crossing 32' x 4' wide and some maintenance work.
- Some additional work to pipe & fill will require another amended NOI filing.
- Motion to approve this amendment to the NOI – 2<sup>nd</sup> & approved.

### 8:35 PM Mosquito Control

L. Wahl/C. Harp

- Concerns regarding the article on the Annual Town Meeting warrant regarding spraying for mosquitos; concerns w/ the use of chemicals for spraying.
- Carolyn Harp provided some info on "Mosquito Barrier" which uses non-toxic treatment options. Garlic spray is one such application to repel & kill mosquitos and ticks.
- Con Com needs to discuss further and do additional research in order to present an opinion at town meeting. Will put this on our agenda for the Con Com meeting.

### 9:00 PM General Items

**Finances** - Current vouchers/payroll signed.

**Meeting Minutes** – Motion to approve minutes from 4/10/13 – 2<sup>nd</sup> & Approved.

**General/Office:**

- Con Com appointments this year: Tom Jango, Sandy Lajoie and Marcella Stasa.

**9:20 PM      Meeting Adjourned**

**Minutes approved on \_\_\_\_\_**

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# CONSERVATION COMMISSION

Town of Upton



Massachusetts

508-529-6286  
concomm@uptonma.gov

1 Main St, Box 9  
UPTON, MASSACHUSETTS 01568

## Meeting Minutes – Wednesday 5/8/2013

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

### Members Attending:

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

#### **7:30 PM Continued RDA – 11 Christian Hill Rd D. Therrien**

- Selby and Dave Therrien visited the site, tested soils to confirm isolated wetland.
- Dave revised the plan to show the isolated wetland and moved the driveway and septic.
- This lot is a wooded wetland area.
- 3 bounds will be installed 30' from the isolated wetland on the side toward the house.
- Need to revise the plan to show the location of the bounds and need to add the arc.
- Hearing closed; determination will be issued.

#### **7:50 PM Con't RDA - Westboro Rd Mud Run R. Thompson**

- Selby did a site visit to review wetlands; he determined that no action was necessary to prepare the trail prior to the race but he will make another site visit after the race to re-inspect.
- Race has been set for September 21, 2013.
- Hearing closed; determination will be issued.

#### **7:55 PM Agent's Report**

- Per report dated 4/25/13 – 5/8/13

#### **8:05 PM RDA – Chestnut St E. Bernat**

- Limited wetland/stream crossings (2) on existing cart paths; one has a collapsed culvert that needs repair.
- Selby visited the site and reviewed both crossings.
- 1<sup>st</sup> crossing Gene was looking to double the size (24") of the existing pipe (12"); it is up gradient of the ponds and will keep the bottom elevation the same. Commission recommends going to 18" pipe not 24".
- 2<sup>nd</sup> crossing will simply replace the existing 12" pipe with a new 12" pipe.
- Work will be done this spring; will require sandbags in the stream then will use straw wattles or wood chips for erosion control.
- Hearing closed; determination will be issued.

#### **8:15 PM Whitney Conservation Area Land Stewardship Com./M. Stasa**

- Marcella Stasa recused herself from Con Com to present project for the LSC.
- Wetland crossings and trail enhancement (8 small projects); up to 5 stream crossings may be needed.
- Most work is along the existing cart paths.
- 1 of the areas will require wetland alteration; a 16' x 5' boardwalk will be built.
- There is an old existing cobblestone area that may still be sufficient to use but if not a new causeway may need to be built by using some type of fill that would need to be brought in.
- LSC has discussed trail projects with some equestrienne users to get their feedback.
- Wetlands are flagged.
- Discussion of erosion controls – straw bales/wattles and sandbags as needed.

- Hearing continued to May 22 @ 8:30 pm.
- A site visit will be Wed 5/15 at 4 pm.

(Marcella Stasa rejoined meeting.)

### **8:30 PM Mosquito Control**

- For the record Mike Penko sent several emails containing scientific papers and materials from other towns relative to mosquito control.
- Shirley Smith and Ann Mazur from Mendon spoke of Mendon's experience and concerns with the Central Mass Mosquito Control District.
- Specific concerns: Nuisance spraying; double paying for services the town may already be doing or implementing; claims that they (the CMMCD) is doing things but they never do (such as education programs).
- Scare tactics regarding instance for West Nile virus and EEE.
- Concerns w/ the chemicals.
- Discussed the possibility of joining a smaller district (40 towns is too many) would be more effective and working w/ another district that would be willing to do a "menu based" system.
- Towns could do many things on their own such as: education programs, tire collections, treat/clean catch basins, and other preventative measures.
- Motion was made to not support this article – 2<sup>nd</sup> - discussion was held and Alan Miano suggested we give BOH a chance to present their reasoning for joining this district; motion of no support was approved (6 yes – 1 no).
- Major concern of the Commission is that Central Mass. Mosquito Control is exempt from Wetland Protection Act review.
- Other issues: nuisance spraying, education awareness.
- Con Com suggests that we pass over the article due to lack of info and to give the BOH/Town a chance to get info out to the residents; perhaps a committee should be formed to further study. There are things the town can do now. CS authorized to draft a statement to be read at town meeting.

### **9:15 PM Goss Pond Trail discussion**

- Land deeded by Bob Henderson with a 41' access strip from Green Ln.; a plaque would be installed recognizing the Henderson family. There are some property bounds as this is not a conservation area.
- LSC currently manages this land and is looking to build a walking trail around the property which could connect to the existing trails at West River. They are looking to make a 3' wide foot path (no vehicles). Residents have concerns about encroachment from the South St gravel pits. LSC hasn't seen any signs of this encroachment to date; LSC has talked w/ neighbors about their concerns.
- Owner at 1 Green Ln has a restriction on his property about cutting 50' from the pond; Access would come off Green Ln at the strip of land the Town owns. Currently the path does not circle the pond and it is not the intent of the LSC to have it do so.
- Neighbor concerns about who uses the trails; trash on the trails and people ending up on private property. AM provided some personal experiences about living next to a trail as he does in Glen Echo; presented a positive picture.
- LSC feels this trail area will only be about 2 miles long thus won't generate a lot of traffic.
- LSC was given the management of the property in 2010.
- Resident expressed his concern that this trail is being built as retribution for the South St vote (referring to the South St land that was voted down at Town Meeting last fall). The Land Stewardship Committee was extremely offended by this remark. Mike Penko explained that this item was in fact tabled until the South St gravel pit issue was decided to see if the Town would have other access to this land so as to avoid access from Green Ln.

### **9:40 PM Forestry discussion**

- Review of Mike Downey's comments to the Draft Policy & Guidelines.
- Comments from resident's letters
- Motion to authorize Scott Heim to amend the language regarding cutting in wetlands – 2<sup>nd</sup> & approved.
- Continued discussion to next meeting (5/22/13 at 9 pm).

**9:50 PM          General/Office**

**Finances** - Current vouchers/payroll signed.

**Meeting Minutes** –Motion to approve minutes from 4/24/13 – 2<sup>nd</sup> & Approved.

**Appointments:**

- Motion to recommend the BOS re-appoint those who are up this year (Tom, Sandy & Marcella) – 2<sup>nd</sup> and approved.
- Motion to nominate Mary Overholt to the LSC and to be an Associate Member of the Commission – 2<sup>nd</sup> and approved.

**Motions to sign:**

- 11 Christian Hill Rd Determination – 2<sup>nd</sup> & approved.
- Westboro Rd Determination (Thompson) – 2<sup>nd</sup> & approved.
- 56/58/60 Pleasant St Certificate of Compliance – 2<sup>nd</sup> & approved.
- Re-issue Partial COC for 250 & 262 North St – 2<sup>nd</sup> & approved.

**10:10 PM          Meeting Adjourned**

**Minutes approved on** \_\_\_\_\_

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# CONSERVATION COMMISSION

Town of Upton



Massachusetts

508-529-6286  
concomm@uptonma.gov

1 Main St, Box 9  
UPTON, MASSACHUSETTS 01568

## Meeting Minutes – Wednesday 5/22/2013

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

### Members Attending:

Chris Scott, Mike Penko, Marcella Stasa, Tom Jango, Sandy Lajoie, Scott Heim, Alan Miano and Mary Overholt (Associate Member)

### 7:30 PM Mass DOT RDA – Rte 140/West Main St W. Clougherty/E. Grygorcewicz

- On-going flooding problem near the old rest area on Rte 140 near the Grafton town line. They have tried to fix this problem over the years.
- Need to locate an old drainage pipe and remove and replace it.
- Will work w/ the DPW to drawdown the lake in order to do this work. Not sure how far to draw down but probably 1 – 2 feet; need to determine where the old pipe is.
- Lake Wildwood is a rare species habitat thus will need to file w/ NHESP. Then may need to file and NOI especially if a draw down is used as the abutters on the lake will need to be notified.
- Con Com suggests using a coffer dam instead of drawing down the lake.
- Selby (Agent) suggests adding tree removal to the NOI as there are a couple that will need to be removed; also a second catch basin to the north (about 40') is failing and should be repaired or replaced.
- Hearing is continued to June 26, 2013 at 7:30 pm.
- 

### 7:40 PM Cross Winds NOIs (10 lots) R. Poxon/V. Sarkisian/J. Antonellis

- NOIs for 10 lots were filed. R. Poxon explained each lot and what would be required in terms of the riverfront area or buffer zone.
- House locations are staked.
- Selby suggested setting up site walk for all 10 lots.
- Conservation Restriction (CR) needs to be in place prior to lots being sold. The Planning Board decision included: Lot 8 shall be used as Open Space (OS) as a garden-in-the-woods; and the Order of Conditions (OOC) needs to be issued on the amended plans to reflect the correct plans that were approved by the Planning Board.
- Planting plans & Replication Area need to be addressed.
- Roof drains and dry wells are shown as planned.
- OS & CR – ownership issues: if OS is deeded to the Town then Conservation Commission can't hold the CR a 3<sup>rd</sup> party will need to be brought in; OS does not have a CR on it which means the town can own it and hold the CR. CR is only on the house lots not the OS land.
- During the site walk need to determine where the bounds should go and what type are needed. CR and limit of disturbance is the same on most lots. Want to use the most restrictive.
- It is suggested that the plot plans need to be color coded to show the CR and no-disturb area; make it clear for the potential buyer.
- Frontage setback is at the minimum for all lots except 1. All lots conform to zoning for setbacks.
- Subdivision order does not allow for disturbance – waivers under the bylaw are needed.
- Lot 8 – Conservation suggest removing the CR from it and having it remain as OS only. Would need to go back to the Planning Board to remove this.
- Motion to support the recommendation of removal of the CR from Lot 8 was seconded and approved unanimously.

- Private Restrictive Covenant will be put in place to cover any future expansion of homes, driveway area, etc... within the subdivision.
- 3 Trustees from the neighborhood will be appointed.
- Site walk set for Wed, May 29 at 6 pm.
- Need an amended NOI so as to issue an amended OOC – Applicant will send a letter.
- Hearing continued to Wed, 6/12 at 7:30 pm.

**8:50 PM Whitney Conservation Area – continued NOI LSC/M. Stasa**

- Site walk was held (Selby) to review proposed work. Eight crossings are proposed.
- #7 will require work to be hand-dug; work will be done during the dry season; #8 grading is not critical; #s 6, 5 & 4 involve new culverts and 2 existing culverts; #3 is a short boardwalk (16' x 2') however, this crossing could potentially be longer (up to 80') if the existing cobblestones can't be used because of the horses; #2 is low priority crossing as the horses can get through w/o much trouble so will hold off on this one for now; # 1 will require stones thus will direct the horses away from this crossing.
- Priority of work will be: #7, # 3 then #6.
- As time goes on will consider trails for bike (bicycle) riders use.
- Hearing closed.

**9:10 PM Agent's Report**

- Per report dated May 9 – 22, 2013.

**9:40 PM Mosquito Control**

- Should we send a letter to the BOH encouraging preventative measures, education and surveillance?
- Would like to explore other mosquito districts that do allow choices of what we want (menu-based).
- Continued discussion to next meeting.

**9:45 PM Forestry discussion**

- Scott Heim made minor edits to the Draft Policy & Guidelines.
- Review for next meeting.

**9:55 PM General/Office**

**Finances** - Current vouchers/payroll signed.

**Meeting Minutes** – Motion to approve minutes from 5/8/13 – 2<sup>nd</sup> & Approved.

**Motions to sign:**

- Complete COC for 250 & 262 North St – 2<sup>nd</sup> & approved.

**Website** - need to clarify fee schedule.

**OSC** – Some indication/info that Mr. Chase is correct about the property line.

**LSC** – Parking at SWF is almost done; hoping to open by summer.

**10:15 PM Meeting Adjourned**

**Minutes approved on** \_\_\_\_\_

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# CONSERVATION COMMISSION

Town of Upton



Massachusetts

508-529-6286  
concomm@uptonma.gov

1 Main St, Box 9  
UPTON, MASSACHUSETTS 01568

## Meeting Minutes – Wednesday 6/12/2013

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

### Members Attending:

Chris Scott, Mike Penko, Marcella Stasa, Tom Jango, Sandy Lajoie, Alan Miano and Mary Overholt (Associate Member)

### 7:35 PM Crosswinds – NOI

V. Sarkisian & B. Poxon

- Site walk was held on Wednesday. Lots 9 & 24 increased area of no-disturbance thus increased green space on these lots.
- Concerns about oak trees.
- Stump grinding berms are good for erosion control; don't need to bring in straw wattles.
- CRs need to be in place on all deeds before OOC will be issued.
- Lot 8 must be treated differently because the town can't own the land and hold the CR. Will need to have a 3<sup>rd</sup> party hold the CR.
- Deed Lot 8 and open space to the Con Com not the town.
- MP suggests putting a trail easement off the cul-de-sac and at the end by Station St; potentially use the drain easement at the detention basin. This will allow access to the trail along the river.
- Need to put bark mulch ring around catch basins to keep stuff from getting into the basins.
- Would like to open a couple basins to allow water to drain – will use filter to catch solids.
- Conditions for Lots 9 & 24: CR bounds, erosion control, DEP sign.
- Selby suggests putting info on the deeds relative to wetlands, CR, etc... as to what is allowed/not allowed.
- Motion to close all 10 lots – seconded & approved.

### 8:00 PM DPW 2013 Roads Projects - RDA

- Site walk was

### 9:10 PM Agent's Report

- Per report dated May 9 – 22, 2013.

### 9:40 PM Mosquito Control

- Should we send a letter to the BOH encouraging preventative measures, education and surveillance?
- Would like to explore other mosquito districts that do allow choices of what we want (menu-based).
- Continued discussion to next meeting.

### 9:45 PM Forestry discussion

- Scott Heim made minor edits to the Draft Policy & Guidelines.
- Review for next meeting.

### 9:55 PM General/Office

**Finances** - Current vouchers/payroll signed.

**Meeting Minutes** – Motion to approve minutes from 5/8/13 – 2<sup>nd</sup> & Approved.

**Motions to sign:**



- Complete COC for 250 & 262 North St – 2<sup>nd</sup> & approved.

**Website** - need to clarify fee schedule.

**OSC** – Some indication/info that Mr. Chase is correct about the property line.

**LSC** – Parking at SWF is almost done; hoping to open by summer.

**10:15 PM Meeting Adjourned**

**Minutes approved on** \_\_\_\_\_

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# CONSERVATION COMMISSION

Town of Upton



Massachusetts

508-529-6286  
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1 Main St, Box 9  
UPTON, MASSACHUSETTS 01568

## Meeting Minutes – Wednesday 6/26/2013

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

### Members Attending:

Chris Scott, Mike Penko, Marcella Stasa, Tom Jango, Sandy Lajoie, Alan Miano, Scott Heim and Mary Overholt (Associate Member)

### 7:35 PM Agent's Report

- Per report dated 6/13 – 6/26/13.
- Kenneth Village – Selby will draft a letter to the Condo Association and invite them to a meeting in July.

### 7:55 PM Con't RDA – Ballfield at VFW

- Selby & Tom met on the site; much less clearing will be needed than anticipated and most of it is invasive species; will need to keep it out of the wetlands.
- Motion to close the hearing – seconded & approved.
- Neg. #3 Determination will be issued.

### 8:00 PM 140 North St – Con't NOI

D.Therrien/Condrys

- A Wetland Scientist did some research and determined the crossing isn't a resource area w/ BVW.
- Culvert will be pre-cast open on bottom.
- Catch basin w/o a deep sump which will allow critters to get out; divert water off the driveway.
- Discussion of fees for Cat. 2 vs Cat. 1; Cat. 2 is for stream crossing – this is an intermittent stream not a resource area which would fall into Cat. 1.
- Wetland flags are not needed but should be flagged as IS (intermittent stream).
- Need to show the potential catch basin on the plan
- Site walk set for Thursday 6/27 at 7:30 am.
- Need to explain Plan A and Plan B in a letter to be attached to the plan. These are dependent on what is found in the field.
- Hearing continued to 7/10 @ 8:30 pm. If site walk determines no BVW found and the catch basin is added to the plan and letter is submitted the hearing can be closed and applicant won't need to appear on 7/10.

### 8:35 PM 15 River St – Amended NOI

I. Hurd

- Amended NOI proposing to install an in-ground pool on existing lawn.
- Need a plan showing pool to scale on the property plan – applicant updated at meeting.
- Hearing closed – OOC will be issued.

### 8:45 PM General/Office

**Finances** - Current vouchers/payroll signed.

**Meeting Minutes** – next meeting

**Website** - no updates

**OSC** – no updates

**LSC** – Barrows Contracting will do the SWF parking lot in mid-July.

**Letters** - Gravel Permit letter for Poirier's permit (South St) motion to amend as discussed – 2<sup>nd</sup> & approved.

**Motions to sign:**

- Selby prepared OOCs for Crosswinds - need to remove language regarding snow removal; motion made to sign 10 OOCs for Crosswinds – 2<sup>nd</sup> & approved.
- Neg #3 Determination for Ballfield project (15 Milford St) – 2<sup>nd</sup> & approved.
- Discussion of letter to the Planning Board re: Crosswinds; motion mad to issue the letter per changes as indicated – 2<sup>nd</sup> & approved.
- OOC for 15 River St – 2<sup>nd</sup> & approved.

**9:30 PM      Meeting Adjourned**

**Minutes approved on** \_\_\_\_\_

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# CONSERVATION COMMISSION

Town of Upton



Massachusetts

508-529-6286  
concomm@uptonma.gov

1 Main St, Box 9  
UPTON, MASSACHUSETTS 01568

## Meeting Minutes – Wednesday 7/10/2013

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

### Members Attending:

Chris Scott, Mike Penko, Marcella Stasa, Sandy Lajoie, Alan Miano, Scott Heim and Mary Overholt (Associate Member); Tom Jango joined at 8:50 pm

### 7:35 PM Agent's Report

- Per report dated 6/27 – 7/10/13.

### 8:00 PM 140 North St – Con't NOI

D.Therrien/M. Condry

- Site walk conducted on 6/27/13.
- Eliminating catch basins and will direct the flow off the driveway.
- Soil logs; flag #s corrected.
- There is a bank.
- Siltation controls – will use as much wood chips (from site) as possible should be 2-3 feet high; silt fence and straw bales at back of property 2 the 30' offset line.
- 6 bounds required.
- No stumping/grubbing until wood chip/erosion controls are installed and inspected.
- Motion to close hearing – 2<sup>nd</sup> & approved. OOC will be issued.

### 8:30 PM General/Office

**Finances** - Current vouchers/payroll signed.

**Meeting Minutes** – motion to accept minutes from 6/12/13 & 6/26/13 – 2<sup>nd</sup> & approved.

**Website** – updated summer location.

**OSC** – walk Stefans for access @ 60' strip to Orchard St; possibly town is selling the remaining 2 town-owned lots.

**LSC** –SWF parking area – too wet and muddy needs to dry out a bit; Americorp volunteers were used to assist with building the 16' long bridge @ Whitney land.

**Letters** - Gravel Permit letter.

**Associate Members** – discussion of who should appoint and what it means to be an Associate Member. Need to define duties/roles; similar to the LSC who aren't appointed by the BOS.

### Motions to sign:

- Resign OOC for 15 River St as incorrect form signed at previous meeting – 2<sup>nd</sup> & approved.
- Sign OOC for 140 North St – 2<sup>nd</sup> & approved.
- Sign COC for 68 Warren St – 2<sup>nd</sup> & approved.

**9:00 PM          Forestry Discussion (6/12/13 version)**

- TJ comments/questions: Mitigating climate change – how do we do this and what is involved? Primary goals – economics is mentioned but again questions of how and what do we do? We need to turn a profit for the town where possible and where it makes sense; to be fiscally responsible.
- SH comments on rare species – delisted to uncommon.
- Suggestions regarding cultural resources.
- Motion to approve w/ changes as discussed – 2<sup>nd</sup> & approved.

**9:40 PM          Meeting Adjourned**

**Minutes approved on** \_\_\_\_\_

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# CONSERVATION COMMISSION

Town of Upton



Massachusetts

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1 Main St, Box 9  
UPTON, MASSACHUSETTS 01568

## Meeting Minutes – Wednesday 7/24/2013

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

### Members Attending:

Chris Scott, Mike Penko, Marcella Stasa, Sandy Lajoie, Alan Miano, Tom Jango and Mary Overholt (Associate Member)

### 7:30 PM

### Route 140 RDA – drainage

### MassDOT

- Looking to add an additional pipe to act as a spillway.
- Culvert will be about 1½ feet above the lake level.
- Met with Selby on 7/16 (see Agent's report dated 7/10 – 7/24/13).
- Diameter of the existing pipe is 24"; looking to replace this with an 18" pipe. The existing pipe/culvert will be left in place; they will "jet" it with water to clean/clear it of debris.
- Question as to the size of the drainage area and will an 18" pipe be adequate?
- Don't want to use a larger pipe as they want to stay above the lake and to make sure they can bury it with enough cover over it.
- Might install a second 18" pipe while doing this work to save money and to ensure adequate drainage.
- Concerns about freezing/thawing in the winter.
- Need a letter with drainage area info in order to determine if a second pipe is needed.
- Won't need to drain the pond at all to do this work; will use rip rap.
- Anticipate doing this project late summer/early fall (2013) and should only take a couple days (week max).
- Hearing closed per applicant's request.
- Negative #3 RDA will be issued w/ condition that applicant will provide drainage info.

### 7:50 PM

### General/Office

**Finances** - Current vouchers/payroll signed.

**Meeting Minutes** – motion to accept minutes from 7/10/13 – 2<sup>nd</sup> & approved.

**Website** – will update LSC.

**OSC** – will review Rockwood Meadows Modification plan; Planning Board will hold a public hearing on Sept. 10, 2013.

**LSC** –SWF & Whitney trails are open to the public. Work on the parking area will begin next week; Baystate Trail Riders have an event planned they park at SWF fields then ride trails toward Warren Brook; Goss Pond site visit is scheduled for Sunday 8/4 at 10 am; discussion of trail naming at Peppercorn Hill and other areas will look to Con Com for approval also looking for suggestions.

**Forestry Interns** – looking for housing for UMass students IF they can come out and do inventory in early January 2014. Tom is working on this.

**Agent's Report for 7/10 – 7/24/13** (Selby not present).

**8:30 PM            100 Grove St NOI**

**D. Therrien/A. Sandberg**

- Riverfront regulations apply as stream has been channelized thus it is perennial.
- 2 culverts at Grove St
- Alternate analysis submitted.
- 10' wide driveway (limited project) is planned.
- Existing lot is/was a horse pasture.
- Looking to build a 2 story house (no cellar) w/in 200' of wetland; No feasible scenario to move location.
- Questions about riparian zone figures.
- Small lawn and gardens w/in the 30' no disturb area.
- Need another plan to show the entire lot (1.6 acres)
- Erosion control – prefer compost mulch filter sock
- Propose 2 bounds at 100' line not the 30' no disturb line; concern is that the driveway falls w/in the 100' and will need to be maintained (plowed & mowed) to keep from being overgrown; suggestion to make driveway 20' wide in order to maintain.
- Need to confirm that the stream is intermittent.
- Hearing continued to August 14<sup>th</sup> at 7:30 pm.

**9:00 PM            Beaver Activity at Southboro Rd**

- Beavers have built another dam that will need to be removed. It is fairly small and can be dealt with under the open OOC. DPW should be able to remove this or contact Tim Davidson. Tom will talk with Jeff Thompson at the DPW. Need supporting letter from Con Com.
- Ellen Arnold and Bill Taylor representing FUSF brought up concerns about trail; old pipes are hanging out onto the trail and are a hazard and should be removed; also concern about the grade off Southboro Rd before the bridge suggest filling it to reduce the grade.
- Mike Penko suggested adding a spillway/pipe; see if a meeting can be set up w/ Con Com, DPW and the DCR to see what can be done and who will do it.
- Discussion will be continued to August 14<sup>th</sup> at 7:45 pm.

**9:30 PM            Meeting Adjourned**

Minutes approved on \_\_\_\_\_

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Upton Conservation Commission  
Meeting Minutes August 14, 2013

**Members Attending**– Chris Scott, Mike Penko, Marcella Stasa, Sandy Lajoie, Alan Miano, Tom Jango and Mary Overholt (Associate Member)

**7:30 pm NOI 100 Grove st. (cont)**

**Therrien**

- The stream is still running, therefore cannot be proven intermittent at this time. Each filing must prove that it is intermittent (Dry for 4 consecutive days or 4 days over 12 months.)
- The access must come from Grove St. The town abandoned the road behind the property in the 80s.
- The no disturb line was discussed and a new line closer to the 100' buffer zone was agreed upon.
- There will be 4 bounds along the no disturb line.
- Motion to close hearing, 2<sup>nd</sup> and approved. OOC will be issued.

**7:45 pm NOI 30 Warren St.**

**G & H**

- Construction of Single Family House
- 3 Bounds on the 30 ft. no disturb line
- Removal plan for Japanese Knotweed (attached)
- Abutters have questions about the positioning of the house and whether woods will be cut.
- Motion to close hearing, 2<sup>nd</sup> and approved. OOC will be issued.

**8:15 pm Kenneth Village**

- Fence was constructed within the Conservation Restriction area. Fence will be moved by the Condo Association. No more mulch will be added.
- Condo association will send letter to owners informing them about Conservation Restriction area.
- Mr. Sexton who put the fence in with the understanding that it was o-kay to put it there shared his concerns.
- Motion that fence and plantings will be moved before 4/30/2014, 2<sup>nd</sup> and approved.

**8:45 pm Agents Report**

per report (attached)

**9:00 pm General Business -**

Motion to close RT 140 hearing, 2<sup>nd</sup> and approved. OOC will be issued.

**165 Pleasant St.** needs COC Dep # 311-370. OOC calls for replication area. Selby will check before next meeting.

**Website** – posted minutes LSC

**Land Stewardship Committee** – Will meet with Selectman about Goss Pond access trail and abutters concerns.

Motion to build boardwalk for Glen Echo stream crossing, 2<sup>nd</sup> and approved.

Baystate Trailriders request to paint bridge at SWF with no-skid paint so horses do not slip. This is fine with Con Com.



**Open Space Committee** – Motion to allow permission for OSC to have night activities, on any town properties this year. 2<sup>nd</sup> approved.

**Forestry Intern** – Discussed housing for interns possibly in homes or hotels, which might be better received. Motion to approve \$750 maximum toward hotel rooms. 2<sup>nd</sup> and approved.

**Beavers** – DPW has not pulled out dam yet, but did pull out the pipes.

**Forest Management Policy** – Motion to change definition of Legacy Trees, 2<sup>nd</sup> and approved.

**Mosquitoes** - Brief discussion on whether to reply to BOH letter or meet with BOH. MP to draft reply.

**South St. Gravel Permit** – Motion to tell Blythe that permit should require sand to be removed, stone check dams put in place in ditch draining into the Spruce Bog and eradication of Phragmites growing on this site. 2<sup>nd</sup> and approved.

### **Motions to sign**

- Sign OOC for 100 Grove St. - 2<sup>nd</sup> and approved.
- Sign OOC for 30 Warren St. - 2<sup>nd</sup> and approved.

Submitted by Mary Overholt

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# CONSERVATION COMMISSION

Town of Upton



Massachusetts

508-529-6286  
concomm@uptonma.gov

1 Main St, Box 9  
UPTON, MASSACHUSETTS 01568

## Meeting Minutes – Wednesday 8/28/2013

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

### Members Attending:

Chris Scott, Mike Penko, Marcella Stasa, Sandy Lajoie, Alan Miano, Tom Jango, Scott Heim and Mary Overholt (Associate Member)

### 7:30 PM Agent's Report (8/16/13 – 8/28/13)

#### 7:40 PM General/Office

**Finances** - Current vouchers/payroll signed.

**Meeting Minutes** – motion to accept minutes from 8/14/13 – 2<sup>nd</sup> & approved.

#### Website

**OSC** – Walk thru at SWF w/ owner and SVT planned for 8/29 @ 1 pm; a Night Hawk walk at Peppercorn Hill was held last weekend (8/24). It was cool as several hawks were seen.

**LSC** – boardwalk at Whitney is done; meeting with BOS on 9/17 to discuss Goss Pond trail.

**Forestry Interns** – TJ is still trying to work this out w/ UMass.

**Motion** to sign COC for 5 Goss Pond Rd – 2<sup>nd</sup> & approved.

### 8:00 PM Stormwater Bylaw Regulations Bylaw Committee (J. Brochu and M. Carroll)

- Final Regulations dated 3/1/13
- Check List for Stormwater Management Operation & Maintenance Plan
- Stormwater Management Plan Application
- Conservation Commission will be the administrators of this bylaw. Will have to sign off on wetlands and Stormwater Management Plan.
- \$200 fee for Stormwater Management Plan (Tier II). Fees can be amended later as we may need to add a fee for Tier I review. Selby will keep track of his time to perform these reviews and report back at later date.
- Regulations and Application will be posted on the Con Com website.
- Motion of Stormwater Bylaw Committee to dissolve the committee – 2<sup>nd</sup> & approved.

### 8:20 PM Associate Member discussion

- Using town of Scituate's language for description of Associate Member position.
- Need to define the role and limits of authority.
- Con Com will be able to appoint members.
- CS will revise document for review at next meeting.
- Motion to formally appoint Mary Overholt as Associate Member – 2<sup>nd</sup> & Approved.

### 8:35 PM 100 Grove St (NOI – discussion) D. Therrien

- Need to re-post a hearing for an Amended NOI due to re-evaluation of stream.
- Need to put a legend on the plan for the flags; also a note line regarding the 50' No Build line for structures.
- Hearing for Amended NOI has been scheduled for the next meeting Sept. 11<sup>th</sup>.

*(Administrative Change 8/30/13: due to the Labor Day holiday the publication deadline for the Milford Daily News was moved up therefore the hearing date has been reset to Wed, September 25<sup>th</sup>)*

**8:50 PM Mosquito Control**

- Discussion regarding the Act that created the Central Mass. Mosquito District.
- This District was set up as an “all or nothing” system not “menu-based”.
- Issue: costs for items above and beyond the contract.
- Issue: major concern of wide-spread spraying is that it is killing other species such as bees.
- Need to present research and additional information.

**9:00 PM Southboro Rd**

- Rabbit Run Trail work was ok'd by the DPW; will need to submit an Amended OOC for the culvert.
- Suggestions to do some additional work that would not be expensive but would reduce risk of berm failure, and enhance drainage and aesthetics of the area.
- Question as to who would perform work? DCR/FUSF/Town?
- Will draft a letter with a list of potential items.

**9:15 PM Rockwood Meadows discussion**

**M. Allen/A. Leonard**

- Modification to the Special Permit and Site Plan submitted to the Planning Board; public hearing to be held on Tuesday, Sept. 10 at 7:15 pm. Proposed changes:
- Renovating the farm stand to use as Community Building;
- Will be parking at the stand for trails; will add sidewalk and markers at the trailhead for Peppercorn Hill trails; 4 new parking spots for trail access at the circle; existing trail behind the units will be kept.
- Reduce the number of duplex unit and increase the number of single-family units (overall number of units -62- is not changing).
- Open Space Deeded easement will be in place prior to lots being sold.
- Items raised by Con Com: could some type of planting be done to block the “view” of the trail for those units that directly abut the trail to allow some privacy? Is the amount of open space changing from original approved plan? [Answer – no is the same] Who will hold the CR? Need to prepare a baseline report of the property for the CR – this should be paid for by the developer. Will parking on the roads be allowed for people wanting to use the trails? Streets will be private.
- Discussion of a community garden.
- Preferred erosion controls include silt fences, straw bales, wattles, chip berm.
- Will draft a letter to Planning Board with a list of comments

**10:00 PM**

- Motion to sign COC for 69/71 Crockett Rd per Selby's final inspection – 2<sup>nd</sup> & approved.
- Motion to have Selby issue preliminary comments regarding Rockwood Meadows – 2<sup>nd</sup> & approved.

**10:05 PM Meeting Adjourned**

**Minutes approved on \_\_\_\_\_**

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# CONSERVATION COMMISSION

Town of Upton



Massachusetts

508-529-6286  
concomm@uptonma.gov

1 Main St, Box 9  
UPTON, MASSACHUSETTS 01568

## Meeting Minutes – Wednesday 9/11/2013

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

### Members Attending:

Chris Scott, Marcella Stasa, Alan Miano, Tom Jango, Scott Heim and Mary Overholt (Associate Member)

### 7:35 PM Update on Crosswinds Subdivision

- Update from Planning Board meeting (9/10/13) no lots have been released; issues with sewer pump station need to be addressed by developer; railroad crossing was paved by developer then removed by the G&URR as it was not paved properly.

### 7:40 PM Agent's Report (8/29/13 – 9/11/13)

### 8:00 PM Southboro Rd – USF Trail Work

- According to the DPW the Town has a tree crew coming in next couple weeks and will clear up any trees/limbs that need to be removed along Southboro Rd on the town's r-o-w/easement.
- Need to notify DCR to see if they want us to clear any trees or limbs on their land.
- FUSF will request/discuss proposed work to Rabbit Run Trail with the DCR.
- South berm has impacts to CCC Way - concerns about the water level; proposed improvements are intended to protect the roadway and bog area.
- Need to discuss any work with the DCR.
- Need to amend the current NOI for various projects.
- Work to the Rabbit Run Trail – how big a culvert will be needed? DCR may have some info that would help determine this. Will need to create a design plan for the proposed work.
- Need to determine what the Town will do and what DCR will do.
- Further concern of the FUSF that the spillway will impact the trail; the plan is for the spillway to run parallel to the road to keep water off the trail.
- Need to clarify with Blythe what the town will do to protect Southboro Rd.

### 8:30 PM General/Office

**Motion** - to accept Associate Member Roles and Limits of Authority document dated 9-11-13 – 2<sup>nd</sup> & approved.

**Finances** - Current vouchers/payroll signed.

**Meeting Minutes** – motion to accept minutes from 8/28/13 – 2<sup>nd</sup> & approved.

**Website** – updates to LSC page; Stormwater Docs will be added.

**Email** – discussion of new member distribution list. Purpose of the list is to ensure that all emails related to the Town will be captured on the server. Request will be made to create an address for the OSC (set up like the address for the LSC). B. Taylor will forward member's email addresses to BOS office for creation of the address.

**OSC** – owners of property on Westboro Rd that abuts the USF have approached the State about purchasing some/all of their property; also would like to discuss with the Town to see if any interest in the property for affordable housing or as land for Open Space.

**LSC** – An NOI for multiple projects (including and Eagle Scout project) will be filed for a hearing to be held at next meeting on 9/25/13. The Scout project is to build a 25' bridge/crossing on the trail; the site is currently dry so it is a good time to build. Other proposed projects will be done over time. M. Stasa reported that LSC received a \$9,000 grant from the Recreational Trails Program; this money will be used for signs and kiosks along various trails.

**Forestry Interns** – still no word from UMass; T. Jango is still trying reach out to them in order to keep Upton on the list of potential sites for a forestry inventory; A baseline inventory would be valuable for the town.

**9:20 PM          Letters**

- Motion to approve letter to Planning Board re: Rockwood Meadows as amended by the Open Space Committee and authorize C. Scott and B. Taylor to sign – 2<sup>nd</sup> & approved.
- Kenneth Village letter to Condo Association.

**9:30 PM          Meeting Adjourned**

**Minutes approved on: 9/25/13**

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# CONSERVATION COMMISSION

Town of Upton



Massachusetts

508-529-6286  
concomm@uptonma.gov

1 Main St, Box 9  
UPTON, MASSACHUSETTS 01568

## Meeting Minutes – Wednesday 9/25/2013

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

### Members Attending:

Chris Scott, Mike Penko, Sandy Lajoie, Marcella Stasa, Alan Miano, Tom Jango and Mary Overholt (Associate Member)

#### 7:30 PM 100 Grove St – Amended NOI

D. Therrien

- Stream is dry, 4 consecutive days of no flow.
- Remove the riverfront restrictions
- Plan has been amended to remove the 200' limit line; flags denote the edge of intermittent stream; 50' no structure line has been added; 30' no disturb line runs along the property line.
- Town's bylaw and WPA require 100'
- Will need 5 bounds as shown on the plan
- No change to erosion controls other than need to add compost sock as acceptable in the OOC.
- Hearing closed; amended OOC will be issued.

#### 7:40 PM NOI Stefans Land

M. Stasa/LSC

- 13 projects submitted which include bridges, trail work, and crossings.
- 1<sup>st</sup> project is an Eagle Scout project to build a bridge/crossing.
- Conditions will include that the Conservation Commission/Agent be notified before start of each project.
- Suggestion that where natural berms exist erosion controls will not be needed.
- Hearing closed; OOC will be issued.

#### 8:00 PM Ice Rink at Leland Field (Memorial School)

M. Cortese/Rec. Com

- Have had a plastic rink at this field for about 7 years; hold about 1,200 gallons of water.
- Want to replace the plastic rink by installing an asphalt berm around the tennis court.
- DPW suggests adding a pipe from the rink to the existing drain which will allow control when rink is drained.
- Previously the water was discharged onto surrounding ground.
- They have contacted the company that maintains (painting/sealing) the tennis courts to determine if creating an ice rink will damage the surface and they say shouldn't be a problem.
- Conservation is ok with this project and feels it should be an improvement over previous rink as it allows for controlled drainage.

#### 8:10 PM Agent's Report

- Per submitted report dated 9/12/13 – 9/25/13

#### 8:20 PM General/Office

**Finances** - Current vouchers/payroll signed.

**Meeting Minutes** – motion to accept minutes from 9/11/13 – 2<sup>nd</sup> & approved.

**Website** – need to add Forestry Plan and Stormwater info.

**OSC** – culvert at Southboro Rd is on State land but the DPW has agreed to maintain it; also the DPW will remove one tree.

**LSC** – Historical Commission is looking for support letters for a grant they are apply for. Grant is for a film on Upton Native American sites. Motion to send support letter – 2<sup>nd</sup> & approved. MS will draft a letter.

**Forestry Interns** – still no word from UMass; T. Jango is still trying reach out to them in order to keep Upton on the list of potential sites for a forestry inventory.

**Southboro Rd/FUSF** – Want to set up a site visit to discuss plans with DCR. MS will arrange

**Motions:**

- Issue and sign Amended OOC for 100 Grove St – 2<sup>nd</sup> & approved.
- Issue and sign OOC for Stefans Farm – 2<sup>nd</sup> & approved.

**8:50 PM            Mosquitos**

- BOH is looking to put another warrant article for mosquito control on an upcoming town meeting (not sure if will be on STM 11/19/13).
- Main issues/concerns: backyard spraying at cost to the town; larvacide in vernal pools and that we can't choose the items that we want to have done. Is any testing being done in Upton?
- Question was asked if it would be possible to join with other towns to create our own district which would be menu-based.
- Mass Audubon has reviewed the language for the Central Mass Mosquito Control (CMMC) district and they don't see any language that prohibits menu-based operation. CMMC is telling us that it is all or nothing.
- Would like to ask CMMC where the language is that restricts this.
- Suggested contacting Rep. Peterson.

**9:10 PM            Meeting Adjourned**

**Minutes approved on:    10/9/11**

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# CONSERVATION COMMISSION

Town of Upton



Massachusetts

508-529-6286  
concomm@uptonma.gov

1 Main St, Box 9  
UPTON, MASSACHUSETTS 01568

## Meeting Minutes – Wednesday 10/9/2013

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

### Members Attending:

Chris Scott, Mike Penko, Sandy Lajoie, Marcella Stasa, Alan Miano, and Mary Overholt (Associate Member)

### 7:30 PM Strategic Planning

K. Picard

Discussion of Strategic Planning, Core Values, Vision Statement, Mission Statement, themes and S.W.O.T. (Strengths, Weakness, Opportunities, Threats) – all as relates to Town Government. Formal plan will be presented for comment/feedback.

Measuring success – 4 key areas: Customers, Employees, Internal processes and Financial.

#### Core Values:

Town-wide but translates to all departments.

- Themes: honesty, integrity, fiscal responsibilities, stewardship, prudent spending, transparency, consistency, fairness, respect, innovation (some risks), open-mindedness, supportive, open to new ideas, respectful, empathy (try to understand where someone is coming from), ethical, calculated risks, courage to stand for what you believe, doing the right thing (not always the popular thing), persistence, tolerance, operate within the law, valuing the town's heritage, historical perspective, sustainability (looking at the long-term), efficiency, humor and personal.

#### Vision:

Moving forward -- looking 5 or 10 years out. What would you like our Government to be? How do we become better? What areas work and what areas need improving?

- Maintain a stable tax rate/base – be financially responsible; have cost effective services while maintaining equitable tax rate.
- Financially stable – responsible
- Green community
- Opportunities for public transportation
- Maintaining – improving public land/open space
- Utilize cutting-edge technology
- Managed growth such as Low Impact Developments
- Develop a better plan for a town common/square which drives small business (local business) and town buildings; support appropriate business within town; town should become a business incubator.
- Measure against other towns of similar size/character - fiscally
- Measure success in terms of the amount of citizen participation/engagement in local government
- Training – education opportunities
- Become a healthy town in terms of our citizens – areas such as nutrition, exercise, vaccinations, clinics
- Community center – activities for all ages
- Community interaction – cultural center
- Support local agriculture – farm land

#### Mission (Town Government):

What are we doing now? What is our purpose?

- Leave the town in a positive way
- Responsive, fiscally responsible, stewards of finances
- Consistency of policies, coordination between departments
- Triple bottom line: sustainability environmentally – people – fiscal/financial



- Keep it simple and understandable; communication
- Get citizen involvement/engagement; get people to commit to the town
- Broad thinking and multi-focused
- Agile government
- Proactive rather than reactive

## **SWOT (Strengths, Weakness, Opportunities, Threats)**

### **Strengths:**

- Leadership, open town meeting, Town Manager, Public services (Police/Fire), employees committed to the town, Conservation Commission/Land Stewardship & Open Space committees – good structure, continuity in government & management, respect between departments, implementing technology (website, e-permitting), protected lands (good start), Planning documents (Master Plan, Open Space Plan, Recreation Plan), dedication of individuals who serve, Community Preservation Act.

### **Weakness:**

- Homogeneous tax base – need to bring in more business (good for economy, jobs and environment) need more diversity, lack of employment opportunities, zoning for business, lack of town center or identity of a center, not enough volunteers or people involved, overly dependent upon residential tax base, advertise community events, improved notification.

### **Opportunities:**

- Social media to advertise events, technology – interactive involvement, improve the town's cable tv channels, better cable access (provider), improve natural gas availability, better utilities, underground utilities.

### **Threats:**

- Traffic, roadway conditions
- Not enough participation, or enough variety of new ideas
- Increased urbanization
- Long-term property values might decline in suburbs as people want to live closer to work; also larger home size may be detrimental as expensive to maintain; smaller homes become more appealing.
- Don't have a diverse community.
- Rely on residential tax base.

## **8:50 PM General/Office**

**Discussion** - format for the official agenda & Action Items List. Motion to accept new format – 2<sup>nd</sup> & approved.

**Finances** - Current vouchers/payroll signed.

**Meeting Minutes** – motion to accept minutes from 9/25/13 – 2<sup>nd</sup> & approved.

**Website** – Final Forestry Plan uploaded; info on Associate Member also uploaded; Stormwater docs need to be dated then will put on the site.

**LSC** – Meeting 10/12 at 2 pm at SWF parking to see how best to delineate the parking; Marcella drafted a support letter for the Historical Commission for a grant (through Cultural Council) to create a film on Upton Native American sites. Motion to approve the support letter & for Chris to sign – 2<sup>nd</sup> & approved; Still trying to set a site visit w/ Val at Southboro Rd – possibly Wed 10/16 or Thurs 10/17. Marcella will confirm and let everyone know the date & time.

**OSC** – Working toward an acquisition proposal of the Thompson property on Westboro Rd; LSC will also send a support letter for Historical Commission's grant request to the Cultural Council.

**Southboro Rd/FUSF** – Want to set up a site visit to discuss plans with DCR. MS will arrange

### **Motions:**

- Issue a COC for 11 Wildwood Ave pending Selby's review – 2<sup>nd</sup> & approved.
- Cancel second meeting in Nov. (11/27) as is night before Thanksgiving – 2<sup>nd</sup> & approved.

**TH Space Requirement** – Memo from Town Manager looking at future space needs; we would like to see flat files upstairs in the Con Com office and any chance of using the space set aside for a PB Director since there is currently no such position and the space is adjacent to the Con Com space.

**RR** – Town has been notified of the sale of the RR property at Grove St.

**9:15 PM Mosquito Discussion**

- Mike & Marcella attended the BOH meeting; BOH is in favor of joining the Central Mass Mosquito Control District and for backyard spraying.
- Discussion for alternative – Con Com will present more facts and information.
- Still trying to understand why there can't be more flexibility in the program; will send a letter to the CMMC District; there are other districts that offer menu-based systems.
- A. Mazur has sent a letter to Sen. Moore.
- Will continue fact finding.

**9:40 PM Meeting Adjourned**

**Minutes approved on: 10/23/11**

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Meeting Minutes – Wednesday 10/23/2013

To: Members of Upton Conservation Commission

CC: Kelly McElreath, Town Clerk

From: Mary Overholt

**Members Attending:**

Chris Scott, Mike Penko, Sandy Lajoie, Marcella Stasa, Alan Miano, Tom Jango, Scott Heim and Mary Overholt (Associate Member)

**Guests:** Bill Taylor

**7:30 RDA Crockett Rd.**

Applicant is planning to remove 8-10 Oak trees that are close to the house. Some of the trees are very close to the water. The stumps will not be removed. Applicant has marked trees. Hearing closed. Negative RDA will be issued.

**7:40 Meeting Minutes** – motion to accept minutes from 10/9/13 – 2nd & approved

**Website** - no new updates. Storm water will be updated when done.

**Foxwoods ENF.** - No comments

**7:45 Rockwood Meadows. Ammended NOI**

Changes to the plans are as follows

- Existing farm stand to be community center.
- Change in unit mix to 50 singles 12 duplex
- Conservation restriction changed slightly to 75 percent of land.
- New location for parking spots for trails
- New cistern for fire protection.
- Community garden moved to north side of access rd.
- Surround existing farm pond with split rail fence

Concerns discussed by Commission were as follows.

- Will the Phragmites be removed from the pond? Should be removed with herbicide.
- Will all the trails be in before the houses are advertised? How can we avoid buyers getting upset about trails.
- Wetland replication will bring in wetland topsoil to give it a better start. Existing wetland plants will be moved to new wetland. The site will need to be monitored for more that 2 years to ensure success. Shrub mortality shall not exceed 25 percent. Cattails should be avoided.
- NOI should reference Oct.10, 2013 plans.
- Potential need for easement deed discussed.
- Will Upton ConCom or MLT hold the Conservation Restriction.

Hearing continued to Nov. 13

**8:25 Agents Report**

per report submitted

Chris arranged to meet with Doug Cook Saturday Nov. 9th at 10:30 am. at the Cook office next to

Frescos.

**Open Space** – Will ask for CPA funds in Nov. to help the state acquire the Thompson property on Westborough Rd. Another property is for sale on Eames Rd. and would allow access with parking to Upton State Forest.

**Land Stewardship** – Working on parking at SWF. Getting an Extension for work at Stefan's. Boundaries were checked at Warren Brook, since logging is being done on the private land next door. Trails appear to be on private land, instead of town land. Actual acreage is 26 acres instead of 22. The cutting is supposed to start soon.

**8:50 Forestry intern.** - nothing new to report.

**Southboro Rd.** - Met with Val to look at berms. DCR was noncommittal, understood that something ought to be done.

**Beavers by Mechanic St.** - Mike Callahan says they should be removed.

Motion to remove beavers from Fowler St. area per recommendation of Mike Callahan. Authorize Tom to do trapping in Nov.. The vote was 4 in favor, 2 against and 1 abstention.

Meeting adjourned.

**Minutes approved on: 11/13/13**

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# CONSERVATION COMMISSION

Town of Upton



Massachusetts

508-529-6286  
concomm@uptonma.gov

1 Main St, Box 9  
UPTON, MASSACHUSETTS 01568

## Meeting Minutes – Wednesday 11/13/2013

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

### Members Attending:

Chris Scott, Mike Penko, Sandy Lajoie, Marcella Stasa, Alan Miano, Tom Jango, and Scott Heim  
Mary Overholt (Associate Member)

### 7:35 PM Amended NOI - Rockwood Meadows (con't from 10/23/13) M. Allen

- Discussion of the Easement Deed and Master Deed.
- Protect recreational interest.
- Should allow for removal of invasive species.
- Discussion of who should hold the Conservation Restriction. Mike Penko recused himself from the discussion. Motion was made to have the Conservation Commission hold the CR – 2<sup>nd</sup> – 6 yes/1 abstention.
- Selby gave comments from his Agent's Report; need to change any reference of hay bales to erosion controls which the Commission will specify in the Conditions (OOC).
- Hearing closed; Amended OOC will be issued – applicant agreed to extend the issue date to 12/12/13 due to meeting schedule.
- CR discussion – add invasive species management (phragmites).
- Need to look at the State's model for the CR (2008 version).
- Easement Deed – allow access for Town vehicles for emergencies & future trail work/maintenance; also discussion of handicap accessibility.
- MP will review the Easement Deed and provide a draft for next meeting.

### 8:00 PM NOI - 4 Farrar Rd R. Poxon G&H

- New single family house w/ garage under.
- All work outside the 30-foot no disturbance zone.
- 5 bounds to be installed at wetland flags 118, 115, 112, 107 & 102; new plans showing location will be submitted.
- Driveway location has been moved due to the location of the catch basin; new location should be ok.
- Lots of ledge on this property but only minimal blasting (if any) is needed.
- No real grading to be done on this site but will haul away any materials.
- Hearing closed; OOC will be issued – applicant agreed to extend the issue date to 12/12/13 due to meeting schedule. New plans will be submitted.

### 8:15 PM Bernat Pond on Chestnut St A. Bernat

- Pond is being over grown with lily pads and is filling in areas of the pond; owners want to drain the pond about 10-12 inches by using industrial pumps.
- No beaver activity at this time.
- Commission states that it is too late in the year to drain down the pond; don't want to impact creatures that are already hibernating for the winter. Could be done next year.
- Suggestions that they try using an herbicide or a rake to manually remove lily pads.
- Next year the owners will be looking to do some repairs to the existing dam thus will need to file an NOI and could include other work such as draining at that time.

**8:25 PM          Agent's Report (10/24/13 – 11/13/13)**

**8:50 PM          General/Office**

**Finances** - Current expense vouchers & payroll signed.

**Meeting Minutes** – motion to accept minutes from 10/23/13 – 2<sup>nd</sup> & approved.

**Website** – general clean-up of items; will be posting Stormwater Docs.

**OSC** – Awarded a \$700 grant from the Cultural Council which will be used to sponsor a talk by Robert Thorson (a stonewall expert) next spring (April 2014). Bill Taylor met with Upton Community Preservation committee about purchase of the Thompson property on Westboro Rd. The CPC had little/no interest in pursuing an acquisition.

**LSC** – Received a recreational trails grant for signage and kiosks. MS will be submitting photos of work areas to Mass. Historical as a condition of the grant; trail has been cut from Green Ln to Goss Pond.

**E-permitting** – will contact Blythe to add MP & CS as users of the system.

**Motions to sign:**

- RDA (negative determination) for 71 Crockett Rd – 2<sup>nd</sup> & approved.
- COC for 52 Old Grafton Rd – 2<sup>nd</sup> & approved.

**9:15 PM          Action Items**

- Send email to the DPW (thru Blythe) of wish list of items Con Com would like to have done: dump some trap rock at northern berm at Southboro Rd, this will act as a spillway; snow removal at Stefans & SWF parking areas; remove tree(s) hanging over Southboro Rd.
- Cook property (252 Milford St) – will draft letter of site visit held 11/9/13.
- Forestry Interns – still no response from UMASS; TJ will continue trying to contact even if for next year.
- Beavers – no fresh signs of activity at Mechanic/Fowler St.
- Southboro Rd – no update from the DCR for proposed work.

**9:25 PM          Meeting Adjourned**

**Minutes approved on:** \_\_\_\_\_

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# CONSERVATION COMMISSION

Town of Upton



Massachusetts

508-529-6286  
concomm@uptonma.gov

1 Main St, Box 9  
UPTON, MASSACHUSETTS 01568

## Meeting Minutes – Wednesday 12/11/2013

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

### Members Attending:

Chris Scott, Mike Penko, Marcella Stasa, Alan Miano, Tom Jango, and Scott Heim  
Mary Overholt (Associate Member)

### 7:40 PM LID/Stormwater discussion

- Need to create a policy regarding LID (Low Impact Developments) to put with the Stormwater Regulations.
- Fee schedule - discussion of fees; where does money come from for peer review; can this be included in the Planning Board's review fees?

### 8:00 PM Agent's Report (11/14 – 12/11/13)

### 8:10 PM General/Office

**Finances** - Current expense vouchers & payroll signed.

**Meeting Minutes** – motion to accept minutes from 11/13/13 – 2<sup>nd</sup> & approved.

**Website** – general clean-up of items; will be posting Stormwater Docs; discussion regarding minor changes (ie typos, general items – not content) to online documents do we need to approve at a meeting or can those changes be made when discovered? Also, discussion to add a change page to documents in order to have a trail of changes and when made. Motion to add a change page – 2<sup>nd</sup> & approved.

Chris reported on request for DPW assistance (snow removal at Stefans and Whitney Parking areas; trap rock for Southboro Rd to create a north berm spillway(MP will contact DPW about where to put this); and removal of potentially dangerous snags along Southboro Rd near the berms). Response via town manager was mixed: DPW will put in some stone/rocks at Southboro Rd but can't remove snags until next fiscal year; there is no money in budget to plow parking areas.

OSC - Motion for Con Com to approve OSC to hold night events in 2014 w/out having to come back for approval each time – 2<sup>nd</sup> & approved.

LSC – Motion to authorize a LSC member (Marcella Stasa or her designee) to review and approve requests for use of town properties – 2<sup>nd</sup> & approved. Whitney parking issue still to be resolved with the abutter.

**Denise's Items** – working on updating spreadsheet of projects to see who needs reminder letter for OOC's or COCs that need extension letter in order to keep project active.

### Motions to sign:

- OOC for 4 Farrar Rd – 2<sup>nd</sup> & approved.
- Amended OOC for Rockwood Meadows w/ amendments – 2<sup>nd</sup> & approved.

**9:15 PM      Action Items**

- Draft Rockwood Meadows Easement Deed review for next meeting; motion to send the draft to Kevin Lobisser and Mark Allen – 2<sup>nd</sup> & approved.
- Forestry Interns – still no acknowledgement from UMASS.
- Southboro Rd – no further discussion w/ FUSF or DCR.
- TJ reported that the beavers near Fowler/Mechanic St are gone at this time.
- Reviewed the draft letter regarding Mosquito Control – motion to send w/ amendments -2<sup>nd</sup> & approved.

**9:25 PM      Meeting Adjourned**

**Minutes approved on:** \_\_\_\_\_

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