



## TOWN OF UPTON, MASSACHUSETTS

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### Conservation Commission

Meeting Minutes – Wednesday 1/12/2022 -- Remote Meeting (gotomeeting.com)

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

#### **Members Participating:**

Chair: Chris Scott, Vice Chair: Mike Penko  
Members: Alan Miano, Tom Jango, Marcella Stasa and Mary Overholt  
Absent: Sandy Lajoie  
Agent: Dave Pickart  
Associate Member: David Szczebek  
Visitors: Bill Taylor, Bryon Andrews, Bill Diprete, Adam Gilbert

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

#### **Agent Report**

- No report this month.

#### **Administrative Report**

- Trisha reviewed the bills. One for Town of Upton for \$86.40, Tahawus Trails for \$1,795, Greg Trussell for \$175. Bill stated he does not think we should be receiving a tax bill for 0 Williams Street. Bill to look into tax bill. Bill for taxes will not be paid at this time.
- Tom Jango made a motion to pay the Tahawus Trails and Greg Trussell bills, in the amount of \$1,970. Marcella Stasa seconded the motion. Motion passed by unanimous voice vote.

#### **Financial Update**

- No changes since last review.

#### **Website**

- Alan ice in and ice out information updated.
- Beaver information has been added onto the Conservation website page.

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

- Nothing new.

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

- Beaver write-up completed and Marcella will submit to *Town Crier* once approved by Commission. Article will submit on behalf of the Commission.
- Tom Jango made a motion to submit the beaver information that is on website to the *Town Crier* for publication. Mary Overholt seconded the motion. Motion passed by unanimous voice vote.

### **New Items:**

#### **Performance Evaluation Goals for Trisha and Dave**

- Chris stated that she and Trisha had established the goals for Trisha and submitted them to Derek. Chris to work with Dave to establish his goals. Evaluations will take place in July 2022

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

#### **Erosion control policies, Permitting Process Discussion, Railroad, Rockwood Baseline Report, Warren Brook Forestry thru March 2022, Forest Heights, Upton Ridge CR, 78 and 84 Mendon Street, and Lake Wildwood Island Touchtone School**

- Nothing new.

#### **Land Use Regulations and OPDMD Draft Policy**

- Marcella sent the updated draft to the Disability Commission.

### **Approve & Sign Documents**

### **Meeting Minutes**

- Chris asked if there were any changes to the minutes for the December 22, 2021 meeting. Tom Jango made a motion to accept the minutes for the December 22, 2021 meeting. Mike Penko seconded the motion. Motion was unanimously approved by voice vote.

## **AGENDA ITEMS/HEARINGS**

### **7:00 PM NOI (cont) East Street Estates (Afonso)**

Byron Andrews, Kevin Diprete were present to speak.

- Bryon Andrews stated it has been resubmitted to the Planning Board has been resubmitted.
- Monumentation will be done soon, waiting for them to arrive.
- Bounding will take place around April 15<sup>th</sup>.
- Boring have been done but no information presented. Dave recommended that boring information is needed before the hearing is closed.
- Bryon stated he will have boring info before next meeting but bounding information is going to take time. Bryon asked if some of the bounds that are located on the edge of roadway could be installed once construction is completed. Temporary stakes could be used during the construction period and then replaced with the permanent ones. This would be 5-6 bounds. Commission agreed that was okay but would like them done before the Spring so the baseline study can be done.

- Bryon to reach out to Metacomet.
- Hearing continued until January 26, 2022 at 7:30PM.

#### **7:20 PM Discussion Robertson Trail Bridge Design and Cost Estimate**

Adam Gilbert was present to discuss the design with the Commission

- Mike reviewed the open space map that shows the property, existing trails and two new conceptual trails that are in process.
- A drawing of the bridge was displayed for discussion by the Commission. Adam is the person who prepared the plan and cost estimate for the project and was present to answer Commission's questions.
- Adam stated he had looked at the site and took measurements to get a sense of what was required for the crossing and to make sure it meets municipal codes.
- Adam stated it was an elevated crossing because of possible flooding. Height is 40" but could be adjusted higher or lower if needed. Lowering the bridge will lower the costs.
- Concerns were voiced that the 90 degree turn in the bridge could be an issue and the bridge is not ADA compliant.
- Commission discussed changes that could be made in the design to make it less expensive and straight instead of the 90 degree turn.
- Possible location change was discussed to see if could be moved somewhat to help reduce cost and to make it a lower bridge and change the design to be more cost efficient.
- Commissioners suggested a site visit by them to walk the property and see if they could find an alternate location that would provide them with a better option regarding cost, lowering/straightening bridge.
- Conservation Funds will pay for the conceptual design but there are two articles for the Spring annual town meeting that could be used to fund the actual building of the bridge.
- Some of the Commissioners agreed that they thought that project was a lot of money to put a bridge at Warren Brook and not sure that it would be worth the money spent because prevailing wage would need to be paid if done by most companies.
- AmeriCorps, Eagle Scout and BVT was suggested as possible construction alternatives that could construct the bridge for lower costs. Will need to investigate further. Adam suggested that white oak be used, it is cheaper and a good alternative wood.
- Chris stated she did not believe they would get support from Disability Commission because it is not ADA compliant.
- A site visit with Conservation Commission members and Katherine Robertson was suggested to get input as to where they could put the bridge besides this location.
- Tom Jango made a motion that they to a site visit with Katherine Robertson. Mike Penko seconded the motion. Approved unanimously by voice vote.
- Bill will arrange visit for Sunday, January 16<sup>th</sup> at 1PM if Robertsons are available.
- Adam to send photo of bridge that was used at another site that has no abutments and stairs.
- Hearing continued until next meeting at 7:45PM on January 26, 2022.

#### **7:30 PM Draft Revisions to Wetland Bylaw Regulations**

- Dave reviewed the revisions to the Wetland ByLaw Regulations.
- Draft document has not been sent to Derek/Town Counsel for review yet.
- Dave will forward to Derek and ask to have Town Counsel review once Commission has approved.
- Mike Penko made a motion to have Dave/Chris to forward revised document to Derek for review by Town Counsel, hopefully getting feedback for the next meeting. Marcella Stasa seconded the motion. Motion approved by unanimous voice vote.
- Hearing continued to January 26, 2022 meeting at 7:15PM.

#### **8:00 PM Discussion Final Version of Annual Report**

- Dave reviewed the final version with a few minor changes.

- Marcella Stasa made motion to accept our annual report for 2021, as presented and amended. Tom Jango seconded the motion. Motion passed by unanimous voice vote.

**8:45 pm** Alan Miano made a motion to adjourn. Tom Jango seconded the motion. Motion was approved by unanimous voice vote.

**Minutes approved on: January 26, 2022 (remote meeting)**

*Chris Scott*                    *Mike Penko*  
*Mary Overholt*                *Tom Jango*  
*Sandy Lajoie*                 *Alan Miano*  
*Marcella Stasa*



## TOWN OF UPTON, MASSACHUSETTS

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### Conservation Commission

Meeting Minutes – Wednesday 1/26/2022 -- Remote Meeting (gotomeeting.com)

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

#### **Members Participating:**

Chair: Chris Scott, Vice Chair: Mike Penko  
Members: Alan Miano, Tom Jango, Marcella Stasa, Sandy Lajoie and Mary Overholt  
Absent: None  
Agent: Dave Pickart  
Associate Member: David Szczebek  
Visitors: Bill Taylor

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

#### **Agent Report**

- No Construction issues.
- Answered several questions about vacant land on West River Street that is up for sale.
- Chris Scott approved for Dave to attend the four FEMA Work Map meetings and to attend the three seminars on open space.
- Governor's landing concept shared.
- NOI should be filed for a subdivision at corner of North and Westboro Streets, the Macdonald property.
- A person with a constructed house wants to expand the back yard and it would require authorization under the bylaw.
- Near 10 Kiwanis Beach Road there is an existing parcel that is interested in buying a portion of a lot. The separation has not been approved but she checked to be sure it was not unbuildable. Would require NOI but meets setback requirements.

#### **Administrative Report**

- No bills for this meeting.

#### **Financial Update**

- Trisha reviewed the financials.

#### **Website – Alan Miano**

- Chapter 61 notices page created and all info is now on there.

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

- Meeting tomorrow night. The Mechanics Street Realty Trust property is on the agenda and they will vote on right of first refusal and how they will pay for it.

**Land Stewardship Committee – Marcella Stasa**

- Sledding event at Stefans with Recreation Commission, if snow event happens this weekend.

**New Items:**

- None

**On-Going Items:**

**Erosion control policies, Permitting Process Discussion, Railroad, Land Use Regulations and OPDMD Draft Policy, Upton Ridge CR, Warren Brook Forestry thru March 2022, Forest Heights, Police Monitoring at Peppercorn, 78 and 84 Mendon Street, Beaver Info on Website and Lake Wildwood Island Touchtone School**

- Nothing new.

**Rockwood Baseline Report**

- Mike stated the draft of Rockwood Meadows baseline report is complete. Mike would like to get comments back on the backyard encroachments that were mentioned. Mike stated they would look at it in the Spring with snow is gone.

**Approve & Sign Document****Meeting Minutes**

- Chris asked if there were any changes to the minutes for the January 12, 2022 meeting.
- Mary Overholt made a motion to accept the minutes for the January 12, 2022 meeting. Alan Miano seconded the motion. Motion was approved by voice vote. Sandy Lajoie abstained.

**AGENDA ITEMS/HEARINGS****7:00 PM Discussion Henderson Property Mechanic Street Right of First Refusal Recommendation**

- Chris gave the background for right of refusal to attendees of the meeting regarding the property that is coming out of Chapter 61.
- Dave showed the graphics of map area. Mike explained each of the graphics that were shown and how it related to that property.
- Mike recommended acquiring the property. Tom Jango, Marcella Stasa, Sandy Lajoie, Chris Scott agreed that it should be acquired.
- Deb Ternove and Blair Dewitt, 167 Mechanics stated in support of it and stated that are a number of other people who were not attending had stated that they were in support of it also.
- Kathy Robertson, 59 Fowler Street stated the warrants close this Friday for the upcoming town meeting. If deadline is missed, the Selectmen can add at their next meeting.
- Lauren Scheuer, 2 Fowler Street stated she was also in favor.
- Sandra Lajoie made a motion send an email to the Selectmen to make the recommendation that they exercise the right of first refusal to acquire the Henderson property on Mechanics Street. Alan Miano seconded the motion. Motion passed by unanimous voice vote.
- Dick Henderson, 20 Brook Street, owner of the property stated initial contact was with Bill Taylor, Mike Penko and the Open Space Committee. DCR has visited the property. They initially said there was no money available at the time. Mr. Henderson stated they then went to solar farm for back land and it was not possible due to zoning issues. They initially wanted to keep it to the town.
- Commission reviewed the article that Mike Penko created. Purchase price is \$900,000 and added \$65,000 for expenses for a total of \$965,000. Bill believes the \$65,000 would cover the cost of

purchasing property. Dave asked if appraisal is included and Bill said no. Bill stated the survey is biggest cost. Mike stated the survey will cost about \$30,000. Bill said if they have surveys it would be a great help. Dick stated they do not but the walls are the property line but he doesn't think it would be a lot to do the survey.

- Marcella stated if the town cannot come up with the purchase price, SVT could purchase and then sell it to the town. She stated she wondered what the cost would be to do it that way. Mike stated it would be possible but added legal fees and finance charges if SVT had a cost to borrow the money. Mike CPA funds at town meeting should be enough to cover the cost. Mike doesn't think it would be able to be completed in the four month timeframe.
- Mike stated if the Town has the resources to commit to this purchase then there is no need to ask SVT.
- Mike stated they should have SVT (Christa Collins and Meredith Houghton) on our team to help raise funds but he believes the town has the CPA to fund it and they could be reimbursed by private donations and any grants available.
- Mike stated a draft article is written to have Selectmen, if they want to transfer it to SVT they could.
- Chris stated the Preservation Committee holds a meeting the first Thursday of the month and then CPC would need to hold a public hearing and then a motion to go on the warrant.
- Linda Gay stated she is under the impression that the \$900,000 is negotiable price with Mr. Henderson.
- Mike explained that the CPA account would grow by about \$900,000 for this fiscal year. This amount will accrue over the fiscal year and is independent of what is done with this property. CPA are paid in the tax bills regularly. Christa told her that a cost analysis could be done and it does not compare to the cost of other town services, such as schools.
- Chris stated regarding CPA funding, a portion goes to open space, historical resources and housing. Amounts cannot be changed but undesignated portion can be assigned to whatever they would like to, with town meeting approval.
- Mike Penko made a motion to submit the draft article as written by the Conservation Commission to the Board of Selectmen. Alan Miano seconded the motion. The motion passed by unanimous voice vote.

#### **7:15 PM (cont') Draft Revisions to Wetland Bylaw Regulations**

- Dave stated KP Law (town counsel) had no issues but suggested they should amend bylaw to call out set backs and climate resilience.
- Next step is to put together a draft amended bylaw. Then it would have to go before town meeting as a warrant. Would have to go before the meeting in November because they would not have enough time to make the May meeting.
- Formal draft acceptance for the draft of 1-12-22 of the revisions to the wetland bylaw regulations.
- No questions from audience or commission.
- Marcella Stasa made a motion to approve the draft revisions to the Wetland Bylaw regulations. Alan Miano seconded the motion. Motion was approved by unanimously voice vote.
- Dave to make changes and add the implementation date and post on website. To be added to town meeting to amend the Bylaw in the Fall. Warrant would need to be prepared and presented at Fall town meeting.
- Continued discussion to another time to discuss bylaw – town meeting.

#### **7:30 PM NOI (cont') East Street Estates (Afonso)**

- Hearing was continued until the 2/23 meeting at 7PM per the request of the applicant.

#### **7:45PM Discussion Robertson Trail Bridge Design and Cost Estimate**

- A site walk was held on 1/23/2022.
- Mike stated several Commissioners participated. A different location that is acceptable to Robertson's was selected. It is a bit upstream more and it they should be able to build less expensively. If location is acceptable to Commission they can hire Tahawus Trails prepare the bridge conceptual design.

- Lauren Scheuer thinks maybe that is crossable most of the time and maybe do some large boulders in the area instead of the bridge.
- Mike stated it should be accessible and safe during all times. Sometimes when stream has a significant event it could be hazardous to people's safety.
- DCR holds the conservation restriction and would need their approval of the design. This trail is not an accessible trail per DCR policy. Bill stated that for trail grant purposes federal money and regulations the bridge would need to be adhere to federal regulations. Any bridge would need to be built to accessibility standards.
- Kathy Robertson stated it is her parent's decision.
- The design of the bridge was discussed by the Commission and Kathy Robertson. Changes such as boards and post instead of mesh inserts. Dave stated boulders can disrupt the stream flow and it could change the flow of the stream and that would not be a good option in this location.
- Tom stated he has concerns that they paid \$1,500. He doesn't see a reason to spend another \$1,500 for another design if they are approving the Henderson property. He is opposed to it until that point.
- Bill Taylor stated the intent of bridge is to create a loop from the property back to the street, no loops exist without it. If there is no bridge you have to walk up and back on each side.
- Marcella stated she has mixed feeling. The cost is large and even developing a set of plans would be a bare minimum are quite costly but would be good to have the design for the person who builds the bridge. She suggested taking more time to consider more what the end result of getting an estimate would be. She doesn't think they would get the monies needed to do the construction of the bridge at this point.
- Marcella stated it should wait until the Henderson property deal is done. Doesn't want it to be a bridge to nowhere. Mike would like to have a new conceptual design at the new location. Full design would have to be bid out and it could be less than what the consultant estimates it. Could be given to Americorp or scout troop and might be able to construct at a much cheaper cost. Mike thinks it could be built much cheaper with resources that are available.
- Design cost is \$11,000 for full design. That could be bid out and could be less expensive.
- Motion to spend additional money to go to next step in design phrase. Tom suggested more options in design for same price.
- Mike to tell consultant more of what the commission would like the bridge to look like and help him come up with a draft design.
- Mike Penko made a motion to spend additional \$1,595 to accept the proposal for the second conceptual design for the bridge design at Robertson property. Marcella Stasa seconded the motion. Motion passed by majority vote.
- Mike Penko made a motion to tell the CPC Chair, Rena, to withdraw the two draft articles sent to the Town Manager for the town warrant for design cost and build cost. Marcella Stasa seconded the motion. Motion was approved by unanimous voice vote.

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

**Minutes approved on: February 9, 2022 (remote meeting)**

*Chris Scott      Mike Penko  
 Mary Overholt   Tom Jango  
 Sandy Lajoie   Alan Miano  
 Marcella Stasa*



## TOWN OF UPTON, MASSACHUSETTS

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### Conservation Commission

Meeting Minutes – Wednesday 2/9/2022 -- Remote Meeting (gotomeeting.com)

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

#### **Members Participating:**

Chair: Chris Scott, Vice Chair: Mike Penko  
Members: Alan Miano, Tom Jango, Marcella Stasa, Sandy Lajoie and Mary Overholt  
Absent: None  
Agent: Dave Pickart  
Associate Member: David Szczebek  
Visitors: Bill Taylor, Katherine Robertson, Cynthia Robertson, John Robertson

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

#### **Agent Report**

- Construction inspections done. No issues except for Upton Ridge, they need to do street sweeping.
- Answered questions on West River Street property that is for sale.
- Westboro Conservation Commission contacted him for NOI and OCC examples for DPW maintenance work.
- Individuals called with concerns regarding drainage and high ground water table. Dave will look at next week.
- Four NOIs for MacDonald property. It's five lots but one has house on it so only four NOIs needed. Requested more information from engineer to make it easier to review and the storm-water bylaw does apply. Hearing scheduled for February 23, 2022.
- A RDA for 39 Westboro Road was received. Hearing scheduled for February 23, 2022.
- A support resolution for the Blackstone Corroborative is in the packet.
- MACC Conference will be held over a two-week time span. He is not sure if he will attend everything, but he will do some of them. He suggested maybe other members might want to attend.
- Mike Penko made a motion to reimburse people to attend the conference. Sandy Lajoie seconded the motion. Motion was unanimously approved by voice vote.

#### **Administrative Report**

- Trisha reviewed the bills. \$55 for training for David Pickart and \$2,375 bill for Trussell and \$1,237.50 for Beaver Solutions.
- Marcella Stasa made a motion to pay the bills in the amount of \$3,667.50. Mary Overholt seconded the motion. Motion passed by unanimous voice vote.

### **Financial Update**

- Trisha reviewed the financials. No changes since last meeting.
- Trisha stated that ads for the Milford Daily News are now double what the pricing has been. Commission discussed what price they thought would be reasonable to charge.
- Marcella Stasa made a motion to increase the price of the ads to \$200 per applicant. Sandy Lajoie seconded the motion. Motion passed by unanimous voice vote.
- Dave to work with Alan to update website page to update pricing.

### **Website – Alan Miano**

- Alan stated he had made some minor changes to the website.

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

- Bill stated that Assessor's Office requested that the Conservation Commission contribute approximately \$450 for NearMap price. The Assessor's Office will be paying for next year out of their budget.
- Marcella Stasa made a motion to pay \$450 for the Conservation Commission's portion of the Nearmap program. Tom Jango seconded the motion. Motion passed by unanimous voice vote.

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

- Sledding event took place last Sunday because it was too cold when first planned. It was successful and parking lot was plowed by DPW. There were a lot of cars there and Police Chief told Maria (Rec Director) that he didn't want people parking on the street and parking lot needs to cleared fully and not just half the lot so there is enough parking.
- Called Fire Department and they don't issue campfire permits. Cook fire permit and burning permit only.
- Cook fire permit qualifies when cooking marshmallows. If people want to have fires they need to call the FD and call ahead to get a permit for events. Alan to put it on website on regulations page regarding fires.

### **New Items:**

#### **ATM Warrant Articles-Revolving Conservation Fund**

- Chris reviewed the regular warrant articles; \$5,000 Conservation Fund and 4 revolving funds.
- Alan Miano made a motion to approve the submission of the warrant articles as described for the annual town meeting. Sandy Lajoie seconded the motion. Motion was approved by unanimous voice vote.

### **Beaver Solutions**

- Inspection and noted some new/active beaver activity in letter. Proposal was not included. Tom to call.

### **NearMap**

- Assessor's wants to share the cost for the NearMap in the amount of approximately \$450 to finish out this fiscal year. Assessor's to pay for it next year.

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

**Erosion control policies, Permitting Process Discussion, Railroad, Land Use Regulations and OPDMD Draft Policy, Upton Ridge CR, Warren Brook Forestry thru March 2022, Forest Heights, Police Monitoring at Peppercorn, 78 and 84 Mendon Street, Beaver Info on Website and Lake Wildwood**

## **Island Touchtone School, Rockwood Baseline Report**

- Nothing new.

## **Approve & Sign Document**

### **Meeting Minutes**

- Chris asked if there were any changes to the minutes for the January 26, 2022 meeting. Trisha stated she had corrected the name on the minutes distributed.
- Marcella Stasa made a motion to accept the minutes for the January 26, 2022 meeting, as amended. Alan Miano seconded the motion. Motion was approved by unanimous voice vote.

## **AGENDA ITEMS/HEARINGS**

### **7:05 PM      Comments on Robertson Trail Bridge Conceptual Design**

- Mike showed conceptual design for bridge. Another proposal for second location bridge and he thinks it would be valuable to help inform consultant with other design for the other location.
- Robertson don't want wire mesh shown on design, John, Cynthia and Katherine Robertson all stated they do not want the wire mesh. They feel it is ugly and doesn't fit the area. They would like something that is more fitting for the location.
- Railings bottom middle top was the consensus of everyone to be the acceptable look they are going for.
- Everyone agreed that they should avoid the stairs, no timber cribbing and no wire mesh.
- Mike stated it has to be durable and safe and not get washed away. Other bridge was displayed that had all the wooden post and railings.
- Studies will need to be done to determine what the water levels are and what the structure should be built to to withstand the high water events.
- Mike to ask about pressure treated wood for stringers and decking instead of the steel stringers.
- John Robinson suggested maybe an arc bridge.
- Mike thinks it would need to be about 1' higher with wood instead of steel. Locust building materials for decking. Trexs was suggested. Lauren Scheuer commented Trexs is not always as good as it could be and doesn't feel it fits into the area.
- Mike stated the Boy Scouts or Americorp could build the bridge with professional supervision.
- Dave stated that arc would probably triple the cost.
- Mike thinks that Adam might want to make a site visit soon and he wants to see if there are any other design considerations.
- Mike stated he doesn't think the construction would happen until 2023.
- Katherine stated they are allowed to go on her property.
- Continued until 3/8 at 7.

### **7:20      Mechanic Street Realty Trust Update**

- Katherine Robertson gave update.
- Checked with Sandy but no communication from proposed buyer or owner. Possible purchase of property under Article 23 for May town meeting for the town to acquire that site. Residents kicking off fund raising campaign and hope to work with SVT to help set up a website, be the recipient of funds. They are having a meeting on Friday to discuss and a larger meeting at some point with SVT.

- Bill Taylor stated the Selectmen meeting is next week but not on agenda. Bill to check with Derek to see if they want to talk about it now without a decision. He thinks they might want to wait until they have something to present. Revised purchase and sale could result in a lower price.
- Mike thinks application is due at end of March and appraisal needs to be done but SVT has had problem getting appraisers. If grant is awarded they would need to get it done by end of June.
- Katherine Robertson stated CPC has looked at warrant article and they are looking at holding a public hearing in March to discuss this.

**7:30 PM Conceptual Upton-Hopedale Trail (share with Hopedale OSRP Committee)**

- Dave showed plan.
- Mike stated the Trustees of Reservations owns the parcel off of Route 140 which has solar farm but it could provide a trail. A few people walked property and wanted to know if they could share the drawing with the trustees to see if they would give them an easement thru the Trask property. Small parcel under dispute between Hopedale and railroad. Mike would like Bill Taylor from Open Space to share with Trustees to see if they could get easement and share with Hopedale. Hopedale is updating the master plan and updating OSP. They could let them know it exists and it could be added to their master plan.
- Bill stated trail off Walker Drive, western boundary of Trustee land to the tracks and the land to west above tracks could be developed at some point. Governor's Landings might abut the property and there are trails already on Governor's Landing and that gets closer to downtown. Possible connect the trails later on. Mike to add trails discussed.
- Bill stated the trail from Chestnut to the boundary of Walker Drive parcels doesn't exist today but will build a trail.
- Mike to amend drawing to get rid of jog on Chestnut Street.
- Mike Penko made a motion to create a trail map with the minor edits the conceptual trail map be submitted to Hopedale and Open Space. Sandra Lajoie seconded the motion. Motion approved by unanimous voice vote.

**Adjournment**

**8:32 pm** Sandy Lajoie made a motion to adjourn. Tom Jango seconded the motion. Motion was approved by unanimous voice vote.

**Minutes approved on: February 23, 2022 (remote meeting)**

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



## TOWN OF UPTON, MASSACHUSETTS

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### Conservation Commission

Meeting Minutes – Wednesday 2/23/2022 -- Remote Meeting (gotomeeting.com)

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

#### **Members Participating:**

Chair: Chris Scott, Vice Chair: Mike Penko  
Members: Alan Miano, Tom Jango, Marcella Stasa, Sandy Lajoie  
Absent: Mary Overholt  
Agent: Dave Pickart  
Associate Member: David Szczebek  
Visitors: Bill Taylor, Katherine Robertson, John Robertson, Sean MacDonald and Mike Dean

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

#### **Agent Report**

- Reviewed four new NOIs and one RDA.
- Looked at most active construction projects everything going fine.
- Addressing complaints about drainage issues/problems.
- Away the week of April 19<sup>th</sup> on vacation.
- Advised members if they want any documents in the meeting packet they need to get it in by end of Tuesday for Wednesday's meeting packet.
- Order to be able to hold remote meeting is ending on July 15th and unlikely it will be extended again. They need to look at going back to live/in person meetings. Wetland Protection Act Hearings are State mandated and if the Town wants to continue remotely, they have to change the town charter. Dave to check with Kelly to see what might be possible.
- Follow up correspondence from attorney representative for Henderson property received.
- Maintenance work on TGP pipeline.

#### **Administrative Report**

- Trisha reviewed the bills. \$103.32 Gatehouse Media.
- Tom Jango made a motion to pay the bills in the amount of \$103.32. Sandy Lajoie seconded the motion. Motion passed by unanimous voice vote.
- Trisha to review the ad prices and will track ads to see how new pricing/fees correspond.

#### **Financial Update**

- Trisha reviewed the financials.

#### **Website – Alan Miano**

- Updated Chapter 61 page.
- Added attorney letter for Mechanics Street Trust.

- Updated language to resources page for Chapter 61.

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

- Meeting tomorrow. Will discuss the Mechanics Street property.

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

- Nothing new

#### **New Items:**

#### **Performance Evaluation Goals Final for Dave and Trisha**

- Chris asked if there were any comments/questions on evaluation goals for Dave and Trisha. There were none.

#### **Earth Day April 22, 2022**

- Chris give date for this year's Earth Day.

#### **Blackstone Collaborative Resolution**

- Mike stated the information is in packet. Report prepared last year to provide enhancement of the Blackstone River resources. The collaborative is being run out of Clark University. Looking for towns to endorse the goals of the report. Meet monthly, 30-40 people. Various types of people. Draft resolution was displayed. Mike asked them to review it for future discussion.
- Discussed who should sign it, Selectboard or Conservation Commission.
- Dave to email copy of last year's report.
- Continued until the next meeting.

#### **Zap50**

- Website to be shared with information. Celebrates the 50<sup>th</sup> anniversary of a river clean-up event held in the 70s. Zap50 is the 50<sup>th</sup> anniversary of Zap and they are looking for groups/commission to sponsor events in July or August in the watershed area with clean-up activities, walks, talks. Mike wanted to know if the commission would participate. Asked for one representative to join the group. Date is Saturday, August 27<sup>th</sup>.
- Mike Penko will represent Upton.
- Mike will attend next meeting.

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

#### **Erosion control policies, Permitting Process Discussion, Railroad, Land Use Regulations and OPDMD Draft Policy, Upton Ridge CR, Warren Brook Forestry thru March 2022, Forest Heights, Police Monitoring at Peppercorn, 78 and 84 Mendon Street, Beaver Info on Website and Lake Wildwood Island Touchtone School, Mechanic Street Realty Trust**

Nothing new.

#### **Approve & Sign Document**

#### **Meeting Minutes**

- Chris asked if there were any changes to the minutes for the February 9, 2022 meeting.

- Marcella Stasa made a motion to accept the minutes for the February 9, 2022 meeting. Alan Miano seconded the motion. Motion was approved by unanimous voice vote.

## AGENDA ITEMS/HEARINGS

### 7:00 PM        NOI (con't) East Street Estates - Afonso

- Requested continuance until 4/13 at 7:15PM.

### 7:15 PM        NOIs North Street MacDonald

**Mike Dean, Engineer for project and trustee for property Sean MacDonald present.**

- Four NOIs for four single-family house lots. Lots 2,3,4 and 5. One lot has a house already there, no NOI needed. No DEP numbers.
- Plans were displayed by Dave Pickart.
- Mike Dean explained the plan. ORAD already received in 2020.
- Several site inspections conducted at the center shallow depression dug out back in the 80s located on the property when original house built. It holds water and could be a possible vernal pool. Conclusion could not be done because of drought conditions at the time.
- Project is for four houses plus one lot that already has a house on it. All lots are not the same but meet requirements.
- Planning Board has given a special permit for the frontage reduction on lot 4.
- Lot 2 – Have received an ANR for the lot accessed off of North Street.
- Showed where house will be. Driveway access will be from North Street, which is legal frontage. 3.344 acres. Wetlands in north section and western edge flows down to North Street. Wetland parallel to north and flow down to culvert under North Street. Driveway will have a retaining wall. Retaining walls at 30' no disturb zone.
- Openness ratio met, culvert will be 9X2. Bank full meets criteria.
- Sedimentation and erosion control plan to be worked on further by Mike Dean and Dave Pickart.
- Chris asked if they went to Board of Health for septic system. Mike Dean stated they had submitted well application and septic system plans to the Board of Health and are awaiting a meeting to go over plans.
- This is only the lot impacting the wetlands.
- Dave's general comments for all lots – it is considered a subdivision and has wetland fill. Unless deed restriction is placed on each lot prohibiting fill above 5,000 square feet, cumulative for all the lots, this project would require water quality certification from the Mass DEP. He suggests draft deed restriction to the Commission and DEP will have it in their comments also. After several Commission members walked the property. They determined only one area is wetland, prior ORAD had another area as wetlands also. The notice for the NOIs for those 2 lots should clarify why the boundary changed.
- Driveway plans are for them to be paved but can be discussed and adjusted as the project progresses. Dave stated long driveways should be paved because they will need to be plowed and probably would cause issues if not paved. Paved might have more run off but hard pack drive is about the same. Erosion and sedimentation control barrier has hay bales and he suggest biodegradable netting straw waddles.
- Review thresholds for Upton Storm Water Bylaw and Erosion Sedimentation Bylaw and Mike is submitting requirements. Dave hasn't reviewed it yet. Dave thinks maybe infiltrate the rooftop runoff should be dealt with. Some roadside swales and trenches. Driveways are long and suggested interim areas for plows to push snow off driveway and leave snow there.
- Lot 2 – Mike Dean has requested that this be allowed as a limited project. Dave believes Mike Dean should reviewed and make sure there is other viable way to other access for this lot. As designed, the crossing with the culvert will meet with the street crossing standards but he questions the impeding the substrant in a culvert is hard to do. Culvert is proposed for 9 feet and 2 feet high after the substrant is installed. Dave suggested an open bottom box there instead.

- Replication plan that the Commission would like it to show all details, seed mix, trees and provisions to monitor.
- Lot 3 – Mike Dean stated it is a 5.3 acres single family house lot. Access off Westboro Road. BVW is running down middle.
- 100' buffer zone to potential vernal pool and no development planned to be within the 100' buffer zone of that depression in ground. Treating it like it is a vernal pool.
- House and septic are located on left lower section. Septic 100' from wetlands/buffer zone.
- Driveway from house stays 100' out of potential vernal pool area. Driveway is within 30' no disturb zone. Lot 4 is also in that area, as well as, the retaining walls. Lower driveway works within 100' buffer zone at some points. Will put straw waddles instead of hay bales. Dave and Mike Dean to work on erosion plan.
- Dave stated the vernal pool resource area is the pool itself plus the area within as noted on the plan as the 100' zone on the plan. 30' no disturb from the 100'. It does sometimes go with the 30' no disturb buffer zone. Plan should be tweaked to minimize some/all of that. Commission would have to grant a waiver and they are protective of vernal pool and it is difficult to determine if the pool is a yearly breeding area.
- Mike Penko asked what has been observed in the potential vernal pool. Dave stated egg masses in Spring of 2021 and spotted salamander, but the pool dried out before they full matured and hatched. Pool went dry and they were informed of that and when they look at rain in the timeframe and it was a very dry year. It was not really evaluated then. Sean MacDonald stated soil samples were requested by Mike Penko. Sean stated it dries out every year. Sean stated they are doing their best to minimize the disturb zone around resource area.
- Mike Penko asked if there was another potential vernal pool. Dave said yes, it is well up north and nothing was observed and very little water. Dave thinks they could support peepers when wet but it is well off the area of where the driveway/house.
- Lot 4 – Dave stated no work purposed outside of driveway in that area. Most of northern section will remain as is. Mike Penko asked if any thought has been given to common drive for Lot 3 and Lot 4. Dave stated the Planning Board approved ANR lot and retreat lot and they don't want to see common drives anymore because of issues with common drive. Mike thought if they had a protected area they might feel different.
- Mike Dean stated common drives are more like full roads. He thinks to minimize impact and get what you want there, they would require many waivers and they don't receive good feedback when that is requested. Thinks it would cause more of a disturbance with required amounts for a common drive.
- Mike Penko stated a waiver from the Commission might be needed. New regulations have not been posted as of yet. Thinks buffer is now 50'. Dave stated all the work is at least 30' away. Mike Dean asked if it is a potential vernal pool. He would like to go back to look at the drawing and he will try to adjust the design to minimize that. 100' foot and 30' foot for potential vernal pool (possibly 50').
- Dave stated recently 6D and 6E on Mendon Street had a common drive and the driveway was a lot wider and filled side slopes and a stable turnaround for fire trucks.
- Mike Dean to revise the plans to get the best possible alternative for driveways.
- Dave to send Mike Dean the regulations.
- Lot 4- 9.1 acres, single-family house with a special permit approved by Planning Board.
- Westboro Road will be access point. Mike Dean reviewed the plans. Wetlands in Northwest portion and a small portion within the buffer zone about 60' from wetlands at the closest point. Sedimentation and erosion control to be reviewed.
- Dave no comments on this one. Tight where driveways are but it is possibly the only way to construct them.
- Lot 5 - Mike Dean stated Lot 5 is located in the northeast corner of parcel of overall land piece. Access will be from Westboro Road. Everything outside of buffer zone. Small amount of grading within 100' buffer zone.
- Dave stated it appears to comply with the Bylaw.

- Mike Penko asked Dave if he could ask the Planning Board question about common driveway why they approved the common drive on Mendon Street resources might have been involved. Mike asked for markup plan showing where the no disturb bounds are going to be with all the lots on the one plan. Commission might want to ask for CR instead of deed restrictions. Dave stated deed restriction is required and addresses wetland impacts and permanently protected and a large chunk of the property will not be developed. Should be discussed with owner/developer. A CR might be appropriate but won't replace the deed restriction required with DEP. Dave to find out. Dave stated that the new regulations are for a 50' no disturb buffer zone from a vernal pool.
- Mike Dean asked for continuation for March 9 at 8PM for 1 hour.

**7:45 PM      RDA 39 Westboro Road**

- Dave Pickart gave the review, applicant was not present.
- Built in 2018 and received Order of Conditions and order is closed with full Certificate of Compliance.
- Applicant rents to a family and they would like to continue to stay and potentially buy property but needs a bigger back yard. Currently it is tiny and steeply sloped. Has BVW limits and isolated wetlands shown. Dave reviewed the plans.
- Wants to build timber crib wall and raise elevation and area will be loamed and seeded. All work will be outside 30' wetlands. All occur above no disturb bounds currently set.
- Dave meets the intent the negative determination 3 and it should require installation of straw waddles where timber cribbing is going to go. Has timbers onsite already.
- Dave stated there are 4 or 5 trees to be removed. They are mostly sickly, look like they are going to fall down and reminder of vegetation character is low bush. Larger trees are outside the work area within wetlands and uplands portion of the land.
- Alan Miano made a motion to issue the RDA with a negative three determination. Tom Jango seconded the motion. Motion passed by unanimous voice vote.

**8:00 PM      Discussion Robertson Trail Conceptual Bridge**

- Mike received proposal today with options that were asked for.
- Katherine Robertson stated there is a location downstream of the original proposed location that might be better. Mike suggested we have Adam look at that option and have him pick the location he thinks is best. Option priced out for bridge supported by \$500 for plan, \$600 for rustic timber bridge, log with side timbers attached. Main proposal is similar to original without mesh, cribbing and stairs. Mike suggests not spending the \$600 for the rustic bridge. Other proposal would cost additional \$500 (i.e. steel vs. wood, engineered beams). Alan thinks wood as standard default and steel as maybe back up.
- Katherine Robertson stated that alternative site was explored by Ken Ray after a rainstorm and other site is higher and that might be a better site. Spans two high sides and no switchbacks or build ups for that site. Gives good view and follows the old cart path, would not require stairs. Mr. Ray is okay with working on it as a scout project Katherine stated.
- Commission discussed what could be used. Which bridge design they liked and possible alternatives to width of narrow log bridge that was show. It was decided to have Adam give his option and propose one plan that he thinks is best. John Robertson stated his is okay with designs that were discussed.
- Site visit with Adam and Katherine Robertson and Commission to review both location and make a decision on what design to create.
- Mike Penko made a motion award the contract to Tahwaus, as written, with primary design be engineered lumber for the span and exercise option for log bridge if it is feasible at the site.
- Marcella suggested a meeting at the site to be able to ask questions at the time in order to have the authority to make the decision at the time. Sandra and Alan think the log bridge is not appropriate for this site. Several Commission members thought that they should not spend the \$600.
- Mike Penko made amended motion for one option with primary design with engineered lumber instead of steel and revisit the span with steel after Adam has visited the site and he thinks it is an option. Basic

proposal with span with timber instead of steel and not exercise any options at this time but keep it open. \$1,595 focused on engineered timber beams with the opportunity to add a proposal for steel beams in the future. Paying \$1,595 for another site visit and development another concept with engineered timber. Motion was seconded by Marcella Stasa. Motion passed by majority voice vote (5-1).

- Further discussion at upcoming meetings. A meeting will be post meeting when site visit with Adam is scheduled.

#### **Other Business**

- Marcella stated they need to organize something for this year's Earth Day. Need more help with mosquito control. Suggested removal of old tires and other things that retain standing water. Possibly get rid of them at DPW or other location.
- Mike Penko PLPA fact sheet regarding the public land protection act was in packet. Asked Commissioners to look at it, discuss it at next meeting and see if they want to sign it as a Commission at the next meeting.
- Mike Penko stated he had some ideas regarding the hike Upton challenge. Sent feelers to rec commission and identify number of hikes that people would be challenged to complete. Once completed they would get some sort of token gift. Dave and Mike to upgrade the trail maps and create one trail map for each hike and post on town website. Dave Szczebek to help with design of trails map. Lauren Scheuer has offered to help with design map. Marcella to send Lauren's info to Mike and Dave to contact her for her to help out. Commissioners thought the challenge is a good idea. Marcella suggested that they keep it simple on the website. A map and brief description to keep it easy to access and review.
- Dave stated CMRPC is waiting for center line for the trails. Need to submit data acquisition by 5/1. Mike Penko and Dave Zczebek to get that information together.

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

**Minutes approved on: March 9, 2022 (remote meeting)**

*Chris Scott                    Mike Penko  
Tom Jango                    Alan Miano  
Marcella Stasa*



## TOWN OF UPTON, MASSACHUSETTS

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### Conservation Commission

Meeting Minutes – Wednesday 3/08/2023 -- Remote Meeting (teams)

To: Members of Upton Conservation Commission  
CC: Town Clerk  
From: Grace Brownell, Administrative Assistant

#### **Members Participating:**

Chair: Christine Scott, Vice Chair: Mike Penko  
Members: Sandy Lajoie (treasurer), Marcella Stasa, Alan Miano, Tom Jango, & David Szczebak  
Absent: N/A  
Agent: Mary Overholt  
Associate Member: Grace Brownell  
Visitors: Grace Lam (Five Forks Farm), Mia McDonald (DEP), Jim Lattanzi, Nathaniel Hengy (FPAC-NRCS), Alice, William Taylor (Open Space Committee) & Kristin O'Brian (SVT)

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

**Administrative Report-** Dennis met with Mary. There are trees that are down over the brook between United Parish and the town hall. Dennis would like to have men cut trees to remove them. Chris asked if debris from the fallen trees will be left in stream. Mary noted it will be removed from stream. Tom and David asked what the motive for this is, which Mary was unsure of, and will discuss with Dennis. Tom and David communicated it is fine to clean up the area but do not see a reason for it right now.

Dennis had a final question regarding order of conditions for the community center. There is a riverfront restoration area there. He wanted to wait to do it, because the Grove Street bridge (25% design stage) is slated for replacement. He would like to wrap that replication and restoration in the riverfront area into the Grove Street bridge project. Mike noted there are bounds required and setbacks from stream so that might be problematic when building the bridge. There are two years of monitoring for restoration area. *Tom motioned to give Mary the authorization to have the bridge continued later and filing for work for the bridge. Sandy seconded. Voted all in favor by roll call vote.*

Mary received an email from a lawyer about Dean Pond open space. They are preparing a deed for part of the open space. Bill explained how the large piece of open space (60 acres) is being deeded to the state, DCR. Mike noted no CR is required because it is on town property. The open space is for the homeowners to utilize as well as town residents. Once Mary gets back to the lawyer, the deed will need signatures from everyone from the board.

**Staff Meeting-** Town is updating its website. They wanted each board to assess their page and add photos. The commission can work to revise the left-hand border.

There is an opening on the board of selectmen and planning board. The extension for remote meetings is ending soon. The state legislature is working on an extension for 2025 and has gone through the house but not the senate.

**Financial Update**-Mary presented what was approved at the Land Stewardship Commission. Does land stewardship have authority to approve? Yes, but the conservation commission will review as well. Mary will need to attach W-9. *Mike motioned to pay bills with amounts switched. Tom seconded. Voted all in favor by roll call vote.*

The commission was given a level budget, and has \$4,000.00 dollars that have not gone out, which they will get back. The commission has spent most general expenses, land maintenance is over, and the commission still has \$500.00 for open space. Land Stewardship still has a small amount left. Mary will get Joe's signature for FMPs and then go to the state. Then, there is a form that the commission will have to submit. The money would come back to general expenses.

**Website** – Mike noted how there needs to be an update on the Hike Upton Page for the open space website.

**Hopkinton Road Determination**- The commission has 21 days after hearing to file paperwork. Conditions: Negative determination- One of the trees is within the wetland but will not alter wetland. Mary will make a planting plan. *David motioned to accept Mary finishing the planting plan. Marcella seconded. Voted all in favor by roll call.*

**Open Space Committee – Bill Taylor** Bill had a conversation with the chair of the Westborough Open Space Committee, who was approached by a woman who owns land (about 80 acres) on Bowman Street in abuts to the Westborough Line. She is interested in preserving it. Bill gave the chair Christine Garry's contact information because they wanted to sell land to state. Chris said it would be more viable if it had abutted the state forest land that separates the two pieces of Upton State Forest. The topic in question is if the state is interested in it. If so, the commission will need to help. Bill got an e-mail from Catherine Robertson. The family that lives next door to the Robertsons are going to put their property back on the market. There is a piece of that property, the Reed Property. It is on the other side of Warren Brook and abuts the Robertson Conservation Area. They might be interested in it.

Mike shared his screen. He proposed two trail layouts that will get one close to Upton. If one goes with the Reed property, an additional trail bridge is needed. One could have a trail that would get one to Mechanic Street. Mike noted that the blue line is more problematic, because there are more private properties as well as wetlands to cross. Thus, the pink line is likely the better option. It would have a trail to lead to Mechanic Street. Also, having an easement on the South side of Warren Brook could be an option. The Reed property could have a few lots, or one large lot to reduce frontage. The pink trail would lead up to the Robinson Trail, which leads through Mechanic Street to Stefans. This is one way one could get from the center of Upton to the trail system. Another way would be off Warren Street, through Pleasant Woods. Pink would be some sort of river walk space. Narrow strip of land along the river is in tax taking, so someday the town will likely own it.

**Land Stewardship Committee**- Marcella noted there is nothing new.

**New Items-**

Samsung backup- Mike got an email from Joe. He advised against purchasing it due to security reasons. Commission will have to trust that the off-site vendor that the town hires will efficiently back up the commission's files.

**On-Going Items-**

MACC Conference- David enjoyed attending virtually. David received a scholarship for being a new member. If anyone else attended the conference, they should provide their information to Mary so they can be reimbursed.

**Earth Day-** Marcella spoke to Lynn Haggerty and the event is underway. On Saturday, April 22nd, there will be bags and materials distributed for residents to do street clean up. In addition, people will have to sign up for a specific street.

**Site Visits-** Chris asked if people did a site visit for 53 George Hill Rd. Marcella said not yet.

#### **Approve & Sign Document**

**Meeting Minutes 02-08-2022 and 06-08-22.** *Marcella motioned to accept. Tom seconded. Voted all in favor by roll call vote.*

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

##### **7:00 Discussion Five Forks Farm**

Chris opened the public meeting. Mia McDonald, the wetlands circuit writer, is present to provide technical assistance. Grace noted that if the commission were to proceed with NOI, the project in question would be the waterway between the existing pond and the new pond. Grace should be able to go through with the construction of the pond but wait to break open the waterway between old and new pond until NOI is approved. DEP considered the project exempt so long as the pond is out of the resource area. Mike asked if the commission will have a say as the project relates to resources the commission is supposed to protect. Specifically, he suggested lining the pond with clay or a synthetic clay liner to minimize seepage. Jim responded saying clay would be used as a standard practice. Mike asked if the commission could address other concerns with NOI. Mia responded by saying the installation of the pond in the buffer zone with no alteration of resource areas would come under 10.04 for agriculture. She just must meet performance standards under 10.535, which the commission will have to review.

Mike asked about downstream impacts off property. One component that could be monitored is whether water is spilling downstream and over rear. Mike was also concerned about getting permission from property owners. Is there any way we can protect the intermittent stream or is it a resource area not protected under this limited project? Mia noted it would be construction impacts for sedimentation. The contractor Jim has a lot of experience to protect cementation downstream. It will be designed so the water can overflow and is able to keep feeding the wetlands downstream. DEP doesn't see much impact from the diversion of small quantity of water, because it isn't a large pond. The commission may want to consider adding special condition of monitoring for two years. If there is impact downstream and withdrawal is too great, then she will need to go back to NCRS. She will need to get more water and adjust the outlet. The stream length for the adjacent property is 250 ft. Thus, any impacts could be easily monitored. The most impacted area would be the outlet. Mike asked, if the intermittent stream is a resource area that is protected by this limited project? Mia responded saying the construction of new ponds is in existing agricultural use, which are necessary to support that agricultural use. DEP acknowledged that wetland resource areas are allowed to be altered for this use. Grace will begin work in the buffer zone prior to receiving her order of conditions. She will refrain from any work in a resource area before the completion of NOI. *David Motioned in support of NOI filed for construction of the pond. Marcella seconded.*

Mike asked whether the by-law applies. Mary explained how the by-law would apply to the extent that the land does not have a house on it, but the by-law supports agricultural state exemption. *Dave motioned in support of NOI to be filed for the construction of the connection between the old and new pond. Marcella seconded. Voted all in favor by roll call.*

Mary has been helping Grace getting her forms and notifications ready. Mary and Grace need full set of plans. Kristen from SVT asked the plans to be sent to her as well. Mike asked if the pond can be designed so that it has a spillway where elevation can be altered. If they find that no water is going downstream during summer season, could elevation still be modified? Nathan Hengy, an agricultural engineer from NRCS, noted that for internal designs they look at least cost options, so no concrete. Since

it is an intermittent stream, there will be times where it will not be flowing, and the existing pond will not be at capacity.

**7:15 NOI Robertson Family Conservation Restriction-installation of a trail bridge and boardwalk (cont.)**

*Tom motioned to continue NOI for Robertson Family Conservation Restriction hearing until April 12<sup>th</sup> at 7:45pm, to look at soils in vicinity of possible mitigation areas. Marcella seconded. Voted all in favor by roll call vote.*

**7:45 FMP discussion and JL signature**

*Mike motioned the town manager to sign both the plans to receive funding. Tom seconded. Voted all in favor by roll call vote.*

**8:00 Governor's Landing NOI (cont.)**

*David Motioned to continue Governor's landing for April 12<sup>th</sup> until 8:00pm. Marcella seconded. Voted all in favor by roll call vote.*

**8:21 pm** Marcella motioned to adjourn. Chris seconded. Voted all in favor by roll call vote.

**Document List**

8/24/22 Meeting Packet

***Minutes approved on: March 22, 2023 remote meeting***

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



## TOWN OF UPTON, MASSACHUSETTS

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### Conservation Commission

Meeting Minutes – Wednesday 3/23/2022 -- Remote Meeting (gotomeeting.com)

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

#### **Members Participating:**

Chair: Chris Scott, Vice Chair: Mike Penko  
Members: Alan Miano, Tom Jango, Marcella Stasa, Sandy Lajoie, Mary Overholt  
Absent: None  
Agent: Dave Pickart  
Associate Member: David Szczebek  
Visitors: Bill Taylor, Linda Gay, John Herendeen

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

#### **Agent Report**

- Erosion controls at Glenview and Christian Hill for the two properties have been fixed and no other constructions issues.
- Need to discuss driveways for lots at 0 North Street lot 3 and 4. No legal way to modify the ORAD. Recommended they let it expire and then come back and amend the Order of Conditions to address a new plan. Working on plan revisions and update the WPA filing fee for a roadway/driveway crossing through a wetland. Asked that the commission waive the local bylaw fee and Dave thinks it was reasonable request. About 400 square feet involved. Waiver is for portion of Bylaw fees. Commission agreed it would be fine.
- Mike Penko made a motion to waive the Wetland Bylaw fees for lot 3 and lot 4. Tom Jango seconded the motion. Motion passed by unanimous voice vote.
- Many phone calls and emails with many requests.

#### **Administrative Report**

- Trisha reviewed the bills. \$125 for Greg Trussell. \$231.92 Gatehouse Media bill.
- Tom Jango made a motion to pay the bills in the amount of \$356.92. Marcella Stasa seconded the motion. Motion passed by unanimous voice vote.

#### **Financial Update**

- No Changes.

#### **Website – Alan Miano**

- Change Pratt Pond Ice Out to March 15<sup>th</sup>.

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

- Mechanic Street has engaged appraisal by April 30/May 1. Talked with town counsel and confirmed that they can pay more but cannot use preservation funds. Confirmed offer can be used as the value. They have the rights in the current purchase and sale. The two most important rights are 180 days due diligence period which expires on August 14<sup>th</sup> and if they decide to exit the deal they can exit without repercussions. Purchase and Sale has closing date of August 12, 2023 and they can use that. Working on application to Community Preservation Committee will present at next meeting in April.
- Linda Gay asked for explanation on appraisal. Bill explained. John Herendeen also asked questions as how the money could be used. Bill explained that the lawyer had reviewed and given her opinion on what they were allowed to do.

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

- Meeting with Adam on Friday with Katherine Robertson at the Robertson property to find an alternate site for bridge at 10:30AM.
- Working on new trail Whitney East with someone from mountain biking community to make the trail more accessible for mountain bikers.
- Making headway with volunteers for trail work and participating in Earth Day. They will be picking up tires at Stefans farm and Centerbrook.
- Bill mentioned Megan Ronzio from Upton Cultural counsel for a foraging event on June 9<sup>th</sup> at Stefans and presenter will be paid through cultural council grant. Bill asked that the Commission give him permission.
- Marcella Stasa made a motion to allow the foraging program to move forward on June 9<sup>th</sup>. Alan Miano seconded the motion. Motion was unanimously approved.

### **New Items:**

#### **Trees at Trail Property at Rockwood Meadows**

- Mike explained that at the entrance at Rockwood Meadows parking area there is a large stump of tree DPW cut down and wanted to know if the Commission wanted to plant a couple of trees and possibly remove the stump. Decide what species and coordinate with Rockwood Meadows and Hopkinton Land Trust.
- Stump removal and landscape quality trees will be about \$3,000. Asked if they had an interest pursuing this. Price depends on what trees they choose and then about one day effort to install them and that costs \$1,000-1,200/day and stump removal. Mike stated in his experience he thinks it is about \$3,000.
- Would like stump to be removed totally, pulled out so they could plant in that space. Mike is not sure how easy that would be to have it removed. Planting in May most likely and would need to water regularly.
- Mike contacted Dennis by email to see if DPW could do installation and didn't hear back as of yet. An RFP could be put out for planting the two trees and removing the stump.
- Tom suggested the Fall might be option, easier, less watering and they do better. Spring is ok but watering might be easier in the Fall.
- Mike willing to do watering. Mike thinks Rockwood Meadows has water source at club house that could be used. Funds should be available from the Conservation expense budget. Mike suggested that they tell acting Town Manager that the Commission has the funds available for this project.
- Tom Jango made a motion to send out proposal for an RFP for purchase and installation of trees and possible removal of tree stump and find out what time of year would be recommended for planting. Marcella Stasa seconded the motion. Motion passed by majority vote.

**Eagle Scout**

- Have number of people needed for Board, no further discussion needed.

**On-Going Items:**

**Erosion control policies, Permitting Process Discussion, Railroad, Land Use Regulations and OPDMD Draft Policy, Upton Ridge CR, Warren Brook Forestry thru March 2022, Forest Heights, Police Monitoring at Peppercorn, 78 and 84 Mendon Street, Beaver Info on Website and Lake Wildwood Island Touchtone School, Mechanic Street Realty Trust, Earth Day April 22, 2022, Blackstone Collaborative Resolution, Upton Hike Challenge, Blackstone Zap 50 and PLPA**

- Nothing new.

**Approve & Sign Document****Meeting Minutes**

- Chris asked if there were any changes to the minutes for the March 9, 2022 meeting.
- Marcella Stasa made a motion to accept the minutes for the March 9, 2022 meeting as written. Mike Penko seconded the motion. Motion was approved by majority voice vote.

**AGENDA ITEMS/HEARINGS****7:15 PM        North Street (con't) NOIs**

- Continued until 4/13 at 7:45 PM.

**7:35 pm** Marcella Stasa made a motion to adjourn. Tom Jango seconded the motion. Motion was approved by unanimous voice vote.

**Minutes approved on: April 13, 2022 (remote meeting)**

*Chris Scott        Mike Penko*

*Mary Overholt    Tom Jango*

*Marcella Stasa    Sandy Lajoie*

**New Items:**

**Annual Town Meeting May 5, 2022**

- Will be held at Nipmuc High School at 7 P.M.

**SVT Management Contract for Mechanic Street and Fowler Street Property Proposal**

**Meredith Houghton, Laura Mattei from SVT were present to speak.**

- Dave showed the management agreement draft. Mike reviewed the management agreement from SVT.
- SVT wants management role in this project. A sample of the Havard Land Trust was given as an example.
- eMike drafted an outline of what the management for the Mechanics Street Project agreement could look like. Only from Mike's viewpoint at this time. Shared with SVT and track comments are from Laura who is the Stewardship Director and Meredith. Mike asked Meredith if she thought it was acceptable with changes.
- MOU could be crafted after town meeting. Just an example. Will be signed with SVT and town. Meredith said comments are discussion points. Krista Collins has reviewed and commented. Agreed this as a starting point is good.
- Marcella asked if that they do guided walks. Meredith agreed they would not charge because it is not their property.
- Mike reviewed the changes/edits from Laura.
- Mike to managing forest harvest and invasive plant handling. Mike would like to have it completed first before the town takes ownership, along with Stefans. Phil Benjamin for cutting plan for forestry previously. Mike recommends him or anyone that SVT can suggest someone also.
- Trail maps to be updated by Upton. Laura stated they had their own maps with branding and that they would like to use. Laura stated they could come up or they could work together to come up with one. Mike stated they could do two maps. Laura would like one map that is consistent and represents both SVT and Upton and could be co-branded. Mike and Laura agreed to work together and SVT can be listed on the map that was designed by Upton. Commission members agreed that a joint map would be done. Guided walk could be held.
- Mike Penko made a motion to have that this document serve as the framework for SVT and Conservation Commission to develop a MOU for the management of the Mechanic Street property. Tom Jango seconded the motion. Motion passed by unanimous voice vote.

**On-Going Items:**

**Erosion control policies, Permitting Process Discussion, Railroad, Rockwood Meadows Baseline Study, Land Use Regulations and OPDMD Draft Policy, Upton Ridge CR, Warren Brook Forestry thru March 2022, Forest Heights, Land Use Regulations and OPDMD Draft Policy, Police Monitoring at Peppercorn, 78 and 84 Mendon Street, Beaver Info on Website, Lake Wildwood Island Touchtone School, Robertson Trail Bridge Design and Cost Estimate after Site Visit, Mechanic Street Realty Trust, Earth Day April 22, 2022, Blackstone Collaborative Resolution, Upton Hike Challenge, Blackstone Zap 50 and PLPA, Discussion SVT Management Contract Proposal**

- Nothing new.

## **Meeting Minutes**

- Sandy asked if there were any changes to the minutes for the April 13, 2022 meeting.
- Marcella Stasa made a motion to accept the minutes for the April 13, 2022 meeting, as written. Tom Miano seconded the motion. Motion was approved by majority voice vote. Alan abstained.

## **AGENDA ITEMS/HEARINGS**

### **7:00 PM      Discussion Robertson Trail Conceptual bridge**

- Marcella stated John Savello to do assessment of water flow at the site very soon. Once information is received, then Adam will use that information to create a new conceptual design. Bridge is expected to be eighteen inches wide with side slats located at location decided on by last visit with Adam.

### **7:15 PM      Discussion 54 Fiske Mill Road**

**Jeannine Baynham and Mark Baynham are present.**

- Dave stated that the order was recorded in 1998 and he hasn't been able to pull up plans. Order of Conditions in packet.
- Special Condition 24 states applicant shall place deed restriction the lot preventing it's further in subdivision in perpetuity. Same language recorded on deed for the lot that says this lot may not be subdivided into an additional lot and shall remain a single lot.
- Jeannine wants to know if they can do a workaround. Jeanine stated that the reason they are asking for consideration to subdividing the land is because the town has changed a lot in 23 years. They bought house in 1999. They want to know if the conditions that lead to that restriction still apply today. Building is going on around them and the reason they want to subdivide is that she has two daughters and they could have the opportunity to build something in their lot to help kids out. They are looking to do this ASAP as her health is an issue. They are looking at all changes around them and if there is any way to subdivide the land they would like too and wanted to know what the process is before going before Planning Board. Mark stated it was designated on the deed that there is a wetland, it is a small piece of the land surveyed by the house. Thinks wetlands is near house and was wondering if that was the reason for it not being subdividable because of that small piece of wetlands. Mark asked if they should do another better survey. Mark stated they are looking to build two houses at the same time. Wetlands were marked out when a swimming pool was added.
- Dave stated there is four or five lots built by same developer and three or four of them have same deed restriction. One property might have been subdivided already. Dave stated they could do research on that and see what was done. Dave stated these are legal questions and it's a deed restriction and he is not sure they could remove it. Dave asked the Commission if they would like him to ask Town Counsel for their opinion on this matter because it is above the authority of the Conservation Commission. Tom stated he doesn't think they have the authority and it is above the Conservation Commission to decide. Sandy agreed that it was a good idea and asked if the property has been surveyed already to see if it has a qualifying lot. After discussing it was decided that the Commission do a site walk before the money is spend on a formal survey as they are very expensive. Dave stated that zoning approval would be needed to subdivide the lot as well. Jeanne spoke with Denise Smith and they would need to go before the Board because of the frontage issue.
- Alan Miano made a motion to contact Town Manager to contact Town Counsel to get their opinion on what the procedures would be. Tom Jango seconded the motion. Motion passed by unanimous voice vote.

### **7:30 PM      RDA 32 Howarth Drive      Puttakkappa**

**Rajesh Puttakkappa was present to speak.**

- Trisha read the legal ad notice that ran in the Worcester Telegram Gazette.

- Rajesh reviewed the plan that Dave showed. Rajesh wants to build a inground pool and pool house and a tennis area located after the pool. He wants to cut trees to make space available in the area for all that. Marcella asked if they could move it out of buffer zone. Rajesh stated he would be able to move it up out of the area a bit. Dave stated that the buffer is approximate and bounds are actually at the limit of the work done when the house was constructed. Just a small amount in buffer zone and well within wetland area. Can be approved. Tennis court extends into the 50' no build zone and close to 30' no disturb zone. Fill will likely go within the no disturb zone. DEP has problem with that being there for the tennis court area only.
- Mike sent map and legal documents to Dave that said that the land within the 30' feet is a deed restriction and cannot be developed. Dave recommends the plans be updated by applicant and surveyor could add wetlands and 30' restricted area on the plan and then it could be reviewed. Base of fill slope is needed on plan also. No way to approve anything within 30'. Probably will need to move closer to the pool area. Tom doesn't find it would be approvable within the 30' bounds. Marcella asked if they could make it smaller. Rajesh stated it is the standard size but he could move it closer to the pool. Dave reviewed the wetlands in southwest corner and there is limit of the restriction within 30' of the BVW. Dave stated a 5 to 10% grade and some grading will need to be done. Fill slope for tennis court would be 18-20' feet wide with a 3 to 1 slope. Dave recommended that the slope be covered with erosion control blanket and/or seeded with a bonded fiber maintenance.
- Marcella asked how many mature trees would have to be removed. Dave stated depends on where the work would be done. Mostly saplings and when he reviewed maybe 4-5 mature trees. BVW is located up near stone wall.
- Tom wants to see the new bounds on new plans. Dave thinks they should continue until an updated plan is received, it is best course of action.
- Rajesh will come back with amended plan. Rajesh asked how much closer he would have to move the tennis court. Marcella stated closer to the neighboring property and pool. Alan stated if he angled the tennis court area it would remove it from the area of concern. Dave stated no work within the 30 foot buffer. Dave suggested plan be given to the person who prepared plan and have him put the information as best as he can. Stay way from 30 foot line and relocate the bounds to limit of work and clearing as far away from line as possible. To have it as far back from wetland as possible, 50' away there is a language it can be approved from Commission.
- Hearing continued until May 11<sup>th</sup> at 7:15 P.M.

**7:50 PM        32 Milford Street EO**

- Enforcement order for property owner. Timing for submittals for 5/11 meeting and per wetland protection regulation and have to ratify it issuance by voice vote.
- Tom Jango made a motion to ratify the enforcement order. Alan Miano seconded the motion. Motion passed by unanimous voice vote.

**Other Business**

- Main Street ANRAD was scheduled for 7:00 PM on May 11, 2022.

**8:15 pm** Sandy Lajoie made a motion to adjourn. Alan Miano seconded the motion. Motion was approved by unanimous voice vote.

**Minutes approved on: May 11, 2022 (remote meeting)**

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



## TOWN OF UPTON, MASSACHUSETTS

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### Conservation Commission

Meeting Minutes – Wednesday 4/13/2022 -- Remote Meeting (gotomeeting.com)

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

**Members Participating:**

Chair: Chris Scott, Vice Chair: Mike Penko  
Members: Tom Jango, Marcella Stasa, Sandy Lajoie, Mary Overholt  
Absent: Alan Miano  
Agent: Dave Pickart  
Associate Member: David Szczebek  
Visitors: Bill Taylor, Kathryn Robertson

**7:00 Remote Meeting Opened**

**Agent Report**

- Cobblers Creek project is started. Phase 1, erosion control has been checked. Project has been turned over to a new contractor, WW.
- Mike asked that Dave remind them that Kevin agreed to establish the public parking during the Phase 1 of the project. Emergency exit is being done as part of phase 1.
- Dave stated he had forwarded new info from Pulte for Upton Ridge project. Can be addressed at future meeting.
- New house at 15 Prospect Street has erosion control. Needs storm water permit. Dave to contact developer. Abutter has concerns. Might be a problem so will need to investigate further.
- Wright Pierce will be holding a meeting for the kickoff for GIS platform capabilities. Would prefer someone else to take the lead because he is not familiar with GIS. Dave Szczebek and Mike will attend meeting.
- Dave stated he is on vacation next week.
- Marcella asked how the golf course was going to manage the mosquitoes with pesticides. Dave area inside CR is not maintain and no pesticides are used.
- Dave stated during a routine inspection at 22 Eames Lane he noticed a gravel area right up to wetland edge. Showed pictures with flags. Dave has a call into the engineer to see who did it. The property is in a trust so they have to find owner and it has possibly been sold. Dave will try to locate someone to talk to and should be enforced and then the Commission can decide to what extend they want to enforce once they know who to speak with. There is an open Order of Conditions.

- 32 Milford Street – Dave received two calls about it and went out to look at it. Fill was being dumped near wetland. He had that stopped and returned Monday and met with owner and flags were placed where wetlands are. About two trucks of fill have already been dumped. Some trees have been cut down and brush is piled in the wetland. A lot of brush has been accumulated that do not appear to be from property owner. Appears to be coming from abutting properties, property owner to southeast. Some landscape waste and Christmas trees and some of the same on the other side. Chris asked if they can they ask the owner to remove the debris to within 50' of the pond. Dave stated owner has agreed to pull together a plan of what he wants to do and do some restoration right near the hill. He is willing to remove the brush but wants some kind of assurance that it does not happen again with the abutting neighbors, which are located at 1 Elm and 34 Milford Streets. Several potential vernal pools on this property but no breeding at this time. Not sure if eggs have been laid yet. Tom stated they he went out a few weeks ago and there was a lot of activity and now they are silent so he thinks they might be done. Dave walked around and couldn't see anything but wants to know how the Commission wants to proceed. Property owner has been very responsive up to this point and wants to get things sorted out. They have stopped the work and will file a Notice of Intent. An enforcement order can be issued. Dave feels enforcement orders are more enforceable. Enforcement order can be for cleaning up and NOI can be filed. Not subject to Bylaw. Chris suggested a strong letter that he should not be doing anything further.
- An enforcement order will be issued. Hearing will be scheduled for the next meeting at 7:50 PM on April 27, 2022.
- Chris Scott made a motion issue an enforcement order. Sandy Lajoie seconded the motion. Motion passed by an unanimous voice vote.
- No advertisement until NOI filed.

#### **Administrative Report**

- Nothing to report.

#### **Financial Update**

- No Changes.

#### **Website – Alan Miano**

- No report.

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

- Working on mechanic street trust. Community Preservation Commission meeting on 4/27. Hopefully recommendation to town meeting or if not, it would be stopped. If voted positively at town meeting it would go to BOS to vote for right of first refusal. Possible modifications will be made.

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

- Marcella stated there is a lot of interest in the community garden. There are more people then plots. Plots are in the process of being assigned. Mary's son James was working on a second level on some of the beds, five beds were done already. Mary has a lot of work to fill the beds and hopefully get a volunteer for work days.
- Working closely with BV Mountain Bike Association and have a new trail routed and they are going to be helping with trail bridge and other projects.
- Mike and Chris cannot attend the Howarth drive hearing because they are on the SVT committee and will need to attend that meeting on the 27th.

**New Items:**

**Annual Town Meeting May 5, 2022**

**SVT Management Contract for Mechanic Street and Fowler Street Property Proposal**

**Upton Ridge CR Discussion**

- Dave recommended tabling it until comprehensive list is completed. If it is a model CR Dave will request and include in next packet.

**On-Going Items:**

**Erosion control policies, Permitting Process Discussion, Railroad, Rockwood Meadows Baseline Study, Land Use Regulations and OPDMD Draft Policy, Upton Ridge CR, Warren Brook Forestry thru March 2022, Forest Heights, Land Use Regulations and OPDMD Draft Policy, Police Monitoring at Peppercorn, 78 and 84 Mendon Street, Beaver Info on Website, Lake Wildwood Island Touchtone School, Robertson Trail Bridge Design and Cost Estimate after Site Visit, Mechanic Street Realty Trust, Earth Day April 22, 2022, Blackstone Collaborative Resolution, Upton Hike Challenge, Blackstone Zap 50 and PLPA**

- Nothing new.

**Approve & Sign Document**

**Meeting Minutes**

- Chris asked if there were any changes to the minutes for the March 23, 2022 meeting.
- Marcella Stasa made a motion to accept the minutes for the March 23, 2022 meeting as written. Sandy Lajoie seconded the motion. Motion was approved by unanimous voice vote.

**AGENDA ITEMS/HEARINGS**

**7:00 PM      Discussion of SVT Management Contract Proposal**

- A Conservation meeting was held on Tuesday, April 12, 2022 to discuss with SVT. They reviewed the Havard Conservation Trust Agreement and suggestions were made how to modify to update for Upton. A motion was made to have SVT collaborate with the Town of Upton. The SVT board is meeting tonight to discuss whether or not they want to be involved. Should hear tomorrow if they want to be involved in the Mechanic Street property. If this goes forward someone will draft a management agreement.

**7:15 PM      NOI East Street Estates (cont'd)   Afonso**

Bryon Andrews present to speak.

- Monumentations are almost completed. Will be completed within next week.
- Boring being done by Yankee Engineering and they are meeting the Planning Board requirements so contract was forwarded to client today and they should sign it shortly and return to Yankee. Boring scheduled for May 4<sup>th</sup>.
- Mike baseline report should be starting soon.
- Planning Board had received plans in November. Dave stated he doesn't have the revised plans. Bryon to send revised plans from November to Dave.
- Chris stated they will need to review plans and monumentation.
- Meeting continued until 5/11 at 7pm.
- Bryon to send conservation plan with markers.

**7:45 PM NOIs North Street and Westboro Road (cont'd) MacDonald**

- Continued until the meeting on May 11, 2022 at 7:30 PM.

**Other Business**

**Robertson Trail Bridge**

- Meeting with Adam was held at the site and a second site for the bridge was chosen.
- Adam is looking for feedback on what the Commission would like for the materials to use and the size of the bridge. The project needs to be something his engineer would approve. Tom stated they are looking at making it narrower, one person being able to cross to save on the cost. Tom stated he feels it is more acceptable for him and the Robertson agreed that was more of what they wanted. Marcella also agreed it might be a better option. Steel could be used and it would be less expensive and would create no issues. Bridge would be 18 inches wide and railing would slant outward. A single beam might be usable for this design. Kathy Robertson stated the beam could be moved easily down the road that is already there on her property, as well as other needed materials.
- Mike stated it should be an engineered drawing. A conceptual design first to put out to bid (they will get three quotes). Need cost estimate for bridge construction and proposal for engineering before bids are obtained.
- Mike concerned with safety for that location. Mike said the Commission had made a motion to hire Cervello to do a review of how high the water will get at 50 year event at a prior meeting and he would like to have that done. Marcella stated she thinks they should ask Adam if he needs the information for him to get going on the design. Mike stated Adam and John can get started and they can both be working on it at same time. Location for the bridge is flagged.
- Mike Penko made a motion to provide conceptual design identified in field with 18" wide boardwalk with a steel beam. Tom Jango seconded the motion. Motion passed by unanimous voice vote.

**8:10 pm** Sandy Lajoie made a motion to adjourn. Marcella Stasa seconded the motion. Motion was approved by unanimous voice vote.

Minutes approved on: 11/08/23 (remote meeting)

*Chris Scott                    Mike Penko  
Mary Overholt                Tom Jango  
Sandy Lajoie                Alan Miano  
Marcella Stasa*



## TOWN OF UPTON, MASSACHUSETTS

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### Conservation Commission

Meeting Minutes – Wednesday 4/27/2022 -- Remote Meeting (gotomeeting.com)

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

#### **Members Participating:**

Chair: Chris Scott, Vice Chair: Mike Penko  
Members: Alan Miano, Tom Jango, Marcella Stasa, Sandy Lajoie, Mary Overholt  
Absent: None  
Agent: Dave Pickart  
Associate Member: David Szczebek  
Visitors: Jeannine and Mark Baynham, Rajesh Puttankappa

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

Chris Scott and Mike Penko left meeting at 7:25 to attend another meeting. They returned at 8:00PM. During Chris Scott's absence the meeting was run by Sandy Lajoie.

#### **Agent Report**

- No inspections done.
- Many questions about drainage issues.
- Still trying to get a contact person for Violation on Eames Lane.
- Followed up with Pulte and pulling together Upton Ridge CR material.

#### **Administrative Report**

- Nothing to report.

#### **Financial Update**

- Nothing to report.

#### **Website – Alan Miano**

- Nothing to report.

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

- Nothing to Report

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

- Sign at Peppercorn was stolen. Email sent to police chief notifying him.
- Still working on bridge design for bridge at Peppercorn.

**New Items:**

**Annual Town Meeting May 5, 2022**

- Will be held at Nipmuc High School at 7 P.M.

**SVT Management Contract for Mechanic Street and Fowler Street Property Proposal**

**Meredith Houghton, Laura Mattei from SVT were present to speak.**

- Dave showed the management agreement draft. Mike reviewed the management agreement from SVT.
- SVT wants management role in this project. A sample of the Havard Land Trust was given as an example.
- eMike drafted an outline of what the management for the Mechanics Street Project agreement could look like. Only from Mike's viewpoint at this time. Shared with SVT and track comments are from Laura who is the Stewardship Director and Meredith. Mike asked Meredith if she thought it was acceptable with changes.
- MOU could be crafted after town meeting. Just an example. Will be signed with SVT and town. Meredith said comments are discussion points. Krista Collins has reviewed and commented. Agreed this as a starting point is good.
- Marcella asked if that they do guided walks. Meredith agreed they would not charge because it is not their property.
- Mike reviewed the changes/edits from Laura.
- Mike to managing forest harvest and invasive plant handling. Mike would like to have it completed first before the town takes ownership, along with Stefans. Phil Benjamin for cutting plan for forestry previously. Mike recommends him or anyone that SVT can suggest someone also.
- Trail maps to be updated by Upton. Laura stated they had their own maps with branding and that they would like to use. Laura stated they could come up or they could work together to come up with one. Mike stated they could do two maps. Laura would like one map that is consistent and represents both SVT and Upton and could be co-branded. Mike and Laura agreed to work together and SVT can be listed on the map that was designed by Upton. Commission members agreed that a joint map would be done. Guided walk could be held.
- Mike Penko made a motion to have that this document serve as the framework for SVT and Conservation Commission to develop a MOU for the management of the Mechanic Street property. Tom Jango seconded the motion. Motion passed by unanimous voice vote.

**On-Going Items:**

**Erosion control policies, Permitting Process Discussion, Railroad, Rockwood Meadows Baseline Study, Land Use Regulations and OPDMD Draft Policy, Upton Ridge CR, Warren Brook Forestry thru March 2022, Forest Heights, Land Use Regulations and OPDMD Draft Policy, Police Monitoring at Peppercorn, 78 and 84 Mendon Street, Beaver Info on Website, Lake Wildwood Island Touchtone School, Robertson Trail Bridge Design and Cost Estimate after Site Visit, Mechanic Street Realty Trust, Earth Day April 22, 2022, Blackstone Collaborative Resolution, Upton Hike Challenge, Blackstone Zap 50 and PLPA, Discussion SVT Management Contract Proposal**

- Nothing new.

**Approve & Sign Document**

## **Meeting Minutes**

- Sandy asked if there were any changes to the minutes for the April 13, 2022 meeting.
- Marcella Stasa made a motion to accept the minutes for the April 13, 2022 meeting, as written. Tom Miano seconded the motion. Motion was approved by majority voice vote. Alan abstained.

## **AGENDA ITEMS/HEARINGS**

### **7:00 PM      Discussion Robertson Trail Conceptual bridge**

- Marcella stated John Savello to do assessment of water flow at the site very soon. Once information is received, then Adam will use that information to create a new conceptual design. Bridge is expected to be eighteen inches wide with side slats located at location decided on by last visit with Adam.

### **7:15 PM      Discussion 54 Fiske Mill Road**

**Jeannine Baynham and Mark Baynham are present.**

- Dave stated that the order was recorded in 1998 and he hasn't been able to pull up plans. Order of Conditions in packet.
- Special Condition 24 states applicant shall place deed restriction the lot preventing it's further in subdivision in perpetuity. Same language recorded on deed for the lot that says this lot may not be subdivided into an additional lot and shall remain a single lot.
- Jeannine wants to know if they can do a workaround. Jeanine stated that the reason they are asking for consideration to subdividing the land is because the town has changed a lot in 23 years. They bought house in 1999. They want to know if the conditions that lead to that restriction still apply today. Building is going on around them and the reason they want to subdivide is that she has two daughters and they could have the opportunity to build something in their lot to help kids out. They are looking to do this ASAP as her health is an issue. They are looking at all changes around them and if there is any way to subdivide the land they would like too and wanted to know what the process is before going before Planning Board. Mark stated it was designated on the deed that there is a wetland, it is a small piece of the land surveyed by the house. Thinks wetlands is near house and was wondering if that was the reason for it not being subdividable because of that small piece of wetlands. Mark asked if they should do another better survey. Mark stated they are looking to build two houses at the same time. Wetlands were marked out when a swimming pool was added.
- Dave stated there is four or five lots built by same developer and three or four of them have same deed restriction. One property might have been subdivided already. Dave stated they could do research on that and see what was done. Dave stated these are legal questions and it's a deed restriction and he is not sure they could remove it. Dave asked the Commission if they would like him to ask Town Counsel for their opinion on this matter because it is above the authority of the Conservation Commission. Tom stated he doesn't think they have the authority and it is above the Conservation Commission to decide. Sandy agreed that it was a good idea and asked if the property has been surveyed already to see if it has a qualifying lot. After discussing it was decided that the Commission do a site walk before the money is spend on a formal survey as they are very expensive. Dave stated that zoning approval would be needed to subdivide the lot as well. Jeanne spoke with Denise Smith and they would need to go before the Board because of the frontage issue.
- Alan Miano made a motion to contact Town Manager to contact Town Counsel to get their opinion on what the procedures would be. Tom Jango seconded the motion. Motion passed by unanimous voice vote.

### **7:30 PM      RDA 32 Howarth Drive      Puttakkappa**

**Rajesh Puttakkappa was present to speak.**

- Trisha read the legal ad notice that ran in the Worcester Telegram Gazette.
- Rajesh reviewed the plan that Dave showed. Rajesh wants to build a inground pool and pool house and a

tennis area located after the pool. He wants to cut trees to make space available in the area for all that. Marcella asked if they could move it out of buffer zone. Rajesh stated he would be able to move it up out of the area a bit. Dave stated that the buffer is approximate and bounds are actually at the limit of the work done when the house was constructed. Just a small amount in buffer zone and well within wetland area. Can be approved. Tennis court extends into the 50' no build zone and close to 30' no disturb zone. Fill will likely go within the no disturb zone. DEP has problem with that being there for the tennis court area only.

- Mike sent map and legal documents to Dave that said that the land within the 30' feet is a deed restriction and cannot be developed. Dave recommends the plans be updated by applicant and surveyor could add wetlands and 30' restricted area on the plan and then it could be reviewed. Base of fill slope is needed on plan also. No way to approve anything within 30'. Probably will need to move closer to the pool area. Tom doesn't find it would be approvable within the 30' bounds. Marcella asked if they could make it smaller. Rajesh stated it is the standard size but he could move it closer to the pool. Dave reviewed the wetlands in southwest corner and there is limit of the restriction within 30' of the BVW. Dave stated a 5 to 10% grade and some grading will need to be done. Fill slope for tennis court would be 18-20' feet wide with a 3 to 1 slope. Dave recommended that the slope be covered with erosion control blanket and/or seeded with a bonded fiber maintenance.
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**7:50 PM 32 Milford Street EO**

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- Tom Jango made a motion to ratify the enforcement order. Alan Miano seconded the motion. Motion passed by unanimous voice vote.

**Other Business**

- Main Street ANRAD was scheduled for 7:00 PM on May 11, 2022.

**8:15 pm** Sandy Lajoie made a motion to adjourn. Alan Miano seconded the motion. Motion was approved by unanimous voice vote.

**Minutes approved on: May 11, 2022 (remote meeting)**

*Chris Scott      Mike Penko  
Mary Overholt    Tom Jango  
Sandy Lajoie      Alan Miano  
Marcella Stasa*



## TOWN OF UPTON, MASSACHUSETTS

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### Conservation Commission

Meeting Minutes – Wednesday 5/11/2022 -- Remote Meeting (gotomeeting.com)

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

#### **Members Participating:**

Chair: Chris Scott, Vice Chair: Mike Penko

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

Absent: None

Agent: Dave Pickart

Associate Member: David Szczebek

Visitors: Bill Taylor Kevin McLaughlin Andrew T Goddard Consulting

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

#### **Agent Report**

- Getting NOI for Governor's Landing soon. Reviews fees. First hearing will be on June 8<sup>th</sup> at 8PM.
- Upton Ridge construction is moving along, unit construction should be completed within a few months.
- Community center progressing great.
- 22 Eames Lane expanded the parking area to wetland edge. Dave asked if they would make a motion to allow to release enforcement order.
- Tom Jango made a motion to allow Dave to release the enforcement order for 22 Eames Lane. Sandy Lajoie seconded the motion. Motion passed by unanimous voice vote.
- Mendon Street EO will be heard at the June 8<sup>th</sup> meeting.
- Received COC for Fox 4 Paintball. Facility closed and someone else has purchase it. Previous owner had certificate of requested prepared by Goddard was very good. Dave went for site everything was cleaned.
- Tom Jango made a motion to issue a complete certificate of compliance. Sandy Lajoie seconded the motion. Motion was approved by unanimous voice vote.

#### **Administrative Report**

- Trisha reviewed the bill submitted by Savello & Associates for \$500.00 for field survey.
- Sandy Lajoie made a motion to pay the bill for \$500 for Savello & Associates. Tom Jango seconded the motion. Motion passed by unanimous voice vote.

#### **Financial Update**

- Financial report in meeting packet. Nothing new to review.

**Website – Alan Miano**

- Open Space email link on website was not functioning properly and was removed.

**Open Space Committee – Bill Taylor**

- BOS will be holding hearing on 5/17/22 regarding whether to exercise the right of first refusal for the Mechanics Street parcel. If exercised it has to be done by 6/10/22 and negotiate a purchase and sale agreement. Land grant to fund the acquisition and seller would have to agree to closing date extension. If land-owner doesn't agree to extended the closing date Bill thinks they would have to purchase with CPC funds as approved at town meeting. If grant is awarded, they approved extended closing date, they could close no earlier than January. Award in November and state contract would need to be done. That wouldn't happen until the end of December.
- Wildcard is also if someone goes to town meeting to propose the town use town money to pay for it and if the town does approve, it could be used for municipal purposes and that would need an extended closing date.
- BOS is the party that can approve the exercise with the condition of extending the closing date to seek to change the way it is funded.
- Land grant people are holding info session tomorrow and Bill will be attending. Bill wants to be sure they are eligible to apply for a grant. May be some work to do before land grant is awarded state contract is issued. Survey would not happen before January/February.
- Mike suggested they do a survey scope right away to get it ready so they might be able to do it before the 90 day closing. Bill asked if survey could be completed after closing. Mike said yes as long as there is no problem with description of land. Bill agreed it is probably a good idea to have the survey done prior.
- Linda Gay asked if they use a 90 day target to close does that prohibit that it get money from land trust? Bill stated a land grant has to be awarded before you use the funds. Land grant needs to be awarded first and before funds are expended. Closing has to happen first. Cannot own property and then apply for grant. Bill stated they would have to put CRs on both of parcels. Bill stated grant max would be \$400,000.

**Land Stewardship Committee – Marcella Stasa**

- Marcella did a site visit walk with Dave and Kristin O'Brien from SVT at Whitney. A proposed trail has been flagged there with the help of the Blackstone Valley New England Mountain Bike Association. Kristin submitted and approval was received to develop the trail. More broadwalks are needed.
- Marcella stated another project by the bike association is to do a stream crossing on Warren Brook property. Currently plank bridge and they want to make a 24 foot length 28 inch wide water crossing over stream and over wet muddy area. RDA should be sufficient. Marcella to submit RDA.

**New Items:****Upton Ridge CR Discussion**

- Pulte is pulling together a track change for next meeting.

**Appointments to Conservation Commission Subcommittees and Conservation Commission Rep on Other Committees and Boards, SL, TJ, MS Appointments by BOS in June**

- Alan Miano made a motion to elect everyone for subcommittees. Tom Jango seconded the motion. Motion passed by unanimous voice vote. Reappointed people to be sworn in by Kelly McElreath or Denise Smith.

**Conservation Fund**

- \$5,000 was awarded at the town meeting.

**Revolving Accounts**

- Passed at town meeting.

**Mechanics Street Property**

- Approved to town to purchase with CPA funding and donation from individuals at town meeting.

**On-Going Items:**

**Erosion control policies, Permitting Process Discussion, Railroad, Rockwood Meadows Baseline Study, Warren Brook Forestry, Forest Heights, Land Use Regulations and OPDMD Draft Policy, Police Monitoring at Peppercorn, Upton Ridge CR, 78 and 84 Mendon Street, Blackstone Collaborative Resolution, Upton Hike Challenge, Blackstone Zap 50, Conservation Commission – SVT Management Agreement for Mechanic Street Property Proposal, Camp Street Gate, 32 Milford Street EO, 22 Eames Lane Possible EO, Robertson Trail Bridge Conceptual Plan, 54 Fiske Mill Road, 32 Milford Street**

**Rockwood Meadows Baseline**

- Mike sent email requesting people availability for people to do a site visit, posted meeting to go over baseline report. Specifically, the encroachment that exist and make a decision regarding them. Should have a meeting before contractor finalizes the baseline report. Report should be completed by end of fiscal year to use this fiscal year funds.
- Meeting to be held on May 28 at 10AM. Mike to post meeting.

**Trail Report for Bridge and Peppercorn Sign**

- Mike briefly reviewed hydraulic report he prepared. Mike explained that basically it gives an assessment as to how high it will come at certain flood events and the velocity of the water at different events. That section of stream has high gradient and water doesn't get that high but the velocity is high. Dave suggested beef up anchoring and slats.
- Adam put a few stakes in the ground where bridge might be. Should be protected for a 200 yr event.
- Adam has report and waiting for him to do conceptual design.
- Commission discussed replacing the Peppercorn sign. Chris stated there is a time limit to purchase one. They all agreed maybe to down-grade the sign. Replace with one similar to the Whitney sign.
- Chris suggested they purchase a camera for the area and have information go to Police Department. Marcella one camera destroyed already.
- Mike Penko made a motion to replace with sign with one similar to the one located at Whitney with cost not to exceed \$1,000. Sandra Lajoie seconded the motion. Motion passed by majority voice vote.
- Chris asked if the Camp Street gate with no trespassing sign on it had been discussed. Marcella stated Mike reached out to Milford ConCom (Mike Dean) to suggest that sign be taken down or replaced with something else. It's unlikely that National Grid owns Camp Street and the street provides public access to Peppercorn. Mike did not hear from Mike Dean. Bill to call contact at National Grid and see if he can get an answer as to who put the sign there.

## Approve & Sign Document

### Meeting Minutes

- Chris asked if there were any changes to the minutes for the April 27, 2022 meeting. Marcella Stasa made a motion to accept the minutes for the April 27, 2022 meeting as written. Tom Jango seconded the motion. Motion was approved by unanimous voice vote.

### AGENDA ITEMS/HEARINGS

#### 7:00 PM RDA(con't) 32 Howarth Drive Puttankappa

Rajesh Puttankappa was present to speak.

- Updated plan was displayed.
- New plan addresses many comments and DEP concerns. New plan is for a pool with a patio around it and it extend 11 feet downslope of the wetland bounds set by the overall subdivision. Not a wetlands, no disturb or no build zone. 78 feet from wetland boundary. The no build is 25 feet offset on plan and project doesn't have any permanent features in no build zone. Some fill and grading not shown on plan will be done. The limits for filling, grading and clearing are well outside the 30 foot no disturb zone. Complies with the buffer zone and bylaws. Work will not adversely affect the resource area. A negative determination 3 with conditions to stake out limits of work in the field have it reviewed prior to any clearing or work take place. Relocate the wetland bounds to that work and install sedimentation and erosion control within that limit of work. Patio will replace the tennis court that was originally proposed. Rajesh asked if the area were the proposed patio is and can he cut the trees and remove vegetation. Wants to cut vegetation for garden area on upper left corner. Dave stated it is regenerating forest. Mostly saplings and 3 or 4 trees. Closer to wetlands beyond the limit of work it becomes more of a mature forest. Dave doesn't think it would be problematic. Mike asked where deed restriction bounds should be located. Dave stated 30 feet off the wetlands. This plan does not reflect that. Mike suggested he relocate the bounds and then they need to regulate anything outside of that they need to regulate per the Wetland Protection Act. Dave stated they could regulate it in the order. Staking the limit of week and 30 feet of the BVW and the permit would require that he contact Dave to determine the bounds.
- Applicant requested to close hearing.
- Tom Jango made a Motion to issue a negative 3 with above stated orders. Alan Miano seconded the motion. Motion passed by unanimous voice vote.

#### 7:15 PM ANRAD 0 Main Street

Andrew Thibault from Goddard Consulting for Lobisser Corp.

- Trisha Read the public hearing notice.
- Dave displayed the plan.
- Andrew stated ANRAD to confirm the resource areas on this parcel. Received some comments back and no DEP # yet.
- Delineated in January of this year. Filled with water right now and plan is to revisit the site and depth of the area and new plans at the next meeting. Possible one on left side near first house lot that was not identified previously. Dave stated thinks wetlands extends closer to boundary and new area near houses and standing water is in there. Boundary on right is fine. In wetland area there is an inundated area and no rain for a week and there is a lot of water and it could be a potential breeding pool. Might want Goddard to do a dip net and see if they find anything there.
- Need the local bylaw fee of \$2000.

- Mike asked if is Goddard willing to wade out in pool and evaluate. Andrew said they would be able to do that and see if anything is there. Mike asked if they could notify when they will go.
- Dave suggested they go earlier and set flags and to review. Marcella is interested in joining. Thursday afternoon at 11AM was scheduled.
- Kevin McLaughlin, 52 Main Street lives across the street where culvert is. Ask if they had plans to cut a road in and put houses.
- Dave stated they didn't know what development if any at this point. Wetlands get locked in and they go back to see what they could put there. Residential zoning, not expecting zoning change. Mr. McLaughlin said it goes across the street and into his property. His property is getting smaller from all the water going on his property and he has a concern with that water coming off the hill if property is developed. Dave stated if developed they would have to file a second application and show how the drainage would be accommodated. Design consideration to reduce the water runoff will need to be done. Mr. McLaughlin wants to see no further damage.
- Bill Taylor stated it was once considered by library and he recalls that a dry stone well. Dave stated they are aware of it.
- Mary Ellen Kennedy asked what was dotted line on plan. Dave stated dotted line is stone wall and no determination on what will be done with the stone wall, not a Commission responsibility.
- Alan read a comment by a guest named Marcia that stated a large variety of animals and birds live on that property.
- Sue Carey, 24 Hazeltine Road concern is about wetland behind Hazeltine and Whitney. The wetlands have grown and her concern is that the wetlands will turn the street into a lake.
- Dave stated it would be better address once they have a project. Large wetland downslope of Hazeltine that is mapped and steep slope leading to it and the commission requires setbacks for wetlands and that would keep the development away from the wetlands proper.
- Mike if vernal pool species are found is the applicant willing to do something on the plan to delineate the vernal pool on plans. Applicant stated yes.
- Chris stated until we get everything figured out, nothing about the development can be answered until the wetlands ANRAD are done.
- Kevin McLaughlin asked if after then the builder makes the proposal public would that be the time to bring up the drainage issues. Dave stated that the developer could decide not to do something with the land. More hearing would be held for new development and a new notification would be mailed to abutters.
- Continue hearing to 5/25 at 7 PM.

**7:30 PM       NOI (con't) East Street Estates   Afonso**

- Continuance received from applicant. Continued until 7:30 PM on May 25, 2022

**7:50 PM       NOI (con't) North Street and Westboro Road   MacDonald**

- Continuance received from applicant. Continued until 7:50 PM on May 25, 2022

**Other Business:**

**Conservation Commission Agent Job Description**

- Chris stated it was the original conservation agent description and she added new things and wanted to know if there are other things that should be added. Asked they read it over and make changes and discuss at next meeting. Chris asked Dave to add things that are not listed as of right now.

**8: 57 pm** Tom Jango made a motion to adjourn. Sandy Lajoie seconded the motion. Motion was approved by unanimous voice vote.

**Minutes approved on: June 8, 2022 (remote meeting)**

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



## TOWN OF UPTON, MASSACHUSETTS

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### Conservation Commission

Meeting Minutes – Wednesday 5/17/2022 -- Remote Meeting (gotomeeting.com)

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

**Members Participating:**

Chair: Chris Scott, Vice Chair: Mike Penko  
Members: Alan Miano, Tom Jango, Marcella Stasa, Mary Overholt  
Absent: Sandy Lajoie  
Visitors: Bill Taylor

**6:30 Remote Meeting**

- Chris Scott opened the meeting and advised everyone that the meeting was to discuss Mechanic to consider the land grant application recommendation to Upton Board of Selectmen.
- This meeting is limited to members of the Conservation and Open Space Commissions and will involve limited discussion.
- Everyone is invited to Board Of Selectmen meeting at 7PM.
- Bill Taylor opened the Open Space meeting.
- Possibly ask for a extended closing.
- Discussion regarding the applying for land grant and grant application due 7/13. Announcement in November and enter into contract with state and acquire property and then complete survey and conservation restriction and apply for reimbursement
- 62% reimbursement from the community.
- Project cost \$700,000 – 743,000 Eligible for \$400,000 grant dollars.
- Bill feels it would be worth pursuing the grant because of the amount of money.
- Will have within next three weeks to commit to buy for the property.
- Gives opponents of funding to explore that option but will need to go to the town meeting.
- No other comments.
- Mike stated Town should apply for the land grant. It was mentioned at town meeting that Town would be applying for the land grant. It was mentioned at the CPC meeting also.
- Chris stated she feels they should try for land grant and if they don't get it at least they tried. Mike stated they should try to present realistic expectation that we might not get this one and these grants are competitive and depends on competition and projects. Good projects do not always get funded. If not awarded, should not be held against the purchase.
- If not extending closing, they will have to close by the middle of September and this is at the discretion of the sellers. Not eligible for grant should this happen.
- Open Space Committee voted to recommend the Conservation Commission pursue a land grant.
- Tom Jango made a motion to recommend the land grant pursued from the open space committee recommendation. Alan Miano seconded the motion. Motion passed by unanimous voice vote.
- Chris asked that everyone attend the meeting BOS.

**Other Business:**

- Mike stated he received an email from Adam about Robertson trail bridge design asking for additional funding for conceptual design completion. Wants extra \$350 for I-beam.
- After Commission discussed, they decided that they do not support giving him \$350 requested.
- Mike suggested four safety railings instead of the three railings.
- Marcella Stasa made a motion to decline paying additional fee and have Adam give what he can. Alan Miano seconded the motion. Motion passed by unanimous voice vote.
- Mike to let Adam know of Commission's decision.
- Marcella asked if anyone knew anything about fire at Warren Brook. Burnt patch of ground and trees. No one had any idea on what happened.

**7:50 pm** Marcella Stasa made a motion to adjourn. Tom Jango seconded the motion. Motion was approved by unanimous voice vote.

**Minutes approved on: June 8, 2022 (remote meeting)**

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



## TOWN OF UPTON, MASSACHUSETTS

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### Conservation Commission

Meeting Minutes – Wednesday 5/25/2022 -- Remote Meeting (gotomeeting.com)

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

#### **Members Participating:**

Chair: Chris Scott, Vice Chair: Mike Penko  
Members: Alan Miano, Tom Jango, Marcella Stasa, Mary Overholt  
Absent: Sandy Lajoie  
Agent: Dave Pickart  
Associate Member: David Szczebek  
Visitors: Bill Taylor, Adam Gilbert, Kathy Robertson, Bryon Allen, Mike Dean, Sean MacDonald

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

#### **Agent Report**

- Worked on administrative reports.
- Visited construction sites and had minor issues at Preserve Dean Pond. Few dead trees, in replication area, swale needs to be cleaned up.
- Nothing back on Pulte on CR. Nearing completion. Construction should be done by end of summer. Red line change version being worked on.
- Cobblestone is going full bore. Land is cleared for secondary access and gravel parking lot for trail. Both wetland replication is being worked on and will be planted next week. Will be completed before building.
- Received request to close out ZBT solar project off of Howarth Drive. Extension was requested in past now. They just want a COC that states project was never built. Planning on selling part of property to State of Mass.
- Tom Jango made a motion to issue a COC that was never completed, DEP file # 311-0751. Alan Miano seconded the motion. Motion passed by unanimous voice vote.
- Conservation Commission has a new intern through the Town of Upton. Macie is a college student who is an environmental science major.

#### **Administrative Report**

- Trisha reviewed the bill submitted by Gatehouse Media for newspaper ad for \$80.24.
- Tom Jango made a motion to pay the bill for \$80.24 for Gatehouse Media. Alan Miano seconded the motion. Motion passed by unanimous voice vote.

#### **Financial Update**

- Financial report in meeting packet. Nothing new to review.
- Trisha mentioned that the end of fiscal year budget was coming up and monies need to be spent within the next couple of weeks in order to invoice before the end of the fiscal year.

- Dave recommended a new soil auger. The one they have isn't a good design and doesn't work well for wetland soil. Cost is about \$125 from forestry suppliers. Dave to advise on what to order.
- Chris suggested postage for mailing. Dave stated there are not many stamps left in office. Trisha to purchase three rolls of forever stamps.

**Website – Alan Miano**

- Nothing new

**Open Space Committee – Bill Taylor**

- Bill spoke with trustee for the seller and they have to close by 12/31/22 for tax reason. No way we can apply for land grant because of that closing date. Seller will not agree to another date.
- On point for right of first refusal and Katie is working on P&S and working on title.
- Bill has sent out five requests for survey quotes and has received one response. Due date to have survey completed is 10/15/22. Confirmed with seller and counsel to extend the date.
- Krista Collins at SVT to get list to do environmental survey.
- Citizens group collected \$150,000 in cash and pledges. Working on collecting the pledges.

**Land Stewardship Committee – Marcella Stasa**

- Whitney trail east they will be constructing a new crossing at Warren Brook.
- RDA to be submitted for meeting.

**New Items:**

**Agent Job Description Revisions**

**Sandy Hakala was present.**

- Dave showed the documents for the job description for the Agent position.
- Chris stated it is almost the same as the 2014 job description but added a few things at the end of the document.
- Called Conservation Administrator instead of Conservation Agent.
- Sandy Hakala stated the title is the Conservation Administrator description is the one that is the job description that is Town recognized description in the classification compensation plan.
- Education qualifications are different. Requires different degrees and greater experience needed. Scope of responsibilities and the level of responsibility varies from Conservation Agent description. Sandy stated if there are any sufficient changes they would like to make, they would have to go to Personnel Board and it would need to be approved and a reclassification of position would need to be done. Job description doesn't contain every detail, it's a broad scope of just essential functions. Sandy if job description is rewritten it will prolong the process. If not sufficient, they can go ahead and make the changes, but it will need to be submitted to Personnel Board.
- Mike asked who submitted the job description. Sandy it was written by outside firm and it was reviewed by department head and this is the job and pay rate that was Dave's job.
- Dave stated the only sufficient change is the conservation agent is the degree. Bachelor's degree preferred and Sandy's description says bachelor's degree required.
- Mike is concerned that the CR inspection isn't included in the job description.
- Alan Miano made a motion to use the document that Sandy prepared. Tom Jango seconded the motion. Motion passed by majority voice vote.
- Sandy stated she sent the ad to Chris and it will be advertised on the web page now along with social media site.

- Mike recommended MACC. Dave Szczebak recommended MMA. Both are free. Sandy will post there also.
- Per Personnel Policy Manual Sandy, two Conservation members, and someone else will make up the search committee to not exceed four people.
- Chris Scott volunteered to be a member of the search committee.
- Alan Miano nominated Chris Scott. Mike Penko seconded.
- Chris asked Marcella if she would be available. Marcella stated she would be interested in timing is acceptable.
- Alan Miano made an amended motion to nominate Chris Scott and Marcella Stasa to be members of the job search committee. Mike Penko seconded the motion. Motion was approved by unanimous voice vote.

## **22 Eames Lane EO**

- Dave trying to find a person to deliver to, hopefully will be delivered next week.

## **Stefan Farm and Mechanic Street Forest Stewardship Plan**

- Mike stated the Conservation Committee with SVT will develop the management plan for Mechanic Street and hopefully combine the Stefan and Mechanic into one plan. Mike would like to hire a forester to do a forest management plan for both of those properties and try to get these done before the Town owns the Mechanic Street property.
- DCR has funds available. Awarding in mid July. Apply as soon as request for proposal comes out probably beginning of June and then hire the forester. Town needs to own Mechanics Street before the forest plan is submitted to the State. Can apply for funding even though we don't own it yet.
- Mike asked if they should pursue it. Cost wise, the land stewardship revolving fund for that and 10,000 should cover for both properties. Marcella asked what are the consequences to wait until we own the property. Mike stated it depends on closing and if we wait until Fall we will lose state funding for FY2023 and he thinks the forest management plan is best not done in winter. The forest management plan would be pushed out about a year and that forest plan should be done before work done with SVT to get forest resources documented.
- Mike suggested they get forest stewardship plan written by a forester as soon as possible.
- Tom Jango made a motion to have the Stefan farm and Mechanic St forest management plan drafted.
- Tom Jango made an amended motion to draft an application to DCR for cautionary funding for forest stewardship plan for Mechanic and Stephan Farm stewardship plan. Alan Miano seconded the motion. Motion passed by unanimous voice vote.

## **On-Going Items:**

**Erosion control policies, Permitting Process Discussion, Railroad, Rockwood Meadows Baseline Study, Warren Brook Forestry, Forest Heights, Land Use Regulations and OPDMD Draft Policy, Police Monitoring at Peppercorn, Upton Ridge CR, 78 and 84 Mendon Street, Blackstone Collaborative Resolution, Upton Hike Challenge, Blackstone Zap 50, Conservation Commission – SVT Management Agreement for Mechanic Street Property Proposal, Camp Street Gate, 32 Milford Street EO, 22 Eames Lane Possible EO, Robertson Trail Bridge Conceptual Plan, 54 Fiske Mill Road, 32 Milford Street EO, Robertson Trail Bridge Conceptual Plan, 54 Fiske Mill Road**

## **Rockwood Meadows Baseline**

- Site visit at 10am on Saturday. Posted as Conservation Commission meeting.

## Approve & Sign Document

### Meeting Minutes

- Chris asked if there were any changes to the minutes for the May 11, 2022 meeting and May 17, 2022.
- Minutes postponed until next meeting so members could review them and changes made.

### AGENDA ITEMS/HEARINGS

#### 7:00 PM ANRAD 0 Main Street

- Hearing continued until 6/8 meeting at 7PM

#### 7:20 PM Discussion Robertson Trail Bridge with Adam Gilbert

Adam Gilbert was present to speak

- Adam stated he will answer any questions the Commission had regarding the design for the new bridge and discuss the number of I-beams.
- Adam stated the bridge would have sides that flair out and the question is whether one or two support beams would be needed. Adam stated when they met for the second time and looked at site they discussed a reduced length at new site and possibly reducing the width. Maybe get it down to one beam but that is a question for engineers. That became a topic of emails and he was trying to be sure that everyone was on the same page with the new design. He was making a list and on list it was steel I-beams, preferably one, but he is not engineer and he cannot make that determination.
- Adam stated that it might be possible to have 1 beam instead of 2 or 2 lighter beams but that would be the engineers call and he is not sure that with the extra fabrication and possible upper flanges need, that it would be cheaper. Conceptual design doesn't have to make that determination and at the next stage, an engineer could evaluate it at time of build.
- Alan stated he doesn't understand how they cannot use a single I-beam to support the weight of just one person. He gave several examples of things that are made with only one beam that support a large amount of weight. Adam stated it depends on what it is. Alan doesn't understand how it could require two for a small bridge with a few people crossing.
- Adam thinks it might be possible that if is done with two I-beams it would solve the problem of balancing a deck of any width on one beam instead of two. Engineers are best qualified to make the calculations and decide what is cost effective.
- Mike suggested that let Adam go with points and come back with whatever design is best based on information he has at the time. Let Adam make the call for one or two beams at this point.
- Mike stated someone is going to have to carry them in. Two beams would be lighter than one. And might be easier to carry in. Mike would like to give him the authority to make it one or two beams.
- No comments from other members.
- Kathy Robertson asked what timetable is for the bridge. She asked when next step would be. Adam stated he will be working on it next week but has several projects. He expects to have something in two weeks.

#### 7:30 PM NOI (con't) East Street Estates Afonso

Byron Andrews was present to speak.

- Byron stated they have received the boring report by Yankee Engineering. The groundwater at 2-4 feet below ground level. Ledge is 5-16 feet deep. Their recommendation is soils be compacted and footed

near ground evaluation they add crushed stone.

- Metacomet draft restriction being worked on and draft deed being prepared.
- Dave stated he looked at it and no comments other than what Byron had already stated.
- No questions.
- Chris asked if they should wait for report and document from the lawyer is done, or can they close.
- Mike stated no waiting required. Just need to assess the wetland impact.
- Mike asked Dave if any wetland issues outstanding. Dave thinks Byron is still going thru the Planning Board review and asked if any changes from that could affect any wetlands or jurisdiction at this point. Byron stated not at this point. Only small comments, no change in design expected.
- Draft order of condition was distributed but is old now. Some info provided already. Dave will update it and have it for the next meeting. Will issue Order of Conditions at next meeting on June 8, 2022.
- Bryon asked to close the hearing.
- Mike Penko made a motion to close the hearing for East Street Estates. Alan Miano seconded the motion. Motion passed by unanimous voice vote.
- Mike stated he has sent an email from owner of property near the chestnut tree. Mike stated a large branch had fallen off the tree and would like to have it cleaned and have an arborist trim up tree to protect the tree. Byron to tell his client.

**7:50 PM      NOI (con't) North Street and Westboro Road    MacDonald**

**Mike Dean and Sean MacDonald were present to speak.**

- Hearing for four NOIs. Dave wants to talk about the potential vernal pool.
- Mike Dean stated they are working on the project and some things need to be addressed to be incorporated into the design.
- Dave talked about the potential vernal pool that was found and discussed at previous meeting. Last year some eggs were laid and the water dried out before they hatched. That finding was not what he would call normal conditions. Dave stated they have been monitoring it. Found it was dry this season. Dave went out this week to see the two known vernal pools at other locations this week. One had tadpoles about ready to move out of pool. Other one was dried with many dead tadpoles. MacDonald property had no evidence of any tadpoles. Precep was higher this year verses last year. From January thru April we are about  $\frac{1}{4}$ " above normal this year. Considering all factors, there is no viable amphibians in the water, and it not considered a vernal pool. Dave stated he would like to give direction to Mike Dean and Sean MacDonald on this to address the DEP comments and to revise plans to not have to go through multiple plan revisions.
- Mike Penko made a motion based on analysis by conservation agent that the potential vernal pool at project area not be regulated as a vernal pool. Tom Jango seconded the motion. Motion was passed by unanimous voice vote.
- North and Westboro Road continued to next meeting.
- Will follow up with DEP comments and revision of plan. Continued to meeting scheduled for 6/8 at 7:15 and will request extension if needed.
- Lot 2 and 5 might be closed at next meeting, not under DEP.

**8:45 pm** Tom Jango made a motion to adjourn. Alan Miano seconded the motion. Motion was approved by unanimous voice vote.

**Minutes approved on: June 8, 2022 (remote meeting)**

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



## TOWN OF UPTON, MASSACHUSETTS

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### Conservation Commission

Meeting Minutes – Saturday 5/28/2022 – Meeting and Site Visit at Rockwood Meadows

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

**Members Participating:**

Chair: Vice Chair: Mike Penko  
Members: Alan Miano, Tom Jango, Marcella Stasa, Sandy Lajoie  
Visitors: Dicie Niggle (meeting only); John Westerling, Steve Guerrera (all Rockwood Meadows Trustees)

**10 AM - approx. 12 Noon (Meeting and Site Visit)**

**1. Background**

The Upton Conservation Commission (UCC) holds a conservation restriction (CR) on 32.78 acres of open space at the Rockwood Meadows Senior Housing Development. The CR was recorded on August 27, 2015. Construction of the development by LLD Land Development Corp. occurred mainly between 2014 and October 2017. The open space is currently owned and managed by the Rockwood Meadows Association (RMA).

The UCC contracted with Land Stewardship Inc. to prepare a Baseline Documentation Report (BDR) for the subject property in 2021. A draft of the BDR dated December 1, 2021 was provided to the UCC and shared with the RMA. The report noted several locations ("encroachments") where regular mowing and landscaping occurred within areas protected from disturbance by the CR.

**2. Meeting**

Members of the UCC and RMA Trustees met at Rockwood Meadows to discuss and view the encroachments on May 28, 2022. The meeting and site visit was posted pursuant to the Massachusetts Open Meeting Law. A quorum of UCC members was present.

We met for about 15 minutes in the Rockwood Meadows club house. Mike Penko reviewed the

history of the development and share some imagery dating back to 2017. The Trustees acknowledged the encroachments, consider them to be an problem inherited from the developer, and asked for leniency from the Commission.

All attendees, except Trustee Dicie Niggle, then walked the property, concentrating on the outer perimeter of residential units along Rockwood Lane.

### 3. Site Walk

Most of the encroachments were behind residential units along the Rockwood Lane loop. Typically lawn, landscape plantings, and other landscape features extended less than 20 ft. into the CR protected open space and ended at a well established tree line. Three areas were noted where lawn extended in CR well beyond the bounds. At one area along Rockwood Lane, mowing occurred up to the edge of a EM/SS wetland. Its likely that the encroachments closely match the original construction footprint. There was no evidence that trees had been cut or cleared by current owners to expand the encroachments. One small area appeared to have been sprayed with a herbicide. One bound mapped as missing by Land Stewardship Inc. was found, hidden by a fake rock. According to the RMA Trustees many of the residents were unaware of the CR. The CR protected area is bounded, but the bounds behind Rockwood Lane are generally widely spaced. Many of the narrow residential properties contain no bounds.

### 4. Suggested Resolution

The UCC and RMA Trustees agreed to the following, pending final approval by the UCC and comments by RM residents:

1. Most of the encroachments will be tolerated by the UCC but should not be expanded.
2. Regular mowing to maintain lawn will be reduced at four locations. The areas may be maintained as meadow or allowed to become wooded.
3. The UCC will prepare a supplemental BDR during the summer and fall of 2022 to more clearly document the existing encroachments. The supplemental BDR will be provided to the RMA for their review and approval.
4. A MFR will be included as an addendum to the final Land Stewardship Inc. BDR, dated June, 2022.

**Minutes approved on: June 8, 2022 (remote meeting)**

*Mike Penko*

*Tom Jango, Sandy Lajoie*

*Alan Miano, Marcella Stasa*



## TOWN OF UPTON, MASSACHUSETTS

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### Conservation Commission

Meeting Minutes – Wednesday 6/8/2022 -- Remote Meeting (Teams)

To: Members of Upton Conservation Commission  
CC: Kelly McElreath, Town Clerk  
From: Patricia Marville, Administrative Assistant, and Mike Penko

**Members Participating:**

Chair: Chris Scott, Vice Chair: Mike Penko  
Members: Alan Miano, Tom Jango, Marcella Stasa, Sandy Lajoie  
Absent: None  
Agent: Dave Pickart  
Associate Member: David Szczebek  
Visitors: Bill Taylor

**7:00 Remote Meeting Opened**

**Agent Report**

- There are a couple locations with beavers issues. Both parties are speaking with Board of Selectmen and with the Board of Health and Department of Public Works.
- Dave stated they had an issue on Elm Street with landscaping near wetland. Dave recommended not to issue an enforcement order at this time. It is not a major violation and the owner is addressing it. Dave suggested a letter be sent to owner from Commission saying if done properly, and inspected, then the matter will be left as is. Homeowner needs a letter to give to the landscaper giving them the okay to proceed.
- No formal arrangements have been made for Dave to continue working for Upton.
- Mike asked if he could send a proposal for additional hours to be worked in the interim until Upton hires a new agent. Chris agreed. Dave stated he could not work as many hours, but he can do some hours as needed. Dave suggested keeping the IMA open until July 1, 2022. Chris to contact Joe Layton.
- Dave stated a contact for the Eames Street violation (septic system) has been made and an EO will be done before he leaves.

**Administrative Report**

- Nothing to report.

**Financial Update**

- Financial report ibis in meeting packet. Nothing new to review.

**Website – Alan Miano**

- No changes to website.

**Open Space Committee – Bill Taylor**

- Bill stated the P&S is completed for Mechanic Street property. Check is ready to go and document will be recorded on Friday. Town has 90 days with a 30 day extension at the discretion of the Town to complete the survey. Survey quotes were sent to five firms and two responded. \$28,500 quoted for both. One quoted \$500 for additional monuments.
- Survey funding \$30,000 from CPC fund.
- Bill asked if the Commission had any preference as to which firm?
- Mike Penko made a motion to give Bill Taylor the authority to choose the contractor for survey. Marcella Stasa seconded the motion. Motion passed by unanimous voice vote.

**Land Stewardship Committee – Marcella Stasa**

- RDA for a boardwalk at the Warren Brook CA was submitted and hearing will be held tonight.
- Marcella asked if a plank boardwalk at Whitey CA (East) would need a RDA.
- Dave suggested an RDA was needed and SVT would also prefer an RDA.

**New Items****Upton Ridge CR Discussion**

- Dave stated he received a red line version of CR which is included in the packet. Dave stated he informed Mark M. that a couple of weeks would be needed to review it.
- Dave requested a time slot be set aside at next meeting to discuss. Time was set 7:45PM for the discussion. Dave stated that Upton Ridge (Pulte) is requesting that there is no public access.

**22 Eames Lane EO**

- This is completed.

**Conservation Commission Member Opening**

- Chris stated the appointments by BOS are completed. Dave S. just needs to be sworn in.

**East Street Estates OOC**

- OOC was included in the packet.
- Mike Penko asked for time to review it. Dave stated they had time because of the COVID rules.
- Dave stated the three lots closer to the vernal pool should not be allowed to be sold until CR is completed and recorded.
- Hearing was continued until the July 13 meeting.

**End of Fiscal Year Spending**

- Marcella hasn't ordered lumber. Needs to do measurement.
- Peppercorn sign in works.

**Rockwood Meadows CR Baseline Documentation Report**

- Draft BDR prepared by Land Stewardship Inc. noted several encroachments, mostly mowing, behind many houses. A meeting/site visit was held at Rockwood Meadows on May 28, 2022 and a plan to address the encroachments was developed. Trustees of Rockwood Meadows were present but no abutting residents. The May 22 meeting was posted and a quorum was present.

- Mike reviewed the plan which showed four areas where the Commission would like mowing to be scaled back. The Trustees had agreed on 28 May to scale back the mowing in these areas
- Mike presented a draft MFR with the plan to be added to the final BDR as an attachment.
- Rockwood Meadows trustee John Westerling acknowledged the encroachments and asked the Commissioners to provide leniency. Many of the encroachments date from several years ago (before Trustees had jurisdiction) and most of them have been resolved. In some areas continued mowing is very desirable to enhance backyard use (e.g. tick avoidance) and for invasive species control. CR restrictions were also poorly communicated to affected home buyers.
- A long discussion followed between/among the Commission, several Rockwood Meadows residents, and Rockwood Meadows Trustees. The discussion focused on revising the plan to allow more mowing to continue CR protected areas behind several residences.
- Mike made a motion to approve revisions to the plan. Seconded by Chris. After considerable discussion the motion was modified to require some additional bounds to delimit mowing, and that permitted encroachments within the CR must be considered temporary allowances which do to give up formal rights granted to the town by the CR. The amended motion passed by a Majority (5-1) vote. The discussion was continued until 7 pm on June 22 when the revised plan and MFR will be available for Commission review and final approval.

#### **Meeting Minutes**

- Marcella moved to accept the minutes for the May 11, 2022 meeting as written. Tom seconded and the motion was approved by unanimous voice vote.

#### **Hearings:**

##### **7:00 PM      ANRAD (continued) 0 Main Street**

Plans were revised with minor modifications based on site visits by Dave P. and the Commission. Motion to close the hearing and issue order by Tom, seconded by Alan, and approved by unanimous voice vote.

##### **7:15 PM      NOI (continued) North Street and Westboro Road (MacDonald, Mike Dean),**

- Mike Dean provided revised plans for the 4 proposed single family house lots (Lots 2,3,4, and 5). DEP file numbers have been issued.
- Dave reviewed revised plans and amended NOI's and believes all the outstanding issues have been addressed. Hearings closed and motion to issue the four OOC's by Alan, seconded by Tom and approved by unanimous voice vote.

##### **7:45PM      RDA Warren Brook Watershed Conservation Area Boardwalk (Bill Taylor)**

- Installation of 24" wide 30' long boardwalk suited for trail bike riders and others to cross a stream and replace a narrow plank boardwalk. No impacts to BVW.
- Motion to issue Negative 4 determination by Tom, seconded by Marcella and approved by unanimous voice vote.

##### **8:00PM      NOI Governor's Landing (Patrick Garner, Shawn Malone, Jeff Roeloff)**

- Senior housing and residential project in the works for several years. Plan shown. No DEP file number.
- Wetland resources on site confirmed through ANRAD several years ago that remains in effect per Covid extension.
- Resources areas present include BVW, two intermittent streams, and a vernal pool.
- Site consists of 68 wooded, undeveloped acres on/around an unnamed hill. The vernal pool is perched near top of the hill. Breeding (wood frog) activity has been confirmed by Dave.
- 110 Senior housing units and 34 townhouse units proposed.
- No impact to BVW proposed, ½ acre of BVW buffer impacted.
- Plan for septic is to be determined, either along an Grafton Upton Railroad easement or via an extended line from town center along Milford Street (140).
- A trail system is present on the site and the proposed development would provide some trails for public access within the dedicated open space. There is 25 acres of proposed open space with an additional 17 acres preserved as buffers.
- The vernal pool resource area extends 100 ft. from the pool and is protected by an additional 50 ft. no build zone per town wetland bylaw. Applicant expects no impact to the vernal pool area. Dave is concerned about hydrological and blasting impacts to the vernal pool (the pool is probably perched on bedrock).
- The Senior Housing bylaw requires protection of the open space with a CR.
- Mike asked applicant to review recent (winter/spring 2022) changes to Upton wetland bylaw regulations regarding stormwater management and other changes to enhance climate resilience.
- Dave stated stormwater will drain into a brook that is a cold water resource area.
- Hearing continued until 6/22 at 8PM.

**Other Business:**

**Dave's resignation**

- Sadly, Dave has accepted a full time position in Northbridge.
- Farwell dinner or lunch planned at the Rose Garden.
- Dave- pleasure to work with everyone for last 6 years and thanked the Commission for its efforts to protect open space and serving as a model for other commissions to follow.

**Motion to adjourn** by Tom, seconded by Marcella, and approved by unanimous voice vote at 9:25.

**Document List:** 6/8/22 Meeting packet

**Minutes approved on: March 8, 2023 (remote meeting)**

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



## TOWN OF UPTON, MASSACHUSETTS

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### Conservation Commission

Meeting Minutes – Wednesday 6/22/2022 -- Remote Meeting (gotomeeting.com)

To: Members of Upton Conservation Commission  
CC: Kelly McElreath, Town Clerk  
From: Patricia Marville, Administrative Assistant; Mike Penko

#### **Members Participating:**

Chair: Chris Scott, Vice Chair: Mike Penko  
Members: Tom Jango, Marcella Stasa, David Szczebek  
Absent: Sandy Lajoie, Alan Miano  
Agent:  
Associate Member:  
Visitors: Bill Taylor

New member David Szczebek was sworn in by Kelly McElreath at 6:55PM.

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

#### **Agent Report**

- 22 East Street building permit signed off. Lot 3 has been cleared and adjacent lot 2 looks to be a wet meadow at this point. Asked builder to have a wetland scientist/botanist determine if lot 3 is in the buffer zone.
- Approved tree removal at 17 Henry's Path.

#### **Administrative Report**

- Trisha reviewed the bills for Gatehouse Media for ads, Post Office for stamps and Tawhaus Trails for bridge design.
- Mike Penko made a motion to pay the bill the Rockwood Meadows baseline report. Marcella Stasa seconded the motion. Passed by unanimous voice vote.
- Mike Penko made a motion to pay the bills for Gatehouse Media, Voss, Koopman, Tawhaus Trails and the Post office. Tom Jango seconded the motion. Motion passed by unanimous voice vote.

#### **Financial Update**

- End of FY2022 accounts were reviewed.

#### **Website – Chris Scott**

- Some updates need to be done.

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

- Selectmen authorize Town Administrator to sign the Mechanic Street survey.
- Contacted by Preserve at Dean Pond lawyer with draft deed for 6 acres at Dean Pond that will be deeded to town. Forward to Joe Layton for Katie (town counsel) to review.
- Copy of contract that Erwin Engineering for Phase 1 environmental review for Mechanic St. property.

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

- Marcella reviewed the expenses for the police details at Peppercorn. Police did three patrols and
- Lumber ordered.
- NEMBA will work at Whitney East to create a new trail on 7/10.
- July 9<sup>th</sup> is Peppercorn volunteer workday.
- Mike, Marcella and the Historical Commission met last night about the shed at Heritage Park. Commission was given permission to use half of the shed. If no key found, DPW will put a new lock.
- Land Stewardship Commission will be meeting on July 7, 2022 to discuss it new trail bridge design at the Robertson CR.
- Mike asked if Katherine had any comments. Katherine Robertson stated the bridge is acceptable with her parents as long as wire mesh is not used.
- Bridge design is a single beam, narrow bridge (18" decking) with three railings, no mesh.

#### **Eames Lane/Cobblers Creek Parking Area and Trails**

- Chris stated there is some concern about plans for a parking area that was approved by the Planning Board and Conservation Commission over a year ago. Abutters were notified, by law, with green cards and ad was in paper and public hearings were open to the public.
- Mike showed the plan and pictures. These included the proposed parking area. An easement has been recorded for land that is part of the plan that was submitted over a year ago.
- Two residents of Eames Street commented on the parking area which is about 30 feet from their house.
- Kevin McMullen (another abutter) concerned about parking lot with seven spaces and trail will go which will go right by his backyard.
- Both neighbors stated that they did not receive the certified mailing that was sent. They missed the meetings and they feel it affects their lives and it is close to both of them and they want to express their concerns now. They feel the parking area and trail use is going to impact the quality of their lives and property values. They noted that a USF trail head is already on Eames Road and that parking could be provided at that location.
- Mike looked on GIS and the trail head is about 500-600 feet from the proposed parking area and noted that the trail easement exists to benefit the public and residents of Cobblers Creek. It will allow them to walk into the state forest without going on Eames Lane.
- Chris more information is needed before it can go forward and a site visit might be needed and a conversation with Lobisser (Cobblers Creek developer). Lobisser had met with the Planning Board and this was not decided by the Commission. Green cards were sent out for the Planning Board and Conservation Commission hearings. Commission is in the process of requesting the Engineering firm provide proof of mailing.
- Continue to next meeting on July 13, 2022. and get other data and open space has a meeting at 7 pm tomorrow.
- Katherine Robertson a Planning Board member stated the Planning Board hearings had answered many questions presented by residents of the area.

#### **Eames Lanes Enforcement Order**

- Shirley Lamberts former home. Bill thinks they traded land for easement for driveway area.
- Enforcement order was for new septic system.

#### **East Street Estates OOC**

- Mike sent draft to Byron Andrews and no comments were received.
- Mike Penko made a motion to issue the order of conditions to East Street. Marcella Stasa seconded the motion. Motion passed by unanimous voice vote.

#### **ANRAD 0 Main Street**

- Chris Scott to work on.

#### **DET Warren Brook Bridge**

- Chris Scott created it and distributed it to Commission. Signature page in Town Clerks office.

#### **Letter to DEP about Allowing Paper Submission**

- Allows people to be able do apply by paper copies.
- Marcella Stasa made a motion to issue to letter to DEP to allow people to send in paper copies. Tom- Jango seconded the motion. Motion passed by unanimously voice vote.

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

- No updates.

#### **Remote Meetings**

- Chris stated state hasn't issued any announcement of how meetings are to be held yet, but possibility extending to the end of December.

#### **Approve & Sign Document**

#### **Meeting Minutes**

- Minutes are not available for review.

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

##### **7:00 PM      Discuss Rockwood Meadows**

- Mike asked if there are any questions with the draft MFR plan which was shared with Rockwood Meadows Association and Commission for discussion.
- The revised plan expanded areas within CR which could be maintained as meadows and grass. The MFR is intended to be included as an addendum to the BDR.
- Steve Guerrera and Mike Lucarelli asked for modifications to the plan in several locations and most were approved by the Commission.
- Marcella Stasa made a motion to accept the MFR with modifications made. Tom Jango seconded the motion. Motion passed by unanimous voice vote.

##### **7:45 PM      Upton Ridge CR Discussion**

- Mike stated that Mark Mastroianni (Pulte Homes) received and had no concerns with Commission comments on the draft CR.
- Mike reviewed the changes in the document. Marcella, Chris Dave and Tom agreed it was good with changes. Mike to clean up the copy and have town counsel review it. Chris stated Mark wants it to be recorded. Mike stated it has to be reviewed by the state and town counsel before it is signed and recorded. Could be a while before it received back from the state.

- Commission agreed with Mike's changes. Chris to let Mark know they agree with the changes. Need a clean copy. State says they need to submit the red line strike out version also. Commission should see both clean and strike out copy as would the state.
- Tom Jango made a motion to approve the revised draft. Dave Szczebek seconded the motion. The motion passed by unanimous voice vote.

**8:00PM        NOI (cont') Governor's Landing**

- Patrick Garner requested that the hearing be continued until the July 13, 2022 meeting. Hearing will be held at 8:15PM

**8:05PM        Beaver Discussion**

- Beaver update from Dave Kennedy at VFW. BOH hired trapper remove beavers on Center Brook near the VFW.

**Other Business:**

**Agent Position**

- One applicant for agent position so keeping it open for a while.

**8:56 pm** Marcella Stasa made a motion to adjourn. Tom Jango seconded the motion. Motion was approved by unanimous voice vote.

**Minutes approved on: March 22, 2023 (remote meeting)**

*Chris Scott            Mike Penko  
Mary Overholt        Tom Jango  
Sandy Lajoie         Alan Miano  
Marcella Stasa*



## TOWN OF UPTON, MASSACHUSETTS

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### Conservation Commission

Meeting Minutes – Wednesday 8/24/2022 -- Remote Meeting (teams)

To: Members of Upton Conservation Commission  
CC: Denise Smith, Town Clerk  
From: Mary Overholt, Conservation Administrator

**Members Participating:**

Chair: Chris Scott, Vice Chair: Mike Penko  
Members: Alan Miano, Tom Jango, Marcella Stasa, Dave Szczebak  
Absent: Sandy Lajoie  
Administrator: Mary Overholt  
Visitors: Bill Taylor, David Crossman, Grace Lam (Five Forks Farm) Krystin O'Brien (Sudbury Valley Trustees), Troy Butler (19 Pearl St.)

**7:00 Remote Meeting Opened**

**Website update** - Alan thinks we should use the google drive for the packet. A link can be provided for the meeting packet. Dave suggested using Teams. With teams people could send messages back and forth. Hearing documents should be on the website. Minutes should include a list of all of the documents discussed. The minutes can reference the packet.

**Land Stewardship** - Marcella notes that there is not too much going on

Special town meeting warrant item - Chris asks if the Commission has anything for that.

Pavilion project (Stefans) update – The selectmen not very supportive of the project.

**Open Space** – Mechanic St. parcel. We have phase 1 assessment, no known hazardous materials. Scheduled closing for Sept. 28.

Staff changes - Still looking to hire secretarial staff.

William St. APR - selectmen waive

Signature pages are with Denise - please stop by and sign. Accepting mechanic St. property page needs to be signed. Need to vote to accept that property.

**7:15 22 East St. (lot 3)** Chris opens the public meeting. David Crossman from B & C Associates, is representing the Applicant. Mike gives the history of the application. Lot 3 was cleared but not grubbed. The question is, what is going on, on the other lot. It was cleared but not grubbed. The vegetation is very hydrophytic. The wetland delineations forms are messed up. Soils indicated upland soils. The area is mostly dominated by herbaceous species, which are very wet. Applicant should pay closer attention

to the soils. They conclude that they are not hydric soils. Could hire Ecotec to take a look. Dave Pickart may have seen some mottles places. The vegetation is entirely wetland. Mike notes that the tree line should not be in the delineation. Why is the vegetation all wet and the soil is non-hydric. David Crossman says that perhaps because of the heavy rains from last year. Mike notes that this is the driest summer we have had. Dave Crossman indicates that the ruts were because of land clearing. Mike says the ruts were created because the soil was wet. They did soil testing for septic systems there and found ground water at 30". David Crossman notes that the top 20 inches do not show a lot of hydric indicators. Chris suggests to hire Ecotec . This would just be for lot 2. The applicant should pay for the peer review fee. *Motion to hire Ecotec to look at the soils for lot 2 only. Marcella motion. Alan second. Vote all in favor by roll call vote.* If there is an isolated wetland in lot 2 the buffer would extent into lot 3.

Number 22 East to be continued until 9/14. At 7 pm

**7:35 24 East St. (lot 2)** - Chris opens the public meeting. Lot 2 is the one that should be reviewed. Who contacts Ecotec? Mary will contact them. This should be continued until 7:15 on 9/14. Hopefully have report from Ecotec by then. Do we have the fee for ad in the paper? Two ads for 90\$ it should be a total of \$180. Mr. Crossman has already paid that. Mary should look for check. Mr. Crossman will get us info we need if we anything.

**DPW 135 South St.** – There are road drainage issues at 135 South St. that affect the house. A Pipe comes from under the road. Water tends to pool there, generally it drains through a pipe into the back yard. Water was going against the foundation and freezing. The filing was done as part of the Goss pond lot. Bill can find the file number. That was permitted part of Goss Pond. There is an easement at the corner. It is the DPW maintaining a drainage easement. Bill says Mary to deal with this with the DPW. *Chris motion for Mary to work with the DPW on this. Tom second. Vote all in favor by roll call vote.*

Price of ads has gone up - \$ 110. *Marcella motion to raise the ad fee to 110 from 90. Tom second. Vote all in favor by roll call vote.*

**7:45 Five Forks Farm** - Chris suggests moving the parking away from the pond. Grace suggests that the edge of the pavement is already existing on the pond side. Need to discuss the parking issue Tom says, everyone agreed on the earth moving that was present at the Monday meeting. Krystin from SVT is on. NRCS designed the plan, and they are following best soil management practices. SVT is in full support of this plan.

*Mike motion that Commission supports the grading plan prepared by NRCS. Tom second. Vote all in favor by roll call vote.* We may ask them to file a wetland permit, depending on if they are within 100 ft. of the stream. Grace asks if this would this be an ag exemption? The Commission may need to research this. Chris says to file an RDA. When do you want to start this? Hopefully before things get too wet or frozen. May need to do next summer. Hope to do it all at the same time as the parking to use the rock materials. The SVT stewardship committee has to vote on this. Their meeting will be Sept. 19.

Need to figure out which parking option we need to choose. Tom likes Option A. So does Marcella. They talked about overflow parking options, included parking on the grass. (This is allowed under the

CR). Mike likes this option, half of parking spaces are obscured but the barn. We can make an argument to the public that this is beneficial to everyone. They need to move the greenhouse to do this. Grace states there will eventually be a greenhouse here, closer to the woodside. Marcella says it should not affect the view shed. Have you thought about putting a second driveway on North St. so that people could have one way traffic? Better for sight lines and grading. Grace says they have thought about two options, Grace believes two way flow would be the best. Mike believes it would be okay with the CR and thinks the planning board would like that. Marcella, hire an engineer to design it, would address some of those issues. Grace says her first choice is to have two separate entrances. Alan thinks both parking lot options are against the CR. Alan remembers the very close town meeting. Marcella, the CR encourages the growth of an agricultural operation. We talked a lot about what would be visible from the road, we believe this won't impose on the view. Alan - The CR does not say "Optimize" agriculture. Alan believes the expansions will continue. Mike says there is an envelope where structures are permitted, and structures were already there. Mike notes there was always the thought that we would sacrifice some aesthetics within the building envelope. There was thought into where the envelope was drawn. Alan - was it ever in your mind Mike that there would be a retail operation of this scale? Page 5 number 8. Grace intent is to maintain viable working farm. Grace says the parking will help the farm be viable. Alan says viable is the minimum. Second sentence in preamble is more important than that. Marcella we don't want you to be running a business on the margins. Grace is looking for other land. because this place may not be big enough. Alan the property is protected forever. *Tom motion to accept parking plan A. Marcella second. Vote 4 ayes and 1 no and 1 abstain by roll call vote. (Chris - aye, Tom - aye, Alan - no, Marcella ayes, Mike - abstain, David - aye.)* Mike abstains from vote as member of SVT stewardship committee. This is subject to SVTs approval Marcella says. Marcella does anyone need to attend the SVT meeting. Kristin says that would be fine and helpful.

**19 Pearl St. COC** - Troy Butler. – Troy stated he notified conservation in the beginning. Troy said Dave Pickart had told him that the plan requires putting a wetland into another wetland. Troy had not heard from anyone for 8 weeks. He had land clearing equipment there earlier. Troy says they are a couple of weeks away from moving in. He has difficult living conditions in Worcester. There will be a letter sent to engineering from the committee. Troy trying to figure out how to get an occupancy permit shortly. Can an occupancy permit be conditioned. Mary noted that the original replication area under DEP 311-0584 had been built, but failed. The recommendation is to build the replication area, where it was originally located. The new proposed replication area for DEP 311-0794 is within wetland. A partial COC would satisfy it for the as-built. Items that still need to be completed are Replication area and as built plan. An occupancy permit can be issued, while this is being resolved. Mike says we should try to work with Troy and not interfere with him moving in. A partial would satisfy Karen Keegan's requirement. *Alan motion to issue partial for 19 Pearl St. Tom second. Vote all in favor by roll call vote.* Look into what building dept. needs. Replication needs to be completed within a year. Need as built within a year.

**Minutes** from the 8/22 Five Fork Farm site visit. *Marcella motion to approve minutes from 5 fork farm. Mike second. Mike – aye, Tom - aye, Chris – abstain, Alan - abstain, Marcella - aye, Dave - abstain.* Of the members who were present, we have a majority.

There was a discussion of where the meeting recordings can be found. Bill has access to the two July meetings.

**SVT Management Agreement** - Mike is good with most of it. Laura wonders who signs from the Conservation Commission. Does town council need to review. Mike thinks Chris could sign the agreement because Concom has custody of the property. Bill was reviewing the budget for the project. Included \$4000 for a baseline report which was removed because SVT was going to do this. Should that be added as a management activity. Bottom paragraph refers to Stefans farm as Conservation land it should be OPEN Space. Mary to send Chris document outside packet. *Marcella motion to have Town Council review the document. Mike second. Vote all in favor by roll call vote.*

*Marcella motion for Mechanic and Fowler St. Property to be taken into care custody and control of Conservation Commission for Conservation and passive recreation purposes in perpetuity. Tom second. Vote all in favor by roll call vote.* Bill would like to get this complete by the beginning of next week.

**12 Piccadilly** - Land owner John Davey would like to donate some land. Marcella says it is already wet and protected. Is it completely landlocked? Could there be public access? Is there any down side to accepting it? Takes it off the tax rolls. Mike suggests accepting it so that it is preserved. Tom asks if it is a benefit to the town. Bill notes that the selectmen would have to accept it as gift. Mike states that it would be similar to Pixie's park. Bill says the first step is to have a site visit. We need to contact the owner to make sure he realizes that it should be subdivided. Bill will reach out to Mr. Davey.

**Warren Brook Forestry** - Mike met with Scott and Greg Trussell. Scott would like Greg to do some work to prep the landing area so that it can be seeded. Greg will provide cost estimate. Create boulder barrier for the parking lot. Separate estimate for that. Barrier should be done before hunting season. Prep work for seeding can come later. Greg will provide two proposals. Put in inexpensive gate. So that emergency services could get in there. Mike would like to put in Land Stewardship Committee hands. Allow Land Stewardship to spend up to \$1600 to reestablish parking area off Warren Brook and potentially install a gate. That should include the cost of the gate. A sign should be installed. Seeding the landing was that responsibility of the forester? Scott wanted wood chips racked away. Money to come out of general budget. *Marcella motion to set aside \$1600 for the parking area at Warren Brook. Vote all in favor by roll call vote.*

Bill from Phil Benjamin. It is about \$8000. That is coming. That will have to be paid out of the proceeds of the harvest. Mike says we should come out a little bit ahead.

**9:10 pm** Tom motion to adjourn. Dave second. Vote all in favor by roll call vote.

#### **Document list**

8/24/22 Meeting Packet

**Minutes approved on: Dec. 14, 2022 (remote meeting)**

*Chris Scott      Mike Penko  
Tom Jango      Alan Miano  
Marcella Stasa  
David Szczebek*



## TOWN OF UPTON, MASSACHUSETTS

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### Conservation Commission

Meeting Minutes – Wednesday August 10, 2022 – Remote Meeting (Teams)

To: Members of Upton Conservation Commission

CC: Denise Smith,

#### **Members Participating:**

Chair: Chris Scott

Vice Chair: Mike Penko

Members: Sandy Lajoie (treasurer), Alan Miano, Tom Jango, Marcella Stasa, David Szczebak

Administrator: Mary Overholt

Visitors: William Taylor (Open Space Committee), Steven Saucier (VFW)

**7:00 Remote Meeting Opened- Chris Scott is facilitating the meeting.**

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

##### **Administrator's Report:**

7:00 p.m. EO 1 Cider Mill Lane

- Some fill predates ownership. Could be isolated wetland- not regulated within WPA.
- Ms. Stasa requested more stones to be placed along the bank. Trash and building debris should be removed as well.
- Filing cost will go within RDA.

7:25 p.m. Discussion Eames Lane

- Bill Taylor will draft up document showing the many trail heads in Town.

7:30 p.m. Five Fork Farm CR Discussion

- Letter was approved.
- Site visit scheduled for August 22, 2022.

8:00 p.m. Upton Ridge CR Town Counsel Review Discussion

- Town Counsel reviewed the CR for Pulte.

**Discussion Items:**

SVT Management Agreement-

- Only Mechanic Street not Stefans
- Open Space Committee will work on CR for Mechanic Street.

Meeting adjourned

Minutes approved on: 12/13/23 remote meeting

*Chris Scott      Mike Penko*

*Tom Jango      Sandy Lajoie*

*Alan Maino      Marcella Stasa*

*David Szczebek*



## TOWN OF UPTON, MASSACHUSETTS

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### Conservation Commission

#### Meeting Minutes – Wednesday 9/14/22 -- Remote Meeting (teams)

To: Members of Upton Conservation Commission  
CC: Denise Smith, Town Clerk  
From: Mary Overholt, Conservation Administrator

#### Members Participating:

Chair: Christine Scott (Chairperson)  
Members: Mike Penko (Vice-Chairperson), Marcella Stasa, Alan Miano, Dave Dzczebak  
Absent:  
Administrator: Mary Overholt  
Visitors: Linda Gay, Dave Crossman, William Taylor

#### 7:00pm Remote Meeting Opened-

Joe Laydon – reorganizing staffing upstairs.

- There will be a new land use and inspectional services department, which allows for all staff to be one umbrella. This should improve customer service while still providing support.

#### 24 East St. –

- Art Allen from Ecotec presented his site evaluation report. The lot was previously cleared and is gradually sloping. Stumps were cleared and were mostly white pine.
- The soil and landscape position were representative of Woodbridge soils. Area was cleared and worked with heavy equipment when the soil was wet, leaving heavy ruts.
- It was found that the subsoils are high chroma colors and non-hydric, even though there were redoximorphic features. But it did create conditions so that the wetland herbaceous species could get started.
- *Mike motioned to issue a negative determination, with the understanding that information provided by the applicant was inaccurate. Alan seconded. All voted in favor by roll call vote.*
- Wetland plant data sheet improperly included two plant community types- soil profiles did not mention redoximorphic features.

#### 105 Crockett Rd.

- Chris opened the public hearing.

- There was no BVW present, the buffer zone shown on the plan. This project is for the construction of a new septic system. Part of the deck needed to be removed. The old system will be filled and the deck will be rebuilt.
- This will need to go before Town Meeting for the granting of an easement for under the road.
- Tom motioned to issue an Order of Conditions for a new septic at 105 Crockett Rd. Marcella seconded. All voted in favor by roll call vote.

**Financial Report:** Marcella motioned to support expenditure of \$8,190.00 to come out of Land Stewardship Revolving Fund and remaining bills. Tom seconded. All voted in favor by roll call vote.

Conservation Commission Administrator Position-

- The Administrator job description was never approved by the Commission. It was part of a larger effort in 2014 to classify all the town jobs.
- Mike expressed concerns that some of the duties such as land management and protection described in Administrator position are more descriptive of a full time position.
- Job description to be edited as proposed by Mike.
- The Agent position is grade 6 and the Administrator position is grade 7. Alan motioned to submit a revised first paragraph of job description. Alan seconded. All voted in favor by roll call vote.

**Website:**

- Fees have been changed.
- Mary needs a login to be able to access editing on the website.

**Open Space:**

- Mechanic Street property- Markers still need to be installed. Burnson monuments and iron posts were proposed. It will take about three days to install the monuments.
- Linda Gay noted it might be nice to have a stone marker at Fowler Street and Mechanic Street.

**Land Stewardship Committee:**

- Warren brook parking area on Grafton Road- work has started and there is still need to install the gate and put the sign up. Stones have been installed so people don't drive beyond the parking area. Greg will come and do some grading and Scott will do some planting. The parking lot needs some help; perhaps fill will gravel the dip that fills with water.
- There was uncertainty of where gravel should be paid for and how much it would cost.
- Paving was proposed since the plows rip up the dirt. Tom thinks it is a school bus turnaround. Maybe the town would pay for the improvements.

- Mike suggested placing gravel at the beginning of the trail where it is really wet. Marcella wondered what Mike has in mind for gravel on the trail. The trail would go through soft ground areas.
- Commission is moving forward on getting trees planted by Rockwood Meadows parking. Mike researched tree prices- Shagbark Hickory is for \$300.00 or black gum from Weston Nurseries for \$195.00 each-Could potentially be installed by volunteers. Tom is in favor of Nyssa, Marcella agrees.
- *Marcella motioned to purchase two Nyssa Trees for Rockwood Meadow's. Tom seconded. All voted in favor by roll call vote.*
- Mike proposed that the Commission or DPW to dig the hole. Weston might do the whole job. Or could hire Greg Trussell. Mike motioned for land stewardship to spend up to \$600.00 to install trees.
- Mike withdrew the motion.

Mechanic St. Plan-

- Bill suggested removing two of the makers which are close and are redundant. The other one to consider is where the stone wall changes direction after it leaves mechanic Street. Bertson markers were proposed, as they can drill holes in stone walls. Bertson markers are unlikely to be moved or stolen. A rod could be poked into the ground, especially around house lot on Mechanic Street.
- Mike suggested the Bertson markers. Tom is okay with iron rods in areas that are too close.
- Linda found that the iron stakes work very well as a marker.
- Tom suggests that the people could post their property to mark the borders.
- Ten are included in the contract to be Bertson markers. May need more time to close if the Bertson markers are installed.

Northern woodlands Resubscription:

- Commission had brief discussion of renewing Northern Woodlands Subscription in order to receive online access.
- *Marcella motioned to continue subscription. Tom seconded. All voted in favor by roll call vote.*

Grant for Stewardship Plan:

- Mike asked the forester if they would be interested in bidding for this. *Mike motioned to submit the grant. Tom seconded. Majority Voted in favor. Mike, aye; Sandy, aye; Chris, aye; Tom, aye; David, aye; marcella, abstain.*

Adjourned at 8:57 p.m.

Document List

3/22/23 Meeting Packet

Minutes approved on: June 14, 2023 remote meeting)

*Chris Scott      Mike Penko*  
*Tom Jango      Sandy Lajoie*  
*Alan Maino      Marcella Stasa*  
*David Szczebek*

# **Upton Conservation Commission**

## **June 14, 2022 Meeting Packet**

### **Contents:**

- Agenda
- Agent Report
- NOI Robertson Family Conservation Restriction
- Narrative Robertson Family Conservation Restriction
- Staff Review Robertson Family Conservation Restriction
- DEP # Robertson Family Conservation Restriction
- Natural Heritage Robertson Family Conservation Restriction
- 10 Warren St. RDA and Plan
- Staff Review 10 Warren St.
- 343 Mendon St. Site Plan
- Enforcement Order 343 Mendon St.
- DogWood Easements Legal Opinion
- Draft Deed Restriction
- Righter e-mail 5-19-23
- 2 Dogwood Dr. Easement
- 2 Dogwood Easement Overlays
- Field Notes 2 Dogwood Dr.
- Preserve at Dean Pond License
- 85 Crockett Rd. property history
- 126 Elm St. updated plans and e-mail
- Draft minutes 5/24/23, 9/14/22, 9/28/22, 10/12/22
- Financials/ Invoices



## TOWN OF UPTON, MASSACHUSETTS

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### Conservation Commission

Meeting Minutes- Wednesday 09/28/23—Remote Meeting (teams)

To: Members of Upton Conservation Commission  
CC: Denise Smith, Town Clerk  
From: Mary Overholt, Conservation Administrator

**Members Participating:**

Chair: Christine Scott (Chairperson)

Members: Mike Penko (Vice-Chairperson), Marcella Stasa, Alan Miano, Dave Szczebak

Absent:

Administrator: Mary Overholt

Visitors: Linda Gay, Dave Crossman, Doug Morse, Ethan Sneesby, Dave Ross, Paul Dell

Aquila, William Taylor

#### 7:00. Pocket Park Doug Morse and Ethan from BSC Group-

- The idea behind the pocket park is to provide a place where people can go to the center of the park to enjoy nature. It is completely wooded and there are some steep slopes. There has been some dumping over the years off the slope.
- The slope comes down 8-10 feet which leads to a wetland. A kiosk, with historical information on Town Center was proposed as a place where people can get information. The park and pathway are hoped to be part of a larger pathway providing connection to the town.
- To create connection to the church without disturbing the park, an option could be to have a path connect to the parking lot and a path to continue and cross over to church street.
- Ethan spoke about resource areas. The stream channel is channelized near Main Street and has a small watershed. Wetland is a forested red maple area, which transitions into a mucky area at edge of a stream. Path will go within the 30-foot buffer zone.
- Mike inquired about handicap accessibility. Path will be handicap accessible.
- It was proposed to place some bank stabilization to mitigate further erosion at the Church Street culvert.
- There's an eroding bank opposite to the culvert.
- Tom asked why it would connect to church street. Town has a vision to have a pathway that meanders through the Town.
- Dave Ross, chair of Economic Development, provided public comment. This would make the Town Center be more pedestrian friendly. The commission is also looking at a

historic walking trail through Upton, ending at Paula Dean Bradish house. This resting area could provide individuals with opportunity to pause, the flow to get the trail back from the state highway.

- Marcella noted this is prime real estate, is it not developable. Is it the intent to keep the development permanently protected? Wetland and steep slopes make this property very difficult to develop. This lot has no frontage on a public way.
- Paul D. noted he hopes to make it a node for pedestrian oriented activity. Paul further asserted how route 140 is to be realigned in front of town hall.
- Mike suggested to reconfigure the Town Hall parking area. Mike asked if there would be a handicapped accessible space near where the trail begins. Paul was unsure.
- There is planning to close off Warren Street. However, there is uncertainty of the ownership of the road.
- Do the adjacent property owners own it if the road is discontinued? It provides additional space for parking. Could Warren Street be used for parking? Chris noted conservation is generally in support of this idea.
- This should be an NOI.

#### Five Fork Farm –

- Mike provided an update from SVT's meeting with Grace- owner of Five Forks Farm. SVT Committee voted to be supportive of the 40-spot parking plan that was proposed to the Commission.
- NRSC has done additional testing, looking for a water source on the west side of North Street. They had hit bed rock at 13 feet. Thus, they may not be able to have a water source. Paul noted they will be signing and submitting a parking plan to the Planning Board soon.
- Alan had expressed concern that the view would be obstructed in some way. The commission is still working within the promise to the town to maintain that view.

#### Discussion on hiring forester:

- Mike heard back from two foresters, John Clark and Phil Benjamin. Additionally, a grant from DCR was received. Cost plan will be provided to Conservation Commission.
- Mike would like to request each forester to provide a quote for Mechanic Street and Stefans.
- Mass fish and wildlife will be incorporated for invasive management.
- What kind of movement will there be between the parcels? One is conservation and one is unprotected. It was proposed to separate the two parcels out.
- Marcella was unsure the Commission will receive public support on Forest Management plans.
- Mike asked what kind of forest stands are available.
- The Commission will be able to set goals for the forest management.
- Marcella noted she is in favor of getting an inventory.
- Tom says there are some people happy with the cutting job on Warren Brook.

- Mike noted better communication is needed to the public.
- Tom Dodd has been monitoring breeding birds in those open areas.
- Mike will request proposals from the foresters prior to next meeting.

**Draft CR for Mechanic Street**

- Draft Conservation Restriction still needs to be written. Meredith almost has first draft ready.
- *Tom motioned to authorize chair to sign agreement. Mike seconded. All vote all in favor by roll call vote.*
- There are a few structures located way back in the woods.

*Marcella motioned to issue the two determinations, 22 and 24 and one NOI.*

**Financial Report:**

- *Marcella motioned to pay bills. Tom seconded. Majority voted in favor. Chris, aye; Marcella, aye; Tom, aye; David, aye; Sandy, aye; Mike abstained.*
- Mike purchased two posts from Koopmans for the Warren Brook Gate.

**Website:**

- Alan noted the Hike Upton page has been updated.
- Marcella noted one of the maps has an error.
- Joe suggested to have each group maintain their own website.

**Open Space:**

- Closed on Mechanic Street property two weeks from Friday.
- SVT is holding a walk at Peppercorn on September 11, 2023.

**Land stewardship:**

- There is a lot of trail work that needs to be done.

**Discussion of Meeting Schedule**

- There will be no second November meeting.
- Conservation Commission will meet during the second week of December.

**Land Stewardship Continued:**

- Tom asked if the public are allowed to walk on the Easement on Chestnut Street. Were the markers found with that? They could be the center line of the trail easement. The easement agreement is not specifically on their deed.
- Also asked, will property owners see people from their house, once trail is in? Yes, the house is 30 to 40 feet from the trail.

*8:35 p.m. Tom motioned to adjourn. Marcella seconded. All voted in favor by roll call vote.*

**Document List**

9/28/22 Meeting Packet

Minutes approved on: June 14, 2023 remote meeting)

*Chris Scott Mike Penko*

*Tom Jango Sandy Lajoie*

*Alan Maino Marcella Stasa*

*David Szczebek*

# **Upton Conservation Commission**

## **Sept. 28, 2022 Meeting Packet**

### **Contents:**

- Agenda
- Agent Report
- Pocket Park Map
- Forest Stewardship Plan
- Charlton FMP
- Draft CR Mechanic St.
- Determination 24 East St.
- Determination 22 East St.
- Special OOC 105 Crockett Rd.
- Heritage Day flier
- DCR Cost Share Grant application
- Meeting Date Schedule
- Cobblers Creek e-mail
- Northern Woodlands e-mail
- Bills
- Financials



## TOWN OF UPTON, MASSACHUSETTS

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### Conservation Commission

Meeting Minutes – Wednesday 10/12/22 -- Remote Meeting (teams)

To: Members of Upton Conservation Commission  
CC: Denise Smith, Town Clerk  
From: Mary Overholt, Conservation Administrator

**Members Participating:**

Chair: Christine Scott (Chairperson)  
Members: Mike Penko (Vice-Chairperson), Marcella Stasa, Alan Miano, Dave Dzczebak  
Absent:  
Administrator:  
Visitors: Joe Havasta (Hutter Construction), Paul Flaherty (Building Committee), Sean Malone (Oak Consulting), Patrick Garner (wetland consultant), Stephen Saucier (commander of VFW).

**7:00 Remote Meeting Opened -**

7:00 RDA 1 Cider Mill Lane

- Chris Scott opens the public meeting. Applicant Bassam Saade is present. He is doing various types of work in his yard. He has installed a stone wall which he put at the edge of his yard. There was an old truck which had wood on it, which has been removed. The truck was next to the wetland area. He brought in 10 yards of soil to level off the yard.
- *Tom Motion to close hearing and issue negative determination. Marcella second. Vote all in favor by roll call vote. Motion to lift enforcement order.*

7:10 EO Community Center Project Hutter Construction Co.

- Stephen Saucier is commander of VFW. Joe Havasta is from Hutter construction. Alan AO is the site contractor. Paul Flaherty is from Building committee.
- VFW agrees to get erosion controls up shortly. Mike thinks contractor should get enforcement order. Tom agrees with VFW holding responsibility.
- Paul Flaherty says cooler heads should prevail. Mike does not think town council should be involved. Will hear from the contractor if they would be willing. The town contractor Steve Kirby delivered the materials to the site. It was not spread by the construction company.
- Mike asks, if Alan from AO Construction is willing to help. VFW was not contacted. Quarter master will make sure erosion controls are up. Will be continued until 7:00pm on 10-26-23.

7:20 RDA 54 Grove Street

- RDA George Anderson. Eric Hinson civilized solutions. Existing septic failed. The tank is between house and wetland. Location of well helped to choose location of the system tank.
- They will pump the existing tank and crush in place and fill with sand, existing leach field is to remain.
- They usually clean up within a year. Trash would have to be brought to a land fill.
- Commission needs to check on newspaper ad fee. Conditions and stamped plans.
- *Tom motion for erosion control inspection to occur before construction. Marcella second. Vote all in favor by roll call vote.*

7:30 NOI 278 Mendon Street

- Bill Halsing from Land Planning is representing the applicant. The contractor cleared the property without Conservation approval. No wetlands were shown on property. He is asking for approval to continue construction. The site is relatively flat. Pool and retaining walls are new additions to the plan.
- Requires a planting plan with another set of plans with bounds. The Pool will be in area that is already disturbed. The pool should be included in filing. Bounds are to be indicated on the revised plan.
- A fifth bound should be added near wetland flag 23. There was never any wetland on these prints. G & H original engineering company.
- Needs to be continued until 10-26-23 at 7:30. Bill can start framing then.

7:45 Discussion Hiring Forester to develop management plan Mechanic Street/Stefans

- Will hire forester for Mechanic Street. There are no issues with awarding contract to him. Tom asks, did we apply to the state for any of this? If we vote to hire John, we need someone to show them properties. Mike has provided the old management plan. Tom and marcella would like to help.
- Site walk with SVT Tuesday the 18th 2:00pm at Mechanic Street. This will be good time to introduce John to stewardship committee. Schedule John Clark for when Tom can make it.
- *Tom Motion to approve hiring of the forester. Alan second. Vote all in favor by roll call vote.*

8:30 NOI (cont.) Governor's Landing

- Sean Malone is present from Oak Consulting. Patrick Garner wetland consultant is also present. David Pckart is representing the Commissions interests. They wanted to talk with Commission about a change in the plan. This is the last plan and comments from DGT have been incorporated. Plans have been configured to preserve the top of the hill which has cultural resources. They will stay out of the buffer to the vernal pool. This will

have less blasting. There are 4 acres in the buffer to the pool and 10 acres of preserved land. Impacts to buffer will be the same or less, except for one area.

- Pat Garner notes how a majority of heavy ledge will not be disturbed. David comments how Vernal pool is being encircled with development and roadway.
- Amphibians will travel 100 meters or more from the pool (300 ft.) No easy way to determine the direction they are going in. Breaks in development perhaps can be reconfigured. Perhaps, put one up there in the left corner. Commission has feelings about dry culverts because they can work or attract predators.
- Pat Garner suggested putting in critter tunnels on the open roadways. Dave suggests opening in development in upper left corner. Mike asks, do mole salamanders use this pool? Dave responds, solely wood frogs. Wetland to the lower left, is that forested? Mike thinks the wood frogs would use it in the summer. Will there be the need for blasting to the left of the vernal pool? Sean says possibly, will continue to work on grading to minimize blasting. He notes having a monitoring plan for the vernal pool. Concern is that the blasting could fracture bedrock.
- How does the applicant feel about publicly available trails in the center area of the development? There are already existing trails. Sean suggests they are open to a few parking spaces. Chris asks if the unit closest to the vernal pool can be removed and suggests it could be relocated to the other side of the road. Marcell asks, would that reduce number of critters that could move across? Dave does not see any adverse effects. Can it go on the other side, and can we get a copy of the plan?
- Hearing to be continued until 11-9-22 at 8:30pm.

#### **Administrator's Report –**

- Commission needs access to Vadar.
- Ongoing- The sign for Peppercorn. Original sign made from aluminum was stolen last spring. This one is designed after the sweet William sign. The cost is \$874.51. It will not be made from aluminum. Whitney sign is 11 years old and is starting to deteriorate. It needs to be replaced. This sign is not very durable, half the price of replacing the former sign. Any sign at peppercorn might be vulnerable. *Alan motion to approve sign. Marcella second. Vote all in favor by roll call vote.*

#### **Administrative Report –**

- Financial Report-Expenses to be approved related to Warren Brook Conservation area. Greg Trussell – Scott to put down seed \$1800 for seed mix, \$700 to cover cost of gate and posts – \$2200 for seed mix, to be taken from the general expenses.

#### **Open Space –**

- Community center- Open space closing on Mechanic Street parcel on Friday.
- Pick up mylars 10-13-23.

#### **Land Stewardship -**

- Spec. Town meeting 11- 1-23.
- Town Line Diary APR - Appraisal had to be redone because it was more than a year-old. The price came out more than was expected. The Commission has been asked if we can make up part or all the increase. Our contribution would be anywhere from \$12000-17000. Tom is not fond of emptying that account for that property. Tom suggests \$17000 to help. Shortage will be treated as something to bargain with by the sellers. *Mike motion to utilize funds from conservation fund 17000 to help in acquisition of town line dairy APR. Tom second. All vote in favor by roll call vote.*
- Worcester Telegram & Gazette. Chris would like us to get a subscription so that we can have a copy of the notice, which should be part of the file. It is \$14 a month to have both. Bill notes there is a free website that posts public notices, where it can be checked first. Then we could just look them up. Bill can research access through the library as well as the News Bank. Dave will send the link for legal ads for the states.

**9:00 pm** Chris motion to adjourn. Alan second. Vote all in favor by roll call vote.

#### Document list

10/12/2022 Meeting Packet

**Minutes approved on:** June 14, 2023 (remote meeting)

*Chris Scott Mike Penko*

*Tom Jango Sandy Lajoie*

*Alan Maino*

*Marcella Stasa*

*David Szczebek*

# **Upton Conservation Commission**

## **Oct. 12, 2022 Meeting Packet**

### **Contents:**

- Agenda
- Agent Report
- Determination 1 Cider Mill Ln.
- Staff Review 1 Cider Mill Ln.
- Enforcement Order 1 Cider Mill Ln.
- Enforcement Order VFW fill in wetland
- Determination 54 Grove St.
- Plans 54 Grove St.
- Staff Review 54 Grove St.
- Notice of Intent 278 Mendon Rd.
- Septic Plan 278 Mendon St.
- Septic Plan 278 Mendon St. with pool
- Staff Review 278 Mendon Rd.
- Proposal Forest Stewardship plan Mechanic St. /Stefans
- Peppercorn sign quote
- Peppercorn sign design
  - Financials



## TOWN OF UPTON, MASSACHUSETTS

### Conservation Commission

Meeting Minutes – Wednesday October 26, 2022 – Remote Meeting (Teams)

To: Members of Upton Conservation Commission

CC: Denise Smith,

From: Grace Brownell

#### **Members Participating:**

Chair: Christine Scott, Vice Chair: Mike Penko

Members: Sandy Lajoie (treasurer), Alan Miano, Tom Jango, Marcella Stasa & David Szczebak

Absent:

Agent: Mary Overholt

Administrative Assistant: Grace Brownell

Visitors: Steve Saucier, William Taylor (Open Space Committee), Shawn Craig (VFW), Paul Flaherty, Joe Laydon (Town Manager), Bill Halsing (278 Mendon Street), Alan Our

**7:00 Remote Meeting Opened- Christine Scott is facilitating the meeting.**

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

7:00 EO Community Center Project & VFW

- Mary explains the status - Met with Joe Laydon and Town Counsel and also asked Mia McDonald from the state her opinion. The Commission can issue enforcement against the contractor. Enforcement should also go against the VFW. Enforcement Order should also go to Ed McKinney since he is the one who moved the fill into the wetland. There are two contractors involved, Hutter which is acting as General Contractor and AO which is the site contractor. The Commission needs to decide who should get Enforcement Orders and what responsibility each party should have in the clean up. A wetland restoration plan by a wetland scientist could be asked for in this situation. The project specs include a requirement for the contractor to dispose of all excess soil.
- Commission members express that all parties should be involved in the cleanup.
- Alan Oulette from AO Contractors will donate excavator time to pull materials out. VFW should allow access- Construction contractors to develop plan and remove it.

- Mike noted contractor should do due diligence to learn where dirt from the project site is going.
- Paul Flaherty asked if the AE noticed this problem at the time.
- Shawn Craig is the VFW Senior Vice Commander- Ed McKinney provided pictures of site. Ed was in the hospital for a time which is why the piles starting getting higher because he was not there to spread them. Senior VFW members were never made aware of the project.
- The following questions were asked: Why was the Town made involved in this? What is the dirt supposed to be used for? Why was there additional dirt brought there.
- Alan noted they had never brought any over there without Ed's permission. They wanted to do the VFW a favor because they were losing a significant amount of parking.
- Chris asked what each party should be responsible for doing.
- Mike suggested limiting responsibility for the VFW to solely provide access and the contractor to restore and remove fill.
- Ed McKinney suggested most responsibility to be on contractors.
- Chris agreed with Mike that wetland study should be done by contractor.
- Shawn Craig noted that area has a lot of material that is not natural and he would like to avoid a third party evaluation. He was concerned that some members would seek outside council (lawyers). That is a possibility if there is any motion for expenditures.
- Town Manager Joe Laydon suggested setting up Committee to define the roles and report back at the following meeting, then come back to the Commission with an action plan.
- Paul Flaherty noted everyone wants to work together to resolve this issue. AO will help remove the material. Will be allowed to work with the VFW and remove from the affected site, until a place to put it is located. Then work will occur to remove it off the property.
- Mike noted contractor is responsible per specifications. Town should be responsible to pay for the disposal of the material.
- Sandy noted she agrees and would like to see wetland restored.
- Mike noted they should find a new home for it and then remove it.
- Sandy noted she does not think there is time for this.
- Mike noted there will be excess material that the VFW cannot use, which should just be taken off site. That would require a day and a half of work.
- Bill asked if the VFW could take fill elsewhere. Perhaps the Christian Hill Compost facility.
- Alan noted he believes it was legal because Ed pushed it into the wetland.
- Mike noted it was stockpiled.
- Chris asked what would be done with the extra material? Alan noted they would have moved.
- Shawn Craig asked if there is someone else who could utilize the fill. Town Manager Joe Laydon noted site work and any removal of material would have been the contractor's responsibility, and free materials can be given to a business. It is up to contractor to do this.

- Ed McKinney noted the advertisement of this material- has trucked many loads to individual's locations. One can't load it out at the moment, due to muddy conditions. Ed has small vehicle that he is trucking it out.
- Chris will summarize discussion during meeting outside VFW.
- *Mike motioned to authorize Mary authority to issue enforcement orders to all the responsible parties. Tom seconded. All voted in favor by roll call vote.*
- *Continued until November 9, 2022.*

7:30 NOI 278 Mendon Street

- Applicant Bill Halsing was present. He noted he had added mulch sock to silk fence, as well as plantings for wetland restoration area and bounds. Also noted, there was no presence of invasive species.
- *Tom motioned to issue order of conditions. Tom seconded. Majority voted in favor by roll call vote. Tom, aye; Sandy, aye; David, aye; Alan, aye; Mike, aye; Marcella abstained.*

7:40 ANRAD 252 Milford Street

- Chris opened the public hearing.
- *To be continued.*

#### **Administrator's Report:**

138 Warren Street- Partial Certificate of Compliance for lot lease

- *Chris motioned to issue COC. Mike second. All voted in favor by roll call vote.*

23 Crockett Road

- Discussion will take place next meeting, November 9, 2023.

Dave Pickart may still have some electronic files

Bill will send the link for legal ad database

#### **Administrative Report:**

- *Sandy motioned to pay the bills. Marcella seconded. All voted in favor by roll call vote.*

#### **Open Space Committee:**

- Bill closed on Mechanic Street on Friday. Will be 15-20 thousand under the budget

### **Land Stewardship Committee:**

- Marcella noted Warren Brook parking area work. Land Stewardship has looked for sufficient places on Mechanic Street for parking and trails. Tom will assist with this.

#### 27 James Road

- Comment letter
- There are plans to build a four-unit structure. There are no wetland concerns. However, there are concerns with erosion controls. Mary will look into it.

#### Stephans and Mechanic Street Forestry Management Plan

- Tom Clark has been hired. Members from the Commission will walk some of the property with him.
- The contract needs to go to the BOS.
- This will be discussed at next land stewardship meeting

#### Housing Production Plan

- Discussion of what type of housing people have and what type they prefer was had.

#### 1 Cider Mill

- *Tom motioned to issue determination. Chris seconded. All voted in favor by roll call vote.*

#### 54 Grove Street

- *Tom motioned to approve. Sandy seconded. Majority voted in favor by roll call vote. Tom, aye; Sandy, aye; Mike, aye; Chris, aye; Alan, aye; David, aye; Marcella abstained.*

#### November 8 Lunar Eclipse

- The request will be made for the Commission to have a special event on Peppercorn Hill on November 8, 2023. The moon will set a full lunar eclipse at 6:30 a.m. The Commission will leave Rockwood Meadows for 5:30a.m to 5:45a.m.
- *Tom motioned to approve this request. Sandy seconded. Majority voted in favor by roll call vote. Sandy, aye; Tom, aye; Chris, aye; Tom, aye; Mike, aye; David, aye; Alan, aye; Marcella abstained.*

*8:51p.m Tom motioned to adjourn. Sandy seconded. All voted in favor by roll call vote.*

#### Document List

10/26/22 Meeting Packet

Minutes approved on: remote meeting

*Chris Scott      Mike Penko*

*Tom Jango      Sandy Lajoie*

*Alan Maino Marcella Stasa*

*David Szczebek*

## **Upton Conservation Commission**

### **Oct. 26, 2022 Meeting Packet**

#### **Contents:**

- Agenda
- Agent Report
- Staff Report VFW Fill Enforcement
- Excerpt from Community Center Specs
- Enforcement Order VFW fill in wetland
- Enforcement Order Ed Kinney fill in wetland
- Enforcement Order AO fill in wetland
- Enforcement Order Hutter fill in wetland
- Notice of Intent 278 Mendon Rd.
- Updated Septic Plan 278 Mendon St.
- DEP number 278 Mendon St.
- Staff Review 278 Mendon Rd.
- ANRAD 252 Mendon St.
- ANRAD Plans 252 Mendon St.
- Determination 1 Cider Mill Ln.
- OOC 278 Mendon St.
- Determination 54 Grove St.
- Landowner Goals Stefans synopsis
- Landowner Goals Mechanic St. synopsis
- 138 Warren St. Plans
- Recording Information Henderson Property
- Bills to pay
- Financials



## TOWN OF UPTON, MASSACHUSETTS

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### Conservation Commission

Meeting Minutes – Wednesday November 9, 2022 – Remote Meeting (Teams)

To: Members of Upton Conservation Commission

CC: Denise Smith,

#### **Members Participating:**

Chair: Chris Scott

Vice Chair: Mike Penko

Members: Sandy Lajoie (treasurer), Alan Miano, Tom Jango, Marcella Stasa, David Szczebak

Administrator: Mary Overholt

Visitors: William Taylor (Open Space Committee), Steven Saucier (VFW)

**7:00 Remote Meeting Opened- Chris Scott is facilitating the meeting.**

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

##### **Administrator's Report:**

58 Chestnut Street-

- The silt fence has been removed.
- *Sandy Lajoie motioned to issue a COC. Tom Jango seconded. All voted in favor by roll call vote (7-0)*

7:00 p.m. ANRAD 252 Milford Street

- Continued to December 14, 2022 at 7:30 p.m.

HPP Survey

- CC is encouraging members to complete survey.

7:10 p.m. EO- Community Center Project/ VFW Update

Steven Saucier was present.

- The jute mat for slope has been installed. There is completely biodegradable matting.
- It was inquired as to what the time frame is for people picking up the free fill. As soon as possible.
- *Continued until December 14, 2022 at 7:00 p.m.*

7:15 p.m. RDA- 1 Walker Drive Septic

- CC determined they would like the septic system to be more back from the wetland. Most of the system is under the existing parking lot. Closest point of the leaching field is 53 feet away from the wetland. Mulch under the trees. The applicant will find a new spot to put the brush as part of the determination.
- *Tom Jango motioned to close the public hearing and issue the determination. Alan Miano seconded. All voted in favor by roll call vote.*

8:00 p.m. NOI (cont) Governor's Landing

- *Continued until December 14, 2022.*

**Open Space Committee:**

- An invoice for the survey came in at \$29,000.

**Land Stewardship Committee:**

- LSC has been working on the Warren Brook parking area. LSC is getting ready to talk with folks about improvements to be made at Stefans.
- Will meet with SVT for a walk through of Mechanic Street property on November 28, 2022.

There will be no meeting on November 23, 2022.

7:45 p.m. adjourned.

**Document List**

11/09/22 Meeting Packet

Minutes approved on: 12/13/23 remote meeting

*Chris Scott      Mike Penko  
Tom Jango      Sandy Lajoie*

*Alan Maino    Marcella Stasa*

*David Szczebek*

## **Meeting Packet Contents:**

- Agenda
- Agent Report
- E-mail VFW update
- Enforcement Order VFW fill in wetland
- Enforcement Order Ed Kinney fill in wetland
- Enforcement Order AO fill in wetland
- Enforcement Order Hutter fill in wetland
- Site visit report VFW 11-7
- Staff Review 252 Milford Rd.
- ANRAD 252 Milford St.
- ANRAD Plans 252 Milford St.
- 1 Walker Dr. RDA
- 1 Walker Dr. plans
- Staff Review 1 Walker Dr
- As-built Plan 58 Chestnut
- COC Request 58 Chestnut
- Staff Review 58 Chestnut
- Financials



## TOWN OF UPTON, MASSACHUSETTS

### Conservation Commission

Meeting Minutes – December 14, 2022 – Remote Meeting (Teams)

To: Members of Upton Conservation Commission

CC: Denise Smith,

From: Grace Brownell

#### **Members Participating:**

Chair: Christine Scott, Vice Chair: Mike Penko

Members: Sandy Lajoie (treasurer), Tom Jango, & Marcella Stasa

Absent: Alan Miano, David Szczebak

Agent: Mary Overholt

Visitors: Bill Andrews, Karen Keegan, Andrew Thibeault, Margaret Bacon,

**7:00 Remote Meeting Opened- Christine Scott is facilitating the meeting.**

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

7:00 EO        Community Center Project/VFW Update

- NE wetland plants won't take until the Spring. NE erosion control dry mix was suggested.
- Will get jute matting that is not too tight and is a thinner weave. Jute cloth will be down in two or three weeks.
- Continued until December, 28, 2022.
- Shawn Criag will represent VFW next meeting.
- Paul Flaherty made request for the Commission to lift the Enforcement Order, as machinery will be moved off site in two to three weeks.

7:15        NOI 17 School Street New SFH

- Chris opened the public hearing. Bill Andrews and Karen Keegan were present to discuss the project which entails the construction of a single-family house and garage. The lot was created in 1986. Building had been pushed back as far to the left and right as possible. A tire scrubber, 4 bounds, and 12 inch wattles were added along the no disturb zone. The house is connected to Town water and sewer. The pipe under the

street must be crushed, because there is no water flowing through it. Portions of the building are within the 50-foot buffer zone.

- Marcella inquired about moving the building and the sewer line. She suggested allowing the applicant to allow a temporary disturbance in wetland area, and put wetland topsoil back on top. Wetland soil would remain on site.
- *Mike motioned to approve waiver for enrichment into no build zone. Marcella seconded. All voted in favor by roll call vote.*
- *Mike motioned to issue order of conditions. Marcella seconded. All voted in favor by roll call vote.*

7:30 ANRAD 252 Milford Street

- Andrew Thibeault from Goddard Consulting was present to discuss project.
- *Mike motioned to continue the public meeting until December 28, 2022 at 7:30p.m. Marcella seconded. All voted in favor by roll call vote.*

7:40 RDA 14 Plain Street New Septic/ replacement

- Applicant Cathy Taylor and Margaret Bacon of Civil State Engineering were present to discuss the project of replacing a septic system. Plan is to put system behind the garage. They are outside the 50-foot buffer zone but are within the 100-foot zone.
- It was also suggested to use compostable wattle with just netting.
- It was advised to reach out to abutter to check on mowing the wetland.
- *Marcella motioned to accept plans with changes to erosion controls and issue a negative determination of applicability. Mike seconded. All voted in favor by roll call vote.*

7:45 NOI (cont.) Governor's Landing

- Jeffery Roelofs of Outside Council and Sean Malone of Oak Consulting Group were present to discuss project.
- Mr. Malone presented a revised layout concept. The old plans reflected 100 units and 24 town houses. The revised concept reflects 100 units and 27 townhouses in the front. Such changes were made to protect the vernal pool. However, they are trying to maintain a similar grade. The grading scheme reduces the amount of excavation, a lot less material elevating the site. Mr. Malone noted the new changes reflect that they will be staying out of the buffer zone completely to the vernal pool- 350-feet of wildlife corridor on the uphill side and 180 feet on the down hill side. There will be a box culvert 10-feet wide positioned in the area of the most moderate grade. A parking area was added to accommodate visitors using the walking trail. Trails will be maintained to provide some interconnection. Mr. Malone noted this new plan reflects reduced impact to buffer zone. The top of the hill is protected which has the most significant resources.
- Mike motioned to continue public hearing until January 25, 2023. Tom seconded. All voted in favor by roll call vote.

8:15 165 South St. and parcel 032-001 unpermitted work

- Applicant created road to allow his backhoe access to the neighboring property. The road will solely be used for backhoe.
- The backhoe is not registered, so it would be illegal to drive it on the road. It was suggested to acquire clarification from the Police Department.
- Tom suggested putting a culvert fence in the pond to keep debris out. Rick will look into the proper way to keep branches out of culvert and reach out to Upton PD to inquire about machinery on road.
- The sand and gravel area is Natural Heritage and the road is about 15-feet wide.
- Site visit scheduled for December 27, 2023 at 12:00p.m.
- To be continued until December 28, 2023 at 8:00p.m.
- Sandy noted she does not think machinery cannot be used on road without insurance.

#### 144 River Street Septic Filing

- Will check for that

#### **Administrative Report:**

##### Approve Minutes- August, 24, 2023

- *Alan motioned to approve minutes. Marcella seconded. All voted in favor by roll call vote.*
- *Marcella motioned to accept budget. Sandy seconded. All voted in favor by roll call vote.*
- *Sandy motioned to approve the legal advertisement bills. Tom seconded. All voted in favor by roll call vote.* There seems to be two legal advertisement accounts.
- *Marcella motioned to approve \$300 to pay for advertisement for Natural Heritage Filing.*

#### **Land Stewardship:**

- Marcella noted there was a walk through on Mechanic Street.

##### 188 Westboro Road 311-577

- *Marcella motioned to issue extension. Sandy seconded. All voted in favor by roll call vote.*
- It was advised to check to see if plans require bounds.
- Mary will look into plans and order.

##### 8:25              Discussion draft Annual Report 2022

*9:20p.m Tom motioned to adjourn. Marcella seconded. All voted in favor by roll call vote.*

#### Document List

##### 10/26/22 Meeting Packet

Minutes approved on: 09/09/2023 remote meeting

*Chris Scott      Mike Penko*

*Tom Jango      Sandy Lajoie*

*Alan Maino Marcella Stasa*

*David Szczebek*

## **Upton Conservation Commission**

### **Dec. 14, 2022 Meeting Packet**

#### **Contents:**

- Agenda
- Agent Report
- Enforcement Order VFW fill in wetland
- Enforcement Order Ed Kinney fill in wetland
- Enforcement Order AO fill in wetland
- Enforcement Order Hutter fill in wetland
- NOI 17 School St.
- Plan 17 School St.
- Staff Review 17 School St.
- DEP # 311-0806
- Staff Review 252 Milford St.
- ANRAD 252 Milford St.
- ANRAD Plans 252 Milford St.
- 14 Plain St. RDA
- 14 Plain plans
- Staff Review 14 Plain
- 165 South St. plans
- Extension Request 311-577
- Extension 311-577
- Annual Report 2021
- Upton Ridge CR Baseline report

- Nation Grid Maintenance letter
- Barbara's Path Aerial
- Draft minutes 8/24/22
- Peppercorn Trailhead snowplow estimate
- Financials



## TOWN OF UPTON, MASSACHUSETTS

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### Conservation Commission

Meeting Minutes – Wednesday December 28, 2022 – Remote Meeting (Teams)

To: Members of Upton Conservation Commission

CC: Denise Smith,

#### **Members Participating:**

Chair: Chris Scott

Vice Chair: Mike Penko

Members: Sandy Lajoie (treasurer), Alan Miano, Tom Jango, Marcella Stasa, David Szczebak

Administrator: Mary Overholt

Visitors: Paul Flaherty (VFW), John Frederico & Gene Dipoto (93 Crockett Road), Andrew Thibault (252 Milford Street), & William Taylor (Open Space Committee)

#### **7:00 Remote Meeting Opened- Mike Penko is facilitating the meeting.**

7:00 VFW EO

Paul Flaherty of the VFW was present.

- Mr. Flaherty noted they have removed the stones from the bottom, but have not put down the jute cloth yet. Also noted, he does not think anything will happen there until Spring.
- Marcella Stasa noted that if the work is not complete, they have then not met the standards.
- The Commission is not ready to remove enforcement orders against Hutter and AO.
- *Continued until January 11, 2023.*

Discussion- 162A Main Street- Enforcement Order

- An enforcement order has been issued to start a conversation with the homeowner.

7:15 p.m. Discussion on 93 Crockett Road- Construction of a new Single Family Home

John Frederico of Guerriere and Halnon, Inc. and Gene Dipoto were present.

- Client is looking to demolish the house to be 2,000 sq ft total. It was renovated in 1990 and will be the Dipoto's retirement homes. It was inquired as to whether the Bylaw is applicable.
- Chris Scott noted the Bylaw applies to the new home.

## **AGENDA ITEMS/HEARINGS**

7:30 p.m. 252 Milford Street-ANRAD (Cont. from 12/14)

Andrew Thibault was present.

- Last meeting changes to the wetland line were discussed. DEP provided comments asking to look into the detention basin.
- *Chris Scott motioned to close the public hearing and issue an ORAD. Marcella Stasa seconded. Motion approved by a unanimous voice vote (7-0)*

### **Open Space Committee:**

- Land on Barbara's Path was put on the next OSC meeting agenda.

### **Discussion Items:**

Annual Report-

- Will get that ready for the first meeting in January.

National Grid-

- Will touch base with National Grid about plans near Mechanic Street and will remind them to follow BMPS for wood turtles.

VFW Continued-

- Steve Saucier joined. Mr Saucier noted the erosion control matting has been installed. Jute is stapled in with landscape staples.

7:45 p.m. RDA - Whitney Conservation Area- Installation of a Boardwalk

William Taylor presented.

- Mr. Taylor noted it would include a boardwalk to one side so that horses can get by, and may need to use cement blocks where needed.
- It was inquired as to whether the board will shift if they are on cement blocks. Stringers will be sitting on the cement blocks.

- *Tom Jango motioned to close the public hearing and issue a negative determination. Alan seconded. Majority voted in voice call vote. Chris Scott, aye; Mike Penko, aye; Tom Jango, aye; Alan, aye; David, aye; Tom, aye; Marcella, abstained. (6-1)*
- Chris Scott motioned to continue the Robertson Property to January 11, 2023. Marcella Stasa seconded. All voted in favor by roll call vote. (7-1)
- Mr. Penko will check to see if it is in the packet.

8:00 p.m. RDA - 130 High Street- Replacement of a Septic System

Peter Lavoie with D&L Design was present.

- Ms. Scott opened the public hearing. Mr. Lavoie noted there is an existing structure with a cesspool in the front yard which has failed Title V. The wetland and intermittent stream have been flagged. Soil testing was done, and the only location a leach field can go is in the front yard. Grade in the back yard will not change. Mr. Lavoie will remove the brush and fireplace and add four bounds. It was noted to move bounds second from the left down next to the stream.
- *Chris Scott motioned to close the public hearing and issue a negative determination. Alan Miano seconded. All voted in favor by roll call vote. (7-0)*

8:15 p.m. 165 South Street and Parcel 031-001 unpermitted work

- Mr. Penko had some concerns with Pulte's baseline report, and would like them to document bound locations. Permanent bounds should be put in and should be photo documented. Ms. Stasa agreed.
- Ms. Overholt will contact Pulte and let them know.

311-0756 COC

- *Chris Scott motioned to issue the COC for dam project. Tom Jango second. Motion approved by a unanimous voice vote. (7-0)*

Sandy Lajoie joined at 8: 13 p.m.

8:15 p.m. 165 South Street and Parcel 031-001 unpermitted work (continued from 12/14)

- Rick noted the chip berm along the road would prevent sediment from getting to the vernal pool. Chris Scott noted filing after the fact would ask that.
- Ms. Stasa noted she would like to see a filing after the fact.
- Mr. Penko provided a comment that he thinks it needs to be a NOI because there is work within the resource area, part of the road is not subject to the Bylaw and part of it is. It should be filed under both WPA and the Bylaw. There should be a description of how to stabilize.

West River Land Donation- Azalea Lane Conservation Area-

- It needs to be determined if anything has been done. It has not been included in the deed for Azalea lane to the Town.
- A site walk will be scheduled for the parcel. There are some iron rods that are installed that would outline open space. Mr. Taylor noted he will collect information for the next meeting.

Hike Upton Challenge-

- It was noted that it would be great to have some organized hikes.
- Next meeting will discuss new maps.
- Can distribute buttons at organized hikes perhaps to extend into next year and partner with the Recreation Commission.
- Mr. Miano will change the website to reflect the price from historical society extending to 2023.

17 School Street OOC

- Chris Scott motioned to issue the OOC. Alan Miano seconded. All voted in favor by roll call vote.

*8:35 p.m. Chris Scott motioned to adjourn. Mike Penko seconded. All voted in favor by roll call vote.*

Document List

12/28/22 Meeting Packet

Minutes approved on: 12/13/23 remote meeting

*Chris Scott      Mike Penko  
Tom Jango      Sandy Lajoie  
Alan Maino      Marcella Stasa  
David Szczebek*

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- DEP # 311-0807 252 Milford St.
- ANRAD 252 Milford St.
- ANRAD Plans 252 Milford St.
- RDA Whitney Conservation Area
- Staff Review Whitney Conservation Area
- NOI Robertson Family Conservation Restriction
- Narrative Robertson Family Conservation Restriction
- Staff Review Robertson Family Conservation Restriction
- RDA 130 High St.
- Plans 130 High St.
- Staff Review 130 High St.
- 165 South St. plans
- COC Request 311-0756 Maspenock Dam Replacement
- Special Order 311-0756

- Staff Review COC 311-0756
- Draft Special Conditions 17 School St.
- Annual Report 2021
- Upton Ridge CR Baseline report
- National Grid Maintenance letter



## TOWN OF UPTON, MASSACHUSETTS

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### Conservation Commission

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Members: Sandy Lajoie (treasurer), Alan Miano, Tom Jango, Marcella Stasa, David Szczebak

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7:30 p.m. 252 Milford Street-ANRAD (Cont. from 12/14)

Andrew Thibault was present.

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