



# TOWN OF UPTON, MASSACHUSETTS

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## Conservation Commission

### Meeting Minutes – Wednesday 01/11/17

To: Members of Upton Conservation Commission  
CC: Kelly McElreath, Town Clerk  
From: Bill Taylor (took minutes on behalf of Denise Smith)

#### Members Attending:

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

#### 7:00 PM - 5 Williams St – Enforcement Order Continued Hearing

- Mr. Limas did not appear; he has been given the NOI forms.

Hearing continued January 25 at 7:05 PM.

#### General Business

- Open Space report: Land Owner Conference in Grafton cosponsored with Sudbury Valley Trustees, Metacomet Land Trust, Grafton Land Trust and the Friends of Upton State Forest had only a few attendees due to the weather.
- Land Stewardship report: Working on kiosk display materials.

#### Action Item List

- Harassment Training – Chris got a list of attendees for Sandy Hakala
- Forestry – team met
- Cultural resources at Warren Brook Watershed Conservation Area: No action since last meeting
- Rates and fees: David is continuing to work on these
- Beavers: Tom Jango reported that the water level is up on the West River where it crosses Pleasant Street likely a result of beaver activity
- 0 West Main Street: The DEP is still reviewing whether the old plan is grandfathered
- List of Conservation Restrictions: No update/Mike not at meeting
- Order of Conditions special conditions: In process

#### Pulte Homes – Upton Ridge – Notice of Intent – Hearing Opened

Proposed senior residential community at the end of Hartford Avenue South

Attendees for applicant:

- Mark Mastrianna Pulte Holmes
- Matt Leidner for Civil Design
- Colleen – New England Environmental

Description of the project:

- Received Mr. Pickart's comments on the application and will respond.
- Filed special permit with Planning Board, which has hired Scofield Bros. to review
- Existing conditions include three intermittent streams, bank, land under water and bordering vegetated wetlands. There is BVW offsite with a buffer zone that extends into the property. An ORAD was issued by the Conservation Commission in July 2016.
- Development is broken down into Upton Ridge North and Upton Ridge South with 139 units in 40 buildings. 7 of the buildings are within the 100' buffer zone.
- There is one stream crossing. There is no feasible alternative and the crossing was designed to meet MA stream crossing standards.
- A proposed comprehensive stormwater management plan, believed to comply with MA and local regulations was submitted with the Notice of Intent. Schofield Bros will review it for the Planning Board.
- The NOI also includes a mitigation plan.

Mr. Pickart reviewed his comments on the NOI:

- The plan references a 67 sq. ft. replication area that he could not find on the plan
- Wider culvert will eliminate impacts
- 2' end of culvert may result in debris collection. Recommend changing it, or provide analysis about what might happen.
- Retaining wall extends into no-build zone. Retaining wall is considered a structure so a waiver is needed. Applicant responded that they will review to see if it can be avoided.
- Note on plan that replication monitoring will be reported to the Conservation Commission
- Woody debris micro topography not replicated
- Turf, not riprap shown as overflow protection. Not familiar with this kind of control – please provide analysis to demonstrate how it will work.
- Water quality certificate needed unless there are deed restrictions.
- Confirm that NEPA review standards have not been triggered.

Questions from the Commissioners

Q: Where do the southeast basins drain?

A: Each basin has an outlet that directs overcapacity to flow downstream.

Q: Do any of those outlets impact abutting properties?

A: In our opinion, no. They were designed to replicate existing conditions. There are no concentrated flows where none exist today. Water flows where it flows today.

Q: Is one of the buildings completely in the buffer zone?

A: 60% of one building is in the buffer zone.

Q: Can it be relocated?

A: That building is in the same area as the retaining wall so we will be reviewing that area anyway.

Q: Can driveways be shortened to get buildings out of buffer?

A: No, driveways lengths are minimum allowed by zoning.

Q: What about sewer?

A: Town will extend town sewer to site and all buildings will be attached.

Q: Town water?

A: Yes. Town water extends to upper Hartford Ave and the development will be tied into that.

Q: How steep is the property?

A: The most extreme drop is 100'.

Q: Will it be built in phases? Will the whole site be opened at once?

A: There are four construction sequences in plan. Generally working north to south.

Q: Will phases be stabilized before you move on?

A: We're not building whole project out at once, but will be working on previous phases at the same time as starting a new phase. It's a rolling development.

Q: Will sequence 3 be completed before sequence 4 is started?

A: No, sequence 4 will probably be started before 3 is finished.

Q: Does the project require a NPDES permit?

A: Stormwater pollution prevention plan will be required for NPDES permit and can be shared with the Conservation Commission.

#### Questions from the audience

Judy

128 Clubhouse Lane

Q: How many units total for the development?

A: 139 units.

Q: Questioner expressed concern about the fill that might be used for the project.

A: Pulte will use suitable fill for the project.

Resident

47-49 Maple Ave

Q: Can the wastewater treatment plant handle the increased load?

A: We have dealt with DPW and the town is very interested in having the new homes connected as the Wastewater Treatment Plant is under capacity.

Marilyn McIvane

Clubhouse Lane

Q: Are you going to be building out to the cul-de-sac in phase one? Hartford Ave South washes out or collects runoff, or freezes up, and becomes a one-lane road. Is the road going to be fixed to avoid those problems? The problems will be exacerbated by addition of new road(s).

A: Chris Scott responded that this concern should be brought up to the Planning Board.

Q: Marilyn also voiced concern about the soils that might be used for fill. She believes that Pulte used poor soils in Clubhouse Lane development.

A: Chris Scott and Dave Pickart responded that a condition in the order of conditions that only clean fill can be used could be added. No soils can be removed from Upton. Hopefully this will address the soil concern.

Dave Brown

Clubhouse Lane

Q: What will happen to trees?

A: There is a 50' no-build zone and a 30' no-disturb zone. Very limited disturbance is allowed in the 30' no-disturb zone. Trees can be removed in the 50' no-build zone.

The hearing was continued to January 25 at 8:15. A Department of Environmental Protection project number has not been issued and the hearing can't be closed until a DEP number is issued.

#### **General Business continued**

- Motion to accept meeting minutes of December 14 and 28. Seconded. Unanimous.
- Motion to pay bills. Seconded. Unanimous.

## **8:15 - 11 East Street - Abbreviated Notice of Resource Area Delineation – Hearing Opened**

Travis Brown of Andrews Survey & Engineering appeared for F&D Central Realty and noted that B&C Associates, wetlands consultants hired by Andrews Engineering, delineated the wetlands in November.

Mr. Pickart has reviewed the flag locations and is meeting with B&C tomorrow to discuss. He had the following comments:

- He walked the property and inspected the flags and checked soils. He agrees with most of the flag locations. There are a few places where he thinks the flags could be moved/changed and he will be reviewing these with wetlands consultant on January 12<sup>th</sup>.
- Bank and land under water has not been shown on the map. Plan should state that the resources exist but are not shown on the plan.
- There is an intermittent stream within the wetland.

### Questions/comments from the Commissioners

Several commissioners want to visit the property. Scott will coordinate and will notify Andrews Engineering of the time and if someone is available they'll join the site visit. Mr. Amato, an abutter, stated the it was okay to park in his driveway at 11 East.

### Questions/comments from the audience

There was a question about what work would be done on the property and the response was that had not been determined yet and that it was common have wetland boundaries established before starting any design to avoid any surprises. Chris also confirmed that if homes are going to be built on the site the abutters would receive notice.

Adam Wrights  
Hopkinton Rd

Q: Do those flags show the outer limits of wetlands? A: Yes.

The hearing was continued to January 25 at 7:30 PM. Chris asked that revised plans be brought to the meeting if anything changes after the site visit.

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

- No new issues with respect to sites under construction. There are couple more sites where construction will be started and they will be added to the next report.
- Mr. Llmas of 5 Williams was reminded that he needed to show up tonight. The Commission agreed to send him a new certified letter, with a copy to the landowner, that tells them they need to come before the Commission on January 25 at 7:05 PM, or the case will be referred to DEP.
- XX Barbara's Path – owner preparing his NOI and will submit it soon.
- 98 High St – Commission agreed to treat it as an amended NOI, which will require a hearing and abutter notification. There is no form for an amended NOI. Applicants usually attached a cover letter to the original NOI.

Meeting adjourned at 8:54

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

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**Document List:**



# TOWN OF UPTON, MASSACHUSETTS

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## Conservation Commission

Meeting Minutes – Wednesday 01/25/17

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

### **Members Attending:**

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

#### **7:05 PM      Night hunting @ Stefans land**

#### **Mark Comeau**

- Per the Upton Land Use Regs Mr. Comeau sent an email (1/20/17) with a request to hunt coyotes at night at Stefans land.
- He is knowledgeable of the State hunting regulations; this is recreational hunting and night hunting of coyotes is only allowed until March 8<sup>th</sup>.
- Discussion regarding who has authority to approve night use as this technically is Town land not Conservation land thus is in the jurisdiction of the LSC; but the Land Use Regs do state that approval of the Conservation Commission is needed for night activities.
- The following concerns were raised: concern about abutters hearing shots at night; concern about occasional night events that are conducted on the property; and night hunting in general.
- Mr. Comeau agreed to notify the Commission (via email or phone call to Denise Smith) at least 48 hours in advance of hunting and will also notify the Upton Police Department; he also will send us an update at the end of the season as to his hunting activity.
- Motion to approve the request of Mark Comeau for night hunting on Stefans land for the 2017 season – 2<sup>nd</sup> and approved 5 – 2.
- Mr. Comeau will need to reapply next year if he plans to continue this activity.

#### **7:30PM      ANRAD (continued) 11 East St**

- Request received via email dated 1/25/17 from Paul Hutnak, Andrews Engineering to continue this hearing to February 8<sup>th</sup> meeting.
- Commission discussed additional changes to wetland delineation per the site walk that was conducted on 1/14/17; will contact Paul Hutnak to set up another site visit – tentatively set for Friday, Feb 3 – time TBD.
- Motion to continue the hearing to Feb 8 @ 8:45 pm – 2<sup>nd</sup> & approved.

**7:40 PM 5 Williams St – Enforcement Order**

- Certified letters were sent again to the property owner and the resident requiring them to attend tonight's meeting. Neither appeared.
- Dave Pickart noticed a bobcat (machine) is now on the property.
- Motion was made to forward this matter to the DEP Central (Worcester) – 2<sup>nd</sup> & approved.
- DP will contact the office; it is our understanding that the DEP will keep the Commission informed of their action.

**7:50 PM Agent's report**

- Reviewed report dated 1/11/17 – 1/25/17
- 33 Grove St – informed of clearing being done behind the house; DP confirmed that this is within the riverfront area and buffer zone of Centerbrook; the land is actually belongs to 6 Plain St but that property owner states the clearing is being done by the abutter at 33 Grove St; where the brush pile and clearing is being done can only easily be accessed from 33 Grove St; DP has contacted the property owner and is waiting to hear back; we will send a certified letter to the property owners of both 33 Grove St and 6 Plain St requesting they attend a meeting to discuss this matter.
- 36 Prospect St (Lot B) – NOI was submitted by previous owner but now the property has been sold; we have not had any contact with the new owners; motion was made to have DP contacted the applicant's (previous owner) engineer to have them withdraw the NOI – 2<sup>nd</sup> and approved; new owners will have to file a new NOI if they want to pursue the project.
- Amending an existing NOI requires an informal discussion to determine if filing is necessary; the Commission may determine that work can be done through the open NOI; if the work does require resubmitting the applicant needs to submit an NOI as “Amended 311-#” (original DEP #) it does require a public hearing and notifying the abutters but no State fees are required just the money to cover the newspaper.

**8:15PM General Items**

**MM** – motion to accept minutes from 1/11/17 – 2<sup>nd</sup> & approved

**Admin/Finance/Office** – timesheets; motion to pay expense voucher – 2<sup>nd</sup> & approved

**OSC** – DP asked if any interest in identifying vernal pools on Con Com land – yes.

**Pratt Pond Ice Out** – today

**Website** – trail maps updated

**Forestry** – working on GIS maps

**Regs & Fees** – Dave is working on this; raised the question of imposing fines for those who do the work then file with the Commission (after the fact); Commission agreed that there should be some fine at the discretion of the Commission on a case by case basis; need to discuss further to determine the amount.

**ATM Articles** – motion to submit Revolving Funds: (A) Wetland Bylaw; (G) Stormwater Bylaw; (H) Community and (I) Land Stewardship; and to request \$5000 for the Conservation Fund – 2<sup>nd</sup> & approved.

**8:15 PM Meeting adjourned**

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

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**Document List:**

- 1) Con Com Agenda & Action Item Checklist
- 2) Email dated 1/20/17 from Mark Comeau re: Night Hunting at Stefans land
- 3) Agent's Report 1/11/17 – 1/25/17
- 4) ATM Articles (revolving funds)
- 5) Expense Account update (1/25/17)



# TOWN OF UPTON, MASSACHUSETTS

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## Conservation Commission

Meeting Minutes – Wednesday 2/8/17

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

### **Members Attending:**

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

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

**MM** – motion to accept minutes from 1/25/17 – 2<sup>nd</sup> & approved

**Website** – updated ice out info; trail maps and pictures.

**Admin/Finance/Office** – timesheets; motion to pay expense voucher – 2<sup>nd</sup> & approved

**Turtle study** – MP emailed Natural Heritage regarding RFP

**Forestry** – Site work/visit at Warren Brook Conservation Area conducted; discussion of Adams (Grafton) possible encroachment on Upton conservation land - motion to have Bill Taylor contact the Town Manager to research this matter – 2<sup>nd</sup> & approved.

**Beavers** – TJ noted activity at Center Brook (off Grove St near center of town) where beavers are building a dam but there doesn't appear to be a lodge in the area so not living there; this area has significant wetland area that can handle the water but as there are many homes nearby need to keep an eye on this area.

### **7:15 PM Amended NOI – 98 High St**

**Amy Correia**

- Repair/replacement of existing septic system (tight tank); has BOH approval
- Trench from house under the brook in rear of house to the new tank and leach field
- Construction equipment can get to this area without crossing the brook
- Plan does show the erosion controls (silt fence and mulch sock)
- Public hearing closed; OOC will be issued.

### **7:30 PM 1 Barbara's Path NOI**

**Matthew Collins**

- Restoration of area where trees were removed prior to Commission approval
- MC is working with DP (Agent) to come up with the restoration plan; what plant – trees and native mix
- Anything cut and stacked will be removed but any trees that fell into the wetland will be left in place
- DP will determine the location for bounds, probably 3 or 4 will be necessary

- Sloped area has native blueberry bushes; may add some raspberries too to help stabilize the slope
- Restoration size trees (containers) would be acceptable; they are less expensive and could plant more; some suggestions for trees: oak or black gum; would recommend planting more trees than shrubs
- Commission would like to see a list of plans/trees including the numbers and info on performance standards (survival stats)
- Public hearing continued to Feb 22 @ 7 pm – waiting on DEP #

**7:45 PM RDA Milford St**

**Vin Roy/DPW & CDM Smith**

- Replacing about 700 feet of the existing water main on Milford St between Elm St and Prospect St
- Work is within the existing roadway except for a small area w/in the tributary of Center Brook
- Work is scheduled for summer 2017 (after July 1<sup>st</sup>); estimating about 3 weeks to complete
- Erosion controls are shown on the plan
- Reviewed DP's comments; CDM Smith has amended
- Question asked by an abutter regarding the tributary – perennial vs intermittent?
- CDM Smith did check USGS StreamStats website; doesn't affect the determination that stream is intermittent
- Public hearing closed; Negative Determination will be issued.

**Motions:**

- Issue amended OOC for 98 High St – 2<sup>nd</sup> & approved
- Issue Negative Determination for DPW Milford St project – 2<sup>nd</sup> & approved

**Continued Forestry discussion** – reviewed documents MP prepared (draft) regarding forest stands; discussion of management and cultural aspects; suggest contacting the Wampanoag Tribe; MP will draft a letter; also discussed what to do with hunter tree stands that have been located in various areas.

**8:30 PM Agent's report**

- Reviewed report dated 1/26/17 – 2/8/17
- Met with Vin Roy (DPW) to discuss 319 Grant Application which is for improving watershed water quality; suggested project is Kiwanis area.
- 36 Prospect St (Lot B) – spoke w/ consultant to have the new owners withdraw the NOI.
- Feedback from the Assessors is favorable for the information regarding wetlands on properties.

**8:45PM Continued ANRAD – 11 East St**

**JP Connolly/ASE**

- Site visit was held on Sunday Feb. 5<sup>th</sup>
- Reviewed plans to explain changes to the wetland delineation; limits of bvw and bank discussed
- No vernal pools are noted; the farm pond may act as one
- Discussion of uplands; the norther boundary of the wetland is not delineated on the plan as it is basically untouchable for a building site; MP pointed out that it may be necessary for a mitigation site and should be delineated although unlikely; also could be counted as open space area.

- NOI and Definitive Plan will be filed simultaneously; also potential for MEPA/Natural Heritage filing.
- Request to close the public hearing; ORAD will be issued
- Items to be included in the ORAD: uplands were not delineated in NE corner; bank limits only partially delineated on the Site and presence/absence determination for vernal pools are pending based on future surveys.

**9:25 PM      Meeting adjourned**

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

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**Document List:**

- 1) Con Com Agenda & Action Item Checklist
- 2) Agent's Report 1/26/17 – 2/8/17
- 3) Agent's Review – 1 Barbaras Path (NOI)
- 4) Agent's Review – Water Main Replacement (RDA)
- 5) Forest Stand Figure
- 6) Draft ANR Plan 19 George Hill Rd, Grafton
- 7) Adams ANR Plan - Upton
- 8) Expense Account update (1/25/17)



# TOWN OF UPTON, MASSACHUSETTS

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## Conservation Commission

Meeting Minutes – Wednesday 2/22/17

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

### **Members Attending:**

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

### **7:00 PM Agent's report**

- Reviewed report dated 2/9/17 – 2/22/17
- Bylaw and Regs review – noted some discrepancies between the two documents that we should amend so as to be consistent (see Agent's report); will prepare a draft for next meeting.
- Complaint received regarding 237A North St that they are dumping boulders and stumps into wetland; an Erosion and Sediment Permit was issued and it appears the structure is w/in the approved area but erosion controls were never installed; will contact to discuss the dumping issue and to have them install the erosion controls.

### **7:15 PM General Items**

**MM** – motion to accept minutes from 2/8/17 – 2<sup>nd</sup> & approved

**Finance** –timesheets signed; motion to pay expense voucher for Beaver Solutions Invoice – 2<sup>nd</sup> & approved

Admin/Office – reminder to complete State's on-line ethics training; discussed wetland markers order; DS will contact the company to see what price is if we order more marker; motion to order 100 – 300 wetland markers depending on the price – 2<sup>nd</sup> & approved.

**Turtle study** – Natural Heritage was fine with the RFQ for Stefans Farm; we should include dollar limit (n/t/e amount); MP will send to several companies; motion to accept RFQ with changes and send out – 2<sup>nd</sup> & approved.

**Forestry** –working on the draft; discussion of cultural resources at Warren Brook; MP prepared a draft letter to be sent to the Wampanoag Tribe inviting them to discuss resources; should we include the Glenview St land too? Motion to sign and issue the letter as amended – 2<sup>nd</sup> & approved.

**Beavers** – keeping an eye on the land behind the VFW ballfield at Centerbrook.

**SWF parking area** (Whitney Conservation Area) - per the agreement dated January 2015 the LSC will take of plowing the lot however Mr. Potheau has plowed this year; he appears to be within his rights but we should keep an eye on the area; CS suggest that we should send Mr. Potheau a copy of the agreement every year as a reminder to notify us if he is plowing or doing any other activity in the parking area; we should be taking care of plowing asap after a snowfall; SL suggested that we keep

an eye on his activities and if we feel he is overstepping the agreement we will contact him. Motion to check to see that the easement markers are still in place – 2<sup>nd</sup> & approved.

**1 Barbara's Path Continued NOI** - Matthew Collins requested a continuation to March 8<sup>th</sup> meeting.

**Motions:**

- Issue an ORAD for 11 East St – 2<sup>nd</sup> & approved.

**8:15 PM      Meeting adjourned**

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

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**Document List:**

- 1) Con Com Agenda & Action Item Checklist
- 2) Agent's Report 2/9/17 – 2/22/17
- 3) Draft letter to Wampanoag Tribe re: cultural resources
- 4) RFQ for Stefans Farm – Turtle Habitat
- 5) January 9, 2015 Memo re: 147 North Street Parking Easement



# TOWN OF UPTON, MASSACHUSETTS

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## Conservation Commission

Meeting Minutes – Wednesday 3/8/17

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

### **Members Attending:**

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

**7:10 PM 1 Barbara's Path continued NOI** – request of the applicant M. Collins to continue to our next meeting – 3/22 @ 7:15.

### **7:11 PM General Items**

**MM** – motion to accept minutes from 2/22/17 – 2<sup>nd</sup> & approved.

**OSC** – CR walk at Whitney Conservation Area scheduled for Thursday 3/16 @ 2:30.

**LSC** – so far 1 proposal submitted for the Turtle Habitat RFP; deadline is 3/15 to submit.

**Finance** – timesheets signed; expense voucher signed; FY18 budget to be sent to Fin Com.

**Admin/Office** – 250 wetland markers ordered for cost of \$692.50 which breaks down to \$2.77 each; discussion of how much to sell them for; motion made to charge \$8.00 each – 2<sup>nd</sup> and approved.

**Forestry** – working on the stewardship plan for Warren Woods; letter emailed to the Wampanoag no response as yet; MP working on figures for the plan.

**Beavers** – someone pulled the dam at Centerbrook; TJ noticed there is potentially another dam off Hopkinton Rd near the powerlines; the water seems to be very high on the Pratt Pond side of the road; he will check it out; it was noted that a beaver pipe was installed in this area a few years back.

**CR list** – MP is working on a list of CRs (think we have 7); Metacomet has a form that they use for inspections that he will tailor for Upton.

**West River St** – relative to the 319 Grant MP was looking at some sampling info from 2002 that was done by the Army Corp along the West River and according to aerial imagery noted some new storage and stockpiling on property near the Town's wellfield; looks like it was pasture/farm land and now has boats and/or vehicles stored on it; suggest a site visit but will need the owner's permission to access the property; DP will draft a letter to send to the owners.

**7:30 PM Agent's Report** - reviewed report dated 2/22/2017 – 3/7/17.

**Motions:**

- OOC Extension for 3 years for 311-0691 (Fiske Mill Pond) – 2<sup>nd</sup> & approved.
- OOC Extension for 3 years for 311-0644 (Lake Wildwood) – 2<sup>nd</sup> & approved.
- OOC Extension for 3 years for 311-0629 (Pratt Pond) – 2<sup>nd</sup> & approved.

**8:00 PM      Meeting adjourned**

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

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**Document List:**

- 1) Con Com Agenda & Action Item Checklist
- 2) Agent's Report 2/22/17 – 3/7/17
- 3) Account spreadsheets
- 4) West River Road photo (Google Earth)



# TOWN OF UPTON, MASSACHUSETTS

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## Conservation Commission

Meeting Minutes – Wednesday 3/22/17

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

### **Members Attending:**

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

#### **7:00 PM      Eagle Scout Project**

#### **A. Belleville**

- Member of BSA Troop 1 – Mendon; looking to remove & replace an existing bridge on a trail on property located at 87 West River St; bridge is over an intermittent stream (occasionally wet); existing bridge is 4' wide would like to expand it to 5' to allow 2 people to cross; will use pressure treated lumber w/ sonar tubes.
- Trail is used by the Cross Country Team.
- Looking to do the project during April vacation; if wet at that time he may need a contingency plan.
- Materials will be brought in by 4-wheeler and some wheel barrels; can enter from West River St; will cut up and remove the old materials from the site; need to be aware that some of the old materials may have arsenic in them.
- Commission recommends an RDA be filed; motion was made and seconded to waive the fees.

#### **7:15 PM      11 East St – discussion**

#### **P. Hutnak/ASE**

- ANRAD has been filed; site walk was conducted; a wetland crossing is proposed (at an existing farm crossing); will be over 5,000sf – Cat 2.
- Possibly looking at an Open Space subdivision with 18 single family houses; 40,000 sf lots.
- Suggesting a wet meadow resource area for the replication area; ratio of mitigation/replication area will depend on what is proposed and what works for this site; preserving upland buffer is preferable.
- Roof infiltration drains will be used when possible.
- Need to be mindful that the existing farm pond is now functioning as a vernal pool.

**7:30 PM 1 Barbara's Path – Continued NOI (Collins)**

- Planting plan and list of trees and shrubs was presented.
- DP reviewed and is supportive of what the homeowner has presented; he does not suggest installing erosion controls.
- Commission approves and is satisfied with what they have presented for restoration of the disturbed area.
- Public hearing closed and Order of Conditions will be issued.

**7:40 PM Beaver discussion**

- TJ visited the area of concern on Hopkinton Rd (near powerlines and gas line) and thinks there is only one beaver; there is a dam that he would like to break to see if the beaver returns to rebuild it; if it does return may want to contact Mike Callahan (Beaver Solutions) as potentially more beavers could move in; the lodge is nearer to or in Pratt Pond; concern about flooding the road.
- Commission is ok with Tom breaking the dam; he will do so Friday morning (3/24) and then monitor the area for activity.

**7:45 PM 5 Williams St – NOI****M. Limas**

- Area that has been disturbed/cleared and is subject to flooding (high water line) and the 200' riverfront area encompasses most of the lot.
- Need to restore land within 30' of wetland edge; what restoration is needed? Has there been encroachment in the wetland?
- Need to determine what the ground was like before work was done.
- Homeowner was clearing to make a place for his kids to play outback instead on the front of the property which is right on the street; he was proposing to use mulch under the playset; he would install a fence and border to keep the mulch out of the wetland.
- Need to install a silt fence and other erosion controls.
- Abutters are concerned as this work is close to their property line; Asked if a survey has been done or can be done to mark the property line.
- There is beaver activity in this location.
- Site visit set for Thursday, 3/23 at 6:00 pm.
- Hearing continued to our next meeting on 4/12/17 @ 7:15 pm

**8:05 PM General Items**

**Agent's Report** – reviewed report dated 3/8/17 – 3/22/17; reviewed draft letter re: 154 West River St  
**MM** – motion to accept minutes from 3/8/17 – 2<sup>nd</sup> & approved.

**Website** – Pratt Pond ice out date updated as there are 2 dates for 2017.

**OSC** – Site walk being planned with SVT & the State at Robertson's property (off Mechanic St) as they may be looking to offer some land.

**LSC** – received 5 proposals for the Turtle Habitat RFP; taped a version of “Be My Guest” cable show today; will put a link on the website.

**Finance** –timesheets and expense voucher signed; CS working with Town Manager & Finance Committee to finalize.

**Motions:**

- Sign OOC Ext for 3 years for 311-629 (Pratt & Taft Ponds) – 2<sup>nd</sup> & approved.
- Resign COC (partial) for 103 Crockett Rd – 2<sup>nd</sup> & approved.
- Resign OOC for 311-644 (Lake Wildwood) – 2<sup>nd</sup> & approved (original never recorded).
- Resign OOC for 311-691 (Fiske Mill Pond) – 2<sup>nd</sup> & approved (original never recorded).

**8:40 PM      Meeting adjourned**

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

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**Document List:**

- 1) Con Com Agenda
- 2) Agent's Report 3/8/17 – 3/22/17
- 3) 1 Barbara's Path restoration plan documents
- 4) 5 Williams St – Agent Review
- 5) Draft letter for 154 West River St
- 6) Meeting visitor sign-in sheet



# TOWN OF UPTON, MASSACHUSETTS

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## Conservation Commission

Meeting Minutes – Wednesday 4/12/17

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

### **Members Attending:**

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

**7:00 PM RDA 87 West River St (Eagle Scout Project) A. Belleville**

- Remove & replace an existing foot bridge on a trail on property located at 87 West River St; bridge used by the Cross Country team.
- Is over an intermittent stream (occasionally wet); existing bridge is 4'x10' would like to expand it to 5'x12'; will use pressure treated lumber; 4 concrete footings will be used at corners; Commission recommends spacing boards about 1/4" apart to allow for water to drain and for swelling.
- Looking to start the project during April vacation and if needed several weekends in May.
- Public hearing closed; Negative Determination will be issued.

**7:15 PM 5 Williams St – NOI continued M. Limas**

- Elizabeth Mainini of Guerriere & Hanlon presented for Mr. Lima.
- No survey has been conducted as yet; presented a plan with approximate wetland lines and area of disturbance; proposed erosion control line also indicated; will use silt fence and straw bales given the slope of the property.
- Will need to flag the wetlands in order to determine how far back to pull the brush/fill and where to install the erosion controls.
- Immediate concern is to stabilize the slope and keep materials from running into the wetlands.
- Proposing to restore to the 30' line; 100' line encompasses most of the lot and area subject to flooding.
- 3:1 slope w/in the 30' wetland line; fill came from a subdivision site in Milford – Mike Limas says it is clean fill; bricks & wire were found in the fill but Mike says that was on the property already; will remove whatever is sticking out of the ground.
- Discussed buffer zone 30' or 50'; given the steep slope the Commission wants 50' buffer; will need to determine where the wetland edge is; will pull back fill and have a soils person flag the wetland line; will revegetate with a wetland mix.

- Funding is an issue for the homeowner so will work in phases: over next two weeks will remove brush and debris in order to install erosion controls (silt fence and straw wattles/bales) to keep material out of the wetlands; then will pull back fill material and move the erosion controls away from wetlands goal is to get to 50'.
- Hearing continued to 4/26/17 @ 7:15pm.

**7:40 PM 66 West Main St (Red Rock) - NOI Sherry & Russ Berger**

- Expansion of existing gravel parking lot on right side of building in order to keep cars from parking on Rte 140; lot is restricted by the pipeline and wells on the other side of the property; proposing to come 50' from the lake; proposing to revegetate the slope areas.
- Proposing to have a swale to catch runoff; there is a catch basin already in the area.
- Question about snow removal? Currently they push snow straight back onto the property not toward the lake and are planning to do the same with the improved lot.
- They have filed with DEP (no number assigned yet) and with Natural Heritage (no comment yet).
- Questions/comments from Dave Pickart: Stormwater management form; fee calculation – Local fee Cat. 2 \$500; need to request a variance from Town Wetland Bylaws as majority of project is within 100 ft buffer of the lake.
- Restaurant capacity is 85 people; approximately 50 spots with this expansion.
- Abutter questions: Where are dumpsters going to be located? Proposing anything to keep from running into lake?
- Dumpsters have to be 50' from the building (per code); Grease bin can be behind the building further from the lake; will screen with a fence.
- Given topography constraints the current proposal has less disturbance; the Bylaw allows the change of land use from woodland to hard-pack gravel; no increase in runoff; sandy soils are good.
- Need to submit Stormwater application; Variance Request and the \$500 fee.
- Continued public hearing for 4/26/17 @ 8:30 pm.

**Upton Ridge North & South public hearing continued to May 24<sup>th</sup> @ 8:00 pm.**

**8:10 PM General Items**

**LSC** – Site walk @ Whitney Conservation Area Thursday 4/13 @ 2pm.

**Admin/Finance** –timesheets and expense voucher signed; reminder to contact Sandy about appointments.

**Motions:**

- Issue a Negative Determination for 87 West River St (Scout project) - 2<sup>nd</sup> & approved.
- Issue OOC for 1 Barabas Path – 2<sup>nd</sup> & approved.

**Forestry** – Scott provided 2<sup>nd</sup> draft; please provide comments by next meeting.

**Beavers** – Tom punched holes in the dam off Hopkinton Rd and so far no rebuilding has happened. Still think it is a lone beaver at this site and if he does rebuild it could be a problem for the road so the dam would have to be removed; Tom can only trap until 4/15/17; doesn't recommend installing a pond leveler at this location.

**Agent's Report** – reviewed report dated 3/23/17 – 4/12/2017

- 20 Dogwood Dr – homeowner wants to install an in-ground pool; discovered that lawn was installed (by the developer) up to the bounds not per the plan that allowed for a buffer area;

Commission determined that they should file an amended NOI (original filed by developer) for the pool.

- Reviewed Draft MS4 General Permit – provide comments by 4/26.
- 11 East St – vernal pool? contact Paul Hutnak to determine status and what will need to be done if it is.

**LSC** – cutting trees at school house #6 (North St) near Glen Echo; estimate of \$550 from A Notch Above; will pay from Expense – Land Stewardship.

**9:15 PM                    Turtle Habitat Proposals**

- Reviewed and ranked the 5 proposals that were received.
- Goddard's proposal was ranked #1; Mike will contact them.

**9:30 PM                    Meeting adjourned**

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

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**Document List:**

- 1) Con Com Agenda
- 2) Agent's Report 3/23/17 – 4/12/17
- 3) Draft MS4 Permit
- 4) Turtle Proposal score sheet
- 5) Meeting visitor sign-in sheet



# TOWN OF UPTON, MASSACHUSETTS

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## Conservation Commission

Meeting Minutes – Wednesday 4/26/17

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

### **Members Attending:**

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

### **7:00 PM 6 Plain St (discussion)**

#### **A. Cervassi**

- People at 33 Grove St (abuts back of 6 Plain St) are cutting trees and dumping onto his property. He spoke with the owner at 33 Grove St about removing the material and some has already been removed. For easier access you need to come in from the abutting property.
- Dave Pickart drafted a letter to both property owners (not an enforcement order) but stating no more cutting w/o coming to the Commission; suggest and RDA be filed.
- Pile of material is about 40 feet from wetland edge and is in riverfront.
- Mr. Cervassi can ask to leave the material or have it removed by the abutter; there is a small bridge over the stream but not big enough for Mr. Cervassi to remove the material from his side.
- Concerned that more material will be added to the pile if it is left; will damage be done to the wetland by removing the material?
- Mr. Cervassi will file an RDA for the May 10<sup>th</sup> meeting.
- Motion was made to issue an EO to the property owner at 33 Grove St w/ a cc to Mr. Cervassi.

### **7:20 PM General Items**

**MM** – Motion to accept the minutes from 3/22/17 - 2<sup>nd</sup> and approved.

**Website** – added a link for forestry re: climate change response.

**OSC** – received an email from Brian McEwan of Graz Engineering re: Adams property off Grafton Rd (Soap Hill); trying to resolve the issue if they own property in Upton based on current ground survey work it looks like they do own land in Upton; Warren Brook CA was established from deed language; according to Bill Taylor looks like about 7 acres; Bill suggest an easement to continue to use the existing cart path; Brian is willing to come in and meet with the Committee. Motion to have Bill Taylor talk with the Town Manager about this land in Upton and see if we can keep using the cart path – 2<sup>nd</sup> and approved.

**7:30 PM      Whitney Farms Subdivision****B. Saluk**

- Discussion of proposed modification of drain line on Grove St per request of Vin Roy; Mike Harrington met with VR to discuss moving the drain from the middle of Grove St to the side; Grove St was recently paved thus don't want to have it dug up; culvert is in great shape no disturbance of wetlands; FES with foundation at brook with rip rap; will correct runoff problem; Dave Pickart agrees with this proposal; no more work in buffer zone than what was previously approved; a few addition trees will need to be removed; 12 inch drain pipe will be buried about 4 feet then about 8 feet at the culvert; double catch basins at the new road; water in new drain pipe coming from the recharge area; All work is in the r-o-w but will need to talk with the abutters as will cross driveways; consider this a minor modification at request of DPW Director.
- Commission requests a letter explaining this change.
- Submitted a Request for Extension of the OOC which expires 7/9/17.

**8:00 PM      Warren Brook Conservation Area**

- Phone call with Bettina of the Wampanoag Tribe to discuss a stewardship plan for the Warren Brook CA; what kinds of cultural resources are there that they want to protect? Ceremonial stones landscape/features such as stone pile (usually not a single pile); stone rows (sometimes mistaken for stone walls) usually they are directional; can be in shape of figures (such as a turtle); stone landscape features in an area with water and plants can possibly indicate celestial alignment which they then try to make connections to other sites. Turners Falls MA was first site designated a National Historic Site east of the Mississippi River. Stones are most prevalent features and many times they are on private land or town properties. Bettina has visited this area in Upton and is still doing research (historical) on the ground. Said that the Pequot, Mohegan, Narragansett and Aquinah Wampanoag will join together to conduct research. There is more work to be done on the Warren Brook area but have found stone rows; will visit during all seasons to see what is happening at those times (equinox/solstis) and what connections can be made. Questions were asked about the area that was delineated on a previously submitted map, Bettina indicated that this area could be larger and more site visits are needed. Forestry management can be done in conjunction with protecting the area's cultural resources; can be done but requires a lot of planning; logging is very destructive not so much the cutting of trees but the removal; areas where there are lots of features they would prefer no logging be done; can put up protection for these sites; Commission is interested in the Tribe's input with the intent to: Protect – Preserve – Progress; move forward but to protect sites. The Forest Management Plan (Stewardship Plan) will be a public document so how do we handle the confidential sites? Cathy Taylor stated that the Historical Commission has a confidential file for sites. Alan Miano asked if she had any idea of how many sites were in the area that was delineated – response was 5 to 10. Tom Jango asked if they would be willing to review our FMP; Bettina indicated that she would be willing to review it and would like to come out after May 13<sup>th</sup>; she will schedule a visit; we could provide some GSP support. Confidentiality is key

**8:30 PM Cont NOI 66 West Main St****D. Therrien**

- DEP 3 has been issued (311-730)
- Stormwater – rate of runoff calculation were provided; doesn't increase by going to a compact gravel lot; some grading would be done and will re-vegetate to help stabilize the area; fewer trees and flatter slopes on any area that is not parking.
- Are performance standards being met? Yes, State Stormwater Standards; not zero but very insignificant change.
- Proposed swale will be grassed or revegetated to act as a break.
- DP requested 2 & 10 year storm data; increases are negligible and are well within the equation.
- Good soils for drainage; parking area is being offset by flattening the grade; purpose of the swale? Unclear.
- Need more info on how runoff will be treated; anything that reaches the lake will have run through a good filter soil. No real volume from storms so there shouldn't be environmental impact.
- DP reviewed DEP comments re: Zone I Well (drinking water well) – work is within the well head protection area 100' radius could get it reduced; parking is an allowed use (provided runoff is treated).
- Continued to May 10<sup>th</sup> at 8:00 pm.
- DT will indicate wetland bounds and snow storage area.
- After grading replanting may allow for some habitat; let it grow wild with a woody plant mix.

**8:50 PM NHESP Priority Habitat Mapping**

- Comments are due by June 1<sup>st</sup>; Upton has lost quite a bit as some species are de-listed.
- 2011 Eastern Box Turtle study targeted certain areas of the state and Upton may be on the edge of the target area.
- Do we want to report to NHESP the habitat/population we have in Upton? Stefans land looks like a great area for Box Turtles.
- Will put together a package with pictures and observations.

**9:00 PM General Items continued****Admin/Finance** –timesheets signed; current balances for next meeting.**Motions:**

- Issue a Negative Determination for 87 West River St (Scout project) - 2<sup>nd</sup> & approved.
- Issue OOC for 1 Barbaras Path – 2<sup>nd</sup> & approved.

**Agent's Report** – reviewed report dated 4/13/17 – 4/25/2017

- 36B Prospect St submitted a formal request to withdraw the NOI (311-0706); Commission closed the hearing.
- MS4 Permit – draft; submitted some revisions.
- Nipmuc Rod & Gun Club issue has been addressed; will notify Commission prior to doing any work.
- COC for 22 River St (311-0720) septic replacement has been submitted.

**9:15 PM                    Turtle Habitat**

- Site walk with Goddard conducted today (4/26); they are preparing a plan; saw a couple good sites.

**9:20 PM            Meeting adjourned**

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

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**Document List:**

- 1) Con Com Agenda
- 2) Agent's Report 4/13/17 – 4/26/17



# TOWN OF UPTON, MASSACHUSETTS

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## Conservation Commission

Meeting Minutes – Wednesday 5/10/17

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

### **Members Attending:**

Chris Scott, Mike Penko, Scott Heim, Sandy Lajoie and Marcella Stasa  
Mary Overholt, Associate Member

#### **7:00 PM RDA - 6 Plain St**

**A. Cervassi**

- Cutting and dumping from abutter at 33 Grove St on to this property.
- Tony Cervassi is willing to remove the material but can't access the area because of the stream; he would like to other property owner to remove the material. Property owner of 33 Grove St lives in Westboro.
- Commission will issue a Negative Determination (#3) to Tony and the owner of 33 Grove St; will include a letter asking for details on what will be removed and how they will do it; and that they should contact Dave Pickart to discuss this matter.
- Hearing closed.

#### **7:20 PM Amended NOI – 20 Dogwood Dr (311-0680) D. Lachapelle**

- Installation of an in-ground pool; will need to install erosion controls such as compost tubes and/or straw wattles and need to contact DP to inspect prior to starting the work; they can go right to where fence will be installed.
- Native plantings after installation is complete to help restore area and to prevent erosion along the slope inside the bounds; excavated material will be removed from site.
- Hearing closed.
- Will issue OOC.

**Red Rock (66 West Main St) NOI** continued to May 24<sup>th</sup> at 8:45 pm.

#### **7:30 PM General Items**

**MM** – Motion to accept the minutes from 4/12/17 - 2<sup>nd</sup> and approved.

**OSC** – Assessors met with Brian McEwan (surveyor) of Graz Engineering re: Adams property (off Grafton Rd) according to the recent survey they do own land in Upton; Adams will sell Grafton portion and hold the Upton piece for now; need to be careful as this can potentially affect other property; surveyor did located monuments that matched the deeds. BT will put a package together to send to town counsel for their opinion/direction on how to proceed. Need to locate the cart path as that might be used to split the land or use it to negotiate with the land owners. Also had a phone call

from the daughter of Gertrude Barnicle regarding the land in north Upton (Forest Heights) – offer to the Town; Received a letter from Gina Melnick (DiCarlo) regarding land on Christian Hill Rd. MP spoke with a woman from Uxbridge who inquired about setting up an OSC.

**LSC** – Trees have been removed from the school house foundation (North St); Historical Commission has asked about installing a plaque but it was voted down; work dates coming up will add this area to the list; Community Garden plots are selling; Fire Dept. will install and fill a water buffalo on site. BT was contacted by the United Parish to see if kids can be involved in any green projects by fundraising or collecting materials a suggestion was made to have them plan bulbs at the new parking area on Grove St; Metacomet Annual meeting is tomorrow (May 11<sup>th</sup>) at 6:30 at BVT; MS scheduling the annual site visit at Five Fork Farm with SVT; the gate at the Stefans property has been damaged we will check w/ Robby (tree guy) to see about repairing it.

**Admin/Finance** –timesheets and expense voucher signed.

**Agent's Report** – reviewed report dated 4/26/2017 – 5/9/17

- Status of the proposed “garden in the woods” area at Cross Winds subdivision and the Open Space areas.

**Motions:**

- Issue a COC for 159 Pleasant St – 2<sup>nd</sup> & approved.
- Issue Extension for Whitney Farms (Grove St) for 3 years – 2<sup>nd</sup> & approved.
- Issue Neg # 3 Determination for 6 Plain St – 2<sup>nd</sup> & approved.
- Issue OOC for 20 Dogwood Dr (amended NOI) – 2<sup>nd</sup> & approved.

**Forestry** – SH will send around the draft and MP has some figures; provide comments by end of next week then will send to AM to put on the website; how to deal with property line questions?

**Reviewed Municipal Agreement (Agent)**

**8:40 PM      Meeting adjourned**

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

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**Document List:**

- 1) Con Com Agenda
- 2) Agent's Reports
- 3) Sign-In sheet
- 4) Adams property documents
- 5) Ltr from Gina Melnick dated 5/3/17
- 6) Expense spreadsheet updated 5/10/17



# TOWN OF UPTON, MASSACHUSETTS

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## Conservation Commission

Meeting Minutes – Wednesday 5/24/17

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

### **Members Attending:**

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

### **7:00 PM Request for COC – 22 River St**

- Dave reviewed and recommends issuing a partial until the grass has time to grow.
- Motion made to issue a partial COC for 22 River St – 2<sup>nd</sup> & approved.

### **7:05PM General Items**

**MM** – Motion to accept the minutes from 4/26/17 - 2<sup>nd</sup> and approved.

**LSC** – Annual site walk set for Five Fork Farm w/ the Lams for Thursday (5/25 @ 2 pm. A request was received for camping on Conservation land – Marcella will follow up. Community Garden – Mary is overseeing and a gardener has volunteered to assist.

### **7:15 PM Con't NOI – 5 Williams St**

### **Ryan Sheridan of G&H**

- Representing Ms. Chavez (property owner's daughter); taking over for Mr. Limas.
- Silt fence is being installed; would like permission to remove trees that were previously cut in order to complete the installation of the silt fence.
- Currently G&H has staked the fence about 5 feet off the filled area and would like to have the fence installed by the next meeting; they are planning to entrench the fence then use wattles.
- Suggestion was made by the Commission to stockpile the cut trees on the property then re-use them as habitat.
- Determination that the body of water is actually a river; this house and lot predate the Town bylaw so is exempt.
- G&H will have a restoration plan for the next meeting; will include what they will plant.
- Can have a place for a play area for the kids (away from the street) but need to present a plan as to how they will keep any materials (for example wood chips/dirt) from eroding into the river.
- Need to put up a sign with the DEP # (311-0728).
- Hearing continued to 6/14/17 @ 7:10 pm.

**7:30 PM General Items continued**

**Motion** to sign an OOC Extension (311-0691) for Fiske Mill Pond – 2<sup>nd</sup> & approved.

**OSC** – Bill Taylor mentioned that Historical Society is holding a program with the author of a book on the Hurricane of 1938 -- Friday 6/2/17 @ 7:00 pm at the VFW.

**Admin/Finance** –timesheets signed; motion made to sign expense voucher – 2<sup>nd</sup> & approved.

**Agent's Report** – reviewed report dated 5/11/17 – 5/23/17

- Confirmed vernal pool at 11 East St; pictures provided in report.
- Reviewed the preliminary BMP for Pratt Pond that was submitted by Vin Roy, DPW Director; Commission agreed that it looked great; Dave prepared a letter of support; motion was made to issue the letter – 2<sup>nd</sup> & approved.

**Forestry** – Mike will contact Bettina (of the Wampanoags) and provide her with a copy of the draft Forest Management Plan and see if she can come in the near future for a site visit.

**Beavers** – Tom visited the Hopkinton Rd area and found that the beaver(s) is back and building a dam; not sure how many are in the area; concerned that they are cutting small trees by the road which could become a problem; suggest contacting the DPW about removing the beaver(s); motion was made for Chris Scott to contact the DPW about trapping the beaver(s) – 2<sup>nd</sup> & approved (4 – 3 vote); motion was amended to have the DPW investigate beaver activity to see if this a problem and beaver(s) needs to be removed – 2<sup>nd</sup> & approved (vote of 3 – 1 w/ 2 abstentions).

**7:50 PM Fox 4 Paintball (Milford St) Enforcement Order David Painter (owner)**

- Material being pushed into wetlands; affecting the quality/status of the wetlands.
- DP viewed the site from an abutting property and was able to see impacts; noticed that some silt fence has been installed but not sure how much more is needed; will need to access the site; did not notice an odor that an abutter mentioned.
- A prior EO was issued and fines levied.
- Mr. Painter responded promptly to the EO and is present tonight; he stated that netting that is needed to keep paintballs and material out of the wetland was previously installed but has deteriorated over time; also stated that they are not collecting the used paintballs and dumping them in the wetlands; this area in question is the busiest area on the property it is the tournament area and is roughly the size of a soccer field.
- A management plan is needed; Mr. Painter has begun to install new netting at the back of the field but needs to order more to cover the remainder of the area.
- Silt fencing installed along the entire backside in front of the netting.
- Wetlands will need to be cleaned and then restoration will be needed; DP and Commission members will need to walk the property; Mr. Painter would like to be present and will coordinate w/ Dave to schedule this for the first week of June.
- Mr. Painter will continue to procure and install netting which is about 12 feet high; he has added a 2 foot skirt at the bottom (and is secured in place); needs to perform regular maintenance to ensure these controls are intact and functioning.
- Discuss what the paintballs are composed of – gelatin shell which is biodegradable; it is considered a “food grade” product.
- A basic Management/Maintenance Plan is needed; weekly inspect the netting and area to pick up any paintballs that accumulate especially near the wetlands.
- Continued to 6/14/17 at 7:45 pm.

**8:10 PM General Items continued**

- Crosswinds – need written request to Ext. OOC for another year.

- 11 Christian Hill Rd – house is for sale need to verify bounds were installed and is the OOC still open?
- Ltr (dated 5/17/17) from Blackstone Valley Regional Emergency Planning Committee looking for support of the Municipal Vulnerability Preparedness (MVP) program application; motion to send a letter of support to Brian Kemp (Vice Chair) to sign on as written – 2<sup>nd</sup> & approved.
- Reviewed draft response letter for NHESP and will include maps (prepared by MP); we have quite a bit of box turtle habitat in north Upton; south Upton is primarily wood turtle. Motion to finalize and send the letter - 2<sup>nd</sup> & approved.
- Chestnut St BVT property – complaints about state of the property; DP will make a site visit.
- 101 Crockett Rd will be demolishing the existing house and rebuilding; they currently have an open OOC for other work; they will need to close the open OOC and then file a new NOI.

**Red Rock continued to 6/14/17 @ 8:45**

**8:50 PM      Meeting adjourned**

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

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**Document List:**

- 1) Con Com Agenda
- 2) Agent's Reports
- 3) Sign-In sheet
- 4) Draft letter to NHESP
- 5) Draft letter to Vin Roy re Preliminary BMP/Pratt Pond; copy of draft BMP
- 6) Expense spreadsheet updated 5/10/17
- 7) Blackstone Valley Reg. Emergency Planning Committee Ltr dated 5/17/17



# TOWN OF UPTON, MASSACHUSETTS

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## Conservation Commission

DRAFT Meeting Minutes – Wednesday 6/14/17

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

### Members Attending:

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

- 1. 7:05 pm: Land Stewardship Committee Report:** End of FY purchase of pressure treated wood planned.
- 2. 7:10 pm: Agent Report (highlights from report submitted to Commission):**
  - a. 276 Mendon Road: DPW concerned about drainage problems on site and requested commission review and require filing. File search was negative. Commission authorized DP to review and take appropriate action.
  - b. 178 North Street (311-0704): Some sediment reached stream across the road from site. Removal of sediment from stream not recommended. Contractor has taken additional steps to control erosion. Material from site is being disposed on an adjacent posted lot. DP will attempt to gain access to the adjacent lot to determine if fill is being placed in or near a resource area.
  - c. 5 Williams Street: Owner has asked for more time to restore the site and DP granted the request. Commission requested applicant provide a schedule at the next Commission meeting. TJ asked that site be stabilized this growing season and asked about putting a lien on the property to force compliance.
  - d. Meeting Schedule: Northbridge Commission requested Upton Commission change its meeting schedule to 1<sup>st</sup> and 3<sup>rd</sup> Wednesdays. 1<sup>st</sup> Wednesday conflicts with Upton CPA meetings so a requested change is not feasible for the Upton Commission. Upton Commission requested DP ask Northbridge to consider meeting on 1<sup>st</sup> and 3<sup>rd</sup> Wednesdays or meet earlier on 2<sup>nd</sup> and 4<sup>th</sup> Wednesdays (say 5:30 pm).
  - e. Fox 4 Paintball Enforcement Order: Based on a site visit, DP estimates a 1500 sf area of BVW has been impacted by paint ball deposits. Deposits are up to 2 ft. thick. DP noted strong odor emanating from area. DEP has a copy of the EO but has no staff available to assist. A previous OOC for site required a paintball management plan, which was prepared but has not been followed for some time. The Upton Wetland Bylaw is applicable to the site. DP recommends installation of straw wattles (existing silt fence is

not entrenched) , removal and off-site of paintballs, construction of a sill along edge of screened in play area, protection of swale that drains into wetlands, soil testing after paintball removal, a restoration plan and plantings, and removal of wattles after site is stabilized.

f. Request for COCs:

- i. 74 High Street: motion for full COC 2<sup>nd</sup> and approved.
- ii. 103 Crockett Road: motion for full COC 2<sup>nd</sup> and approved.
- iii. 111 Glenview: motion for partial COC 2<sup>nd</sup> and approved.

g. Request for Extension Permits:

- i. 9 Hartford Avenue North: motion 2<sup>nd</sup> and approved
- ii. Crosswinds lots 676, 673, 675, 677, 678, 679, 681, 682, and 683: motion 2<sup>nd</sup> and approved.

3. **7:45 pm: Thompson Property Discussion:** Representative did not attend.

4. **8:00 pm: Fox 4 Paintball Enforcement Order**

- a. Alice and David Painter in attendance.
- b. CS and DP summarized concerns and required restoration measures.
- c. Mr. Painter indicated odor was caused by an adjacent farm. He also alleged wetland violations in another nearby Upton paintball facility, including construction of a parking lot in wetlands.
- d. Restoration schedule developed: 1) install wattles this week (by Saturday);2) remove and dispose of paintballs off-site with paper trail using lined dumpsters for disposal; 3) develop wetland restoration planting plan and install restoration plantings; 4) prepare and adhere to a long term plan for collection and disposal of paintballs.
- e. MP indicted he would make motion to impose fine pursuant to Bylaw if paintballs were not removed by June 28. Discussion continued until June 28 at 7:30.

5. **General Business Items**

- a. Stefans Turtle Habitat Project: MP to contact contractor for an update.
- b. NUOS Forestry Plan: Still in preparation.
- c. Beavers (Hopkinton Road and Fowler Street): TG argued that beavers had caused problems at both sites that future problems were predictable and inevitable, and that beavers should be actively managed (trapped) before a problem develops. Neither site is appropriate for beaver deceivers or pond levelers. Beavers have killed trees at both sites, resulting in potential future hazed trees.

6. **0840: 33 School Street Hearing (NOI)**

- a. Presented by Steve O. (Andrews Survey and Engineering)
- b. Construction of a single family home on a largely cleared lot.
- c. Some work in buffer (wetland is located across the street).
- d. A stone wall is between the proposed site work and the wetland.
- e. Green cards submitted. DEP file number not yet available. Plan is under review by the BOH.
- f. House will be serviced by town water. Lot is 22,000 sf.

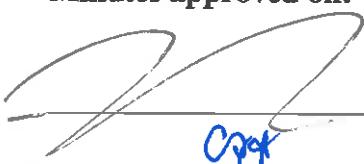
- g. Bounds not required.
- h. Need to protect swale on Church Street that ends in a drop inlet.
- i. Hearing continued until 7 pm on June 28.

## 7. General Business Items (continued)

- a. Beavers: Motion to inform DPW about hazard trees at Fowler Street and Hopkinton Road.
- b. Special Conditions: several versions provided by DP for Commission review.
- c. BU Deer Study: Commission will reply to the survey.
- d. Bills: Motion to pay Gate House Media (Milford Daily News) bill. 2<sup>nd</sup> and approved
- e. Friendly Fire Paintball: DP will inspect from old Cemetery. There was a filling for construction of a parking lot.
- f. Thompson Property: CS will email owner's representative for an update. A concept plan presented to Planning Board included four homes and a solar farm.

8. **0914: Motion to Adjourn.** 2<sup>nd</sup> and approved.

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

  
[REDACTED]  
  
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17 JUL 13 AM 10:27  
TOWN CLERK  
RICHARDSON

## Document List:

- 1) Con Com Agenda
- 2) Agent's Report
- 3) Sign-In sheet (Painter EO)
- 4) Staff Application reviews for 103 Crockett Road RCC; 111 Glenview RCC, and 33 School Street NOI,
- 5) Draft generic special conditions.



# TOWN OF UPTON, MASSACHUSETTS

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## Conservation Commission

Meeting Minutes – Wednesday 6/28/17

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

### **Members Attending:**

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

### **7:00 PM**

- 33 School St NOI – DEP # issued motion to close – 2<sup>nd</sup> & approved.
- 5 Williams St (cont NOI) – DP provided update from owner; continued hearing to Aug. 9<sup>th</sup> meeting at 7:15 pm.

### **7:05PM General Items**

**MM** – Motion to accept the minutes from 5/10/17 and 5/24/17 - 2<sup>nd</sup> and approved.

**Website** – updates per AM.

**OSC** – Per Steve Sloan of SVT the 100 acres of North St is in tax taking by the Town as money is owed for property tax; owner seems to be willing to let the Town take it. Also Steve is talking with a property owner regarding land (about 100 acres) off Mendon St. Sunday, 7/2/17 at 1:00 there will be a walk at Glen Echo pump station to view the Baltimore Checker butterflies.

**LSC** – MS is spending down expense money; working with scouts for various projects; received an email from a resident regarding her concerns about Pratt Pond, she is interested in starting a Pratt Pond Preservation Society; she is willing to be involved for monitoring the pond and samples for testing; will contact the resident and invite to an upcoming meeting.

**Admin/Finance** –timesheets signed and FY18 Employee Action forms; motion made to sign expense voucher – 2<sup>nd</sup> & approved.

### **Motions:**

- Motion for MS to spend up to \$150 (\$75 each) for recording OOC's at the Worcester Registry of Deeds – 2<sup>nd</sup> & approved.
- Motion to issue COC for 83 High St – 2<sup>nd</sup> & approved.

### **7:30 PM cont Fox 4 Paintball (Milford St) EO David Painter (owner)**

- Dave Pickart met Mr. Painter on the property to discuss process for removing paintballs from the wetlands; DP watched process for a bit; to date 3.7 tons (4 yards) have been removed and another 15 yard dumpster has been filled and waiting to be picked up – it has been surrounded by wattles and tarps to prevent further encroachment; Written plan for on-going maintenance

will be presented; Will be meeting with G&H to discuss restoration/planting plan; one thought is to keep a dumpster on site and have it removed weekly; Mr. Painter stated that he would like to install "bumpers" around the field in order to contain the paintballs and at the end of the day his employees can blow the used materials into a "containment" area then it can be cleaned out into a dumpster and removed from the site; Question was asked if Mr. Painter knew how Harvey disposes of this material? He did not but said as it is technically a food-grade product he thinks they can dispose of it however they get rid of restaurant waste; DP indicated that he was pleased with the progress they have made in a short time; no noticeable improvement to the odor as yet; continued this discussion to Aug 9 at 7:30pm.

#### **7:40 PM General Items continued**

**Agent's Report** – reviewed report dated 6/15/17 – 6/27/17

Prepared and discussed draft letters for:

- 74 Fiske Mill Rd – they have installed a silt fence and seeded but doing work w/in 50 feet of wetlands which requires a permit; 276/280 Mendon St – couldn't find filing but will invite developer to come in to a meeting; and lot next door to the new house Dave noticed work on the adjacent lot that will require a permit as they are mowing, stockpiling material and crossing the wetlands. Chris signed the letters and will send out.

**Turtles** – Dan Wells will have something for the 2<sup>nd</sup> meeting in July.

**Forestry** – Cultural Resource walk w/ Bettina was very interesting; will go out again in the fall when the vegetation is down; asked Cathy Taylor to write something for the Forest Management Plan.

**Beavers** – Vin Roy says no issues to roadway at Fowler St at this time; there is impact to private property thus they would need to contact BOH for trapping permit and hire a private trapper.

**Crosswinds** – Denise provided brief update regarding an issue with the access easement at 2 Dogwood Ln; Planning Board has agreed to review a modified plan to help alleviate problems with trespassers the owners are having on their property; they are not looking to block the easement just redirect or relocate the access.

#### **8:15 PM Meeting adjourned**

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

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#### **Document List:**

- 1) Con Com Agenda
- 2) Agent's Report



# TOWN OF UPTON, MASSACHUSETTS

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## Conservation Commission

Meeting Minutes – Wednesday 7/12/17

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

### **Members Attending:**

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

### **7:05PM General Items**

**MM** – Motion to accept the minutes from 6/14/17 and 6/28/17 - 2<sup>nd</sup> and approved.

**Website** – updates per AM.

**Admin/Finance** – discussed expense for copier; AM suggested we get a report for the past 12 months to see usage possibly negotiate a lower cost; timesheets signed; and motion made to sign expense voucher – 2<sup>nd</sup> & approved.

**Motions** - Motion to re-sign the COC for 84 Glen Ave – 2<sup>nd</sup> & approved.

### **7:15 PM 25 West River St (Lot 2) NOI**

### **T. Brown/Andrews Survey**

- Proposed new house to be built outside the 50' buffer; private septic has been approved by the BOH.
- Revised plans presented tonight based on DP's comment letter: Flowage easement depicted; clearing for lawn has been ok'd by the Army Corp of Engineers but cannot change the grade; 7 Wetland markers are shown at the 30' line.
- Area listed as Open Space is actually owned by the ACE.
- Closest distance of disturbance is 30'.
- Limit of Shaded Zone X is a FEMA designation; it is the lowest designation for flood.
- DEP # has been issued 311-0732.
- Hearing closed; OOC will be issued.
- Motion to sign OOC – 2<sup>nd</sup> & approved.

**Upton Ridge continued to next meeting on 7/26 @ 8:30**

### **53 Maple Ave – 7/10/17 Site Visit Update**

- AM, MP and SL made a site visit with Richard Desjardins of the BOH based on a report of dumping in the backyard near wetlands.
- There was trash and other materials dumped and piled within the 50' buffer; noted that there was very little actually in the wetlands.

- BOH will issue a letter to the bank which currently owns the property (foreclosure) stating that the property needs to be cleared of the debris and material especially located near the wetlands.
- We will provide additional letter if BOH needs it.

**7:45 PM      Meeting adjourned**

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

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**Document List:**

- 1) Con Com Agenda & Action Checklist
- 2) Police Report for 53 Maple Ave
- 3) Agent's Review letter for 25 West River St.
- 4) Sign-in sheet



# TOWN OF UPTON, MASSACHUSETTS

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## Conservation Commission

Meeting Minutes – Wednesday 7/26/17

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

### **Members Attending:**

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

### **7:05 PM General Business**

**MM** – Motion to approve minutes from 7/12/17 – 2<sup>nd</sup> & approved.

**OSC** – Meeting with Steve Sloan on 7/27 to discuss the Forest Heights property (off North St); also a parcel off Old Miscoe Hill Rd and the Roberston's property off Mechanic St. a site visit w/ Steve, Krista Collins (SVT) and someone from DCR is planned. Another land owner on Mechanic St is interested in giving land to the town; possibly a land acquisition for access to Stefans land.

**LSC** – 3 Boy Scout projects are under discussion.

**Admin/Finance** – reminder of Denise's vacation 7/31 – 8/9; signed timesheets.

**Turtle Habitat** – Dan Wells of Goddard Consulting sent proposal; MS suggest avoiding areas where ATVs are used and the powerlines; MP will send out the scope of work in order to use it in reviewing Dan's proposal; send comments to Mike prior to the 8/9 meeting.

### **7:15 PM NOI 101 Crockett Rd**

**Kathy Colwell**

- Abutters notified and copy sent to DEP.
- Removing the existing house; rebuilding not closer than 50ft of lake; roughly on the same footprint; looking to remove the existing house early September.
- Need erosion controls.
- Construction drawings are needed showing grading, erosion control locations and area for stockpiling materials.
- Septic plans have been approved by the BOH.
- Hearing continued to 8/9 @ 7 pm.

### **7:30 PM General Business continued**

**Warren Brook** – Cathy Taylor will provide a write-up of pre-colonial cultural resources.

**Beavers** – Trees that died as a result of beaver activity at Fowler St were blown down in the last storm; they fell across the road and pulled down some wires.

**RDA vs NOI** – MP is working on a table.

**CR/DR & Bounds** – Denise confirmed that there is a column in the filing spreadsheet for bounds; will need to backfill info but will indicate the # of bounds required and when they have been

purchased. MP proposing a GIS layer or map to show CR/DR properties. MP gave update on the “Naze” property located on Crockett Rd – this is a lot that is approximately 3 acres that is having a CR placed on it; Metacomet will be the owner and they would like the town to hold it; also the “Ruguleiski Woods” property off North St is also going to have a CR owned by Metacomet and again they would like the town to be the holder. Who should be the contact? Suggestion is for the Conservation Commission as they will need to do annual site visits. Metacomet will send Con Com a letter re: Naze property and we will need to ask the Town Manager to have town counsel review it. Currently there are 7 properties that have CR/DRs on them. Mike is preparing a list. Many areas have not been walked in years (or ever) so we should come up with a schedule. Metacomet has a “Best Practices” template for CR site visits – reports & pictures. The Town owns approximately 11 acres but it is not under the “control and care” of the Commission.

**West River St (Dwinell) property** – DS was given an update from Mike Moran (hunts on this property) that they have begun cleanup and several boats and large items have been removed; he will keep us updated.

**Westboro Rd (Thompson) property** – application before the ZBA for a solar “farm”; DS will provide plans and Con Com will issue a letter to the ZBA.

**53 Maple Ave** – draft letter regarding clean up reviewed; revisions made and will send to the bank which now owns the property.

**Motions:**

- Issue a complete COC for 22 River St – 2<sup>nd</sup> & approved.
- Issue a partial COC for 17 Hopkinton Rd – 2<sup>nd</sup> & approved.

**Upton Ridge North & South – request to come to next meeting on 8/9 for an update and to present current plans.**

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

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

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**Document List:**

- 1) Con Com Agenda & Action Checklist
- 2) Agent's Report 6/27/17 – 7/26/17
- 3) Agent's Application Reviews – 17 Hopkinton Rd & 101 Crockett Rd



# TOWN OF UPTON, MASSACHUSETTS

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## Conservation Commission

Meeting Minutes – Wednesday 8/9/17

To: Members of Upton Conservation Commission  
CC: Kelly McElreath, Town Clerk  
From: Denise Smith (Minutes taken by Scott Heim, Member)

### **Members Attending:**

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

#### **7:00 PM con't NOI 101 Crockett Rd**

**K.Colwell & M.Hassett (G&H)**

- DEP # assigned 311- 0733.
- Mike Hassett (EIT w/ G&H) presented project overview; 2 retaining walls (1 outside 100ft buffer and 1 within); erosion controls - silt fence and mulch sock proposed; all are depicted on a new “Resource Area Plan” dated 8/8/17.
- Requested a Variance for disturbance within 100ft of Lake Maspennock for the house and small portion of lawn (all within existing lawn); Erosion control is w/in 40ft of the lake; house is 50.5ft away.
- Question about requiring 2 bounds at 30ft for wooded area? Commission agreed with requiring bounds at 2 spots – property line and edge of wooded area 30ft from bank.
- Applicant closed the hearing.

#### **7:15 PM con't NOI 5 William St**

**Chavez**

- Owner did not show; continued for 2 weeks at 7:30 pm. Dave P. will contact to ask them to come to next meeting (8/23).

#### **7:30 PM con't EO Fox 4 Paintball (Milford St) Painter**

- Mr. Painter attended meeting; new netting will be installed next week.
- BOH inspected site last Wednesday (8/2) suggested spreading lime to mitigate odor; DP ok'd 1 – 2 locations and was applied Monday (8/7). Mr. Painter hasn't notice any difference yet in odor (not strong to him).
- Constructed a corral at the other end of the field where paint balls are blown down by workers then picked up and put into a dumpster.
- G&H has been out to the site but hasn't prepared a Wetland Restoration Plan yet.
- Considering applying about a 3 inches of soil/compost mixture from Weston; Commission is ok with putting 3 inches of soil/compost within the wetland a “dark loam – organic rich compost blend” from Weston.
- Commission may require concrete bounds in the future at the 30ft offset; not sure how to implement – NOI, EO, Deed Restriction?

- A small pond on the property has aerator (runs 24/7) which receives runoff from the adjacent farm which may contribute to odors; suggested that increased aeration may assist or look into ultrasound; Mr. Painter asked about cleaning out the pond – ok but would likely require NOI.
- Continued for 2 weeks so can discuss placement of soil/compost in wetland as well as lime and maybe the Wetland Mitigation Plan if ready.

**7:50 PM      Turtle Study**

- Comments by MP & SH will be summarized by MP and sent to Goddard for consideration.
- Should use natural soil on site rather than bring in sand (very expensive).

**8:10      Upton Ridge update**

**Mark Mastroianni/Pulte**

- Received many comments and are currently revising plans along with responses to comments.
- Do not expect to ask for any variances from Con Com.
- NOI for sewer extension will be submitted later in August or September.
- Will be back in 4 – 6 weeks with revised plans for NOI consideration.
- Scheduled NOI hearing for Sept. 13<sup>th</sup> at 8:00 pm

**8:25      New/Old Business**

- Fencing at Five Fork Farm – Con Com did not require entire fence to be replaced; MP explained this to the father of the person who hit the fence.

**9:05 PM      Motion to adjourn – 2<sup>nd</sup> & approved**

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

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**Document List:**

- 1) Con Com Agenda
- 2) Agent's Report 7/27/17 – 8/7/17
- 3) Sign-in Sheet



# TOWN OF UPTON, MASSACHUSETTS

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## Conservation Commission

Meeting Minutes – Wednesday 8/23/17

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

### **Members Attending:**

Chris Scott, Mike Penko, Sandy Lajoie, Tom Jango, Alan Miano and Marcella Stasa  
Dave Pickart, Agent

### **7:00 PM General Business**

Lot 1 North St (175 North St) – DP visited site and discharge issue has been addressed; trench drain installed w/ crushed stone and covered and this seems to have alleviated the problem.

**MM** – motion to approve minutes from 7/26/17 & 8/9/17 meetings – 2<sup>nd</sup> & approved.

**OSC** – Ken Glowacki (Treasurer/Collector) sent out a list of properties that will be auctioned on Sept. 26<sup>th</sup>; 2 that might be open space potential are: 1) 13 acres (approx.) parcel off Westboro Rd which provided public access to SF land and 2) a small parcel (about an acre) off Rte 140 near Walker Dr. Both these parcel have a significant portion that is wetland. Do we want to ask to have them removed from the auction list the Westboro Rd lot definitely has Con Com value. Motion was made to send a letter to Treasurer/Collector (K.Glowacki) that the parcel on Westboro Rd has conservation value and we would like to have it withdrawn from the list – 2<sup>nd</sup> & approved; Chris will email Ken.

**LSC** – new kiosk has been installed at Warren Brook.

**Admin/Finance** – motion to pay expense voucher for Gatehouse Media – 2<sup>nd</sup> & approved; timesheets signed; DS provided updated account of our expense account showing the increase that was approved at the ATM.

### **Agents Report** – DP reviewed report dated 8/8/17 – 8/23/17

- Discussed that he is working with the BOH on the Pratt Pond algae bloom issue.
- 178 North St – due to a significant grading issue they have asked if they can temporarily disturb w/in the 30' buffer then restore the area. As the OOC has been issued can it be amended? DP is in favor of allowing this but the builder should submit a formal request for amendment. Mike Penko abstained from this discussion as he is an abutter.

### **7:15 PM NOI 97 Crockett Rd**

### **R. Marino/D. Marquedant**

- Review of project; current proposal is to build a boat house, pavilion, a cantilevered dock and remove and relocate several docks, the walkway and patio area; extending retaining wall into Lake Maspnock; proposing concrete foundation/footings for the boat house.

- No bvv as it is the lake; work will be done when the lake is low (fall/winter); they have filed a Chapter 91 permit w/ the State.
- Will need ZBA approval for the boathouse (setback).
- Previous work for walls, patio, retaining area and docks and piers was done under another NOI; COC was issued.
- Some of this work is beyond the edge of the property line and is in the water (underwater); permit with the State is to allow this work; Mr. Marino has talked with someone from the State.
- Is there habitat underwater? Sloped area for habitat or boulders/stone piles for fish to "hide" behind; will need to file with Nat. Heritage - would like a wildlife habitat assessment.
- According to DP this project exceeds the threshold for "work underwater" and "bank".
- Applicant was asked why they are extending the walls. Explained that they are reinforcing the shoreline with a new vertical wall; plan to bump it out 3 – 4ft and will be about 6.5 ft tall; will need about 380 sf of fill behind the new wall; will be level on top and install pavers for walkway and patio.
- Any thoughts on how to minimize impacts? Can the project be scaled back? Applicant explained why they are doing project. Commission requested a letter with possible alterations to this proposal if possible.
- Items needed/requested: DEP # (not issued yet); cross section view of project; letter w/ possible alterations to reduce impacts and additional filing fees per DP review.
- Site visit is scheduled for Wed., 8/30 at 6:00 pm; ok to park across the street.
- Hearing continued to 9/27/17 at 7:15 pm.

**7:50 PM      RDA Peppercorn Hill**

**G. Hobart/Boy Scout**

- Proposing to build a boardwalk across existing trail in a wet area; this is Eagle Scout project.
- Boardwalk is approximately 48 feet long by 3 feet wide; will lay supports under (no footings needed) and no soil to be disturbed; will use gravel as the base. Hoping to start the project in September when it will be drier.
- MS has visited the site and confirms the boardwalk would be a great addition as this is a very mushy area.
- The boardwalk is located btw the summit or PCH and the bog; will be room to allow for horses to pass next to the boardwalk.
- Will hand carry materials in from the Rockwood Meadow trail; suggest he reach out to K. Lobisser prior to accessing through Rockwood.
- MP suggested purchasing wood that has higher preservative rating as it will be sitting on the ground; it does cost more but lasts longer but this is not a requirement just a suggestion.
- Hearing closed and a determination will be issued.

**8:00 PM      con't EO Fox 4 Paintball (Milford St)**

**D.Painter**

- Mr. Painter provided an SOP (Standard Operating Procedure) for regular removal of the paintballs and one for yearly field maintenance. DP reviewed and feels that this is a great plan.
- Mr. Painter indicated that he will replace the netting along one side of the field every year in order to keep it in good shape; he will double layer the netting on the wetlands side and maybe put up some signs "no shooting into wetlands".

- Suggested that he file an NOI (once the EO is closed) in order to provide conditions that are enforceable going forward. NOI would require the conditions be recorded at the Registry of Deeds.
- Propose annual site visit for inspection.
- Still need the information on wetland impact and restoration plan.
- The BOH noted a significant reduction in the odor and will check downstream after the next heavy rain event.
- EO will be closed after we receive the wetland impact/restoration plan.
- Continued to next meeting on 9/13 @ 7:15 pm (if plan is ready).

#### **8:20 PM 53 Maple Ave – property cleanup**

- Bank turned our letter over to the property management company; it was confirmed that they received it as they called with questions about fines. DP was trying to set up a site visit with them but they never confirmed the date/time; Dave will reach out again to set something up.
- Continued this matter to next meeting on 9/13 @ 7:00 pm.

#### **8:30 PM 5 Williams St – EO/NOI (Chavez)**

- DP left message for Ms. Chavez but has not heard back; also called the DEP to discuss this situation and what options we have.
- DEP said we can turn it back over to them and they would issue fines; if the fines are unpaid it is turned over to the AG's office.
- There is precedence that we could record the EO or a Notice of Enforcement; we would need to confer with MACC and town counsel.
- As an NOI was filed we could issue the OOC denying the project and include specific language requiring restoration of the property; we could then record thus making sure that any future property owner is aware of the situation; do not want to put this on a future owner as the current owner created the problem.
- Will move forward with this at next meeting and issue the EO & OOC; DP will reach out to MACC and town counsel.

#### **Turtle Study**

- Motion to pay \$2000 of the Goddard invoice with the remaining \$1000 to be paid upon receipt of the revised plan – 2<sup>nd</sup> & approved.
- We need to contact Natural Heritage and Attorney Greenwald as this is paid from the turtle fund.

#### **STM Article**

- Discussed requesting funds for the Conservation Fund; in past years the amount we requested has been reduced.
- Motion to submit an article for the November STM for requesting \$5000 for the Conservation Fund – 2<sup>nd</sup> & approved. (vote: 6 yes/0 no)

#### **CR for Naze Property off Crockett Rd**

- Metacomet Land Trust has finalized the draft document; motion to send CR doc to town counsel – 2<sup>nd</sup> & approved. (vote 5 yes/0 no/1 abstention)

**Motions:**

- Motion to issue the OOC for 101 Crockett Rd – 2<sup>nd</sup> & approved.
- Motion to issue the Negative Determination for the Peppercorn Hill scout project – 2<sup>nd</sup> & approved.

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

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

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**Document List:**

- 1) Con Com Agenda & Action Checklist
- 2) Agent's Report 7/27/17 – 8/7/17
- 3) Sign-in Sheet
- 4) Dave Pickart's email dated 8/23/17 – last minute items
- 5) Current Expense Account spreadsheet



# TOWN OF UPTON, MASSACHUSETTS

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## Conservation Commission

Meeting Minutes – Wednesday 9/13/2017

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

### **Members Attending:**

Chris Scott, Mike Penko, Scott Heim, Tom Jango and Marcella Stasa  
Dave Pickart, Agent and Mary Overholt, Associate Member

#### **7:25 PM Fox 4 Paintball EO**

#### **M. Painter/N. Hayes (Goddard Cons.)**

- Wetland Restoration Plan prepared & presented by Goddard Consulting (dated 9/12/17); recommend species that are already growing in the area. Will follow 2-year monitoring program and will present a report to Con Com annually. If 75% growth is not happening they will come back with additional planing plan.
- Maintenance will be enhanced to clean paintballs daily if the weekly plan isn't working.
- Dave Pickart updated the Commission that DEP is testing water samples at the site and would like to have us keep the EO in place until the restoration is underway.
- Question was asked regarding the amount of paintballs that were in the wetlands for years – how confident that new plants will grow & thrive? Goddard explained that as they will be removing and replacing soil they are confident that the plants will grow.
- MP suggested using Black Gum instead of Sassafras per the planting plan; also wants to see performance standards for survival of shrubs.
- DP noted on his last site visit that there was a large quantity of paintballs beyond the netting; Mr. Painter said they have since been cleared per his maintenance plan. Also, DP noted another area where paintballs are collecting in the wetlands and suggested that they beef up the berm to keep them from getting into the wetland.
- DEP suggestion is to look at the area in the woods to ensure that paintballs are being cleared per the previous EO w/ the DEP.
- Discussed the need for an NOI be filed; CS state that doing so provides better monitoring of the site as conditions will be provided for the applicant to follow; also provides for better accountability of the applicant and enforcement options for the Commission.
- Mr. Painter will file an NOI but we will keep the EO open until restoration is underway; DEP suggested no restoration until they review the water quality but given the season the Commission would like restoration/planting to be done this fall.
- Reinforcement of the berm can be done ahead of the NOI filing.
- PH tentatively set for Oct. 11<sup>th</sup> @ 7:15 pm provided that the NOI is submitted by the advertising deadline.

## **8:00 PM 5 Williams St cont' NOI**

- Received comments from MACC (email 9/7/17) with guidelines for Commission to act on this property.
- DP suggests the following steps: 1) deny the open NOI, 2) include a list of deficiencies, 3) issue a new EO requiring the site to be returned to the original site and 4) issue a Notice of Enforcement Order which should be sent to town counsel for review and a draft provided to the property owner & applicants giving them a chance to respond before this is voted and issued by the Commission.
- Draft documents were prepared by DP and discussed; need to add the requirement that a restoration plan be submitted.
- Continued to 9/27 @ 7:30 pm.

## **8:10 PM General Business**

### **Agent's Report – dated 8/24/17 - 9/12/17**

- Discussion of 3 lots on West River St owned by Afonso; open OOC does not cover the houses (to be built) it was only for the common driveway; a new NOI will be needed for the houses; a foundation hole has been dug; need to contact Natural Heritage; per the current OOC no work is to take place from April to October (turtle nesting season); Do we issue and EO? Yes.
- 2 Dogwood Ln concerned about trees that are dead within the CR; he can remove as they are hazard trees.
- NEXAMP Solar facility – site visit set for Sat. 9/23 @ 10 am - will confirm w/ NEXAMP; will hold COC until next meeting.

## **8:30 PM Boston University Deer Survey**

- Discussed and completed the survey; CS will send.

## **8:55 PM General Business**

**MM** – motion to approve minutes from 8/9/17(revised per SH) and 8/23/17 meetings – 2<sup>nd</sup> & approved.

**LSC** – on-going trail work and scout projects.

**Admin/Finance** – motion to sign expense vouchers – 2<sup>nd</sup> & approved; timesheets signed; **Agents**

**Office** – 31 Christian Hill Rd purchased 3 wetland markers; motion to sign COC – 2<sup>nd</sup> & approved; will hold until confirmation that markers were installed.

**Motions** - Motion to issue the COC for 29 Warren Rd – 2<sup>nd</sup> & approved.

**53 Maple Ave** – Reviewed town counsel comments (9/13 email) & MACC comments (9/7/17) regarding how the Commission can proceed w/ the property cleanup; DP will draft an EO.

**Turtle Habitat** – reviewed Commission comments; ok to pay \$2000 of the Goddard invoice with the remaining \$1000 to be paid upon receipt of the revised plan; MP will contact Natural Heritage.

**Auction Properties** – BOS reviewed the list and asked to hold off on the auction; they are looking at the 0 Westboro Rd property for a cemetery (potentially); Con Com has interest in this parcel for access to trails & State Forest land and to protect stonewalls.

**Pratt Pond** – ban has been lifted as algae bloom has cleared; discussed asking the BOS to create a Pratt Pond Advisory committee (not Con Com); MP will draft a letter.

**Upton Ridge (Pulte)** – CR for this property?

**276-280 Mendon St** – will request that an RDA or NOI be filed for the driveway.

**MACC Fall Conference** – will be a session on Enforcement Orders – DP planning to attend.

**9:20 PM      Motion to adjourn – 2<sup>nd</sup> & approved**

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

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**Document List:**

- 1) Con Com Agenda & Action Checklist
- 2) Agent's Report 8/24/17 – 9/12/17
- 3) Sign-in Sheet
- 4) BU Deer Survey
- 5) Goddard Wetland Restoration Plan – Fox 4 Paintball
- 6) Email 9/13/17 from K-P Law (town counsel)
- 7) Email 9/8/17 from MACC



# TOWN OF UPTON, MASSACHUSETTS

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## Conservation Commission

Meeting Minutes – Wednesday 9/27/2017

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

### **Members Attending:**

Chris Scott, Mike Penko, Alan Miano and Marcella Stasa  
Dave Pickart, Agent and Mary Overholt, Associate Member

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

**MM** – Motion to accept minutes from 9/13/17 meeting – 2<sup>nd</sup> & approved.

**OSC** – SVT working on Robertson's property. The Town took 11 acres @ Pond & East Streets which is mostly the pond; BOS took the 12 acres parcel on Westboro Rd off the auction list only 2 of the properties on the original list are being auctioned. Still working on taking the Forest Heights land.

**LSC** – CPC hearing for funding to preserve the old schoolhouse foundation on North St. Setting up a site visit at Five Fork Farm w/ SVT to look at plans the owner has for a barn; MS will ask for their plans so we can review w/ the CR; DP will also review when he is back from vacation.

**Office/Admin** – signed timesheets and expense voucher.

**Crockett Rd CR** – Metacomet's attorney is reviewing the document; our attorney (K&P) had a few minor comments; need to send the CR to the DCR by October 1<sup>st</sup> in order to make it happen this year.

**MACC Conference** – motion to pay ½ the cost for DP to attend (Northbridge will pay other ½) – 2<sup>nd</sup> & approved.

**Fiske Mill Bridge** – DP noticed 2 pieces of concrete in the water and has notified the DPW; DPW is holding money from the contractor until they are removed.

**NEXAMP Site Visit** – received info on the question regarding the weather station; should we send them a request to allow us to do a butterfly survey?

**Kelly property near Peppercorn Hill** – MP printed maps of the 5 parcels owned by the Kelly family; MP would like to pursue acquiring the 4 that are on PCH and potentially the one lot that is across East St which may possibly be available for a house lot. Motion to have the OSC further investigate – 2<sup>nd</sup> & approved.

### **97 Crockett Rd – NOI (cont)**

### **R. Marino & D. Marquedant**

- Discussed results of the site visit; encroachment or the potential for by taking out the existing dock (over water) and making it land; status of the Chapter 91 permit – no word yet other than they have asked for some additional information; discussed the need for habitat assessment; the owner felt there was misunderstanding about the lake level he says that the lake drops by about 4 feet every year (per a requirement) and that the proposed work is not in the water but

will be dry land when the water is drawn down. Applicant has done work on this property in the past and wasn't required to do the habitat study also stated that neighbors have done work and didn't do the study; research of the abutter was that he was rebuilding an existing wall thus wasn't required. MP suggest waiving the need for habitat assessment as this is already a very disturbed area and perhaps the applicant can provide another area on the property for fish habitat such as an open bolder wall. Alternative analysis was provided and revised plans submitted with additional details and existing conditions were highlighted. Proposal is to extend about 255 sf and giving back approx. 77 sf for a net of 178 sf; this site has a steep slope whereas others on the lake don't have this sharp of a slope. AM asked the applicant how much fill is too much? Does everyone on the lake have the right to fill what they want? AM stated the concern that when is it enough for filling/altering the lake; MP stated a concern with the design of the wall should have a geo-technical engineer review to ensure the scale and slope. Applicant indicated that he does not intend to do more work down the road; Commission can put a condition in the Orders (when/if issued) that this will be the extent of the work allowed on this property.

- DP comments/questions: asked if the boathouse can be built without pushing out the wall? Can the wall be rebuilt at the top of the slope w/o extending it out? A habitat study can be done for less money; need to determine and show the low water mark; will the boathouse footings be in the water? Will this work cause a loss to flood elevation? Need to determine the volume of loss and and volume of gain through the dredging; Additional fees are due to the Town and the State; we need DEP comments and file # also Chapter 91 info; with acceptable mitigation would consider waiving the habitat assessment requirement.
- Continued to next meeting on October 10 @ 7:45 pm.

#### **7:45 PM      West River St (Afonso)**

#### **N. Gamache/G&H**

- Commission will issue an Enforcement Order (EO) for work that was done without coming to Con Com and in violation of open/existing OOC. Road and cul-de-sac were installed correctly.
- Will stake the Conservation Restriction area and will label it on the plan; Oxbow Associates has been contacted for turtle habitat.
- Commission discussed a possible site visit to address concerns; need a current assessment as to the status of the land.
- NG said houses are outside the buffer.
- CS state concerns that Mr. Afonso is a repeat offender to wetland & regulation violations; will need to file and NOI for each house lot.
- Zone 2 has been determined; need to get confirmation from the BOH; will also check with the Water Dept. to see if they have a map.
- DP noted that the erosion controls have failed in several areas.
- Also that the turtle habitat protection area has not been properly maintained.
- OOC defined what was to have been done prior to building the houses.
- Need a plan of action to the Commission; NHESP needs to be contacted.
- An As-Built is needed for the pre-existing OOC.
- Lot 1R has an offer from a buyer; Commission will try to keep this moving will allow an RDA filing.
- Will come back on October 11<sup>th</sup> @ 8:00 pm; fines to be paid by that date.

**8:10 PM      Upton Ridge North & South      M. Leidner, M. Mastroianni & R. Blute**

- Revised package submitted Sept. 2017 to Planning Board and Conservation
- Overview of project: total site 53 acres; proposed 139 condo/townhouse units for Over 55 (age); 2/3/4 unit buildings; 2 through roads with 3 cul-de-sacs; will have town water and sewer; stormwater reviewed by Schofield Brothers; additional soil testing is needed.
- Approximately 30 acre project with roughly 2 acres in the buffer zone and including a wetland crossing (intermittent stream) & culvert.
- Culvert has been redesigned to address the curve of the stream; height set level but 3' - 6' open height due to drop in the stream; OMP is included for basins and culvert.
- Retaining wall at the culver has been moved to 50' no build zone.
- NE Environmental updated wetland mitigation plan – impacts: 488 sf to BVW – 418 sf permanent and 70 sf temporary; replication area of about 500 sf; suggest black birch not sweet birch; Annual monitoring reports be submitted; Water quality – deed restriction to no more than 5000 sf of replication/fill.
- CR for OS land per the Senior Housing Bylaw; 2 categories of OS – permanent buffer to be undeveloped (no building) approximately 17 acres and OS land of about 13 acres. Total green space is about 40 acres. Who will hold the CR and own it? Possibly the Condo owner will own the OS and ask Con Com to hold the CR; details to be finalized; bounds will be required and a baseline report. Make sure that the CR doesn't prevent homeowners from installing a trail system someday.
- 3 Phases for development with sedimentation control; the OOC may require water quality monitoring to determine effectiveness of the erosion controls; check turbidity levels after rain events.
- DP discussed comments he submitted in email dated 9/27/17.
- Bill Taylor mentioned that Shining Rock has an easement on the area that will be OS; need to confirm that there is no conflict with the CR for this land; AM asked if the Shining Rock trails could potentially connect in Upton; also suggested that trails be laid out in the OS area to be included in the OOC so that down the road they could be built w/o having to refile. Mark Mastroianni stated that the area is pretty steep and may not be great for trails.
- Hearing continued to Oct 25<sup>th</sup> meeting at 8:00 pm
- Mark Mastroianni asked if OOC could be drafted for that meeting. DP explained that Con Com typically issues within 21 days of closing the hearing. We can provide a copy of our special conditions template.
- Pulte is waiting for Town's design for the water/sewer project on Hartford Ave S.

**9:00 PM      General Business****Agent's Report – dated 9/14/17 – 9/27/17**

- 327 Westboro Rd replication area looks good after 1 year would we consider issuing the COC? DP will tell them to go ahead and submit the request.
- 5 Williams St EO & OOC Denial – motion to send to town counsel to review – 2<sup>nd</sup> & approved.
- 53 Maple Ave EO will be issued.
- Fox4 (Milford St) – DEP did water samples and they don't have all the results yet but did find bacteria was very high; DEP is deciding if they are going to step in on the owner is a repeat offender; they will at least call him in for discussion; DEP was informed that we will require an NOI.

**Motions –**

Motion to issue the COC for Upton Solar – 2<sup>nd</sup> & approved.

Motion to issue the COC for 50 Fiske Mill Rd per Chris's review – 2<sup>nd</sup> & approved.

**9:20 PM      Motion to adjourn – 2<sup>nd</sup> & approved**

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

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**Document List:**

- 1) Con Com Agenda & Action Checklist
- 2) Agent's Report 9/14/17 – 9/27/17
- 3) Sign-in Sheet
- 4) Wood Turtle Project – email 9/21/17 from Eve Schluter
- 5) Kelly land at PCH
- 6) 5 Williams St documents
- 7) DP email dated 9/27/17 re: Upton Ridge
- 8) Draft ltr re: 166 West River St violations



# TOWN OF UPTON, MASSACHUSETTS

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## Conservation Commission

Meeting Minutes – Wednesday 10/11/2017

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

### **Members Attending:**

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

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

**Website** – AM continues to update as necessary

**OSC** – Bill Taylor spoke with Liz Kelly regarding the lots off East St (near Peppercorn Hill); saw that Tom Chase gave the 1.74 ac that is disputed w/ Upton to the Grafton Con Com.

**Office/Admin** – signed timesheets and motion to pay expense voucher – 2<sup>nd</sup> & approved.

**Beavers** – TJ mentioned that beavers are active at Fowler & Mechanic St and likely to be a problem eventually.

**West River St** (Dwinnell property) – will set up a site visit when DP is back from vacation.

**Crockett Rd CR** (Naze) – possibly eligible for land tax credit; has been review by town counsel and Metacomet's attorney; the State won't review it until next year; a small part of the land (1/4 acre) is in Milford so we can either leave that portion out of the CR or go to Milford and have them sign.

Can we hold the CR for another town?

**MACC Conference** – session on Enforcement Orders is being offered.

**STM 11/14/17 @ 7:00 pm** – Conservation Fund article requesting \$5000 was supported by Fin Com; there is another article regarding 13 acres on Westboro Rd that is to give care, custody & control of the land to the BOS; someone from OSC or Con Com should make a statement or ask that this article be held until further evaluation can be done by other boards/depts. BT suggest that we should give consideration to maintain access to the USF no matter what happens to the land (Town owned or sold). Could we prepare a map to show location and proximity to the USF? BT will put together something and MP will prepare a map. Also, we should have someone from the Friends of the USF address this too and maybe someone from DCR. BT will talk w/ Derek (TM) to propose that we pass over this article until a stronger case for the land can be made.

**November 22, 2017** – meeting canceled as Thanksgiving Eve.

### **7:30 PM Amended NOI 178 North St**

**P. Feder**

- Amended due to very pronounced slope at front of house; between the house and wetland line; proposing to grade and seed per DP suggestion.
- Does not want to use a retaining wall as would be pretty high.

- Want to extend the slope about 40' where currently from the door to the beginning of the slope is about 25'.
- Abutter says debris is being piled on his property; Mr. Feder apologized and will remove it immediately and didn't realize it was on the neighbor's property.
- Will need to use erosion controls and revegetate in order to stabilize for the winter; will coordinate with DP as to how to manage this.
- Another abutter has concerns with runoff issues given this steep slope; that is what we are trying to prevent w/ erosion controls and vegetation.
- Bounds need to be visible and need to stay at the 30' line; PF was looking to go to 10'.
- Need to see a plan with more detail regarding the slope; possibly propose a fence.
- Hearing continued to 10/25 @ 8:30.

**8:00 PM 166 West River St EO**

**N. Gamache/G&H**

- Submitted letter dated 10/11/17; met on site with Mr. Afonso to discuss issue specifically to re-establish the erosion control line.
- Oxbow Associates will inspect the e/c line and determine if any turtles are on the site; they will prepare a report and file with NHESP and Conservation.
- The CR line has been staked on the ground.
- AsBuilt will be submitted prior to the NOI hearing set for 10/25.
- Status of the 3 house lots – first one (Lot 1R) requires an NOI as a driveway has been added; the other two lots will need RDAs as all work is outside the buffer.

**8:15 PM 5 Williams St EO/NOI**

- Comments received from Town Counsel (email dated 10/10/17)
- Will put this on our agenda for next meeting 10/25 @ 8:45 to discuss further action; will notify the home owner (Ms. Chavez), Mr. Limas and Ms. Limas by certified mail that they must attend this meeting.

**8:25 PM General Business continued**

**27 West River St** – contacted by Building Dept. for permit sign-off for new home construction; CS did site visit and discovered work was done w/in 70' of wetlands prior to notifying Con Com; will need a silt fence and straw bales but no filing is required.

**LSC** – Will file an RDA for a kiosk to be installed at Kiwanis Beach (Scout project); getting quotes from an engineer for access to Stefans off Orchard St; NOI for Stefans trail work has been filed.

**140 North St** – question about the driveway – new parking spot; have DP look into when he returns.

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

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

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**Document List:**

- 1) Con Com Agenda & Action Checklist
- 2) Sign-in Sheet
- 3) Email dated 10/10/17 from Town Counsel re: 5 Williams St
- 4) Ltr dated 10/11/17 from G&H re: 166 West River St



# TOWN OF UPTON, MASSACHUSETTS

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## Conservation Commission

Meeting Minutes – Wednesday 10/25/2017

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

### **Members Attending:**

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

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

**MM** – motion to approve minutes from 9/27/17 & 10/11/17 – 2<sup>nd</sup> & approved.

**Website** – AM continues to update as necessary; DS posting meeting minutes.

**OSC** – Amend STM warrant article re: Westboro Rd property; BT spoke with the Town Manager to let him know the intent is to take the property from the Treasurer/Collector so it wouldn't be auctioned. BT will provide language to include “permanent public access” to the parcel to allow access to the USF land even if the land doesn't stay in the town's possession. Motion to authorize the OSC to amend the STM article – 2<sup>nd</sup> & approved.

### **Agent's Report - dated 10/17/17 – 10/25/17**

- 175 North St – breach of erosion controls; proposed email to property owners notifying them of the problem and request them to come to the next Con Com meeting; Commission ok with sending the email. Motion to authorize Dave Pickart to send the email – 2<sup>nd</sup> & approved.
- 140 North St – new turn around in driveway as not in the original NOI; will need to amend the NOI.

### **7:20 PM NOI Lot 1R (166) West River St**

**M. Hassett/G&H**

- D&F Afonso applicant.
- Proposed building a 5 bedroom house (includes and in-law apt) with driveways, septic system & grading. In-law apt is in the rear and is a walk out.
- A riprap spillway is proposed; a wooden footbridge over the swale; swale will be protected w/ erosion controls during construction.
- Most work is outside the 100' buffer with the exception of the driveway & side driveway.
- CR runs in the rear of the property.
- All construction will comply with OOC for common driveway.
- Closest point to the wetland is 65 feet (driveway).
- Erosion controls will be in place.
- DEP # has not yet been issued.
- DP comments (per report dated 10/25/17): no hay bales should be straw or compost tubes are acceptable.
- CR bounds are currently being installed.
- Need erosion controls along the back of property and need to be shown on the plan.

- Updated plans were mailed to NHESP.
- Normand Gamache (G&H) said turtle barrier is complete; Oxbow did find a wood turtle during the survey.
- Need as-built for common driveway per the OOC; Enforcement Order has been issued.
- Continued to next meeting 11/8 @ 7:30 pm.

**7:40 PM General Items continued**

**Office/Admin** – signed timesheets and motion to pay expense voucher – 2<sup>nd</sup> & approved.

**LSC** – Approved by CPC STM article requesting \$10,000 for tree removal at the schoolhouse foundation on North St. Stumpy's will be doing the work and estimate \$2800/day for 3 days; prevailing wages and police detail may exceed the \$10,000 thus would like to ask the Conservation Commission to authorize funds from expense for the overage (if any). Motion was made to authorize the LSC to spend up to \$1000 from Conservation Commission expense budget to cover any overage for clearing schoolhouse #6 foundation (North St) – 2<sup>nd</sup> & approved. This project will maintain the site; the Historical Commission will be putting up signage at the site and possibly benches/tables; there will be a trail from the pump station parking area.

**7:50 PM NOI Stefans Trail Work**

**LSC**

- Mike Penko presented info for this project -- recused from vote.
- Continuation of trail improvement project (prior NOI expired); this NOI covers remaining work to be completed.
- Several boardwalks to be built will use pressure treated wood.
- Less than 500 sf of bvw will be impacted and less than 50 feet of bank.
- DEP # has not yet been issued.
- Continued to 11/8 @ 7:00 pm.

**8:00 PM Cont NOI Upton Ridge North & South**

**Pulte Homes**

- Review and discussed DP comments.
- Phasing questions; site clearing – do they intend to do the entire site at one time? Will clear Upton North first but the plan is flexible.
- Can on-site material be mulched and used as berms? Bare soils must be stabilized after 14 days per SWPPP/NPDES; designated SWPPP inspector will inspect every 14 days and after every ¼ inch rain event.
- Applicant picks the SWPPP inspector; must include Con Com on all reports.
- MP comments/questions:
  - Importing fill? It is a balanced site.
  - Will require water quality turbidity reports; is this something the SWPPP Inspector can do? Monitor during and after storm events; will add this to Special Conditions of the OOC; will need to locate sites; Matt Leidner asked what standard is used for this – we will provide some figures to be site specific.
  - Any thought to trails in the OS? Mark Mastroianni discussed with his boss and they do not show potential trails on the plans but open to will encouraging trails in the future; DR/CR can have language to allow in the future.
  - Request to close the public hearing; OOC will be issued w/in 21 days.

**8:15 PM NOI Fox 4 Paintball (159 Milford St) D. Painter & A. Timmens/Goddard**

- Discussed replication planting; replaced some suggested species in replication area.

- EO for removal of paintballs
- Will require reports to be filed annually.
- DEP # has not been issued.
- Previous NOI mentioned crossings – have they been done?
- DP comments (report dated 10/27/17) - recommend shade/sun tolerant mix; need to install some type of berm to keep paintballs out of the wetland and contained until they can be removed; currently restoration conditions for planting are favorable but will need to see when the OOC is issued; may need to wait until spring for plantings.
- MP comments: need to list percent survival after 2 years for woody plantings; protect plants from being eaten.
- D. Painter – can he plant before the DEP # is issued? Leaving for vacation on 11/1 for 10 days; suggest he wait until spring; use straw mulch to cover and stabilize the ground over the winter.
- Waiting for DEP water quality reports.
- Continued to Dec 13 @ 7:00 pm.

**8:35 PM Amended NOI (cont) 178 North St**

**P. Feder**

- Mike Penko recused.
- Spoke with DP regarding the slopes/issues.
- Topo on the original plan was not completely accurate; safety and ascetic concerns.
- Extend slope down toward wetland or he would have to install a retaining wall.
- Closest point to the wetland is wetland flag 1 at 10 feet then moves further away.
- Waiver would be needed from town bylaw.
- No trees would need to be removed.
- How do we prevent the future owner from mowing or disturbing/dumping in this area? Suggest additional bounds, fencing or boulders.
- DP says work will be temporary in the 30 foot zone; only a small amount of natural materials to be disturbed will be long term; will develop back to natural state and only the slope will be impacted.
- Boulders would be more permanent; AM suggests we give some flexibility as to boulder or fence depending on future owners preference. Suggest boulder be 2-3 feet apart.
- PH closed; amended OOC will be issued w/in 21 days.

**8:55 PM Five Fork Farm discussion**

**Lam family**

- Mike Penko recused; he did participate in recent site walk but no decisions were discussed or made.
- This is the 4<sup>th</sup> growing season for the farm; doubled production each year and have outgrown all existing structures from SWF. Looking to build a new barn and need input from the Commission as to where to locate it.
- All production fields are on the top of the hill in back but the coolers (where flowers are stored) are on the lower side of the property across North St which requires transporting back and forth.
- Work with G&H on location of a new barn closer to the fields; looking to incorporate renewable/sustainable energy – possible solar.
- CR restricts where solar activity could be located.
- Structure 50ft x 80ft -- limited by CR to 4000 sf; orient E/W to have a south facing roof; location is between wetland locations; no height restriction in CR.
- Solar company provided info on how much clearing would be needed.

- How close to wetland for tree removal – right up to the no disturb line; waiver to remove additional trees within 30ft; road/path can be within 30ft.
- Is this subject to the town bylaw? Is it exempt?
- Will the barn/structure be wood or metal? Want to maintain the NE feel of the property.
- Does the CR limit the number of trees that can be removed?
- Will need to file an NOI and under the bylaw for the barn, pathways and tree removal; plan will show the barn w/ road/path for vehicle traffic also show trees to be removed.
- Need to determine height of the barn which will impact which trees need to be removed.
- SVT's only concern is the height of the barn.
- Easements will need to be re-written.
- Also, looking to construct a 3<sup>rd</sup> greenhouse structure (high tunnel) which encroaches into the CR about 17ft (no structures allowed); these are temporary but are not allowed by the CR; SVT does need to weigh in on this.

**9:55 PM EO/NOI 5 William St**

- Applicant nor owner present; notices sent by certified mail have not been picked up.
- Will resend as Certificate of Mailing that we will discuss and finalize until 11/8 @ 7:40 pm.

**10:00 PM General Items (continued)**

**Beavers** – someone from the State was looking at the site/area on Hopkinton Rd.

**Annual Report** – email 2016 to members to review.

**Motions:**

- Issue and sign Amended OOC for 178 North St – 2<sup>nd</sup> & approved.
- Issue and sign OOC for Upton Ridge North & South – 2<sup>nd</sup> & approved.

**10:10 PM Motion to adjourn – 2<sup>nd</sup> & approved**

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

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**Document List:**

- 1) Con Com Agenda & Action Checklist
- 2) Sign-in Sheet
- 3) Proposed Amendment to Warrant article re: Westboro Rd property
- 4) Agent's report dated 10/17/17 – 10/25/17
- 5) Email dated 10/25/17 to be sent to Polinski's re: North St property
- 6) Agent's review: Fox 4 Paintball & Lot 1 R West River St.
- 7) Proposed location of 3<sup>rd</sup> high tunnel on Five Fork Farm



# TOWN OF UPTON, MASSACHUSETTS

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## Conservation Commission

Meeting Minutes – Wednesday 11/8/2017

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

### **Members Attending:**

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

### **7:00 PM      Continued NOI continued Stefans land**

- DEP # issued; hearing closed – OOC will be issued.

### **General Items**

**MM** – Motion to approve minutes from 10/25/17 – 2<sup>nd</sup> & approved.

**Website** – AM continues to update; annual reports & trail maps have been updated. Also updated completed Scout projects.

**LSC** – Working at Stefans to clear the big field; schoolhouse project (North St) money to be voted at STM on 11/14/17.

**Admin/Office** – timesheets signed; motion to sign expense voucher 2<sup>nd</sup> & approved.

**Forestry** – Stewardship Plan.

**Cultural Resources @ Warren Brook** – time for fall site walk MP will set up.

**Crockett Rd CR** – Jodie Naze contacted Milford to see if they want to co-hold the CR (about ¼ acre is in Milford).

### **7:15 PM      97 Crockett Rd NOI (cont)**

**R. Marino & D. Marquedant**

- Revised plans were presented; moved retaining wall inward less impact in the water; pavilion & boat house are the same.
- Existing mulch will be left as is; pavers only under pavilion.
- DEP & Chpt 91 have the plan.
- DEP # has been issued
- 130 sf of lake loss - 130 sf land created no net change in lake area.
- Dave Pickart (Agent) comments: this plan is a significant improvement; significant increase in lake volume; reconfigured existing structure; Commission waived the need for habitat assessment; applicant will create rocky formation (part of the wall profile) under water for habitat.
- Mr. Marino has submitted for Chapter 91 permit and met with the DEP in Worcester; further clarification of the wall was required (and submitted). Chapter 91 requires: hardcopy of the

NOI; length of the wall; cross section of the wall; cross section through the boathouse; and dredging info. A copy of the Chapter 91 comment letter will be provided to the Commission.

- Project should be completed within 3 months and will be down while the water is low (draw down). They will use a mini excavator, small machines and handwork as necessary to do this work.
- Mr. Marino requested to close this public hearing the Commission will keep it open until the Chapter 91 hearing/review is completed in case additional changes are needed.
- Hearing continued to next meeting Dec. 13, 2017 @ 7:15 pm.

**7:30 PM West River St updated (Afonso property) N. Gamache (G&H)**

N. Gamache (G&H)

- Update of EO for previous NOI/OOC 311-0610.
- Oxbow has been on site to do inspection; fence has been reinstalled; filed with Fish & Wildlife; report was provided. Site is currently free of reptiles; now within the window to work on the site.
- NG feels they are now in compliance with the original OOC & w/ NHESP and would like to request to have the EO lifted in order to start construction.
- CR monuments (iron rods) have been installed in the ground but markers have not been placed on them as yet. Once all activity has been completed the markers will be installed.
- Ongoing monitoring is necessary going forward given the history of violations; Commission will require an independent monitoring company on this site to report to the Commission every 2 weeks. A company such as Oxbow which has habitat knowledge. Commission may require the applicant deposit money into an escrow account to pay for additional monitoring; can hold off for now but if any issues come up they will enact the fee.
- Monitoring weekly and reports every 2 weeks; notify Commission immediately if any problems.
- If any breach within the active season (4/15 – 10/31) will need to have Oxbow come back.
- Need an as-built plan for the original OOC (311-0610) and habitat areas.
- Lot 1R will require an NOI and the other 2 lots RDAs as they are outside the buffer.
- Motion to lift the EO on West River St – 2<sup>nd</sup> & approved.
- Abutter questioned where the fill material came from for the CR area? Neighbors commented that this area has been drastically filled (truck after truck came in) and have not seen turtles since. Damage has been done to the area;
- Commission stated that there will be monitoring done and will have to re-instate the area per the original OOC.
- Question for Mr. Afonso – where did the fill come from? Has this soil been tested? This area is adjacent to the Upton well field.
- Request for as-built and pre-existing topo data; also request bill of lading for the fill/material that was brought in; according to the neighbors they estimate about 100 trucks over 6 months were on site. How much cubic material?
- MP suggested a site visit with Army Corp as concern w/ flood storage.
- Need to evaluate the CR area – was fill brought in to that area or only excavated from the area?

**8:10 PM      Lot 1R (166 West River St) continued NOI**

- DEP # issued 311-0737.
- Revised plans presented; modification of erosion controls – no hay but silt socks will be used.
- Check dam on swale added.
- Motion to close the hearing - 2<sup>nd</sup> & approved. OOC will be issued w/in 21 days.

**8:30 PM 159 Pleasant St – RDA****A. Rathmell**

- Looking to raise an area for a play yard and move the existing fence; then a 6 – 7 foot drop off to the woods and wetlands; fill some low spots and put a fence around the large area will be about 25 feet from the wetlands.
- Need to cut 10-12 mature trees and some undergrowth. Stumps will be cut as low as possible but not going to grind them.
- Will use wood chips around the play set.
- DP request to have limit of work area staked out prior to removing trees and moving dirt for fill; Dave will inspect prior to work.
- Request to close the hearing; motion to issue a Neg. Determination – 2<sup>nd</sup> & approved.

**8:35 PM 175 North St****M. Polinski**

- Mike Penko recused.
- DP update – site slopes deeply toward brook which is piped under North St; erosion and sediment being discharged during rain events.
- Additional erosion control must be installed to prevent further erosion and sediment discharge; slope is exposed (no covering) need to put in ground cover to stabilize along the driveway; some sort of secondary erosion control must be installed; suggest hiring a professional consultant to figure out what to do to manage this .
- Straw wattles are put across the driveway at the end of the construction day; there is a spray mix that can use used and work great to stabilize (bonded fiber matrix);
- Mr. Polinski stated they are working to stabilize the site ASAP.
- Need to hear back within a week as to plan of action.

**9:00 PM 30 Church St – NOI****T. Haynes/T. Ryder**

- Repair of a failed septic system (cesspool) for an existing 2 bedroom house.
- Relocating to an area w/ better soils; approximately 100' from wetland; installing a Presby system w/ 2 compartment tank.
- Will require slight regrading w/in 100' buffer.
- Buffer replication proposed – 3 plants suggested; Commission would prefer that no blue cone be used; this is a mostly shady area but does get some sun; existing lawn did have some ferns.
- Would like to see native species or native seed mix; elderberry would do well.
- DP approved the relocated system.
- It is not subject to the Town Bylaw.
- 3 bounds will be required at the limit of disturbance which is the limit of the law; revised plans will be needed showing the location of the bounds.
- Abutter questioned why the NOI was not filed prior to starting work? What happens with the existing area that was excavated and trees that were removed (approx. 6).
- DEP # has been issued (311-0735).
- Request to close the hearing; revised plan to be submitted and restoration of previously excavated area can begin.

**9:20 PM 153 North St FiveFork Farm**

- Mike Penko spoke with Dan at SVT; no problem with installing the high tunnel approximately 17' into the CR area; barn height is still being investigated.
- Motion to approve extension of area to build the high tunnel w/ approval of SVT – 2<sup>nd</sup> ; AM suggested a swap of another area for that 17' being encroached on. TJ says this is a temporary structure. AM want to create a document that limits or specifies that no further structure can encroach and if farm is sold this doesn't transfer to the new owner.

- BT suggest we issue a letter of approval to the Lams for the exception of the high tunnel 17 feet into CR and only granted to the Lams; motion to issue a letter to the Lams – 2<sup>nd</sup> & approved. CS will draft a letter.

#### **7:40 PM General Items continued**

**OSC** – Harvey Trask entrusted to the town 30 acres of land on Mendon St for recreation purposes. Language for proposed amendment for 0 Westboro Rd property was ok'd by the Town Manager – he was forwarding to the BOS.

#### **Motions:**

- Motion to issue OOC for 166 West River St (Lot 1R) – 2<sup>nd</sup> & approved.
- Motion to issue Neg. Det. for 159 Pleasant St – 2<sup>nd</sup> & approved.
- Motion to re-sign the COC for 83 High St – 2<sup>nd</sup> & approved.
- Motion to issue OOC for 30 Church St – 2<sup>nd</sup> & approved.

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

- Reviewed report dated 10/26/17 – 11/8/17).
- Water tests for Fox4 Paintball from DEP were inconclusive; suggest putting tarps over areas.
- Discussion of OOC for Upton Ridge re: turbidity issue.

**Turtle habitat** – confirmation to pay Goddard \$2000 for the Turtle Habitat @ Stefans land.

#### **9:50 PM 5 Williams St EO/NOI continued**

- No response from owner or applicant.
- Motion to close the hearing for the NOI – 2<sup>nd</sup> & approved.
- Motion to issue an OOC denying the project – 2<sup>nd</sup> & approved.
- Motion to issue an EO for 5 Williams St – 2<sup>nd</sup> & approved.
- Will send via certified mail to owner and applicant.

#### **10:05 PM Motion to adjourn – 2<sup>nd</sup> & approved**

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

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#### **Document List:**

- 1) Con Com Agenda & Action Checklist
- 2) Sign-in Sheet
- 3) Agent's report dated 10/26/17 – 11/8/17
- 4) Agent's Review – 30 Church St
- 5) Revised Sewage Disposal plan for 30 Church St (11/8/17)



# TOWN OF UPTON, MASSACHUSETTS

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## Conservation Commission

Meeting Minutes – Wednesday 12/13/2017

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

### **Members Attending:**

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

**7:00 PM      Meeting opened**

**Fox 4 NOI continued to 12/27 @ 7:00 pm.**

### **General Items**

**Website** – AM continues to update as necessary.

**LSC** – signed off on scout project; discussed mowing and trimming at Stefans land; motion to approve up to \$4000 for mowing & trimming at Stefans land – 2<sup>nd</sup> & approved.

**OSC** – DCR is interested in the Robertson property; they have hired an appraiser; motion to support DCR's intent to purchase the Robertson property – 2<sup>nd</sup> & approved. Sandy Lajoie abstained from vote as she is an abutter.

**Admin/Office** – Upton Men's Club submitted an email re: their intent to hold the Frosty/Ice Out at Pratt Pond and checking to see if there is anything other than making sure Frosty can be removed from the pond that is required. Con Com ok nothing additional is needed; Motion to sign expense voucher – 2<sup>nd</sup> & approved; Motion to re-sign OOC for LSC project at Stefans – 2<sup>nd</sup> & approved.

**7:15 PM      97 Crockett Rd NOI (cont)**

**R. Marino & D. Marquedant**

- Revised plans were provided and info for Chapter 91 was provided; will have a condition in the OOC requiring that the Chapter 91 permit was obtained.
- Request to close public hearing was approved.
- OOC will be issued within 21 days.

**7:20 PM      General Items continued**

**Beavers** – TJ gave update on the situation on Fowler St; there is a large dam which is going to cause a problem for the road and flooding backyards; Tom said we need to take charge of this situation as now there will be major problems.

**Crosswinds Subdivision** – DS updated Commission that easement access is being reconfigured but will not impede public access.

**53 Maple Ave** – property has been sold; DP visited and noted that they are cleaning up the yard.  
**Crockett Rd CR** – language is being finalized.

**7:30 PM      West River St updated (Afonso property)**

**N. Gamache (G&H)**

- Oxbow report was provided.
- Afonso has been moving fill on the site (as allowed); hired an independent consultant to investigate the site for material that was previously used as fill; their report (provided) did not find any hazardous or detrimental material.
- No fill is happening on the CR land but material is being removed; the deep pit will be filled for safety.
- Bounds (iron rods) have been installed; will also use large boulders.
- Erosion controls along the back of the site will be installed when fill and grading is complete; silt fence will be used also; noted that deer are knocking down the turtle fence; Oxbow will ask Natural Heritage if it is ok to leave the fence down as it is hibernation season for the turtles then will install again in the spring prior to season (March 15<sup>th</sup>).

**7:40 PM      General Items continued**

**Turtle Study** – need to extend the agreement; motion to authorize Chris Scott to sign the extension of the escrow account for the turtle fund – 2<sup>nd</sup> & approved.

**Hazard Tree** – CS stated that she has a tree on her property (16 Christian Hill Rd) that is rotting; it is in wetlands and she is concerned it will fall on her driveway. DP will review.

**7:45 PM      0 Milford St (Map 25/Lot 34) NOI**

**G. Auode**

- Not a complete application thus DP could not review; will review upon receiving a full/complete application.
- Mr. Auode said he is having a rough plan drawn up; there are wetlands and possible vernal pool.
- Proposing to build a storage building, no water or septic, for his use.
- Looking to fill wetland and replicate elsewhere.
- Wetland Bylaw would apply; variance from bylaw would be required.
- Mr. Auode stated he is withdrawing his application; asked that he send an email also.

**8:10 PM      153 North St FiveFork Farm NOI**

**B.Poxon (G&H)/Lams**

- Mike Penko recused himself.
- Constructing a barn on the property for agricultural use and reroute the existing driveway; installing roof solar array which will require cutting trees within the 30 foot no disturb area on the south side; approximately 10-12 trees; stumps will remain in order to cause less disturbance to the land; will revegetate this 30' area with low bushes.
- Proposing to use rain barrels at downspouts to collect water and will use an existing well.
- Will construct a swale on the side of the existing driveway.
- DP reviewed and provided comments; no concerns and stated the new vegetation will provide new habitat area.
- Motion to accept the waivers per the NOI – 2<sup>nd</sup> & approved.
- DEP # has not yet been issued so hearing continued 12/27 @ 7:20 pm.
- Discussed language for CR; motion to revise CR approval #1 – 2<sup>nd</sup> & approved; will forward to SVT.

**8:40 19 Shore Dr NOI****B. Poxon (G&H)/D. Antinarelli**

- Proposing to combine 3 existing lots (they own) and demolish the existing structure and build a 4-bedroom house with well, septic and driveway.
- The new house is outside the no build area but septic would require a waiver as 63 feet to the wetland; BOH has granted a variance to be closer than 100 feet.
- DP visited the site; driveway would need to go into limit of no disturb area but would be less disturbance; 60 feet from BVW by variance is allowable.
- Potential vernal pool (not certified vernal pool) is 67 feet from the septic.
- The proposed location of the house and septic is higher; it is a wooded area and driveway is in existing lawn; closest point to wetland is 12 feet (driveway).
- Members suggest a site visit; permission from owner to visit the property.

**9:00 PM 5 William St discussion****Mehmood (ASA Engin.) & C. Limas**

- Restoration of area is being prepared; used Google Earth (2008) to determine what area previously looked like.
- Looking to protect the wetland and the buffer area.
- Wetland was previously flagged for installation of the silt fence but they are proposing to reflag the flags.
- Suggesting 2 phases:
  - 1 – Immediate stabilization of the slope using riprap; will try to create a 2:1 slope.
  - 2 – Loam and seed in the spring with an erosion control mix; plant trees to compensate for those that were cut; will create long-term vegetation at bottom of the slope.
- DP comments: use straw bales & silt fence due to the slope and proximity of wetlands; pleased that they are addressing the major issues; concerned with use of riprap and propose they come up with another solution.
- Commission would like to see an actual planting/restoration plan and have a written explanation of the phasing and timeframe.
- Can't do restoration until the spring but need to install erosion controls now to protect for winter; come back with plan for spring restoration.
- Will use bounds with wetland markers; removing material from flood plain.
- Original NOI was denied so will handle this as a new enforcement issue; not requiring a new NOI.
- Continue to 1/24 @ 7 pm.

**9:20 PM General items continued****Agent's Report**

- Reviewed report dated 11/13 – 12/13/17).
- DPW mentioned a project on East St to do some work along the shoulder; is it repair or maintenance?

**Annual Report** – review draft for next meeting.**9:40 PM Motion to adjourn – 2<sup>nd</sup> & approved**

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

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**Document List:**

- 1) Con Com Agenda & Action Checklist
- 2) Sign-in Sheet
- 3) DCR letter dated 11/29/17 re: interest in 30 acres (Robertson property)
- 4) Agent's Review – 153 North St (FiveFork Farm)
- 5) CR Amendment (draft)
- 6) Agent's Review – 19 Shore Dr
- 7) Proposed Wetland Buffer Restoration Plan – 5 Williams St (12/11/17)
- 8) Agent's report dated 11/13/17 – 12/13/17



# TOWN OF UPTON, MASSACHUSETTS

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## Conservation Commission

Meeting Minutes – Wednesday 12/27/17

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

### **Members Attending:**

Chris Scott, Sandy Lajoie, Alan Miano, Mike Penko, Scott Heim and Marcella Stasa  
Mary Overholt, Associate Member; Bill Taylor, Open Space Committee  
David Pickart, Agent

### **1. Fox 4 Paintball (NOI continued)**

- a. Alice and David Painter and Andrew Timmis (Goddard Associates) attending.
- b. Mr. Timmis summarized changes to restoration plan and O&M plan. DP indicated revised documents addressed Commission concerns.
- c. DEP file number issued. DEP requested increase in filing fee (extra \$600 to be provided to both the DEP and Commission).
- d. DEP water quality report was submitted to Commission by email. Results were inconclusive but DEP indicated that site activities likely did have an adverse impact on water quality. MP asked that OOC include condition that provides site access for additional water quality sampling should the Commission or DEP chose to do so.
- e. Question about paintball operations. Commission had observed a paintball landing on abutter property. How often do paintballs escape from the enclosure? Answer from Mr. Painter: Paintball gun would need to be aimed to shoot over the 32 ft. high barrier. This likely occurs rarely.
- f. Hearing closed.

### **2. General Items**

- a. Meeting minutes – none to approve.
- b. Website – town website does not have photo album feature. Looking at other options.
- c. Open Space Committee – no report.
- d. Land Stewardship Committee – Stefans field maintenance has been completed. Motion to pay invoice. 2<sup>nd</sup> and approved.
- e. Forest Management Plan – in prep.
- f. Beaver Management – no report.
- g. Policy Review/ NOI/RFD Table – no update
- h. CRs and Deed Restrictions – documents collected and placed on town computer. Table listing CRs and restrictions provided to Commission. Some CRs have not been inspected for years (if ever). Next step is to develop an inspection policy.

**3. Five Forks Farm Barn– North Street (NOI continued).**

- a. MP is an abutter and recused himself from the discussion.
- b. Danial Lam, Lee Lam and Elizabeth Mainini (G&H) attending.
- c. Applicant's representative requested hearing be closed.
- d. Following discussion focused both on NOI and issues related to the SWF CR (co held with Sudbury Valley Trustees) and the SWF Easement Deed.
- e. MS – SVT has questions about height of barn.
- f. AM – Has SVT approved barn height, tree cutting, and break in stone wall? Per zoning regulations height cannot exceed 38 ft. without a variance.
- g. DL: SVT has received all information and has talked with SVT about height (no issues). FFF would like to construct barn with 2 floors, rather than 1 floor with a loft. This would require Commission and SVT approval per the CR.
- h. AM: Questioned whether CR could permit a 2 story barn. Definition of “loft” discussed. It is a usable space with roof serving as a ceiling.
- i. AM: Issue of easement deed also needs to be discussed. The barn would be located on access way specified in the easement. Easement deed and plan would need to be revised.
- j. AM: Also noted that per CR, structure should not be visible from North Street.
- k. DP: No issues related to the NOI.
- l. Motion to close hearing. 2<sup>nd</sup> and approved.
- m. MS: A meeting is needed between SVT, the Commission, and FFF to improve communication and settle issues regarding the CR.
- n. DL: Concerned that Commission is not showing flexibility that is allowed in the CR.
- o. AM: Commission has flexibility on some issue (e.g. tree cutting) but not others.

**4. 19 Shore Drive – NOI Continued.**

- a. Steve Antinarelli, Demi Antinarelli and Elizabeth Mainini (G&H) attending.
- b. Corners staked as requested by Commission. DEP file number available.
- c. There is a possible vernal pool nearby on adjacent town land.
- d. After a review of bylaw regulations and a lengthy discussion it was decided to revise plans to move limit of work to greater than 100 ft. from the potential vernal pool (the limit of the pool was assumed to be the 94 ft. contour line).
- e. Hearing continued until January 10.

**5. Annual Report**

Working draft available for review.

**6. Stefans Turtle Report**

No comments from commission at this time. Continue review until next meeting.

**7. Water Line Extension (West River St. Afonso)**

Upton Water Department wants hydrant moved to new location on cul-du-sac. Commission requested letter from Department and will approve as a minor revision to plans submitted for the NOI.

**8. Agent Report (highlights from report submitted to Commission):**

- a. Crockett Road. (311-0734): Motion to issue OOC. 2<sup>nd</sup> and approved.

- b. West River – Afonso: LSP assessment completed (no significant issues). Oxbow and NHESP have resolved rare species concerns. Additional maintenance of silt fence (turtle barrier) required once turtles become active in March.
- c. Fowler Street Bridge repair project being planned. DP will meet with DPW.

9. **08:56 Motion to Adjourn.** 2<sup>nd</sup> and approved.

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

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**Document List:**

- 1) Con Com Agenda
- 2) Agent's Report
- 3) Conservation Restrictions and Deed Restriction Table