

CONSERVATION COMMISSION

Town of Upton



Massachusetts

508-529-6286
concomm@uptonma.gov

1 Main St, Box 9
UPTON, MASSACHUSETTS 01568

Meeting Minutes – Wednesday 1/14/2015

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

Members Attending:

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

7:05 PM 3 Milford St RDA

L. Maloney

- Converting former church into 3 residential condo units; Site Plan in progress with the Planning Board.
- Majority of the renovation is to the interior of the building.
- Exterior work includes a 16' wide door for the underground garage area and 2 decks off the back of the building which will need footings; not extending the footprint of the building but will need to do some work to the driveway.
- Erosion controls will need to be installed all the way around the rear of the building and driveway side; need to keep all excavated materials on this property and out of the stream.
- Silt fence should be sufficient.
- Con Com will contact the Town Manager to discuss putting silt fencing on the Town's property too; this will provide further protection from materials getting into the stream.
- Question: Does riverfront come into play in issuing a Neg. #3 determination? Yes would need to issue a Neg. #2.
- Modifying the driveway & grade but not increasing the amount of impervious surface.
- Hearing closed.

7:30 PM Agent's Report

- Per submitted report dated 12/10/14 – 1/14/15.

7:50 PM Lake Maspenock Aquatic Weed project

D. Gibbs/M. Reilly

- Proposed management of 149 acres for large leaf pond weed.
- Have had success with using draw-downs to manage milfoil and fanwort.
- Options: draw-down; hydro-raking or harvesting (not recommended for large leaf as it breaks up the weed which causes re-seeding/populating); herbicides; and the do-nothing approach.
- The Lake Maspenock Preservation Association is working with Aquatic Control Technology.
- Estimating the entire project will cost \$56,212.
- NOI will be filed but they would like to see if Upton Con Com would defer permitting to the Hopkinton Con Com; MP spoke w/ the DEP (Judy Schmidt) and confirmed that if there is minimum surface water in a town then there is no need to file with that town. The town line is the shoreline for Lake Maspenock thus there is little or no surface water in Upton.

- Con Com did request that we be provided a copy of the NOI/OOC and be kept in the loop with this project.
- Long-term plan is for annual management with the intent that after doing initial aggressive removal the amount will be less each year.
- Selby drafted letter supporting the project; motion to approve and send letter – 2nd and approved.

8:35 PM Beavers

- Southboro Rd – need to request a trapping permit and make sure that ALL beavers are trapped then remove the dams.
- Need to write a scope of work for the removal of the dams and send out to bid.
- Removal of the dam and lodge upstream of the berm is necessary to reduce likelihood that beaver will rebuild at that location.
- Motion was made to issue an emergency order for trapping – 2nd; approved (4 yes/2 no).
- Mike will contact Natural Heritage and Chris will contact the BOH, Town Mgr., DCR and the DEP. An NOI will be required.
- Resident at 93 Elm St has been issued a trapping permit from the BOH; also needs to breach several dams; we need a written request w/ details. Denise will contact resident; Selby will review on Friday.

9:00 PM General Items

Meeting Minutes – motion to accept and sign minutes from 12/10/14 – 2nd and approved.

Website – Motion to approve the revision to the Upton Fee Schedule – 2nd and approved; will update the website.

LSC – Walked the Conservation Commission property that runs behind Hartford Ave N (between Main St and Warren St); found some items that were built (probably by kids) that need to be removed as could be liability issue.

OSC – Will be meeting with the BOS to discuss the possibility of the Town taking possession of parcels off North St that were offered as a donation. Parcels consist of approximately 26 acres that are land-locked.

Finances - payroll signed; motion to sign expense voucher – 2nd and approved.

Misc Items –

- Performance reviews: Denise & Selby completed.
- Annual Report – done.
- Open Meeting Law workshop at town hall on Jan. 26th at 3 pm and 6 pm if anyone is interested.

Motions – Issue a Negative #2 for 3 Milford St - 2nd and approved.

Rockwood Meadows – Hopkinton Area Land Trust (HALT) will hold the CR; possibly may have to have 2 CRs as land is in 2 towns and 2 counties; issue of who will plow the parking area (which is in Hopkinton) developer not responsible nor the homeowner's association.

Whitney Conservation Area – Whitney Parking Area – also plowing concerns; Town (DPW) will not plow and Mr. Potheau would plow but concerned with granite markers and where to put the snow. Also discussed signage and kiosk with the Potheau's. MP would like to be able to order the sign in February so it can be installed as soon as possible this spring.

FY16 Budget – Chris presented a draft; suggestion to increase the amount for Conservation Land Maintenance to \$5000 (from \$3500) to be able to cover snow plowing.

9:35 PM Motion to Adjourn – 2nd & Approved

Minutes approved on: _____

CONSERVATION COMMISSION

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Massachusetts

1 Main St, Box 9
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Wednesday 1/28/2015

Meeting Canceled due to snow.

CONSERVATION COMMISSION

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Massachusetts

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1 Main St, Box 9
UPTON, MASSACHUSETTS 01568

Meeting Minutes – Wednesday 2/11/2015
(8:30 pm due to STM at 7:00 pm)

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

Members Attending:

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

8:30 PM 101 Crockett Rd -- NOI

K&S Colwell

- Renovations/addition to the existing house that was built in 1972. House is 70' from the lake; proposed renovations will be about 60' from the lake.
- Renovations will be to close in the existing deck; will add new footings (sono tubes) not a full foundation due to the slope of the property; will have storage area underneath the new addition but will not be weather tight.
- Will need to install erosion controls.
- Also, renovating the existing garage which is located across the road (away from the lake). No impact to lake/wetlands.
- Hearing closed.

8:45 PM Upton State Forest – culvert discussion

B. Taylor

- Need to install a culvert due to the slope between Southboro Rd and the Rabbit Run Trail.
- Need to determine what size culvert; suggestion is for 12" or 18" about 4 feet long; also will need proper fill material.
- Will submit plans to the DCR.
- Amendment of the existing NOI will be submitted.

9:00 PM General Items

OSC – BOS voted at their meeting on 2/5/15 to not accept the offer of the land donation (off North St). Bill suggested the owner contact Metacomet Land Trust to see if they would be interested. Con Com could purchase the land (can't accept the gift but can purchase it). Also, attended a workshop held by SVT regarding estate planning.

Meeting Minutes – motion to accept and sign minutes from 1/14/15 – 2nd and approved.

LSC – Working with Americorp regarding places to connect trails w/ other towns. The Stefans parking lot is buried need to talk w/ Blythe about having it plowed.

Finances - payroll signed; motion to sign expense voucher for Selby's 2nd Qtr Salary and Beaver Solutions contract – 2nd and approved.

Rockwood Meadows – Town Council is reviewing the CR and easement documents.

Technology items – suggestion made to have a screen for use in the main hall; also some discussion of purchasing a white (smart) board for the conference room – see if Planning Board would be willing to chip in.

Whitney Conservation Parking Area – whoever is plowing the lot is doing a good job; need to provide the Potheau's a sample of the sign we want to install; hoping to do so this spring.

ATM – Warrant is open must submit articles by mid-March (16th).

Maple Ave Landfill – received a water quality report; it was noted that there is an error on the plan as it doesn't identify land that the Town owns – the plan shows it as State Forest – Selby will contact Ron Roux to ensure that it is corrected prior to recording.

Beavers (Southboro Rd) – Selby contacted trapper from Framingham but have not heard back; will try again.

Ethics Test – reminder of the online test and provide the certificate to the Town Clerk.

64 Taft St – potential buyer called to discuss possibility of putting a riding stable on this property; will inform him that and NOI would be necessary.

Forest Management – given the depth of the snow we should see if we can extend the deadline; Rupert has not yet been onsite.

9:40 PM Agent's Report -- Per submitted report dated 1/15/15 – 2/11/15

- 4 Taft St – violation noted while investigating beaver activity; a retaining wall has been built along the stream bank. Selby will contact DEP.
- DPW property off Pleasant St – storing materials near vernal pools but there are well-vegetated berms around the pools that look like they have been there for quite a while; Selby will visit in the spring (whenever the snow is gone) and talk w/ the new DPW Director (when hired).
- Nipmuc HS property – they are working on a Master Plan and have some questions about streams (intermittent or perennial). Any previously disturbed areas are ok but new expansion would fall under the bylaw. Selby will contact.

10:00 PM Motion to Adjourn – 2nd & Approved

Minutes approved on: _____

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Meeting Minutes – Wednesday 2/25/2015

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

Members Attending:

Chris Scott, Mike Penko, Marcella Stasa, Tom Jango and Alan Miano
Mary Overholt (Associate); Selby (Agent)

7:00 PM Beavers at Southboro Rd

- Tom Jango has offered to trap the remaining beavers for \$200 per beaver. He will make sure to trap them all unlike the previous trapper.
- Can trap until April 15th and will need a permit as he uses conibear traps.
- Chris will contact Blythe to see if it is a conflict for Tom to do the trapping.
- Motion to hire Tom Jango to trap out the remaining beavers at Southboro Rd contingent upon ok from the Town Manager and to remove the dams and lodge – 2nd and approved (2-yes, 1-no and 1-abstention). Tom Jango recused from the vote.
- Will need to contact DCR to let them know about this plan.

7:20 PM Agent's Report

- Per the submitted report dated 2/12 – 2/25/15.
- 4 Taft St – spoke w/ the DEP to discuss the process for issuing an Enforcement Order for the retaining wall that was built on either side of the stream bed. The owner will need to hire a wetland scientist to determine where the wetland line was so that appropriate mitigation or restoration can be imposed. Will need to determine the square footage of wetland involved. It was suggested that the Army Corp of Engineers “In-Lieu Fee” program may be applicable and allow owner to write a check to compensate for the area of wetland disturbance. Will need to check with the DEP and Corps to see if they would allow this. Also discussion of off-site mitigation, are there any areas in town with a need?
- Whitney Conservation Parking Area (easement): Mr Potheau is parking his plow truck in the parking area 24/7. Truck is parked parallel to the trail (Selby took photo). He has plowed a sufficient area for the public to park. MP concerned parking the plow on the lot is blocking or may deter public from parking at the area. There is currently no agreement for Potheau to plow the lot. He has plowed more than needed to just access his property. MP would like to get an opinion from Town Counsel about “prescriptive easements” to prevent any future (potential) issues. This is true for any town land or easements.
Related Topic: The Stefans parking lot has not been plowed by DPW this year. LSC to discuss whether private contractor should be hired to plow the lot next year.

7:55 PM Upton State Forest – bridge extension project B. Taylor & V. Stegemoen

- DCR is proposing to build a boardwalk style bridge on the existing trail (Bridge Trail) near Dean Pond; hoping to do the work this summer (July 2015).
- Will an NOI be needed or can they amend the OOC for the previous NOI?
- If the work is being done on the same parcels as the open NOI/OOC then they probably can do an amendment if not and the work is on new parcels a new NOI would be needed.
- Upon further discussion it was determined that no further alteration is necessary because this is an existing trail therefore they can file and RDA.
- Motion to waive advertising fee -2nd and approved (4-yes/1-no).
- Question was raised if the State is subject to local bylaw fees? Will need to investigate.
- Additional discussion with Val about removing the remaining beavers, the dams and the lodge. Need to make sure DCR is ok with doing this. NOI will be required.

8:30 PM General Items

Meeting Minutes – motion to accept and sign minutes from 2/11/15 – 2nd and approved.

OSC – the Committee was contacted by a Hopkinton resident to see if the Committee would be in favor of extending Crockett Rd. Doing so would mean the road would cross over Peppercorn Hill land so he was told that this would be extremely unlikely to be allowed. The Committee told him they would listen to his proposal and if there was a benefit to the Town then perhaps it might be approved but this is very unlikely.

LSC – Spoke with Mike Downey and he has agreed to extend the deadline for the Forest Stewardship grant to June 2015 due to the extreme snow conditions.

Finances - payroll signed; update on expense and salary accounts; Selby announced that Ashland has agreed to continue the contract for another year (keeping to the original timeframe of contract).

Rockwood Meadows – Town Council has reviewed the CR and easement documents and provided comments; Mike has forwarded to Kevin Lobisser’s attorney.

ATM – Warrant is open must submit articles by mid-March (16th). Will submit the usual articles for our revolving funds: Wetland Bylaw; Stormwater; Community Garden and Conservation Fund; will need to see about Selby’s salary for next FY (very low filing activity in FY15).

Maple Ave Landfill – Selby has contacted Ron Roux to discuss the error on the plans regarding town land vs state land.

8:55 PM Motion to Adjourn – 2nd & Approved

Minutes approved on: _____

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_____	_____
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Meeting Minutes – Wednesday 3/11/2015

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

Members Attending:

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

7:00 PM Agent's Report

- Per the submitted report dated 2/26/15 – 3/11/15.
- Draft of the Enforcement Order for 4 Taft St reviewed. Motion to approve the EO - 2nd & approved. Will talk w/ the DEP about the Army Corps "In-Lieu" fee program to see if they would allow. Will give the owner a courtesy call prior to mailing the EO.

7:25 PM Beavers at Southboro Rd

- Chris received ok from the Town Manager for Tom Jango to do the trapping of the remaining beavers. Tom will contact Blythe about the trapping permit from the BOH.
- Chris contact the BOH to let them know what has been spent so far and will issue the Emergency Order.

7:30 PM Land Use Regulations

- Suggestion to amend the regs to allow personal consumption of edible plants/berries/nuts etc...
- Motion to approve item # 6 to include "Edible fruits, berries, nuts, fiddleheads and mushrooms may be harvested for personal use." – 2nd & approved. Denise will update document and post on the website.

7:35 PM General/Active Items

Meeting Minutes – motion to accept and sign minutes from 2/25/15 – 2nd & approved.

Finances/Admin - payroll signed; expense voucher approved and signed; Denise will be meeting with Kenny Costa (Town Accountant) to discuss revolving accounts.

Rockwood Meadows – Received feedback from Attorney Greenwald on the CR and easement documents. We need to make sure that Hopkinton Planning Board has signed off on the parking area; also want to have something about foresting in the CR (previous version did have this). Provide comment to Mike and he will compile and forward to Steve Greenwald.

Whitney Conservation Area – letter has been drafted to send to the Town Manger regarding interpretation of the easement deed; discussion was held that we should make this letter generic to include other easements and not specific to this one area. There have been issues in other areas of town with infringement issues (Goss Pond, Howarth Glen). The letter is intended to get an opinion from town counsel specific to the easement deed for the Whitney CA. Motion made to send the letter to Blythe to be forwarded to town counsel – 2nd & approved.

Technology – Denise discussed with the Planning Board the possibility of purchasing smart boards; they are ok with investigating costs.

Heritage Park CR – discussed draft document which has been reviewed by town counsel and Mass Historical; Metacomet Land Trust will hold the CR. Submit comments to Chris and she will compile and respond.

Forestry – Rupert will get started once the snow has melted a bit; suggestion has been made to start a management plan for the Stefans land or Peppercorn Hill.

OSC – Bill Taylor is drafting a letter in response to discussion with a Hopkinton resident about extending Crockett Rd over the conservation land; while it is unlikely to be supported the committee will remain neutral and will consider a proposal should it be presented. Will suggest in the letter that the Commission would possibly be in favor of a donation of the land for tax credit.

LSC – contacted Blythe that the committee walked the town property that runs behind Hartford Ave N up to Warren St and alerted her to the fact that some ramps and other structures have been constructed (most likely for mountain bike jumps) and have concerns about someone getting hurt. The Con Com was given “control” of this land by 2/3 vote in a 1969 Town Meeting. Marcella will reach out to Blythe to discuss the town meeting vote regarding this matter as she may be unaware that the property appears to be a conservation area, rather than generic town owned land. LSC will GPS trails and structures on the property this spring.

8:50 PM Motion to Adjourn – 2nd & Approved

Minutes approved on: _____

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Members Attending:

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Mary Overholt (Associate); Selby (Agent)

7:00 PM Beavers at Southboro Rd

- Tom Jango set traps; has trapped one but thinks there is one more.
- Traps were set off but not sure if it was another animal or a person.

7:08 PM Agent's Report – no report submitted (vacation)

7:10 PM 0 Warren St NOI (Corner of Warren & Fowler) M. Allen

- Property owners are Michael & Barbara Davidson
- 5 permanent wetland markers are required per the previous Order of Conditions; Mark has indicated their location on the plan.
- The Town has catch basins and drainage through this property.
- 2012 wetlands were delineated by Judy Schmidt but need to be re-flagged.
- Not expanding the area that is already cleared.
- NOI from 2006 was for the house and grading; the OOC required another NOI be filed for the septic.
- Hearing is continued to April 7th @ 7:15 pm.
- Selby will do a site visit.

7:30 PM 4 Taft St Enforcement Order T. Birdsey

- During site visit for a beaver dam problem Selby notice that the both banks to the brook have been walled.
- Owner (Tom Birdsey) explained that his was done when a previous beaver dam was removed as the water was causing erosion on his property; all sorts of material and debris that were buried years ago by prior owners was being uncovered due to the erosion.
- Mr. Birdsey explained that there was a stone wall there and he hired masons to build up from the original wall but they removed it and built a new wall.
- Fill of sand and crushed stone was used to level the yard.
- This work was done in 2009.
- Concerns as to how this wall impacts drainage and the path of the brook; doesn't seem to be causing any problems.
- This wall is an encroachment in the wetlands – what is the solution for this impact?
- Suggestion that we talk w/ the Army Corp of Engineers and the DEP to see if the Corps "In-Lieu Fee Program" can be used as a means of repayment.

- Another suggestion is to convert some upland elsewhere on the property to create another wetland area to compensate for the wetlands that were filled.
- We will conduct a site visit one the snow has melted to investigate the property.
- Mr. Birdsey did state that he thinks the property had previously been filled as there are lots of debris and construction materials buried around the property.
- Continued this discussion to the meeting on Wednesday, April 22, 2015 at 7:15 pm.

General/Active Items

Meeting Minutes – motion to accept and sign minutes from 3/11/15 – 2nd & approved.

Website – the revised Land Use Regulations have been updated on website.

OSC – Bill Taylor is working on drafting a letter in response to discussion with a Hopkinton resident about extending Crockett Rd over the conservation land.

LSC – still waiting for snowmelt so that Rupert can begin the Forest Management project; Warren St property still being discussed with BOS. Town manager has been informed of the 1969 Town meeting vote.

Finances/Admin - payroll signed; expense voucher approved and signed; updated account balances provided. Discussion regarding Selby's salary for FY16 as we have had very low filings this year thus fees collected have been minimal; will need to talk with Blythe. Enough funds are available for salary through 2nd quarter FY16.

Rockwood Meadows – Developer will be going before the Hopkinton Planning Board to discuss the change in location of the parking area.

Technology – Mike will contact Kelly to see about a screen for the main hall.

Turtle Project – Selby will talk with Dan to see when he will be in town again.

8:20 Open Meeting Law

Key items from the workshop on March 23, 2015:

- Email – need to be careful not to offer opinions or decisions via email.
- Agendas – need to be more specific as to items on the agenda.
- Site Visits – don't need to post site visits; Cannot make decisions, offer opinions, or deliberate at the site visit. Best practice is to post a meeting following the site visit at which discussion and decisions can then be made.
- Meeting Minutes – need to be detailed and contain a list of documents that were discussed at the meeting.

8:50 PM National Grid Letter dated 3/6/2015

- Received Vegetation Maintenance Notification letter for the period of April 1, 2015 thru March 31, 2016. Will discuss this matter at our next meeting on 4/8/15.

8:55 PM Motion to Adjourn – 2nd & Approved

Minutes approved on: _____

Document List – 3/25/15

- NOI application for 0 Warrant St (Davidson's) DEP file 311-0693
- Enforcement Order for 4 Taft St property
- Account Balance spreadsheets dated 3/25/15
- National Grid Letter dated 3/6/2015 re: Vegetation Maintenance Notification

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Meeting Minutes – Wednesday 4/8/2015

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

Members Attending:

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

7:00 PM Beavers at Southboro Rd

- Tom Jango has trapped 3 beavers, he believes these are the last of the beavers at this location; breaks in the dam and feeding piles were done and no further activity was noted.
- Next step is to remove the dam (see Mike's pictures) but this will be difficult to do with equipment. Tom will contact Mike Callahan (Beaver Solutions) to see if he could remove it by hand.
- Also need to notify DCR and Natural Heritage.
- Concerns about the berm that was breached as it is eroding and could cause significant problems with the level of the bog; suggest that we dump some angular or trap rock to keep erosion at a minimum. Again need to discuss w/ DCR and Heritage.
- Check with the DPW to see if they could/would dump the rock or possibly hire Greg Trussell.
- Motion to spend up to \$1500 to purchase and install trap rock in the 2 breached areas – 2nd and approved (5-Y; 1-N and 1-abstention).
- Discussion that perhaps we could do the work thus saving considerable money; second motion made to approve \$500 to purchase the trap rock and fill the breaches ourselves – 2nd and approved (6-Y and 1-abstention).
- Perhaps this could be done in conjunction with Park Serve Day on April 25th if we can have the rock delivered.
- Mike with email DCR and Heritage
- Chris will notify the BOH that the beavers have been trapped.

7:25 PM Continued NOI - 0 Warren St (Corner of Warren & Fowler) M. Allen

- Wetland line, septic and house location have been staked.
- Need to relocate a couple of the bound markers and they need to be marked on the ground.
- No increased disturbance to what has already been cleared.
- Erosion controls are good; no stockpiling of materials on the property.
- Hearing closed. OOC will be drafted for next meeting on 4/22/15.

7:30 PM Agent's Report

- Per submitted report dated 3/26/15 – 4/8/15
- Suggest doing a site visit at 4 Taft St; will contact the owner to see if we could do this prior to our next meeting on 4/22 at 5:30.
- Contacted Judy Schmidt at the DEP to discuss the “In Lieu Fee Program” and she said no as this is not something they accept. Will need to determine what the resolution will be for this violation.

7:55 pm General/Active Items

Meeting Minutes – motion to accept and sign minutes from 3/25/15 – 2nd & approved.

Website – Alan added link for the Pratt Pond Ice Out and did some general cleanup of old links.

OSC – Bill Taylor will provide a draft letter for our next meeting; letter is in response to discussion with a Hopkinton resident about extending Crockett Rd over the conservation land. Also, he spoke w/ a land owner at 9 Crockett Rd that is interesting in donating some land to the Town in order to keep it from being further developed however she doesn't want it for public access. Bill suggested to her that she put a CR on the property and see if Metacomet Land Trust or the Sudbury Valley Trustees would be interested in holding it. It was mentioned that the Con Com could hold the CR but would need BOS approval. The Town may not be interested in owning the land but might be willing to hold a CR. This property does have Priority Rare Species Habitat. Con Com can purchase land without approval of the BOS or Town with the intent to keep it for conservation purposes not necessarily for public access; again it was discussed that we could hold the CR which could restrict public access w/o having to spend any money. Bill will discuss further with the property owner.

LSC – Forester (Rupert) will start work next week; we should coordinate with those involved to make sure all necessary information is being captured during this review; will coordinate by email so as not to delay his time in the field. Deadline to get the management report to Mike Downey is June 15th. Great interest in the Community Garden; there is expected to be a waiting list for plots; Several Scout projects are planned; also a work party is scheduled for 4/18 from 9 am – 2 pm.

Finances/Admin - payroll signed; expense voucher approved and signed; updated account balances will be provided for next meeting (4/22). Denise is on vacation from 4/16 – 4/28 – Selby and Chris will cover office hours.

CR Site Visits – Will schedule Kenneth Village and Cooks Property on Milford St.

Technology – will continue to research smartboards and a screen for the main hall.

Whitney Conservation Area Parking Lot – granite curbs have been moved but suspect that was due to snow plowing; will need volunteers to help move them back in place. No word from Town Counsel regarding the letter; another truck was parked across the easement blocking parking spots, it has been removed. Signage – the parking area sign will not have “Whitney Conservation Area” on it as there will be a kiosk with the WCA name on it; this will save on the cost of the sign as it will be smaller; brief discussion of the posted hours “dawn to dusk” as hunters are allowed access ½ hour before dawn and ½ hour after dusk. It was decided no action needed to be taken as there have been no issues.

FY16 Budget – Blythe alerted Chris that reductions have been made to our expense budget request and the Conservation Fund; all departments need to be prepared for further cuts depending on the outcome of the override ballot.

Turtle Project – Dan has been out and so far has found one male with the receiver.

MassDot Rte 140 Culvert Project – Letter received regarding this project claim that they are exempt from filings; we should find out from Town Counsel if State projects are exempt. Motion to have Blythe contact Town Counsel to see if State projects are exempt from local bylaw filings and fees (specifically this culvert project) – 2nd and approved. Selby will also talk w/ Judy Schmidt at the DEP.

Crosswinds Subdivision Modification – plans submitted for review; Planning Board public hearing will be held on Tuesday 4/28 at 7:15pm; Selby reviewing plans and will discuss at next ConCom meeting on 4/22.

9:00 PM Motion to Adjourn – 2nd & Approved

Minutes approved on: _____

Document List – 4/8/15

- Con Com Agenda & Action Item Checklist
- Agent's Report (3/26/15 – 4/8/15)
- Southboro Rd pictures of beaver dam & berms from Mike Penko
- BSC Group Ltr dated 4/1/15 re: MassDot Culvert Replacement Project on Milford St (Route 140)

Upton Conservation Commission
Meeting Minutes April 22, 2015

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

Others: Tom Birdsey, Jody Naze, Tom Dodd, William Taylor

7:00 pm Beavers Southboro Rd.

Discussion about hiring Mike Callahan from Beaver solutions to remove as much of it as possible to discourage the beavers from rebuilding. There has been a lot of rain but the water level is fine. Motion to authorize Mike Callahan to remove the dam for a maximum of \$ 1000, -contingent upon DCR approval of dam removal. 2nd and passed.

Marcella will talk to Val about the beaver dam. Mike will email Natural Heritage and continue to coordinate with Val about repairs to the berms.

7:15 pm 4 Taft St. Enforcement Order

There has been resource area alteration, bank and BVW alteration, by previous owner and current owner Tom Birdsey. The back of property is filled wetland. If you fill wetland, you have to replicate bank. By looking at the coloration of the stones you can tell which of the work is newer. The smaller wall on the left bank allows for water to flow through into the wetland on the side. DEP does not allow for in lieu fee mitigation. There is leftover stone and fill on the left bank.

Tom suggests that 25% of the lower wall should be removed to allow for water to freely flow and for wildlife to pass through. Specifically he should remove the top L in the stream. He also needs to get rid of gravel and white stone. Mr. Birdsey will come back with a rough sketch showing what portions of the wall he will remove, and remove the gravel and stone and come back for the May 13 meeting.

7:45 pm Land question (see attached maps)

Jody Naze resident of Upton, Crockett Rd. would like to put her house on the market. She owns 6 acres and her lot is subdividable. She would like to protect the land in some way from subdivision and preserve it, possibly by gifting it to the town. Her lot is on the Milford border. Two bordering parcels are Milford conservation land. Behind is a lot owned by town of Hopkinton. There is also a nearby by landlocked lot where ownership is uncertain. Peppercorn is on the other side of street behind houses. The land is therefore close to some other open spaces. Most of property in priority habitat, probably wood turtle. The Conservation Commission is probably interested in this land.

Ms. Naze has two options; subdivide and give or sell land to the ConCom, or put a conservation restriction on land, which is more complicated, requiring approval of the selectmen. A benefit of a restriction is the landowner has a lot of input into what uses are allowed. Selby will walk the land Friday am at 9:00.

8:15 pm Moth Study

Tom Dodd, through friends of Upton state forest would like to undertake a Moth study in Upton State Forest 1-2 nights per month. He will use white sheet and lamps to attract the moths and then will photograph what is seen. He will set up near the cottage and CCC way, using power from the cottage. Mike and Cathy are also investigators. Work will occur within 100 feet of wetland. The work will not affect wetlands, except for possible use of generator; gasoline will not be filled on site. He is looking for a letter from the Commission stating if there are issues. He is using mercury vapor lamps, not sure if they would be hazardous if they broke. Sandy noted the Commission is interested in the results. Motion and 2nd to write a letter that there are no issues. Mike abstained.

8:36 pm Agents Report see attached

8:52 Open space

Annual CR walk for Fivefork Farm May 28

Bill Taylor drafted a letter about extending Crockett Rd. for a development that does not have road access. The letter explains what would be required. The requirements are high, including town meeting and being passed at the state level. Chris will send letter and cc HALT. Motion 2nd and passed to send letter.

Land Stewardship - met with Rupert for forestry. He is just starting his work

Rockwood Meadows - Mike provided a few comments on the CR to developer's attorney.

Whitney Parking Area- Sign is approved by the home owner and has been ordered. Parking lot is in good shape, drain is working.

Turtle crossing signs had been up several years ago, but they disappeared. Mike found some more signs. For \$50-75 could put up a few more signs on Fowler St Motion to buy signs, 2nd approved if there is money in the budget.

Appointments Scott and Alan's are up. Both wish to be reappointed.

Budget

The school spent reserve money last year so the new budget is seven half percent less, if the override fails. There is very little to carve out. Motion 2nd and approved to take money all out of the beaver fund which would leave \$4,737 in the beaver fund. Chris also put together a list of grants which the Commission has brought in.

9:50 motion to adjourn

Submitted by Mary Overholt

List of Documents or Visual Aids

Agents Report

Photos of 4 Taft St (on digital camera)

Letter with attachment to Hopkinton landowner

Maps of Jody Naze property

Budget documents

CONSERVATION COMMISSION

Town of Upton



Massachusetts

508-529-6286
concomm@uptonma.gov

1 Main St, Box 9
UPTON, MASSACHUSETTS 01568

Meeting Minutes – Wednesday 5/13/2015

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

Members Attending:

Chris Scott, Mike Penko, Sandy Lajoie, Alan Miano, Tom Jango, and Marcella Stasa.
Mary Overholt (Associate); Selby (Agent)

7:05 PM Beavers at Southboro Rd

- Tom Jango updated the Commission that he trapped the remaining beavers and took out a large section of the dam. While we were waiting for approval from DCR to completely remove the dam new beavers moved in and rebuilt/repared the dam. These beavers will need to be trapped at some point but we should wait a little longer provided the road isn't in danger of flooding. Tom can trap them in November. He does not recommend hiring the trappers that were used in the past as they charge a premium for incomplete work.

7:15 PM 4 Taft St

T. Birdsey

- Selby met w/ Tom on 5/8; they discussed where the wall will need to be removed to allow the water to pass through. Tom presented a hand-drawn plan. The Commission originally wanted the bridge to be removed but Tom has concerns about safety should one of his kids get hurt on the other side of the stream.
- After reviewing his plan a motion was made and seconded to allow the bridge to stay – approved.
- Tom will contact the Commission when he has made the cuts to the wall; Selby will make a site visit and if ok a letter will be issued.
- The Commission thanked Mr. Birdsey for his prompt response to this matter.

7:25 PM General Business/Active Items

Meeting Minutes – motion to accept and sign minutes from 4/22/15 – 2nd & approved.

Website – Alan will look at the feedback/comments we received from a citizen regarding our page on the website; he will also review the material the person provided to see if it is suitable for our website.

OSC – Met with Jodie Naze of Crockett Rd about her possible donation of land; she doesn't want to allow hunting; this is a buildable lot but would have wetland impacts; there is turtle habitat and NHESP will allow us to use some of the wood turtle fund on this site; Jodie will contact a surveyor to see about dividing the land.

7:30 PM NOI -- Lot 1 Glenview St

P. Lavoie of G&H

- Application of John & Kathryn Fox for construction of a new single-family house on this lot (Map 22/Lot 16) on the corner of Glenview St and Tyler Rd; lot has a line of sight easement (from original subdivision plans) as to where the house can be built on the lot; it will have town water.
- Proposing a pool that will be within the buffer zone.
- Mulch socks will be used and 7 wetland markers will be installed.

- Agent noted that there was a discrepancy in the wetland line that was flagged so the line was re-delineated and flagged.
- Wetland markers will be attached to concrete posts; language will be in the OOC and must be referenced in the deed. Commission will review the language prior to signing the OOC.
- Hearing closed.
- Motion to issue OOC -2nd & approved; Selby will prepare the OOC and submit to the Commission for review and signatures at our next meeting.

7:50 PM Agent's Report

- Discussion of submitted report dated 4/23/15 thru 5/13/15.
- Site visit to 270 Mendon St as it was brought to the Commission's attention that wetlands were being filled; Selby asked Mr. Anderson (property owner) to attend tonight's meeting to discuss; Mr. Anderson explained that he was trying to clean up the front of the property and was moving material from his property as fill; he was clearing trees and branches that had fallen in order to neaten the property but has impacted the wetlands; Upon reviewing photos of his property the Commission explained that he needs to pull back or remove the fill material to the existing driveway, which was actually Old Mendon Rd; he can use rocks to help stabilize the grade/slope from the driveway to the wetlands; Need to let the plants grow back in; Selby will monitor this work; fill materials can be moved away from the wetlands and used elsewhere on the property; Commission thanked Mr. Anderson for his cooperation in this matter.
- BVT field off Chestnut St – discussion with Jim Brochu of BVT; when site was being cleared they discovered more granite than anticipated that needed to be blasted thus used up the money; need to clean up the site as not sure when they will be able to complete the project; suggestion that they re-spread the top soil that is stockpiled on the site and then re-seed; brief discussion if the property could be used for other projects.

8:30 PM General Business/Active Items (continued)

LSC – kiosks and signage will use grant money for this; community garden all plots taken; Forester (Rupert) has done the inventory and will submit his report by email; we want the other consultants to have input on his report; perhaps schedule an additional meeting to discuss; Marcella will forward the report to the Commission and the consultants then determine if a meeting is needed.

Finances/Admin - payroll signed; reminder as we are getting near the close of the FY that invoices/vouchers need to be submitted; provided current account balances.

Whitney Conservation Area Parking Lot – still waiting to hear back from Town Counsel on our questions regarding easement; a boat is now partially parked in the parking area; it is a limited encroachment and bounds are not marked, but the boat does impact public use of 2 of the 5 parking spaces; signage has been ordered.

Rockwood Meadow – CR document is being finalized by owner's attorney.

Warren St town parcel – existing trails have been mapped along with the location of wooden structures built on the property and vernal pools. Questions: 1) does the Commission have authority to manage this town owned property per the 1969 town meeting vote? and 2) could this property be used for mountain biking including the structures if they stabilized or removing them but what are the liability issues for the town? On a positive note the property is very clean with little to no trash. The Commission has requested town counsel review status of the property.

Turtle Project – Dan has been out and so far has found one male with the receiver.

MassDot Rte 140 Culvert Project – Letter received regarding this project claim that they are exempt from filings; we should find out from Town Counsel if State projects are exempt. We are still waiting for an opinion from Town Counsel on this matter.

Appointments – all set.

State Ethics – reminder.

9:15 PM Motion to Adjourn – 2nd & Approved

Minutes approved on: _____

Document List – 5/13/15

- Con Com Agenda & Action Item Checklist
- Agent's Report (4/23 – 5/13/15)
- 4 Taft St plan
- Revised plans for Lot 1 Glenview St NOI
- Expense reports
- Warren St town property map showing trails, vernal pools, and location of ramps and other structures.

CONSERVATION COMMISSION

Town of Upton



Massachusetts

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concomm@uptonma.gov

1 Main St, Box 9
UPTON, MASSACHUSETTS 01568

Meeting Minutes – Wednesday 5/27/2015

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

Members Attending:

Chris Scott, Marcella Stasa, Mike Penko, Sandy Lajoie, Alan Miano, Tom Jango, and Scott Heim.
Selby (Agent)

7:00 PM Beavers at Southboro Rd

- Tom update – suggests that we wait a bit before trapping the remaining beavers unless there is danger of the road being flooded; Tom cannot trap until November if it is determined that the beavers needed to be trapped before then (Nov) someone will have to be hired.
- Question was raised as to why we need permission of the DCR; problem is that we notify them of what needs to be done then we don't hear back and the problem becomes worse as in the case of the existing dam. Suggestion was made to send a notice to the DCR (Val S.) and NHESP of the work we propose to do (trap remaining beavers and remove the dam) and give them a specific timeframe; Marcella expressed concerns about safety and the need for DCR approval; another beaver dam problem is within the State Forest and is flooding a trail/road.
- Letter to be sent via email to the DCR (Val S.) and NHESP (Nancy Putnam) outlining our plans for the Southboro Rd area for July: 1) trap beavers, 2) lower water level then remove the dam and 3) dump rock. If the flooding of the road becomes an issue we will need to act sooner than July on the above plan. Also, as the dam is significantly larger it will be much harder to remove we will need to discuss this with the DPW.

7:20 PM Agents Report

- Discussion of activities per submitted report dated 5/14/15 thru 5/27/15.
- Prepared OOC for Lot 1 Glenview St with conditions as approved at our meeting on 5/13/15 – Commission signed tonight.

7:40 PM General Business/Active Items

Meeting Minutes – motion to accept and sign minutes from 5/13/15 – 2nd & approved.

Website – update from Alan – he is working on fixing links on the site.

OSC& LSC – site walk with SVT at Five Fork Farm on Thursday 5/28 @ 3pm, will review the Farm Plan; suggestion that Selby include the list of CR areas in his report so we can keep track of annual visits; also suggest Denise add a column to our Filing Database for wetland bounds, CR and Deed Restriction info; Bill Taylor walked the Collier property (property off North St near the Mass Pike) with Metacomet, they noted some logging activity and beaver activity. Metacomet will provide a report; they (Metacomet) are interested in taking the land as a gift and will ask the owners about the possibility of a CR; Alicia Colman of SVT will be guiding a walk on July 10th at the USF, SWF and Whitney Conservation Area.

Finances/Admin - payroll signed; reminder as we are getting near the close of the FY that invoices/vouchers need to be submitted; Denise provided info on tent cards for Con Com members to display during meetings; motion was made to purchase the card stock and holders – 2nd & approved.

Whitney Conservation Area Parking Lot – response from town counsel regarding our question about the CR; as this was labeled as “Confidential – Executive Session Material” – will post for executive session discussion at next meeting; a request was made to take a look at the parking area during the site walk on 5/28/15 to determine if the boat is impacting the parking area.

Rockwood Meadow – CR & Easement documents provided by the owner’s attorney; will discuss at next meeting.

Technology – need to follow up w/ Kelly McElreath to see if there is any money in the Town Hall renovation budget to purchase a screen for the main hall; also perhaps a smart board for Little Town Hall conference room.

Turtle Project – Mike has Turtle Crossing signs and has discussed with the DPW Director about where to put them – looking at Fowler St near Davidson’s golf course.

Stefan’s Land – we have lost the easement for vehicle access to the property – not sure why; will look at Orchard St access on Friday 5/29 w/ the DPW Director; the Town still owns the 3rd lot up from Mechanic St -- could this be used for access?

Ryan Parcel – Mike Ryan owns a 1 acre parcel off Meadow Dr that he is looking to preserve; he has approached Metacomet and has applied for and is eligible for a tax credit, Metacomet requires a CR on the land; OR he could donate the land to the town for care, custody and control of Conservation Commission; OR Con Com could purchase the land (not a gift) w/o town approval; the land is mapped as rare species habitat. Some further investigation is needed and further discussion. Motion to authorize OSC to ask for clarification from Town Counsel (through Blythe) on gifts of land through the Conservation Act – 2nd and approved.

Forestry – waiting for Rupert’s report; hoping to have it prior to our next meeting so we have time to review and comment prior to the grant deadline (6/15); need to do an Outreach Plan in conjunction with the Forest Management Plan; Outreach Plan covers promotional materials, public meetings, site walks and educating the public prior to any action from Management Plan such as cutting. A timeline would be helpful; Marcella has asked Rupert to send what he has by 6/3 then meet w/ us at our meeting on 6/10. Propose setting a special meeting on Monday, 6/8 at 7pm – Denise will find a meeting space. Due to change of personnel Mass Audubon cannot perform services of the contract at this time; they are willing to provide assistance at a later date at no charge; motion to cancel the contract with Mass Audubon and get input later in the summer – 2nd and approved.

8:50 PM Motion to Adjourn – 2nd & Approved

Minutes approved on: _____

_____	_____
_____	_____
_____	_____
_____	_____

Document List – 5/27/15

- Con Com Agenda
- Agent's Report (5/14/15 – 5/27/15)
- Rockwood Meadow Easement Deed and CR Documents (for next meeting)

Upton Conservation Commission

Forestry Meeting Minutes

6/8/15 7 PM

UTH First Floor Meeting Room

Members Present: Scott Heim, Tom Jango, Sandy Lajoie, Alan Miano, Mike Penko,
Chris Scott, Marcella Stasa

7:03 pm

Meeting began.

Members in attendance review the Forest Stewardship Plan prepared by Rupert Grantham of Walden Forest Conservation dated June 2015.

Name of Area?

Warren Brook Watershed Conservation Area

North Upton Conservation Area Parcels

Other names?

We need to think about it and decide ASAP.

Add landing areas.

Paragraph 1 MP to write.

Add managed y Land Stewardship Committee.

MP and TJ need to mention Forest Management Plan. SH Delete/rewrite last sentence of second paragraph. "causing fragmentation."

5th paragraph principle stream is Warren Brook.

6th paragraph rewrite?

Need to maintain some even aged forest too, not all multi age forests.

Include the 1938 map and data?

Page 4 Paragraph 1 add old growth and even aged forest. Delete sentence starting "By using" SH

Page 8 Add soil carbon sequestration.

Page 10 Identify areas potential for old growth forest

Page 18 SH Check soils leave out names of soil type, just leave in descriptions in text.

Identify Special areas.

Page 20 SH Seed trees, cordwood, legacy trees, softwood,
hardwood (add in details)

Action Items:

MS Contact Rupert-word document to MP and ALL
All Comments email to MP then to Rupert Tuesday night
by MP
Minutes by CS

9:15 pm

Meeting adjourned.

Respectfully submitted

Christine Scott

Approved _____

_____	_____
_____	_____
_____	_____
_____	_____

CONSERVATION COMMISSION

Town of Upton



Massachusetts

508-529-6286
concomm@uptonma.gov

1 Main St, Box 9
UPTON, MASSACHUSETTS 01568

Meeting Minutes – Wednesday 6/10/2015

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

Members Attending:

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

7:10 PM General Business/Active Items

Agent's Report – dated 5/28/15 – 6/10/15

Meeting Minutes – motion to accept and sign minutes from 5/27/15 – 2nd & approved; motion to accept and sign minutes from meeting on 6/8/15 – 2nd & approved.

Finances/Admin - payroll & expense voucher signed; reminder as we are getting near the close of the FY that invoices/vouchers need to be submitted; we have quite a bit of money remaining in our expense account, per Val S. at DCR (USF) we can go ahead and dump stone on the berms for erosion control purposes so Mike Penko will look into purchasing the stone; we need to hold off on any further questions to Town Counsel until after July 1 (new FY16).

Whitney Conservation Area Parking Lot – response from town counsel regarding our question about the CR; as this was labeled as “Confidential – Executive Session Material” – will post for executive session discussion at next meeting; a request was made to take a look at the parking area during the site walk on 5/28/15 to determine if the boat is impacting the parking area.

7:30 PM DPW Road Projects

V. Roy, DPW Director

- DPW provided a list of 5 roads that they will be paving: Cross St, RR Ave, Mendon St, Maple Ave and Southboro Rd.
- Cross St & RR Ave are full-depth reclamation for entire length. RDA needed for RR Ave.
- Mendon St (Chestnut St to town line) & Maple Ave – milling and hand work; erosion controls will be used.
- Southboro Rd – milling and hand work; an RDA will be required (erosion controls).
- Will submit an RDA for Southboro Rd and RR Ave.
- DPW would like to do a blanket maintenance plan (Annual Permit) for routine projects i.e. road work, culvert clearing (beavers are not routine); a scope of work and list of streets would be presented; Activity notification would be provided prior to starting a project; DPW Director wants to keep everything upfront and transparent.

General Business/Active Items (continued)

Whitney Conservation Area – discussion of Kopelman & Paige letter (dated 5/26/15) in response to the Commission's questions regarding parking easement; moving forward try to work with the property owner; keep things friendly but be vigilant to keep an eye on the parking area; MP suggested that we have an MOU w/ Mr. Potheau regarding snow plowing; he will continue to plow the lot and we will allow him to use the spot closest to his garage but whatever he parks there must be perpendicular to the trail; parallel

parking creates a problem for anyone parked in the upper spots. This keeps are spots clear and also protects whatever he parks from being accidentally hit by cars backing out of those spots; MS pointed out that there is no overnight parking allowed and is concerned that if he has a vehicle parked there it send the message that it is ok to park overnight; AM suggest we stay within the language of the existing easement document; we need to have our own snow plowing policy not create an MOU; Alan also has concerns about the K&P comment that landscaping within the Easement Area is solely within the province of the Commission as this could potentially impact the owners access; if the owner is parking in such a way as to affect our parking area we can politely talk w/ him.

8:10 PM Forest Stewardship Plan

Rupert Grantham

Draft Forest Stewardship Plan reviewed by the Commission at posted meeting on 6/8/15 – comments/feedback were submitted to Rupert; review & discussion of the comments were taken in numbered order: #1 & 2 - “Property Overview” section and discussion for name change for the area possibly “North Upton Open Space”; #3 - can change language for prescriptions to be recommendations and not definitive commitments; #4 – management could include clear-cuts to promote other grown and regeneration; multi-age and even-age stands can be encouraged; the plan can be modified in the future as other information (reports) becomes available; #5 – prepare a document(s) showing meets and bounds of the parcels involved and vehicle access areas; #6 – Whitney CA does have easement access for property management but not a landing area; Howarth Glen CA has very poor access but possibly could be through the neighbor’s property with a landing area in the field; suggest creating permanent skid trails that could be used in the future if necessary; access from George Hill Rd (Grafton) to Warren Brook Watershed CA is very overgrown but we do own it; #7 – access issues lend to a “No-Cut Reserve” which provides and education opportunity to showcase various types of management styles (include in Outreach doc); keep things flexible to allow for future changes of the long-term plan as information becomes available; #8 – Carbon Inventory - suggest adding a couple of sentences just to address this but doesn’t need to be too extensive or detailed at this time; #9 – Carbon Credits – again add some basic language; #10 – Management Practices – change to recommended; #11 – Forest Stand Map – has been updated; #12 – suggest removing the names of soil types and just leave descriptions. Outreach Plan is the next phase Marcella is preparing an outline proposal for educating land owners and the public of the Forest Management Program.

General Business/Active Items (continued)

Ryan Parcel (1 acre parcel off Meadow Dr) only can receive a tax credit if there is a Conservation Restriction on the property, OR if the Town accepts the land under the care, custody and control of the Conservation Commission, OR if the deed for the property states care, custody and control of the Conservation Commission; should we approach the BOS about accepting this land as a gift (with stipulation that it be named for the owner w/ a sign) there could be a small trail or public park on this land - a motion was made to approach the BOS to ask if they would be willing to accept a gift of land to be under the care, custody and control of the Conservation Commission – 2nd & approved; if BOS is not interested in accepting this land we will not pursue; there is potential for access to a larger property that abuts this land; OSC will approach the BOS.

9:35 PM Motion to Adjourn – 2nd & Approved

Minutes approved on: _____

Document List – 6/10/15

- Con Com Agenda & Action Checklist
- Agent's Report (5/26/15 – 6/10/15)
- DPW Dir email (6/2/15) re: Road Construction projects
- Kopelman & Paige letter dated 5/26/15
- Forest Stewardship Plan (draft) and comment/feedback documents

CONSERVATION COMMISSION

Town of Upton



Massachusetts

508-529-6286
concomm@uptonma.gov

1 Main St, Box 9
UPTON, MASSACHUSETTS 01568

Meeting Minutes – Wednesday 6/24/2015

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

Members Attending:

Chris Scott, Marcella Stasa, Sandy Lajoie, Alan Miano, Tom Jango and Scott Heim
Selby (Agent)

7:15 PM RDA – DPW Road Projects

V. Roy - DPW Dir.

- Repaving 5 streets -- 2 have no work in the buffer zone.
- Southboro Rd – reclamation (cold planing) the entire length (3,775') to a depth of 2"; approximately 1,200' is within the 100' buffer; straw wattles will be used on both sides but all work is on the paved road only (no shoulder work).
- Maple Ave – reclamation (cold planing) the entire length (3,750) to a depth of 2"; approximately 500' is within the 100' buffer; straw wattles will be used.
- Railroad Ave – full-depth reclamation (4" depth) meaning complete grinding of the road and will rebuild the surface.
- Mendon St will require small portions with erosion controls.
- Cross St is entirely out of buffer; no erosion controls needed.
- Contractor will install the erosion controls and will remove them at the end of the project.
- Looking to start projects 2nd or 3rd week of July and anticipate it will take 2 weeks to complete all roads.
- Cold planing is exempt from the bylaw but "hot-in-place" (which they are not using) is not exempt.
- Hearing closed.

7:25 PM Discussion of Blanket Repair/Maintenance for DPW

V. Roy/J. Johnson

- DPW would like to use a blanket NOI and be issued a general Order of Conditions for routine activities.
- Plan would be to notify the Con Com with an Activity Notification Form prior to performing any work in the buffer; some routine activities include: culvert clearing, regular maintenance, road paving, and right-of-way clearing.
- Exemptions (would require further filing) would be such things as repairing or replacing collapsed culverts or pipes; basically anything that is going to require disturbing earth within the buffer or wetlands.
- Will identify work areas prior to starting any work.
- V. Roy will prepare a blanket document and will work with the Commission; a public hearing will be held once submitted.

General Business/Active Items

Agent's Report – per submitted report dated 6/11/15 – 6/24

- 117 Hopkinton Rd submitted a Request for COC but upon site visit Selby noted several issues that need to be resolved before issuing; wetland bounds are not sufficient – they need to use 4”x4”x4’ long concrete bounds that should be buried 2½ ft with 1½ ft above ground; also there is disturbance (fill) within the no disturb area that needs to be removed; need to plant restoration mix to hold soil which allows for other natural materials to grow in. Selby will revisit the site.

- 80 Prospect St – per the Stormwater Bylaw a Stormwater Management & Erosion Control Permit was issued; this was a project that would not have come under review otherwise.

Meeting Minutes – motion to accept and sign minutes from 6/10/15 – 2nd & approved.

Website – draft of the Forestry Stewardship Plan will be posted.

Finances/Admin - payroll & expense voucher signed; reminder as we are getting near the close of the FY that invoices/vouchers need to be submitted.

OSC – Hiya Realty Trust has a parcel (50± acres) that abuts existing OS land that they are selling for \$280,000; this is prime location as it abuts OS; Bill T. will contact CPC to see if any interest in purchasing; the property does contain an old cellar hole and road; would be ideal to connect parcels; Planning to install the parking signs at Whitney CA lot on Sunday 6/28.

LSC – would like to see about spending down expense money after submitting current vouchers; Stefans land needs some serious maintenance; what options are there for mowing? Buy a riding mower/tractor; goats; burning; Tom J suggested that some Agricultural schools will do this as a training/educational opportunity; Con Com is not opposed to burning – need to approach the BOS/Town Manager.

Motions:

Motion to approve a Negative #3 Determination for the DPW Road Project – 2nd & approved.

Request for Extension of the OOC for Afonso 3-lot West River St project (311-610) which will expire 8/2015; motion to issue the extension - 2nd & approved.

Conservation Land Management – who has authority to sign contracts? Con Com Chair or the BOS?

9:00 PM Motion to Adjourn – 2nd & Approved

Minutes approved on: _____

_____	_____
_____	_____
_____	_____
_____	_____

Document List – 6/24/15

- 1) Con Com Agenda & Action Checklist
- 2) Maps for RDA – DPW road work
- 3) Draft General Permit for DPW maintenance
- 4) Agent's report 6/11/15 – 6/24/11

CONSERVATION COMMISSION

Town of Upton



Massachusetts

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1 Main St, Box 9
UPTON, MASSACHUSETTS 01568

Meeting Minutes – Wednesday 7/8/2015

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

Members Attending:

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

7:00 PM Beavers – Southboro Rd

- Tom has been keeping an eye on this site; he has been cutting holes in the dam to see if the beavers are actively repairing it and he has not seen any activity.
- Removing the dam is going to be a tremendous project as it is very large and has tons of material; question as to how to remove and where to put it once it is removed.
- Tom suggests that we dig the channel deeper as this may discourage the beavers from re-damming this area.
- Suggestions for removing the dam are to contact the boy scouts to see if they would be interested in providing labor; contact Greg Trussell and have him take a look to see if he could remove it w/ his equipment. Tom will contact. Mike will coordinate dam removal with Natural Heritage. We need to amend/modify the existing OOC – will put this on the agenda for next meeting on 7/22 at 7pm.
- Val S. has retired from DCR but he did give permission for Commission to install stone to reinforce the berms. Mike will contact landscaper to deliver the gravel.

7:15 PM General Business/Active Items

Agent's Report – per submitted report dated 6/25/15 – 7/8/15

- Cross Winds deed restriction – need to check w/ Joe Antonellis on status; this needs to be in place before selling lots; Chris will contact. We can refuse to sign-off on any more building permits; Motion was made to allow Selby to not sign building permits until the Deed Restriction is done – 2nd & approved.
- Added Afonso's 3 lots off West River St for CR review.

Meeting Minutes – not available will sign at next meeting.

Website – will make a pdf of the Forest Stewardship Plan and put on website.

Finances/Admin – payroll signed; will prepare FY16 accounts for next meeting; in 2010 the Commission issued a document to the Assessor's titled "List of Items Needed to Review for Wetland Status Tax Abatement" Denise has updated the document and corrected minor typos; will email for discussion at next meeting.

OSC – discussing the Hiya Realty Trust parcel (50± acres) off North St that abuts existing OS to see if it is something we want to pursue. Also looking at the Ryan Parcel (off Meadow Dr) - Bill T. will schedule a meeting with the BOS for some time in August; planning a "Full Moon Paddle" event at Lake Wildwood for some time in September.

LSC – purchased lumber with remaining funds in our expense budget; this will be used for various projects including making more raised beds at the community garden.

Rockwood Meadow – documents still being reviewed by attorneys.

Whitney Conservation Area – now a camper is parked near (or in) the town’s parking easement; will keep an eye on this site.

Turtle Crossing Signs – Mike contacted the DPW – they will install the signs.

Moth Study – Tom Dodd’s study underway; so far, fewer moth species noted than expected..

Forest Stewardship Plan – submitted to the DCR; we received a stamped copy indicating it was received by the DCR; Mass Audubon will review and provide their input later this summer; We need to decide what we want to do then Outreach will be the next step; possibly do an RFP for marking the timber.

Disclosure – Sandy Lajoie informed the Commission that her daughter, Denise Lajoie Child, has been appointed as “Acting Section Chief of Wetland Program” at the DEP Central Office in Worcester. Denise will recuse herself from all actions in Upton and Grafton and will assign our activities to someone else in her office.

North St Pump station (near Glen Echo) – Selby will talk with the DPW about discharge from the pump station – it is damaging trails and eroding the cart path; could they possibly use a hose and discharge to the detention basin? Also see if they can clear some of the trees from the berm at the detention basin.

8:40 PM Motion to Adjourn – 2nd & Approved

Minutes approved on: _____

Document List – 7/8/15

- 1) Con Com Agenda & Action Checklist
- 2) Agent’s report 6/25/15 – 7/8/15

CONSERVATION COMMISSION

Town of Upton



Massachusetts

508-529-6286
concomm@uptonma.gov

1 Main St, Box 9
UPTON, MASSACHUSETTS 01568

Meeting Minutes – Wednesday 7/22/2015

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

Members Attending:

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

7:10 PM NOI – DPW Projects

V. Roy

- Blanket NOI for routine maintenance and repair projects such as culvert clearing/cleaning (anything to keep culverts flowing).
- Tree pruning in public right-of-ways in order to prevent hazards or for safety concerns.
- Easement clearing or mowing.
- Maintenance of infrastructure.
- Will file and activity notification w/ the Commission before doing any work and will review w/ Selby and have site visits.
- Need to be concerned w/ habitat areas (NHESP).
- Need to replace the hay bales with straw bales or wattles for erosion control.
- Must file this NOI with the DEP.
- Hearing continued to 8/26/15 meeting.

Discussed w/ Vin the possibility of the DPW removing the debris we remove from sections of the beaver dam at Southboro Rd (if we do this project). Question is what do we do w/ the material? Could the material we remove be moved somewhere else on the State Forest property? Tom J. is working on getting someone to remove the dam and determine how much material will be removed.

7:25 PM 101 Crockett Rd (amended NOI)

K. Colwell

- Renovating the house (NOI previously filed) and need to remove several trees.
- Application included very specific info given on the trees to be removed or pruned.
- Some trees that they only wanted to trim/prune are in danger of infestation so Chris S. recommended removing them entirely.
- Trees outside the 100' buffer are not w/in Con Com jurisdiction.
- Arborist removing the trees needs to be careful especially if trees are infested w/ moths.
- Will use a crane to remove trees near the shoreline.
- Will keep the yard natural with some shrubs (no grass) and are looking to redo the steps.
- Original OOC was recorded at the Worcester Registry of Deeds; as amending the original no need to re-file with the DEP.
- Con Com will issue a letter regarding trees.

7:55 PM Mass Audubon**S. Covino**

- Presentation on Cost Effective Green Infrastructure in the Blackstone River Watershed.
- Encouraging LID development.
- Developing 5 case studies and will hold workshops in the fall.
- Will offer a Technical Assistance Program for towns.
- MS4 (Municipal Separate Storm Sewer Systems).
- Looking to tailor projects for Towns.
- Con Com suggests working w/ or doing a presentation to the Planning Board.
- Stephanie asked if any concerns about Stormwater Management.
- For LID – does the Town have bylaws or specific regs? Creative LID practices and need to foster sense of cooperation.

8:20 PM Crosswinds**C. Boardman**

- Declaration of Restriction from the Glen Echo project was provided to J. Antonellis so he could see language in order to create one pertinent to Crosswinds.
- 19 lots will have the conservation restriction and bounds will be installed.
- Will need to run the draft by town counsel (forward to Blythe and Ken Picard); do BOS and Con Com both sign?
- We will wait to hear from town counsel & the BOS and will sign at our meeting on Aug 12th if approved.
- Motion to accept the CR pending approval of town counsel – 2nd & approved; members will attend the BOS meeting on 8/4 for their discussion of the CR.

8:35 PM General Business/Active Items**Agent's Report** – per submitted report dated 7/8 – 7/22/15.**Beavers @ Southboro Rd**

- Tom J met w/ Greg Trussell @ the site to discuss removing the entire dam – it would be a week's work to remove the whole thing; discussed removing sections (roughly half the dam) by working from both sides; Greg charges \$1000/8 hr day including transporting equipment to the site; estimates to remove half the dam would be 3 days' work. Removing the lodge will be another whole days' work; Greg thinks he can get his equipment in there w/o mats.
- Perhaps we could still engage the Scouts to help remove material.
- No guarantee that the beavers won't rebuild.
- Will we need a police detail if we need to remove the piles from the roadside? Detail won't be needed for Greg's work.
- Motion to hire Greg Trussell for 3 days at \$1000 per day for the removal of the beaver dam as pending approval of DCR & Natural Heritage (contact Jody at DCR) – 2nd & approved (4-approved, 1-opposed and 1-abstention).
- Should we contact Mike Callahan of Beaver Solutions to see if another pond leveler should be installed? How many pipes would be needed?
- Work needs to be done soon while the water is low.
- DCR may have a site/area where we can spread the material that is removed from the dam.

Meeting Minutes – motion to approve minutes from 6/24/15 and 7/8/15 – 2nd and approved.**Website** – Forest Management Plan has been posted to the website; Alan M fixed the broken link for the Climate Change doc.**OSC** – attending the BOS meeting on 8/4 to discuss the Ryan property donation to the town; discussed at the previous BOS meeting but one of the Selectmen was absent so they deferred making a decision until their next meeting (8/4). Need to ask town counsel about bargain purchases or gifts and how does this involve the BOS. Can Con Com acquire property? Motion to ask town counsel the following: a) if Con Com can acquire land through a bargain purchase; b) is this considered a gift, and c) do we have the

authority to purchase land 2nd & approved. Even if Con Com can purchase do we want to exclude the BOS? An appraisal may be needed for the seller.

LSC – SVT Mass Lift / Americorp volunteers looking to connect Upton’s trails w/ surrounding town’s trails. They are available for any other needs for assistance. Green Certificate as part of Forestry Plan: means agreeing to responsible forest management and we would have some benefits from being part of a group. We need to vote if we want to participate there are no costs involved.

Finances/Admin – expense vouchers & payroll signed.

Motions:

- To issue and sign the COC for 53 Fiske Mill Rd – 2nd & approved.
- To accept revised memo to the BOA regarding Wetlands Abatement -2nd & approved.

Rockwood Meadow – finalizing CR document; will send to town counsel for final review.

Whitney Conservation Area – trailer is parked near (or in) the town’s parking easement; Selby will visit the site.

Moth Study – Tom Dodd’s study has identified 92 species to date.

10:00 PM Motion to Adjourn – 2nd & Approved

Minutes approved on: _____

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_____	_____
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Document List – 7/22/15

- 1) Con Com Agenda & Action Checklist
- 2) Agent’s report 7/8/15 – 7/22/15
- 3) Mass Audubon Flyer – Cost Effective Green Infrastructure in the Blackstone River Watershed

CONSERVATION COMMISSION

Town of Upton



Massachusetts

508-529-6286
concomm@uptonma.gov

1 Main St, Box 9
UPTON, MASSACHUSETTS 01568

Meeting Minutes – Wednesday 8/12/2015

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
Selby (Agent); Mary Overholt (Associate)

7:05 PM Beavers @ Bridge Trail and Southboro Rd (USF)

- **Bridge Trail** - Emergency Certification Issued; BOH issued permit for pond leveler, breaking or removing dam; 30 days to act on the permits.
- **Southboro Rd** – DCR & Natural Heritage have been contacted about removing dam need to ask if the State (DCR) could remove the dam while doing the work elsewhere in the State Forest. Would save us money if they could have it removed; Chris will check w/ DCR (Jody) and Tom will talk w/ Ruth Callahan too.

7:15 PM 106 Chestnut St - RDA

Brian & Ruth Kemp

- Removal of several white pine trees which are overgrown and squeezing out the hardwoods and blueberries; want to encourage the maples, cedars and blueberries.
- Concerns about the trees growing near the house.
- Will use a lift to remove 3 stands of trees; will also be thinning some trees; No stump grinding, will rake-up the debris; they are not going to be replanting will allow the land to naturalize w/ what is already growing.
- Ponds are man-made but do have fish in them; not vernal pools.
- Selby requested they file an RDA do to the number of trees they are removing and the proximity to those ponds; Recommend a Neg. #3 be issued.
- Hearing closed.
- Motion to issue a Neg. #3 – 2nd and Approved.

7:25 PM Crosswinds & Rockwood Meadow Documents

- Motion to sign Declaration of Restriction for Crosswinds – 2nd & Approved; Mike Penko abstained from vote.
- Motion to sign Conservation Restriction & Easement Deed for Rockwood Meadow – 2nd & Approved. *[Atty Greenwald showed up after Commission signed the documents – we will hold the signed docs and give them to the BOS in the morning; they will contact him once confirmation from Town Counsel is received]*

7:30 PM Agent's Report

- Per submitted report dated 7/23/15 – 8/12/15.

8:10 PM 8 Francis Drive – discussion

S. Nagpal (homeowner)

- His lot (1 acre) has wetland markers (bounds); house is set toward the back of the property; Mr. Nagpal wanted to discuss what he can do on the lot.
- Concerns that the wetland bounds are not properly located on the lot; they do not look correct according to the As-Built.
- Commission recommends that he contact a wetlands scientist or surveyor to review the wetlands line and the bounds then submit an ANRAD and we will review the line.
- Mr. Nagpal is looking to install an in-ground pool, shed, outdoor kitchen/patio and walkway; he will need to file an NOI; all work must be outside the 30' no-disturb line.

8:35 PM 25 East St – Request for COC

D. Therrien

- Selby reviewed and recommends issuing the COC.
- Motion made to issue and sign the COC for 25 East St – 2nd and approved.

8:40 PM General Business/Active Items

Meeting Minutes – 7/22/15 Commission needs to review; will sign at next meeting.

Website – nothing new.

OSC – BOS approved the gift of land (1.9 acres) from the Ryan family; will be donated to the town – town counsel will review; no need for survey or environmental review; suggest a site visit of the Commission as there are utilities on the property. The Henderson property – 88 acres (next to Stefans land) was assessed at approximately \$300,000; could CPA funds be used? Motion to have the OSC investigate this parcel – 2nd and approved.

LSC – a tree fall at SWF across the trail; some damage to the fence; it is in a very precarious location thus contacted a couple tree companies to see about removing it; quotes for removal were \$900 and \$630.

Finances/Admin – expense vouchers & payroll signed. Motion were made to sign expense vouchers – 2nd & approved.

Forestry – will continue discussion regarding Green Certificate next meeting; Mass Audubon hired a new bird person and we will be his first project; requesting data sheets from Rupert.

Composting Facility – located Christian Hill Rd; they do not have any State permits according to the DEP; the sign has an address and phone number for High Acres in Hopkinton; MANY trucks were bringing in wet fill and mixing it w/ the compost material; does this trigger Stormwater? We should invite them to a meeting – will coordinate w/ the BOS.

9:35 PM Motion to Adjourn – 2nd & Approved

Minutes approved on: _____

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Document List – 7/22/15

- 1) Con Com Agenda & Action Checklist
- 2) Agent's report 7/23/15 to 8/12/15
- 3) Maps of Stefans OS & Henderson parcels



TOWN OF UPTON, MASSACHUSETTS

Conservation Commission

Meeting Minutes – Wednesday 8/26/2015

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

7:00 PM Beavers @ Southboro Rd

- No word yet from DCR & Natural Heritage about removing the dam and if there is somewhere at USF to dump the material; Hold off until we hear from DCR then Tom will let Greg Trussell know when he can start.
- Motion to issue a letter for the file to authorize the work (dam removal) – 2nd & approved.
- Bridge Trail pond leveler has been installed;

7:05 PM General Business/Active Items

Meeting Minutes – motion to approve minutes from 7/22/15 and 8/12/15 – 2nd & approved.

OSC – discussion regarding several properties that have been offered to the Town (Meadow Dr, Crockett Rd, Henderson Property).

LSC – Mass Audubon will be coming in September; accepted the proposal from Stumpy's to remove the tree at the SWF trail – cost is \$870 (w/ prevailing wage) the wood will go to the neighbor.

Admin/Finances – motion to sign expense voucher for MACC dues (\$530) – 2nd & approved; motion to order 200 WPA guides from MACC at cost of \$30 – 2nd & approved.

7:10 PM NOI – DPW (continued hearing)

V. Roy

- DEP number issued; Motion to close hearing – 2nd & approved.
- OOC will be issued.
- DPW will submit and “Activity Notification” to the Con Com for any projects prior to starting.
- Another matter: Vinny contacted the DCR about trees on a property on Hickory Ln as the homeowners are concerned about the Emerald Ash Borer infesting some trees; he visited the property and did see signs of activity

7:20 PM Agent's Report

- Per submitted report dated 8/13/15 – 8/26/15.
- Afonso looking for building permits for lots on West River St; we will ask them to blaze the iron rods marking the boundaries of the Conservation Restriction so that Selby can review. Denise will contact G&H about this.

7:30 PM RDA - 57 Taft St

H & M Merrill

- Looking to build an addition to the existing house; already disturbance w/in the buffer zone; will not be disturbing any non-disturbed area

- A stonewall serves as a natural buffer.
- Addition is 55 feet from closest wetland; and is extending 18 feet off the house; the existing screen porch is being removed.
- Layer of stone was put down to address surface water erosion; a drain runs under the stone.
- Erosion controls will be needed on the neighbor's property and they (neighbors) are ok w/ that.
- Hearing closed.
- Selby recommends issuing a Neg. #3.
- Motion to issue a Neg # 3 for this project at 57 Taft St – 2nd & approved.

7:40 PM General Business/Active Items (continued)

Rockwood Meadows – CR/Easement docs not yet recorded.

Whitney Conservation Area – nothing new; it was noted that a camper is probably several feet within the easement.

Library Feasibility – minutes mention swapping a 20+ acre parcel of land on Main St – where is this parcel? Is it the Warren parcel which has already been given to the Con Com? If the land is Art. 97 protected then we should check w/ Town Counsel.

7:50 PM NOI – 45 Crockett Rd

S & S Colwell

- Replacing the home that was destroyed by a fire this past spring; building a smaller home on roughly the same footprint and will be further from the pond.
- The existing well and septic will be used.
- Erosion controls – will use mulch sock.
- Demolishing the existing house and removing the foundation; materials will be taken off site.
- Hearing closed.
- Motion to issue the OOC for 45 Crockett Rd – 2nd & approved.

8:00 PM General Business/Active Items (continued)

Hazmat Spill on Mendon St – Chris has contacted the DEP and Clean Harbors; also the Upton PD for a copy of the accident report to determine who is responsible for the spill. Do we issue an Emergency Form which is good for 60 days? Should we have the party file an NOI to ensure that the site is cleaned properly and restored? Who does the restoration? Motion to authorize Chris Scott to contact the DEP – 2nd and approved.

Motions -

- Sign a COC for 147 North St – 2nd & Approved.
- Sign the OOC for DPW Blanket NOI – 2nd & Approved.

Moth Survey – Tom Dodd has found a couple new species.

Forestry – discussion of DCR Lands Group Certification and Agreement (documents); there are benefits that are appealing; can we find out what Towns have signed on for this? Does this expand the market for our products and does it allow us access to certain markets? How does this apply to municipalities?

Marcella will see if she can get further info for our next meeting.

Property/parcels – Metacomet Land Trust voted to accept the Collier property (off North St near Mass Pike); Land trust does not mean that it is protected forever; suggest putting a CR on it. Metacomet is ok with this if the Upton Con Com will hold the CR; motion for Con Com to hold a CR on the Collier Property – 2nd & approved (1 abstention). CR will also need to be signed by the BOS; will prepare a draft and approach the BOS. Even if the Con Com doesn't hold the CR the BOS/Town will still has to sign-off on it as the land is in Upton.

STM – set for 11/17/15 – warrant closes 9/25/15; possible items: Ryan Property (Meadow Dr); Conservation Fund - \$5000 (put off from the ATM); Additional funding for an agent?

Merriam Way CRs – were recorded; would like to have Selby walk them. Will create a list of all CRs – electronic database and hardcopies in file.

8:45 PM Motion to Adjourn – 2nd & Approved

Minutes approved on: _____

Document List – 8/26/15

- 1) Con Com Agenda & Action Checklist
- 2) Agent's report 8/13/15 to 8/26/15
- 3) DCR documents: Land Group Certification & Agreement.



TOWN OF UPTON, MASSACHUSETTS

Conservation Commission

Meeting Minutes – Wednesday 9/9/2015

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
Selby (Agent)

7:00 PM Guest -- Kyle Pilkington, Grad Student at Clark University

- Observing meeting.

7:05 PM Beavers @ Southboro Rd

- Still waiting to hear from DCR about where to dump materials from removal of the dam.
- Tom Jango gave brief update of the beaver activity.

7:10 PM 4 Taft St – Enforcement Order Tom Birdsey

- Discussion to remove the enforcement order that was issued March 11, 2015.
- Selby reviewed and agreed that all activity that was requested has been completed: blocks were removed from the wall to allow the stream to pass through and recharge the wetland; gravel pile has been removed and grass clippings.
- A letter will be issued to lift/remove the Enforcement Order; Con Com to sign at next meeting.

7:25 PM Agent's Report

- Per report dated 8/27/15 – 9/9/15
- Crosswinds – invite Chad Boardman to next meeting to discuss Lot 8 (“Garden in the Woods” open space lot).
- Mendon St diesel spill – Clean Harbors has installed rip rap and gravel at the site; Con Com would prefer to see the gravel removed and hydric soils be used in its place; will issue an Emergency Certificate under the WPA and the Town's Bylaw; invite them to come to next meeting to discuss.
- Warren Woods – CRs behind private property to be reviewed; Kibbe land (approx. 6 acres) is currently in tax taking according to the Assessors.

8:00 PM General Business/Active Items

OSC – Stumpy's is removing the tree on the trail at Whitney Conservation Area tomorrow (9/10).

LSC – will be building kiosks at Stefans land on Saturday 9/12.

Admin/Finances – motion to renew the Northern Woodlands Magazine – 2nd & approved; motion to sign expense voucher – 2nd & approved; provided current financial info for accounts.

Warren St Town Parcel – Mike is still researching the history of the parcel after the 1969 town meeting vote which placed it under the control of the Commisison. Blythe suggested checking w/ Tracey in the Assessor’s Office to see if this parcel was deeded to Con Com in 1969.

Ryan Parcel (off Meadow Dr) – BOS voted to accept but they did not include language to put this land in the care, custody and control of the Con Com; Mike Ryan wants to have that in the language but do we want to ask the BOS to revote w/ the appropriate language? It was discussed to let the vote stand as is.

117 Hopkinton Rd – submitted a Request for COC – Selby has visited the site several times and needs to do final review; he recommends that Con Com sign the COC and hold until he gives the ok; also owe \$100 fee. Motion to issue the COC for 117 Hopkinton Rd pending Selby’s final review – 2nd & approved.

Pulte – Hartford Ave S project – no additional info but will need to file an ANRAD.

Stefans – met w/ CPC about using CPA funds for an access road, exploring options other than Orchard St strip; Alternatives include purchasing a 6 acre lot off Mechanic St that could potentially provide access; town would need to purchase this land; need to do a site walk at this property.

Forestry Land Group Certification Program – adds another level to our forestry plan; MaryAnn Piche – presentation on wildlife of forestry parcels; public relations; no word from Mass Audubon as yet; Municipalities are eligible to participate; there are several towns that have signed up; there are services available as a group; audits are conducted randomly; Motion to sign onto the MA Private Lands Group Certification Program – 2nd & approved.

STM Warrant Articles – articles need to be submitted by 9/25; suggestions for \$5000 for Conservation Fund (since this was not done at the ATM) and perhaps some additional funding for the Agent. Blythe met w/ Grafton & Northbridge Town Manager’s about sharing an Agent; Grafton is interested they have an Agent & Assistant Agent (who would be working with us?)What qualifications does the Assistant have? They were interested in how many projects our Agent has review and our fee schedule. We can provide the agents report.

State Conflict of Interest Law – several workshops being conducted by the state if interested; Chris will forward the email.

Whitney Conservation Area – easement issues, violations and encroachments; boat is gone but boat trailer and camper is still there; we have the right to be on the property as Conservation members and private citizens; discussion that Con Com should enlist the OSC/LSC to mark the line on the WCA easement to clearly delineate or if necessary to hire a surveyor specifically the street to the NE corner and stonewall to street; we should give Mr. Potheau a choice of what material he would like to see used to mark the boundary. Motion to hire a professional surveyor to mark the 4 corners of the WCA easement w/ pins – 2nd & approved. Selby to contact the original surveyor (Glen Odone) to get a quote.

9:10 PM Motion to Adjourn – 2nd & Approved

Minutes approved on: _____

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Document List – 9/9/15

- 1) Con Com Agenda & Action Checklist
- 2) Agent’s report 8/13/15 to 8/26/15
- 3) Financial reports (current)



TOWN OF UPTON, MASSACHUSETTS

Conservation Commission

Meeting Minutes – Wednesday 9/23/2015

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

Members Attending:

Chris Scott, Mike Penko, Tom Jango, Alan Miano and Marcella Stasa
Mary Overholt (Associate); Selby (Agent)

7:00 PM Beaver Activity

- Tom Jango will follow up w/ Jody

Agent's Report

- Per report dated 9/10/15 – 9/23/15.
- Orchard St - violation regarding vernal pool - how big was the vernal pool? Pond (pool) was very small not sure if it was man made or if it is jurisdictional – it is not.
- Buyer interested in 5A Wildwood Ave will need septic told to go to BOH.

Whitney Conservation Area Parking Area

- Having parking easement surveyed and will install pavers to demarcate it.
- Bill Taylor reported that Mr. Potheau wants the Selectmen to have a public hearing for the sign for the parking area. Should do a sign for the kiosk or covered sign? Whitney CA sign facing North St – Chris will contact the BOS.
- Mike Penko made a motion to reduce parking spaces from 6 to 4; Alan Miano disagreed that we should not give up any spaces; Mike's reasoning: encroachments, the eastern 1- 2 spaces are not functional (too close to easement boundary), and don't really need 6 spaces; Motion 2nd but did not pass.

7:50 PM Crosswinds – “Garden in the Woods”

C. Boardman

- Open Space lot – Selby suggest maintain meadow; thin the white pines – will stumps be removed? Selby will meet w/ Chad.
- Who will maintain this? Will it be owned by the homeowners or deeded to the town?

8:00 PM Whitney Conservation Area – continued

- Mike suggest signage be centered on the 4 spaces closest to North St.
- Motion for sign to be centered on westernmost 4 parking spaces – 2nd – defeated.

8:15 PM NOI Haz Mat Spill – Mendon St

- Motion to accept restoration plan as presented – 2nd & approved.

8:20 PM General Business/Active Items

OSC – Henderson property off Mechanic St (toward Fowler) potential uses: frontage lots, solar farm; Library Feasibility Committee is not looking to use Warren St property or to swap it.

LSC – Will have a booth at Upton’s Heritage Day on Oct. 3rd; Mass Audubon walked the North Upton Forestry parcel and will prepare a report regarding recommendations for bird habitat is there anything else we want them to comment on? Possibly legacy trees, old growth forest reserves, interior forest bird habitat; timber management areas.

Admin/Finances – motion to sign expense voucher – 2nd & approved.

Moth Study – so far has identified about 150 species.

Forestry – outreach is next step.

Letters – Chris Scott suggested that we send new home owners on properties w/ wetlands info on what that means to them; how do we identify who to send to?

STM Articles – 2 articles: money for Conservation Fund and increase to Agent’s salary.

8:50 PM Motion to Adjourn – 2nd & Approved

Minutes approved on: _____

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Document List – 9/23/15

- 1) Con Com Agenda & Action Checklist
- 2) Agent’s report 9/10 – 9/23/15
- 3) TMC Environmental – Restoration Work Plan dated 9/18/15 (274 Mendon St)
- 4) Whitney Parking Area – photographs of boat trailer on parking easement.



TOWN OF UPTON, MASSACHUSETTS

Conservation Commission

Meeting Minutes – Wednesday 10/14/2015

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

Members Attending:

Chris Scott, Tom Jango, Sandy Lajoie, Alan Miano and Marcella Stasa
Mary Overholt (Associate); Selby (Agent)

7:00 PM Beaver Activity - Southboro Rd

- Greg Trussell says he has a place to dump the material that is removed from the dam – West River St across from the soccer field. Also, DCR has a place in Uxbridge to dump the material.
- TJ will check w/ Vin Roy (DPW) to see if they would remove the dam.
- Water level is currently high but there has been no sign of beaver activity.
- Do we still need to remove the dam?

Agent's Report

- Per report dated 9/24/15 – 10/14/15
- Working on blanket Orders for the DPW; reviewing templates from other towns; suggests categorizing work/projects. Will prepare a draft for next meeting.
- Motion to accept Glenn Odone's offer to do the survey work at the Whitney Conservation Area parking easement – 2nd and approved.
- Email from resident at 8 Francis Drive w/ new plans showing location of wetland markers at the 30', 50' and 100' buffers. Will instruct him not to move any markers but to come in to see us first w/ a plan of what he wants to do on the property.

7:30 PM General Business/Active Items

MM – motion to approve minutes from the 8/26/15, 9/9/15 and 9/23/15 meetings – 2nd & approved.

Website – will add the Hunter's Tree Stand Guidelines to the Forms & Documents page of the website.

OSC – SVT is sponsoring a hike at SWF; Baystate Trail Riders are doing a ride from the USF over to SWF and WCA; the Blackstone Valley Watershed Association is holding a walk at Stefans land this is free for their members but they want to charge non-members \$5. Charging admission on Town property is not allowed thus we will suggest that they ask for donations.

LSC – The Girl Scout who built & installed the kiosk at Peppercorn Hill is holding a community event at the site on Sunday, Oct. 18th from 1 – 4 pm; CPC will hold a hearing on Oct 26th for the conceptual plan for another potential access to the Stefan's land; this access has potential for crossing private land; Motion to authorize the LSC to contact private land owners for discussion of the access to Stefans land – 2nd & approved.

Whitney Conservation Area/Parking Easement – need to let Mr. Potheau know when Glenn Odone is going to be on the property; also need to let the Town Manager know and see if we should possibly have a police

officer on hand when Glenn is there. Would there be a charge for the officer? Still working on date to install the sign; working with the Potheau's and BOS on this. Snow removal policy will be discussed at next BOS meeting.

Ryan Parcel (Meadow Dr) – deed has been drafted and given to Town Counsel.

Forestry – waiting for reports; outreach is next step.

Cook Property (Milford St) – Chris will contact to set up a site visit – possibly Saturday 11/7/15 at 10 am.

8:05 PM NOI - 12 Shore Dr

- Continued to 10/28 @ 8:15 pm

8:10 PM RDA – 95 Crockett Rd

R. Stallard

- RDA for the removal of several trees within the buffer zone; some are dead or dying and owner has concerns of them falling.
- Selby has no issue with cutting the trees he has marked; no stump grinding but can leave the brush or cut trees outside the 100' buffer as wildlife habitat.
- Hearing closed.
- Will issue a Neg #3 within 2 weeks.
- Motion to sign the Determination (Negative #3) for 95 Crockett Rd – second & approved.

8:15 PM Continued General Business Items

Admin/Finances – motion to sign expense voucher – 2nd & approved.

November Meetings – won't be meeting on Wed. Nov. 11th (Veterans Day holiday) or Wed Nov. 25th (night before Thanksgiving); Will meet only once on Wed. Nov 18th in Little Town Hall (Denise to confirm).

8:20 PM Motion to Adjourn – 2nd & Approved

Minutes approved on: _____

Document List – 10/14/15

- 1) Con Com Agenda & Action Checklist
- 2) Agent's report 9/10 – 9/23/15
- 3) Email from S. Nagpal of 8 Francis Drive, Upton



TOWN OF UPTON, MASSACHUSETTS

Conservation Commission

Meeting Minutes – Wednesday 10/28/2015

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); Selby (Agent)

7:00 PM Beaver Activity - Southboro Rd

- Tom Jango gave an update; DPW is willing to move the material from the dam removal; do we still want to remove the dam? The water level is low and there has been no recent activity. Would create a 10-12 foot opening. As the Commission already voted to remove the dam we will move forward with doing so.
- Tom will contact Greg Trussell and have him coordinate w/ Vin Roy (DPW) about where to dump the material he removes.

7:10 PM Agent's Report

- Per submitted report dated 10/15/15 thru 10/28/15.
- Reviewing the Merriam Way CRs; suggest having them re-surveyed; will see if we could use funds from the Wood Turtle account as this is their habitat.

7:30 PM General Business/Active Items

MM – Motion to approve minutes from the 10/14/15 meetings – 2nd & approved.

Website – General updates.

OSC – Town counsel has reviewed the Ryan Parcel deed; they suggest a title search and that we should review the utility easement and inspect the property (site walk); also that we should verify that the boundaries shown on the plan; the Ryan's have proposed the name "Pixie's Park". Selby will walk the property; motion made to accept the name "Pixie's Park" – 2nd and approved. We will need to discuss with Blythe about the title search and boundary review.

Admin/Finance – Motion to sign voucher – 2nd & approved; NO meeting on 11/11 (Veteran's Day) or 11/25 (Thanksgiving) but will meet on Wednesday, November 18th at 7 pm in Rm 203.

Whitney Conservation Area/Parking Easement – Discussed w/ Blythe Glenn Odone's offer to do the survey pro-bono; we can accept his offer and send a letter to Greg. Need to create a team (3 members) to work w/ the Potheau's; the following items need to be finalized: 1) survey of parking easement; 2) mark the boundaries of the easement; 3) sign for the parking area; 4) location of the covered kiosk; 5) placement of the WCA sign on North St; and 6) snow removal policy and plan. Alan suggest that we meet w/ the Potheau's at the next BOS meeting to discuss these 6 items; goal is to finish the parking area; a suggestion was made to have Mr. Potheau plow the parking area and in turn he can park his truck in the lot, however, it was brought up that town counsel does not recommend Mr. Potheau do any maintenance on the property (easement), the Town should come up with its own plan; we should retain a private operator to plow; how are we going to delineate

the eastern end? Needs to be permanent – Alan has some suggestions; Metacomet still has funds for WCA and could be used to purchase and install markers. Bill Taylor will contact Blythe for discussion of these items.

**8:00 PM NOI – Upton Solar Installation
Off Milford St/Chestnut St**

**Alan Clapp/Nexamp &
Travis Brown/Andrews Survey & Engr.**

- Proposed installation of a 2 megawatt facility off Milford St; existing gravel access; site is approximately 61 acres.
- Panels will be located on roughly 10 acres; cutting/clearing trees will be to the limit of grading as shown on the plan; panels will be 3' off the ground at their lowest point; a 7' chain link fence will surround the panels; could the fence be raised off the ground to allow for turtles and other small creatures to pass through?
- Project is outside the 100' buffer zone except for the entrance.
- Site is not visible from Milford St or Chestnut St; nearest abutters are several hundred feet away.
- A public hearing w/ the Planning Board has been set for Nov. 24th.
- Selby has walked the property and noted that there is an area that looks like it was previously flagged would like to have that checked.
- Steeps slopes will require grading; will plant grass under the panels; vegetation will be mowed or weed wacked maybe twice a year if needed; no herbicide; suggest using a pollinator seed mix.
- No vernal pools.
- Gravel will be brought in for the road; won't plow in winter unless there is a problem.
- Stormwater basins will be gated for maintenance purposes.
- Erosion controls – straw wattles, filter mitt and compost mulch socks; suggest using stump grindings and wood chips from the on-site cutting; steep slopes will be seeded no rip rap.
- Stormwater Management Report –per the Planning Board review – their engineer (Fay, Spofford & Thorndike) is reviewing.
- Abutter's concerns include:
 - Impacts to the wildlife
 - Erosion (answer: see above)
 - How close is this from the RR tracks? (answer: over 200 feet)
 - How long is the construction period? (answer: 3-4 months; stabilization of the site will be a couple growing seasons)
 - Blasting? (answer: may be the need for some)
- Commission will do a site walk prior to the next meeting; site walk proposed for Saturday, Nov. 7th at 10:00 am; public is invited (per applicants approval); abutter across Milford St has ok'd to park on his property for the site walk.
- Public hearing continued to Nov. 18th at 7:30 pm.

8:30 PM RDA 53 Warren St

Margaret Bacon/Civil Site Engr.

- Septic repair for existing 3 bedroom house w/ failed septic system.
- Installing a new Presby System; will be outside the 50' buffer zone; only 1 tree will be removed; plan has been approved by the BOH; this new system will limit the amount of fill.
- Removing the existing tank.
- Erosion control: will use a 12" mulch sock with a silt fence.
- Selby recommends a Neg. #3.
- Hearing closed; Motion to issue a Negative #3 Determination – 2nd & approved.

8:40 PM NOI - 12 Shore Dr

Janet Gardner

- Installing a new well; a new septic was installed (per approved NOI); will need a waiver from the BOH.
- Erosion controls: straw wattles around the drilling site; they can be removed once the well is installed and site is cleaned up.
- Public hearing closed.

8:50 PM Continued General Business Items

Warren Town parcel – potential name? Do we want to put up a sign for the trail which runs Coach Rd to Warren St; we should remove some of the structures (ramps/jumps) that have been built on the property for safety purposes?

Turtle Project – still waiting for the report.

Moth Study – Tom Dodd has identified 160 species.

Forestry – waiting for Mass Audubon input.

Cook Property (Milford St) – Chris still trying to contact the owner to set up a site visit.

STM – Tuesday, Nov. 17th – Conservation Fund warrant article.

Finance Committee Meeting – we’ve been invited to attend their meeting on Thursday 11/5/15 at 7:15 pm to discuss the use of Conservation Fund and the Stefan’s land access.

Motions:

- Motion to issue and sign the OOC for 12 Shore Dr – 2nd & approved.

9:10 PM Motion to Adjourn – 2nd & Approved

Minutes approved on: _____

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Document List – 10/28/15

- 1) Con Com Agenda
- 2) Agent’s report 9/10 – 9/23/15
- 3) Sign-in sheet

Upton Conservation Commission
Meeting Minutes Nov. 18, 2015

Members Attending– Chris Scott, Marcella Stasa, Sandy Lajoie, Alan Miano, Tom Jango, Scott Heim and Mary Overholt (Associate Member) Bill Taylor and Selby

7:00 pm Beavers Southboro Rd.

The work at Southboro Rd. has been completed. They took out he dam and beaver house too. The dam was not brought down as low as Tom would have liked it.

7:05 pm Agents Report see attached Selby had met with Chad Boardman to look at the trees which need to come down for garden in the woods. Marcella would like to go out and see which trees they selected.

Solar Site) Chestnut St.

There were no concerns reported from the site visit. The one area which appeared to be low, was not a wetland. The applicant will not plant the pollinator mix because it grows too tall. They are going to plant a clover mix. Their max height is 3 ft. The work will be starting late winter early spring. A motion was made to approve an Order of Conditions for the Project.

7:30 pm General Business

Oct. 28 meeting minutes approved.

Website – The town has a new website, Alan will need to fill out forms to move the current content. The new site should make it easier for other people to update.

Open Space – Working on the Ryan deed. There needs to be a title search. A motion was made to spend 195 to do get a report done on toxic waste that may be on the property. Mtn 12nd and passed. The property will be transferred to the town by the end of the month.

The proposal for funds to research potential access to the Stefans property passed the CPC.

Land Stewardship – No news

Administrative – COC issue for creation of pond. Motion To sign bills

Chace update – The lawyers have said that Mr. Chace has to prove that he owns the land. He has not been paying taxes on it.

Whitney parking are – Alan has spoken with the Potheaus. There needs to be another meeting to show them the parking sign and talk about other planned signs.

Cook - Annual site visit was completed. Everything looks good. They will get a letter confirming that.

Sandy asked if we had ever revoked an Order. She says her daughter has experience with this and has advised us that we can if we need to.

Next mtg. Dec. 16

8:43 motion to adjourn

Submitted by Mary Overholt



TOWN OF UPTON, MASSACHUSETTS

Conservation Commission

Meeting Minutes – Wednesday 12/16/2015

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)

7:00 PM General Business/Active Items

MM – Motion to approve minutes from the 11/18/15 meetings – 2nd & approved. (MP abstained)

Website – AM completed survey for the new website; fixed some broken links and updated some info.

OSC – Working with Mike Ryan and Town Counsel to finalize the language for the Meadow Drive parcel. This transfer needs to be done by 12/31/15. Motion to authorize the Conservation Commission to sign the deed and any other associated paperwork – 2nd & approved. 47 Acres (approx.) of Chapter 61 land on East St may be coming up for sale some discussion of the Town acquiring.

LSC – New sign installed at Stefans land; Greg Trussell (Plowman Landscaping) is doing some work at this property; mowing and some clearing/maintenance; removing some invasive species. Motion was made to sign an expense voucher for Plowman invoice – 2nd & approved. Discussed upcoming workshops on “Prescribed Fire” to be held in February & March. Is this something we want to pursue for the Stefan’s property? Yes, worth attending and finding out what is involved.

Admin/Finance – Motion to sign expense voucher – 2nd & approved; timesheets signed by Chair.

Office – Resident called w/ concerns about beaver activity in the Fowler/Mechanic St area – TJ will contact.

Whitney Conservation Area/Parking Easement – DS will contact Greg Odone to see about moving forward w/ surveying the easement and installing permanent markers such as rebar pins w/ caps that will be flush with the ground; MP suggested that as there is money available from Metacomet that we purchase and install wooden guardrails on the eastern end of the easement; his suggestion is to leave a 20’ opening then install a 16’ section of guardrail then another 20’ opening; we previously accepted Greg Odone’s offer to do this work pro bono with our agreement to issue a letter for tax purposes; motion to issue a letter to Greg Odone for tax purposes after this work has been completed – 2nd & approved.

Chase property – nothing new at this time.

Warren Town parcel – potential name? Do we want to put up a signs for the trail which runs from Coach Rd Apts to Warren St? We would need to get approval from the Housing Authority. Looking for suggestions for a name for the trail; suggested that we reach out to the Historical Commission.

Moth Study – completed for now; possibly in the future conduct a study on the Stefan’s land.

Forestry – waiting for Mass Audubon input MP will contact.

Kiwanis Beach Parking Area – DPW will be submitting a Stormwater Permit.

Upton Solar project – Con Com would like input in the type of seed mix as previously discussed with the applicant; motion was made to provide the Planning Board with some language for their decision regarding the type of pollinator seed mix to be used – 2nd & approved.

8:18 PM Motion to Adjourn – 2nd & Approved

Minutes approved on: _____

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_____	_____

Document List:

- 1) Con Com Agenda & Action Checklist
- 2) Agent's final report dated 11/19/15 – 12/16/15.