

**Meeting Minutes**

To: Members of Upton Conservation Commission  
Cc: Upton Town Clerk  
From: Debbie Sexton  
Re: Minutes of meeting Wednesday, January 14, 20089

**Members Attending:**

Chris Scott, Mike Penko, Marcella Stasa, Tom Dodd, Scott Heim  
Debbie Sexton, John Savello

**Meeting Timeline**

**7:35 Discussion 54 Fiske Mill present: Ganeen Baynham**

- Asked about her property with OOC that stated “in perpetuity”. Wanted to know why.
- UCC – only condition the house could be built was a deed restriction. There are several wetlands on the property.
- Ganeen said they were unaware of how extensive the wetlands were when the house was sold to them.
- Ganeen did confirm there was in fact a deed restriction.

**9:35 Meeting Adjourned**

<hr/>	<hr/>
<hr/>	<hr/>
<hr/>	<hr/>

## Meeting Minutes

To: Members of Upton Conservation Commission  
Cc: Upton Town Clerk  
From: Debbie Sexton  
Re: Minutes of meeting Wednesday, January 14, 20089

### Members Attending:

Chris Scott, Mike Penko, Marcella Stasa, Tom Dodd, Scott Heim  
Debbie Sexton, John Savello

### Meeting Timeline

#### 7:35 Discussion 54 Fiske Mill present: Ganeen Baynham

- Asked about her property with OOC that stated "in perpetuity". Wanted to know why.
- UCC – only condition the house could be built was a deed restriction. There are several wetlands on the property.
- Ganeen said they were unaware of how extensive the wetlands were when the house was sold to them.
- Ganeen did confirm there was in fact a deed restriction.

#### General

- CS talked about the budget freeze issued by the BOS. All accounts currently frozen.
- CS took some notes about how this might affect Con Comm. (ex. beavers, old receipts, grant money – land stewardship).
- Discussion about the financial budget.
- John Savello looked at the 151 Mendon St. new set of plans and gave an update. Said there were more changes. They added more impervious to the lot.
- Motion to accept the annual report – ALL IN FAVOR.
- Check on PDF from Kelly. Can we be another user on the town license? Will it cost us or not?
- E-filing update – not up and running yet. They will come out and train us too.
- West River CR – UCC needs more time to review – discuss again on 1/28/09. Let Mike Weaver know that UCC needs more time.
- Motion to accept Open Space committee for 2009 appointment – ALL IN FAVOR
- TD – question again about the money for beaver issues.
- UCC talked about the Humane Society bill. Not sure why it wasn't paid yet.

#### Beaver Issues

- MP letter to DCR – CS read parts of the letter with some of her edits.
- SH – none of the issues at Southborough Rd. meet Dam requirements. Must be a min of 6' in height.
- MP will make additional updates. He also talked about the bog.

#### 8:40 Stormwater – quick update from CS

##### By-Law Regs – Scott Heim handed out latest changes.

- UCC discussed the definition of "no building" – a structure requiring a building permit. Should redefine – add retaining wall, shed, fish ponds.
- UCC talked about septic system set backs.
- MP – the bylaw primarily applies to new construction and subdivisions.
- CS – suggests writing a list that describes other "building" that don't require a building permit and other permanent disturbances. (ex. "buildings and impervious surfaces").
- Vernal Pool resource area is 100' from the edge of the water. "No disturb" is 0 feet from the 100' resource area. "No building" is 30' from the 100' ra.
- SH will update and send out a revision.
- MP Motion that UCC approve changes from tonight – ALL IN FAVOR
- CS suggested using many PE's for proposals in the future (other bids). Should see different bids before hiring a PE

**9:35    Meeting Adjourned**

---

---

---

---

---

---

## Meeting Minutes

To: Members of Upton Conservation Commission  
Cc: Upton Town Clerk  
From: Debbie Sexton  
Re: Minutes of meeting Wednesday, January 28, 2009

### Members Attending:

Chris Scott, Mike Penko, Marcella Stasa, Tom Dodd, Scott Heim  
Debbie Sexton, John Savello

**Held at the Fire Station due to inclement weather. The Nipmuc High School was closed.**

### Meeting Timeline

#### 7:40 General

- Rasaly Rupinski came to observe the Con Com meeting to decide if she may want to become a commission member. Everyone from the Con Comm introduced themselves.

#### 7:45 NOI(cont) 151 Mendon St. present: Peter Lavoie

- Presented new plans from the building committee and Planning Board.
- Increased parking in area of no disturb. 125' from property line.
- Relocated parking
- PL showed two maps – before and after
- Septic same location
- Relocated detention basin – reduced the side and moved it up.
- Added a cistern from the roof
- 42 Acres overall: 1.5 no disturb acre, outside the 100' of VP, total impervious before 3.5, after 3.
- Preserving trees
- No increase in runoff or volume.
- JS – impervious decreased? Parking looks bigger
- Removed 24' of pavement and 18' of parking.
- Split run off into 3 areas vs. one area and mitigating.
- Got rid of overflow parking. Not paved over.
- Moved basin up
- Bordering 30' no disturb
- PB asked that PL work with the abutters (Plumbley Rd.). Thus moved parking closer to the wetlands.
- JS – are finding on-site consistent with class C soil? PL – yes, testing he did was consistent.
- JS – Questions the steep slope during construction – hay bales.
- Plantings near 30' disturb: JS would like to see them add oaks and red maples along the edge of 30' no disturb – close to parking.
- JS – edge of pond – Where is it flagged?
- Haven't heard back from PB consultant yet. Next meeting 2/10/09.
- BOH and other dept are o.k. with plans.
- Town water – hooking up to Grove St. to bring along Mendon St.
- Continue to 2/11/09 meeting.
- MP – PB say anything about no further buildings on the lot?

#### 8:05 By Law Regulations Public Hearing present: Al Holman, Ken Picard (BOS)

- CS read notice
- By-law regulations – Lots having an existing house prior to May 1<sup>st</sup> 2004 are exempt from by-law and regulations.
- S.Heim – UCC took bylaw and applied them in the regulations.
- CS – changed fees to met Con Comm's need to review on going sites (ex. Glen Echo subdivision is a 5 year project).
- Al Holman pg. 1F – concerned about definition of 'area of flooding'. JS by law does not re-write state definition of a wetland/resource area (ex. land subject to flooding) pg. 5 #7 – has definitions.

- Isolated wetlands aren't jurisdictional under state WPA but our by law does regulate these areas that are defined by presence of hydrophytic vegetation, hydric soils and hydrology.
- Fees – are higher now. Don't meet the cost.
- AH – questioned the high cost of some fees. CS explained these fees are primarily geared toward large projects/subdivisions.
- AH Suggested \$200 vs. \$300 for maximum daily fine.
- Section 8 – town meeting warrant – put before the town – have governing body vote on it.
- SH – doesn't see this new by-law as expanding jurisdiction.
- Ken Picard – has it gone to town counsel? UCC – not at this time.
- MP – created regs to administer the by-law. Not to extend the bylaw.
- Continued to 2/11/09

**8:40 NOI Pleasant St. present: M.Allen, K.Picard (BOS)**

- CS read notice
- Notice of location change was posted
- MA presented plans
- Existing stream at 56, 58, 60 Pleasant St.
- Needed help with mitigating their concerns. Flooding and broken up pavement.
- M.Weaver from G&H wrote letter with suggestions for BOS (hired by 56, 58, 60 Pleasant St. homeowners).
- Reasons for the water problems is because sediments built up in the stream causing overflow.
- JS – vegetated wetlands have encroached because of stream overflowing?
- Stream is overflowing its banks.
- BOS agreed to: 1) Re-grade the slopes in the stream and 2) Cut back the sediment and vegetation.
- Annual maintenance will be homeowner's responsibility.
- Work to be done in the springtime. UCC suggested stream work should be done in August or September.
- Intermittent stream – 6 – 8' deep 2 -3' wide. Shallow flowing stream.
- JS- didn't think the problem was the stream being clogged.
- MP thought the problem was because of the blockage at the bottom of the stream.
- Culvert size would stay the same.
- No earthwork or subgrade on driveway – only surface work.
- 3' stream below driveway. 1 – 2' bank of stream below driveway.
- MP asked if anything can be done to prevent frost heaves (different types of asphalt).
- UCC – is the detention basin on the other side of the tracks being affected? MA - Not sure at this time.
- Closed hearing.

**9:05 Mark Allen review of Noble Vista**

- Handed everyone a copy of his review.
- 2 catch basins are in today.
- How much are they taking away? Is it effective? Not sure.
- Water coming down Hartford Ave. 1. Volume 2. Location of point source discharge
- Swale may not be taken the water away from Hartford Ave.
- JS – is what they proposing going to eliminate the problem?
- 1 – 1 ½" pipe cover.

**9:15 EO Update Glen Echo present: John Endgahl**

- 60% done. Not done yet. Weather has been a deterrent.
- Reduced size of clay pile.
- Capped with raw loam
- Plans increased size of sediment basin.
- 10, 9, 8, 7 top soiled, driveways and septic are in.
- Majority of their work is the mitigation work.
- When done, they would like to have Con Comm have a site walk to have the EO lifted.

- Will e-mail updates on the work being done.
- Possibly some mitigation for some reoccurring sedimentation.

**9:40 Beaver Issues:**

- Invoice to be paid from the 5,000 – skip’s work = \$1,100.
- Skip offered yearly maintenance contract \$200-300.
- MP revised letter to DCR – Marcella to follow up to find who letter should be sent to (main person). Should cc selectman, BOH, regional director, Jeff Cate and John Dwinell, commissioner.

**10:00 Stormwater Regs**

- CS no update yet

**10:01 General**

- Motion to accept meeting minutes – ALL IN FAVOR
- Scott H. will make adjustments on by-law regs.

**10:03 Meeting Adjourned**

---

---

---

---

---

---

## Meeting Minutes

To: Members of Upton Conservation Commission  
Cc: Upton Town Clerk  
From: Debbie Sexton  
Re: Minutes of meeting Wednesday, February 11, 2009

### Members Attending:

Rosely Rupinski, Sandy Lajoie, Chris Scott, Mike Penko, Marcella Stasa, Tom Dodd, Scott Heim  
Debbie Sexton, John Savello

### Meeting Timeline

#### **7:30 RFD Lot1R present: M.Weaver G&H**

- CS read legal notice.
- MW presented plans – described location of 1<sup>st</sup> lot (on left, not on cul-de-sac).
- Plans were approved by BOH.
- Outside of 100' buffer zone.
- North side some grading.
- Approved by Natural Heritage.
- Work will not start until driveway is done (90%).
- Outside CR
- MP suggests note should be on plans that states work needs to comply with permit from NH.
- SL added - a note should also be on the plans referring back to original NOI (from shared driveway) set of plans. All 3 RFD house lot's plans should reference OOC from DEP #311-610, original plans and Natl Heritage permit.
- Make it stand out on plans.
- MW asked if he could close the hearing and get new set of plans to UCC.
- JS suggested looking at the lots when building permits are requested.
- Closed hearing. MW will submit new set of plans to UCC office by Tuesday 2/17.

#### **RFD Lot 2R present: M. Weaver G&H**

- CS read legal notice
- Closed hearing.

#### **RFD Lot 3R present: M. Weaver G&H**

- CS read notice
- Furthest to the south of cul-de-sac.
- Wet in front and back – both within the CR.
- Outside 100' buffer zone.
- Septic behind, well in front of house.
- Will add notes to map regarding OOC, original plans and NH permit.
- Closed hearing.

#### **8:00 West River CR Discussion present: M. Weaver**

- NH added more comments to CR.
- Not sure if it has gone to town counsel – CS said not yet.
- MP – added more information about the vernal pool. He read his comments from his copy. He will forward changes to MW and Rebecca S. at NH.
- UCC discussed the budget as to how the attorney fee for the CR review would get paid.
- MW agreeable to the changes MP had made.

#### **8:10 NOI (cont.) 151 Mendon St. present: P. Lavoie**

- UCC read PB consultant's review.
- Note to landscape drawing regarding trees requested by UCC
- Hay bales – are in on steep slope.
- PB approved plans and closed the hearing.
- FST consultant will get a letter to the UCC also.
- Only change is the entrance.

- Revised drainage – relocated to “valley”.
- No run off from access road will go into Mendon St.
- Increased 12’ to 15’ pipe.
- Plow snow into swale.
- UCC note – no snow should be plowed in buffer zone.
- Any blasting? Maybe but not sure. Ledge in front of church. PL did testing.
- PL – will bring plans into the UCC office on Tuesday 2/17/09
- BOH and PB gave their approval.
- Closed hearing.

### **8:30 General**

- CS – DEP didn’t issue a DEP # for Pleasant Street NOI. Reasons: 401 water quality certification and amount of dredging. M.Allen replied to DEP waiting to hear back.
- Motion to accept meeting minutes from 1/30/09 – all in favor.
- CS – Noble Vista update – M. Allen still trying to get info from Tunison Smith.
- Questions still aren’t resolved.
- Can’t do anything unless bank gives them the approval.
- Still questioning: What is the right percentage of water?

### **By-Law Regulations**

- SH handed out updated copies of the by-law regs.
- CS – UCC is not debating the existence of the by-law. UCC’s only topic is the regulations to administer the by-law. The by-law itself went through the attorney. By-laws do not need to be re-reviewed.
- CS – UCC has no responsibility to put this on a warrant. Town Clerk would need to have 25 people sign a petition to put this on a warrant.
- CS regarding fees - clients need to pay for services. Fees are proportionate to the size and length of time of the project. UCC needs to cover their costs.
- CS – handed out a sheet explaining different town’s fee.
- MP – suggests Pat Roche may know how to administer violations for fees.
- Rufin Van Bossuyt suggests it would be wise to run new by-law regs by town counsel.
- MP, SH agrees it would be wise to go in front of town counsel.
- CS will talk with BOS about it.
- Wait to close public hearing until CS talks with BOS.

### **General**

- Rosely decided to join UCC as a member. She has a background as an architect and she is starting her master.
- Motion to issue a letter to selectman’s regarding Rosely’s appointment to UCC. ALL IN FAVOR.

### **Beaver Issue**

- MP wrote and finished a letter.
- Selectman paid the bill from Skip. CS not sure if they also paid for a yearly maintenance contract. She’ll look into it further.

### **General**

- Abatement issue at the Assessors Office. Assessor’s office is referring people to UCC for wetland maps. We don’t supply these. UCC doesn’t get involved with abatements due to wetlands (not able to build on lot). Two criteria to look for: 1.) Vacant property (no house) and 2.) If the property is assessed for more than one lot. Not sure how Upton assesses land.
- Still going to be taxed for the land you own. Whether it has wetlands or not.
- MP makes a motion to close 57 Williams St. NOI. UCC to deny NOI.
- Site walk at Glen Echo – 9:00 am Saturday, February 14, 2009.
- Discussion regarding mitigation by Pulte for recent WL violation at Glen Echo. One idea is to have Pulte donate money to a school environmental program. Possible on-site mitigation include: restoration of stonewall along North street, plantings and signs.
- Motion to sign invoice for expense – ALL IN FAVOR
- Motion to accept negative determinations for Lot 1R – ALL IN FAVOR



- Motion to accept negative determinations for Lot 2R – ALL IN FAVOR
- Motion to accept negative determinations for Lot 3R- ALL IN FAVOR
- Budget discussion

**10:05 Meeting Adjourned**

---

---

---

---

---

---

## Meeting Minutes

To: Members of Upton Conservation Commission  
Cc: Upton Town Clerk  
From: Debbie Sexton  
Re: Minutes of meeting Wednesday, February 25, 2009

### Members Attending:

Rosely Rupinski, Sandy Lajoie, Chris Scott, Mike Penko, Marcella Stasa, Tom Dodd  
Debbie

### General:

- CS – DEP # for Pleasant St. not assigned yet. “Under Review”.
- MM to be approved at next meeting (2/11/09)
- CS read response letter from GXP’s review of the by-law regulations – Reviewed by town council. UCC responded.
- CS – made a motion to accept by-law regulations – ALL IN FAVOR
- CS will get to town clerk – 10 day window for petition.
- CS resented a draft of a letter to the BOS regarding the Noble Vista’s lack of response to Mark Allen.
- Pulte – CS wrote a letter to release the EO and proposed ideas for what they could do to repay due to erosion problems.
- CS proposed an escrow account. Possibly “Glen Echo Trail Fund”. UCC’s discretion to administer funds. Sole use will be for on property projects.
- MP suggested possibly \$500
- Pump Station and detention basin – not sure if this is town owned.
- SL - John Roberstson from Library Trustees are looking to lease land from cemetery commission. 5 acres. Asked if it would be a feasible spot. Behind BVT.
- Site visit with John Robertson and UCC – Sunday March 8<sup>th</sup> in the morning.
- DS – told about a call from Chris Cutler and his 12 acres of land that abuts Warren Brook. He is looking to sell or find out about a conservation easement. MP would call him back.

### 8:30 Review UCC filing chart for website. MP needs more time - continue to next meeting.

- OOC for 151 Mendon St.
- CS read JS’s additional comments from his e-mail.
- CS included Rosely’s comments about plantings.
- #33 – drop.
- UCC reviewed and made comments. CS to update OOC.
- To be in office by 3/2.

### 9:00 RFD for West River

- Review negative determinations for all three house lots.

### 9:02 General

- Beaver Issues: CS contacted Ellen Arnold about whom to contact.
- No new news on Stormwater regs.

### 9:05 Open Space

- Gail Harrington and Sweet Williams farm – MP gave update and described the site.
- UCC discussed the state of CPC funds.

### 9:45 Meeting Adjourned

_____	_____
_____	_____
_____	_____

## **Meeting Minutes**

To: Members of Upton Conservation Commission  
Cc: Upton Town Clerk  
From: Debbie Sexton  
Re: Minutes of meeting Wednesday, March 11, 2009

### **Members Attending:**

Rosely Rupinski, Sandy Lajoie, Chris Scott, Mike Penko, Marcella Stasa, Tom Dodd  
Debbie, John

### **TimeLine**

**7:29 Motion to open public meeting – All in favor**  
**Motion to recess to CPC meeting – All in favor**  
**8:10 Resumed public hearing**

### **General:**

- Motion to accept meeting minutes from 2/11/09 and 2/25/09 – all in favor.
- By-law Fees - MACC suggests a revolving account for fees. Separate from Wetland Protection account.
- Needs to be put on town warrant
- Violation fees can go into this account.
- By-law states we can't do that at this current time.

### **Eric Rapp – Boy Scout**

- Troop wants to camp out for 3 days at Peppercorn. Can he build a campfire – Land Use Regs says o.k. but he needs to get approval from the fire department.

### **Pending Concerns:**

- Noble Vista – CS sent e-mail to selectman
- M. Allen did address outstanding issues with DEP O.K. to issue OOC for Pleasant St.
- CS wrote and read a letter to Pulte Homes regarding account of \$500 for trail funds.
- MP – suggest to confirm with J. Bates that it is o.k. to set up and account for this purpose.

### **Beaver Issues:**

- CS will send e-mail to J. Bates re: trap rock on Southborough Rd.
- CS will send out letter to DCR.
- Stormwater: No update

### **J. Savello**

Site visit to North St.

- Lots 2 and 4 North Street – erosion control at second crossing for Lot 4 needs to be stabilized.
- Silt fence in some areas need to be replaced.
- Not following construction sequence plan – replication areas graded and planted. Stabilize driveway (complete-paved)

### **EO North St. Lots 2 and 4 present: P.Lavoie, Steve Byron**

- Showed amended site plan
- Driveway was already in
- Graded replication area – not planted only to grade.
- Project has been on hold for 1 ½ years
- Lots are not selling because of Mass Pike noise. – no buyers
- Mr. Capobianco has a interested buyer on his home (177 North St.) and would like to build a new home on Lot 4 (sell his home.
- Fix silt fence and put up hay bales.
- CS – CCC needs to know about sequence change in advance.
- JS – still concerned about bare slopes. Very muddy. Needs to be stabilized
- PL. – possibly crushed stone in crossing of driveway
- UCC – mulch, wood chips o.k.
- Steve Byron – Bob Capobianco's project manager.

- EO to be lifted: 1)stabilization, 2)erosion controls, 3)address plantings, 4)Flagging WL under construction.
- CS reminded that OOC is good until 5/10 (next year). Need to file for an extension if project is not complete.

**Other**

- Wayne and Priscilla Senecal 30 Fisk Mill Rd. – Asked for CoC. They are refinancing and lawyer stopped the process because of the open OOC.
- CS – get a quote for magnetic sign for J. Savello’s truck (to alert property owners and avoid police intervention).
- By-law Regulations – 47 citizens signature to petition the rules and regulations. Will need to address at town meeting.
- Get regulations back on Con Com website and town counsel approval letter on too.
- MP to draft town meeting article naming east side Glen Echo parcels a conservation area.

**9:45 Meeting Adjourned**

<hr/>	<hr/>
<hr/>	<hr/>
<hr/>	<hr/>

## Meeting Minutes

To: Members of Upton Conservation Commission  
Cc: Upton Town Clerk  
From: Debbie Sexton  
Re: Minutes of meeting Wednesday, March 25, 2009

### Members Attending:

Rosely Rupinski, Sandy Lajoie, Chris Scott, Mike Penko, Marcella Stasa, Tom Dodd  
Debbie, John

### TimeLine

#### 7:36 NOI 117 Hopkinton Rd. present: B.Ducharme, Robert and Ruth Danforth

- CS read notice
- 1.4 acre site, replace 3 bedroom home.
- Existing driveway – want to maintain it but extend it.
- BVW surrounds border (2 separate systems)
- Existing house – 1950's home – outdated want to demolish and rebuild.
- Same footprint, existing cesspool and two wells.
- Wants to drill new well to regs, title V compliant septic system (50') and crush and fill cesspool.
- New home will be a little closer to the wet
- Plans –erosion control surrounding whole work are.
- Receptacles to store trash and hauled off site
- DEP issued number
- JS visited site – No endangered species, no 100 year flood, o.k. with site, BVW only, all work is taken place in already disturbed area/lawned area.
- BOH considered this a repair. UCC will wait to hear on their approval.
- Within 50' buffer
- 20' cistern well – decommission and cesspool. Pumped, crushed, filled and capped.
- UCC would like to see bounds in and see them on the plans.
- Close the hearing contingent on BOH approval and new set of plans with updates.
- Closed hearing.
- Motion to issue OOC – all in favor.

#### 8:06 General

- CS motion to accept meeting minutes from 3/11/09 – all in favor.
- UCC finances – o.k. with letter
- Motion to accept the draft from Mike Penko for town warrant – Glen Echo conservation by Land Stewardship – all in favor.
- 57 Williams St. – UCC denial of NOI – cs typed up findings 311-616.
- Pulte letter – UCC discussed open space area for trail. CS made 3 suggestions in the letter.
- CS talked about Con Comm Act and each person's yearly appointments and terms - 1 year and 3 years.

#### 8:45 Railroad Update

- Tree cutting off of Hartford Ave.
- Cell tower – construction going around it rather than moving it.
- 1 – 2 acres of trees have been cleared by the RR – no wetland disturbances – all within 100'
- EPA – if cutting and grubbing more than an acre, the RR may need a permit.
- Out of UCC's jurisdiction. Nothing UCC can do.

#### 9:00 General

- 3 Merriam Way – look into what UCC options are for filings open for a long time.
- CS talked about sending letters to people with projects that are still under pending concerns.

- Lots 2 and 4 North St. EO – erosion controls are in, mulched, gravel – motion to lift EO – all in favor.
- CS to write a letter to Mr. Capobianco.

**9:05 John Savello updates:**

- Mendon Rd. and Chestnut St. encroachments – ask them to come in 0 JS to write a letter.
- DPW asked to come in to discuss repaving of roads. UCC if repaving fall within 100’ – NOI is required.
- A letter to people or assessors about what Con Comm responsibilities are and are not. Suggestions on what people can do.

**9:15 Beaver Issues:**

- Southborough Rd. – active again, plugged up culverts.
- Westborough Rd. too
- T.Dodd and M.Penko cleared them.
- Funding for beavers – request in May to carry any money left over to next years budget.
- UCC suggests it be a part of UCC budget (line item).

**9:45 General**

- Stormwater Regs – no update yet. Keep on agenda under pending concerns. Follow up with after by-law regs issue.
- MP talked with owner of land abutting Warren Brook. MP suggested a site walk.

**9:55 Meeting Adjourned**

---



---



---



---



---



---

## Meeting Minutes

To: Members of Upton Conservation Commission  
Cc: Upton Town Clerk  
From: Debbie Sexton  
Re: Minutes of meeting Wednesday, April 8, 2009

### Members Attending:

Rosely Rupinski, Sandy Lajoie, Chris Scott, Mike Penko, Marcella Stasa, Tom Dodd, Scott Heim  
Debbie, John

### TimeLine

**7:30 Discussion 3 Brookside St. present: Doug and Elaine Dauphine**

- Cutting red maple not in wetlands
- JS visited but didn't go into are (non one was there)
- Wasn't sure if it was BVW from where he looked from
- No damage
- Probably within buffer zone
- Riverfront: outside 100' – maybe in 200'
- Fence put in approx 4 years ago
- States Maples are toxic to horses
- Wants to cut 4 more trees (approx 10" dia.)
- Will plant some replacement plants
- D&E will send a letter if there are more trees to cut

**7:50 Discussion 4 Taft St. present: Tom Birdsey**

- TB presented his RFD and plans
- BVW along bank of stream – JS recommended an NOI should be filed.
- Putting in an addition
- Wants to keep driveway
- 4' freeze wall and slab
- Material will be hauled away
- CS signed building permit
- TB is acting as the general contractor
- Scheduled his RFD for 8:00 on 4/22/09

**8:02 NOI 132 Fowler St. present: D.Therrien and J.Poirier**

- CS read notice
- Owns 134 Fowler as well
- Shallow well, lots of iron, worried about contamination from brook
- DT presented plans
- 3' below bottom, run 2 PVC water lines under
- Erosion controls, siltation and hay bales
- Within riverfront area, ACEC, BVW and 50' buffer
- Trench to gate
- Should take 4 or 5 passes
- Area is already developed
- DT talked with NH – still waiting for response
- 50 –60' on either side
- Any soil that is excavated will be hauled off site
- There won't be discharge left in the stream
- Currently no construction sequence – DT will ask the driller, he'll get back to UCC.
- Won't be trenching within drip line of tree. Boring under.
- UCC wants to see water dept. approval – letter of approval.
- NO DEP# at this time.
- No site visit at this time. UCC will drive by.

- UCC suggests stake as to where the water line is going in and coming out.
- Continue to 4/22/09 at 8:15.

**8:20 NOI Mass Electric present: D.Therrien**

- CS read notice
- North St.
- Riverfront, NH area has been notified
- Replacing pole
- Auger, manoray, or screw anchor, screw into ground, guy wire to anchor
- No excavation
- No DEP file # yet.
- Continue 4/22/09 at 8:20

**8:40 John Savello DPW roads**

- 14 roads – 3 year span
- Town has M.Allen to put together filings for roads.
- East St. will be NOI – possibly July 1<sup>st</sup> to be paved. 1' deep scrapping process. No existing drainage. West River Street will be an RFD.
- High St., Hartford Ave. scrap and repave. Not as deep as the first two roads.
- M. Allen will prepare plans – he will show erosion and silt, show where the BVW is and where they'll pave, location of cross culverts. Will present it as RFD.
- JS is o.k. with an RFD on those roads because of side slopes and short period of work time (1-1 ½ days)
- Exposed material for 4 day span.
- JS - little chance for adverse effect on resource area.
- RFD can be filed when working in buffer zone - Wetland Protection Act.
- Not changing any drainage patterns on the roads. There is no existing drainage (infrastructure).
- DPW will use rip rap where they can
- MP – is there any opportunity for Stormwater improvements? Js – How do you improve Stormwater when none exists?
- RFD vs. NOI (JS is ok with RFD for all resurfacing roadway projects)
- TD – drainage should be better otherwise UCC can't do RFD's.
- MP – o.k. to RFD but not to rush the process. Suggests site visits.
- Putting structures on East St. (for drainage).
- J.Savello would be a part of the road prep.
- DPW will file an individual RFD for each road filing.
- CS - DPW will pay for filing fees, not UCC – advertising fees.
- Wood St. – no resource area- filing may not be needed. Riprap swale at bottom of hill.
- Rte. 140 and Warren St. – some BVW, small swale and cross culvert. JS suggested RFD, erosion control, no drainage.
- High St. (from Warren St. – Hopkinton Rd). – more erosion control, several cross culverts (4), BVW, existing drainage, series of catch basins. UCC wants NOI for this.
- DPW project – RFD on road within the cemetery. Close to the pond. Erosion control.
- JS updates: Phylmor Rd. – part of property is in Upton. UCC received a call from Westborough CC warning of some activity that should be looked at. CS will call to ask about the actions happening in backyard.

#### **General**

- CS – Con Comm finances: Beaver, Wages and Salaries and Miscellaneous line items.
- CS asked UCC to get together next Wed. 4/16 at 7:30 to talk about contact list for by-law and town meeting 5/7/09.
- Scout project at Howarth Con area may need to be moved 50 – 75'. UCC - the scout should write a letter and do a drawing as part of his amended filing.
- BOH meeting – 7:15 Con Comm and Beaver issues.
- CS senses BOS is leaning towards trapping.
- BOS like the idea of contractors to help with beaver issues.



- UCC discussed process of discussion between BOH – Con Comm – DPW regarding using contractors and spending 5,000 on beaver issues.
- April 15<sup>th</sup> is the end of the trapping season for beavers.

**11:00 Meeting Adjourned**

---

---

---

---

---

---

## Meeting Minutes

To: Members of Upton Conservation Commission

Cc: Upton Town Clerk

From: Debbie Sexton

Re: Minutes of meeting Wednesday, April 22, 2009

### Members Attending:

Rosely Rupinski, Sandy Lajoie, Chris Scott, Mike Penko, Marcella Stasa, Tom Dodd

Debbie, John

### TimeLine

#### **7:30 Discussion Anthony Ward – Boy Scout**

- Looking to do some conservation work – clean up. MS suggested Warren Brook.
- Possibly Eagle Scout project this year. He is considering benches.

#### **7:38 Discussion Sweet Williams Farm present: Mark Allen, Gail and Rob Harrington**

- Mike and Marcella recuse themselves from discussion.
- M.Allen presented
- 90 acres of land. Looking into alternatives for preservation. Exploring options to keep farm, preserve the land, and find funding to be able to do this.
- CPC asked to release funds for an appraisal - \$4,500 were approved through CPC.
- Looking to town and state.
- Wetland areas on the easterly side
- Ready for appraisal
- UCC is supportive – Dodson study showed it as a historic and scenic area.

#### **7:53 NOI 95 Crockett Rd. present: Seth Lajoie for Bob Stallard**

- CS read notice
- New sewage disposal – outside of 100' buffer
- 3 bedroom house, failing cesspool
- Wants to also redo boat launch – put crushed stone and compact it – currently a wooden ramp enters the water now.
- Some trees may come down to help with excavation
- Bounds – possibly 4 either side of cart path, two along the water – UCC would like to see bounds on plans.
- BOH approval
- Outside 25' – fill existing cesspool
- Continue to 5/13/09 at 7:45
- JS will take a site visit

#### **8:13 RFD 4 Taft St. present: Tom Birdsey**

- T. Birdsey presented
- Ready to do foundation and floor
- Hay bales and silt fence are up
- Pumping water into stream – TB said it was clear water
- JS will follow up with Paul Kazinski
- CS will issue neg. determination
- Closed hearing.

#### **8:19 NOI 132 Fowler St. present: J.Poirier, D. Therrien**

- DEP issued a file number 311-627
- Natural Heritage did respond – trench and back fill every night. DT suggested silt fence and hay bale. NH o.k. with that.
- Currently doesn't have an updated set of plans with stamp from a P.E.
- UCC closed hearing but with stipulation that the UCC receive a letter documenting the qualifications of the directional drilling company and a statement from the company that they were certain the planned

drilling would be successful. (Saying the project is o.k. to drill under a perennial stream before any work to start.)

- Closed hearing with the conditions above.

**8:35 NOI Mass Electric present: D. Therrien**

- Utility line
- Nat Heritage letter – o.k. with project
- Closed hearing
- UCC discussed – consider filing a generic filing for utility poles.

**8:45 General**

- Motion to issue OOC to Mass Electric for poles - All in Favor
- Motion to issue OOC to 132 Fowler St. – All in favor
- Motion for negative determination for 4 Taft St. – All in favor

**8:50 Beaver Issues – Tom Dodd**

- Water was over berm – DPW intervened – water came down.
- Active again
- TD called and spoke with K. Picard.

**General**

- Stefan's tires – Hazardous Waste day this Saturday 4/25/09. Maybe need to spend some expense money to dispose of the tires.
- UCC – after warrant is publicized we can't solicit any votes (as a commission) for or against.
- M.Carroll may write a letter to the Town Crier from a citizen's point of view.
- UCC discussed upcoming town meeting and article. Also discussed two hand outs that will be inserts for the Crier.

**9:40 Meeting Adjourned**

_____	_____
_____	_____
_____	_____

## Meeting Minutes

To: Members of Upton Conservation Commission  
Cc: Upton Town Clerk  
From: Debbie Sexton  
Re: Minutes of meeting Wednesday, May 13, 2009

### Members Attending:

Rosely Rupinski, Sandy Lajoie, Chris Scott, Mike Penko, Marcella Stasa, Tom Dodd, Scott Heim  
Debbie, John

### TimeLine

#### 7:40 General

- Marcella – o.k. with scout bridge crossing. Scout needs to do amended NOI.

#### 7:45 Discussion Aquatic Weed Control present: Jim Bates Jr., Charlie Pederson

- CS restated that UCC needed an extension over a year ago. Many attempts to contact.
- CS asked - do you have a recorded copy of the OOC? We need it to proceed.
- CS – need to record the former OOC to close it out.
- MP – in 2005 issued a OOC for ponds vs. RFD. RFD's had been used before but it changed in 2005.
- JB – wondering if aquatic control technologies filed the OOC
- UCC encouraged to submit paperwork by next week.

#### 8:04 NOI(cont.) 95 Crockett Rd. present: George Smith for Seth Lajoie

- Updated set of plans
- Stone boat ramp - 160 sq ft.
- Bounds are on the plans
- Plans look good
- JS did a site visit – looked at ramp and wet.
- UCC closed hearing.

#### 8:07 NOI 18 Elm St. present: B.Burke, members of Historical Comm

- CS read notice
- M.Penko recused himself
- Elm St. property purchased by the town in 2006
- MP presented for Historical Com
- Most of site is in buffer zone and pond – jurisdictional. Stream runs through property – intermittent, not sure if it is perennial.
- Proposed work – cutting knotweed with herbicide – to turn into a meadow.
- Near wetland is entrance to chamber – may propose a trail
- Would like Con Com to approve potential boat launch area – for kayak or canoes.
- Trail proposed along waterline – not in BVW. Require some cutting, debris removal.
- Guardrail on area of steep fall.
- Vista pruning (replace shrubs only not trees) – near vista view of pond. Clearing of pines. Polygon shaped area near pond is in buffer.
- Wildflower meadows. Some tree cutting.
- Stone circles for meeting areas within meadows.
- House on property - checking for mold.
- Parking proposed
- 7 acres – not sure of total disturbed area.
- Knotweed 3,020 sq ft. – 150 sq ft. BVW
- UCC discussed different types of herbicides to be used. Different type of flowers to be planted.
- Site visit UCC – Wed. 5/20/09 at 6:00pm meet at the house.

### General

- Request for CoC 16 Christian Hill Rd. – erosion up and down driveway paved. Motion to accept – All in Favor.
- 5/22 meeting minutes – motion to accept – all in favor

- Marcella met with women's club – will organize some walks, plantings in parking areas, bulbs, lilies daffodils.

**9:08 General**

- Con Comm finances – all that was proposed got accepted.
- Any \$ left over from this year can be carried over to next year.
- June 16<sup>th</sup> next town meeting for article. Put notice on cable and town crier as to where people can review the regs and by-law.
- Community garden – coming along well, raised beds, 6 total, haven't gotten any seniors. No running water, need to have your own water, form site, may have water barrels.
- Sign shop for John's logo.
- Beaver Issues – Tom – Mass State highway installed a cage, need to lower pond water 6"
- Southborough Rd. – trappers saw that the beavers dug a tunnel under the road.
- Skip has estimate to install pipes into two culverts. \$1,500.

**9:45 John Savello update**

- Repaving town roads – 4 roads on list.
- DPW wants to do all 13 in 3 years.
- Will look at next 4 sets of roads, will come back and report to board.
- Alonzo looking to get building permits.
- Capobianco after we lifted EO
- Excavated replication area and replanted, stoned driveway 1200 ft. long not going to pave – maybe board can ask for some permanent stability over crossing area.
- Site looks good. Erosion up. Side slopes starting to grow.
- Wetland bound on lot 1 to help UCC monitor. Wants to sell lot 1.
- Pulte lost storm retention area when they built this new house.
- 140 Mendon St. – corner of South St. JS said o.k. to take dead tree down with other 2 trees.
- Gaudette on Glen Ave. – DPW some rip rap berm on his property.
- Question on how to pay for cost of inserts and town crier fees – town funds or where else?

**10:20 Meeting Adjourned**

_____	_____
_____	_____
_____	_____

## Meeting Minutes

To: Members of Upton Conservation Commission  
Cc: Upton Town Clerk  
From: Debbie Sexton  
Re: Minutes of meeting Wednesday, May 27, 2009

### Members Attending:

Rosely Rupinski, Sandy Lajoie, Chris Scott, Mike Penko, Marcella Stasa, Tom Dodd  
Debbie, John

### TimeLine

**7:30 UCC discussion with George Moroney from 6 Phylmor Dr.**

**7:40 General**

- Geoff Fornari (David Hancox Landscaping) came in to discuss 75 Williams St.
- New owners want to know how they should proceed for their new project.
- UCC – can use former set of plans with new overlay.
- UCC – would like to have bounds put in
- The well (for irrigation) leaks – owners had well company out to ask about leak – can't explain why it leaks.
- Walkways, patio
- Wet should be flagged (re-hand if they are there).
- UCC would like them to file a NOI.

**7:55 NOI (cont) Elm St. present: Gerry, M.Penko representing HC**

- MP recuses himself from hearing.
- Site walk – scenic vista to be pulled back a bit further. Distance from water.
- MP goal is for unobstructed view.
- Determine distance when work will be done in vista area. Within 25'/30' need Con Com approval.
- Install guard rail
- Fill in low spots (pits) to maintain safety.
- Not yet determined weather stream is perennial – not enough data yet.
- Closed hearing - UCC to issue OOC.

**8:10 Discussion - Railroad - Issue with Telephone poles**

- Marsha Paul – addressing her concerns about a letter sent by Mr. Delli Priscoli from the G&U Railroad. She defended her opinion and her reputation .
- M.Paul has contacted DPH and EPA concerning the chemical in the air. She is concerned for residence health.
- Storing telephone poles at site with know carcinogen chemical curing here in Upton.
- This chemical has been banned for several year.
- BOH –documenting people's health issues.
- Smell is asphyxiating.
- Railroad dispersed telephone pole. Increased surface area – getting into atmosphere.
- DEP told them (RR) they have violated many laws.
- Testing the water at the wells – results in 3-4 weeks – our water testing.
- Cox Industries owns poles
- Mr. Delli Priscoli (RR) partial owners of the property.
- BOH is waiting for EPA and DEP to get them to remove the poles.
- M.Paul – store anything 48 hours or more, you are subject to town by-laws. RR never went to ZBA.
- J.Savello – found out there has been tree clearing within priority habitat.
- CS – RR has some exemptions. Not sure how much
- Own 80' out from center of track out.
- Alert the state MESA about what is happening at RR and poles.
- BOS – not under their jurisdiction – turned it over to the BOH.
- MP suggests a letter from UCC to Delli Priscoli to talk about how the buffer zones can be respected.

- CS – Grafton may be a good resource to use – re: RR.
- Call the circuit rider.

**8:50 Aquatic Weed Control – Charlie Peterson**

- Meeting on 6/1/09
- JB Jr. recorded expired OOC
- Needs to submit expense for filing fees to registry of deeds.

**General**

- 14 Meadow Rd. - If building permit – will be denied by UCC
- \$967.41 spent so far spent – 1,697.75 left
- \$790, \$350 expense for ad fees for by-laws regs and town warrant.
- Community Garden – gardeners were assigned their plots and started gardening.
- Con Com logo – Rosely will be getting sample/proof in a few days.
- Copies of by-law regs and bylaw at town hall, town clerk’s office and Con Com office.
- CS talked about letter to RR and get them to come in and talk about their projects.
- Motion to issue OOC fro 18 Elm St. – All in Favor
- Motion to issue CoC for Aquatic Weed Control – All in Favor

**9:30 Meeting Adjourned**

_____	_____
_____	_____
_____	_____
_____	_____

## Meeting Minutes

To: Members of Upton Conservation Commission  
Cc: Upton Town Clerk  
From: Debbie Sexton  
Re: Minutes of meeting Wednesday, June 10, 2009

### Members Attending:

Rosely Rupinski, Sandy Lajoie, Chris Scott, Mike Penko, Marcella Stasa, Tom Dodd, Scott Heim  
Debbie, John

### TimeLine

#### **7:35 Discussion 10 Pond St. present: Paul Capalucci**

- JS went to do building permit sign off for a pool. Location of pool is fine.
- Buffer zone area/wetland has been filled in.
- PC – pine trees got hit by lightening, fell into the wet, tree filled in area.
- Cart path – wet to the right of it
- Silt fence was there
- PC - Didn't bring fill in
- Material is now out of wet, tree line there, blueberry bushes
- Area now filled with pine needles
- Site visit for Monday 6/22 at 6:00pm

#### **7:55 NOI East St. repaving present: J.Johnson and M.Allen**

- CS read notice
- M.Allen presented plans
- Repaving from Hopkinton town line to Walnut Street
- Not going to get any wider
- Added a few catch basins
- Wet on Henderson property is flagged
- Crushed stone then 6" rip rap, swale – cleaning it out and maintaining it.
- Will pipe under gravel road
- Catch basins – 4' sump, slower more controlled flow
- 2' shoulder
- Silt fence or silt sock as necessary
- No curbing
- Start possibly late summer – will sub out the work
- 1,900-2,000 feet of roadway
- Closed hearing

#### **8:15 RFD Lakeview Cemetery present: J.Johnson and M.Allen**

- CS read notice
- Repaving inside the cemetery
- Pratt Pond surrounds location.
- Some locations within 100' buffer
- Silt fence – area is open and flat
- Cemetery Commission plans on planting trees
- Grind, grade, compact and repave
- Closed hearing.

#### **8:20 RFD West River St. present: J.Johnson and M.Allen**

- CS read notice
- Guard rails – erosion control along rail
- On Northerly side - remove swale – replace with rip rap and put stone swale in
- Silt fence, silt sock or hay bales as necessary
- Closed hearing

#### **8:29 Tom Dodd – beaver question for John Johnson**



**8:30 NOI 96 Christian Hill Rd.**

**present: M.Langley and P.Lavoie**

- CS read notice
- P. Lavoie presented plans
- 87,000 sq ft in size
- Vacant lot
- Judy S flagged wet March 09.
- Swales on street
- Slopes from road to back of lot
- Showed location of wet and 30' not disturb
- Proposed bounds
- Heavily wooded in front of property – 90' off stone wall
- Did and ANR in March
- Too wet to get a perk
- Well is in front
- Stake silt fence out, bounds, property line flagged as well
- Site visit on 6/22/09 at 6:45

**8:45 General**

- Meeting Minutes from 5/13 – All in favor
- Meeting Minutes from 6/1 (Aquatic Weed Control meeting) – All in favor
- UCC discussed plans for the Town Meeting on 6/16 re: bylaw regulations
- George Moroney came in with his plans (6 Phylmor Dr.).
- Beaver money – CS to send letter to accountant re: beaver management funds to be carried over to 2010 budget.
- 20 School St. – CoC was signed with two conditions – 1) No further subdivision and 2) Bounds. – Homeowners trying to refinance and couldn't because of open OOC.
- Beavers were found on Southborough Rd. (after trapping was done).
- T.Dodd – beaver fence – Can UCC have Skip do it?
- T.Dodd – motion to have Skip do fencing for \$299.44 – All in favor
- CS – 15 day Emergency Order
- MP – suggest letter to state asking about their follow up solution (at Upton State Forest).
- Dale S. from 21 Pearl St. asked for inspection as a follow up to his Enforcement Order. JS will follow up.
- JS - Glen Echo requesting their CoC for several of their lots (10). Some requests for CoC were submitted and others were not. JS will follow up.
- Lot 25/21 Howarth Dr. – (Jason Shilinsky from Pulte) heard the owners filled in the wet. JS will follow up.
- CS – letter to John E.
- 95 Crockett Rd. - OOC was issued but they didn't call for an inspection before work started. Neighbor called with concerns about enormous amount of trees being cleared.
- Railroad – special information meeting with one member from each board and town counsel.
- RR exempt from everything.
- Meeting with RR on 6/18 - whole town, town boards and town counsel will be there. It will be held at Nipmuc High School and it will be on cable.
- SH – spoke with circuit rider – RR doesn't need to follow Wetland Protection Act.
- RR – Army Corp could permit a wetland impacts under section 404 (CWA).
- Motion to issue Negative Determination- West River St. repaving – All in favor
- Motion to issue Negative Determination – Lakeview Cemetery – All in favor
- Motion to issue OOC – East St. – All in favor

**10:00 Meeting Adjourned**

---

---

---

---

---

---

---

---

## Meeting Minutes

To: Members of Upton Conservation Commission

Cc: Upton Town Clerk

From: Debbie Sexton

Re: Minutes of meeting Wednesday, June 24, 2009

### Members Attending:

Rosely Rupinski, Sandy Lajoie, Chris Scott, Mike Penko, Marcella Stasa, Tom Dodd, Scott Heim

Debbie, John

### TimeLine

#### 7:40 General

- Reschedule 96 Christian Hill site visit to 6/29/09 at 6:30 with Bob Poxin – P.Lavoie will be on vacation.
- Motion to accept meeting minutes from 5/27/09 – All in favor
- Motion to accept meeting minutes from 6/10/09 – All in favor
- Marcella – Community Garden would like to purchase a shed, lumber, water barrels and a safety mirror. Marcella will follow up with the DPW and Police re: safety mirror. MS will check for competitive pricing.
- Sandy talked about a difference in UCC expense balance from town accountant. Need to look into further.
- CS to sign warrant article for Fred (accountant) re: beaver money.

#### 7:55 Noble Vista (vs. Town of Upton Conservation Commission) – J.Tellerman

- UCC notified - Pretrial conference regarding Hartford Ave. EO.
- Overview - Drainage on Hartford Ave. – Noble Vista tied into an existing drainage that was not designed to handle increased drainage.
- Water flows from a paved area, to storm drain, to a detention basin in Rockdale circle (someone's backyard) that drains into resource area.
- 400% more water. Took area from 100 year flood to 2 year flood.
- Neither UCC nor Mark Allen received update on Hartford Ave.drainage improvements from Noble Vista.
- MP – should notify abutters who hired their own attorney.

#### 8:15 Beaver Issues

- T. Dodd – Skip will put in 2 fences for Southborough Rd. culverts
- CS – Emergency Certificate for Monday
- CS – J.Dwinell to possibly do NOI for USF
- MP – follow up letter re: beaver dam at USF

#### 8:25 Railroad

- Meeting was held and was heated. 200 people were there. Railroad reps did not show.
- EPA – clean air, clean water

#### 8:30 General

- Filing Fee Format - CS – showed examples of Hopkinton and Grafton fee schedule /worksheet
- 10 Pond St. – Owner cancelled meeting and stated that he only wants C.Scott and J.Savello present on his property when he is there.
- 21 Howarth Dr. – cleared brush and vegetation, didn't do any filling of wet, won't do any more work in the area, owners will let it grow back in.
- When doing OOC, UCC can add a line on cover page to instruct homeowners to record OOC at Registry of Deeds.

#### 10:00 Meeting Adjourned

_____	_____
_____	_____
_____	_____
_____	_____

## Meeting Minutes

To: Members of Upton Conservation Commission  
Cc: Upton Town Clerk  
From: Debbie Sexton  
Re: Minutes of meeting Wednesday, July 8, 2009

### Members Attending:

Rosely Rupinski, Sandy Lajoie, Chris Scott, Marcella Stasa, Tom Dodd  
Debbie, John

### TimeLine

**7:40 NOI 44 Fiske Mill Rd. Present: Fred Lapham**

- CS read legal notice
- Failed septic system – doing septic repair
- Trying to avoid total disruption of manicured back yard
- Wet is south and north side of yard
- Test holes near house – tested soil
- Ground water too high for perk test
- Proposed septic is less than 100' from well
- Flow is west to east
- Ground water flows east
- Silt fence is already up
- House is 30 years old
- Plumbing will come out at a higher elevation. Plumbing in house stays the same.
- Going to abandon the leech field
- Been approved by the BOH
- JS had site visit – o.k. with septic repair
- UCC closed hearing. Will issue OOC by Tues.

### **7:50 96 Christian Hill Rd. discussion**

- JS site visit with Judy Schmidt on 7/8/09.
- JS small area off to left is under water (wet).
- BOH no perk tests done. Did soil analysis no testing done. Assumed a perk rate on new lot/septic.
- JS doesn't think it will be dry enough to get a perk on the lot.
- Not sure why BOH approved lot.
- New septic has to be 100' from BVW. Isolated wetlands are jurisdictional under town by-law.
- Plan is to fill and have septic 6' above the ground.
- JS thinks there is isolated wet on lot between house and septic.
- Owners are subdividing and looking to sell lot.
- JS hydrology meets criteria for isolated wet.
- JS suggests to re-think design, serious potential drainage and runoff problems.
- Front is high and dry vs. in back where it is wet.
- Septic system – 33' off back of house, wet is off to the side of house within 30+ feet.
- New BOH agent Lenny Izzo.
- JS will draft a letter to UCC to address concerns of high ground water on property, areas of isolated wet as well as no perk test done.

### General

- Motion to sign OOC for 44 Fiske Mill Rd. – all in favor
- Motion to sign Extension of OOC for Tim Davidson – all in favor
- Motion to sign Extension of OOC for Glen Echo – all in favor
- JS will do e-mail / site visit on silt in detention basin at Glen Echo.
- Motion to accept meeting minutes from 6/24/09 – all in favor
- Noble Vista – extended, have until October 09 to answer M.Allen's concerns about Hartford Ave. drainage.
- Beavers - Skip installed 2 fences. Lowered dam by a foot.

- RR – Town Crier article – DelliPrisco gave Cox industries 21 days to fix issue with poles.
- Dale Shadbegian – needs to come in to a meeting to talk about EO and Lot 2
- Mendon St./Chestnut St. – 242 Mendon St. Back lot owners have cleared into 100’ buffer. Not done in resource area.
- CS to draft a letter to ask them to come in and discuss the area.
- Motion to issue CoC for 17 Pearl St. – all in favor.

**8:45 Meeting Adjourned**

<hr/>	<hr/>
<hr/>	<hr/>
<hr/>	<hr/>
<hr/>	<hr/>

## Meeting Minutes

To: Members of Upton Conservation Commission  
Cc: Upton Town Clerk  
From: Debbie Sexton  
Re: Minutes of meeting Wednesday, July 22, 2009

### Members Attending:

Rosely Rupinski, Sandy Lajoie, Chris Scott, Marcella Stasa, Tom Dodd, Mike Penko, Scott Heim (8:00)  
Debbie, John

### TimeLine

#### **7:31 NOI(cont) 96 Christian Hill Rd. Present: Peter Lavoie, Joy and Mike Langley**

- PL updated UCC with new set of plans and handed out letter from J.Schmidt.
- Added the depression to the plan
- Moved house closer to larger area of wet (81' to wet).
- Judy's letter – area isn't jurisdictional – no water in the depression.
- Hasn't been approved by BOH yet – no perc
- Designed for a 20 perc – will perc this summer.
- UCC – unusual to approve plan before BOH approval.
- CS – bylaw lets UCC be jurisdictional
- JS- soils are hydric – vegetation is 50/50 mix
- PL – questioned when the bylaw was in effect
- UCC –no new bylaws – regs are to interpret the bylaw.
- UCC – bylaw allows for variance
- 32' to trench (wet)
- 470 sq feet, disturbing 30,000 sq ft.
- Joy Langley – hired 2 botanist who said it was a great lot, taxed for 2 lots, neighbors on each side of this lot: 1) piped water into their land and 2)another neighbor dammed it by creating a driveway – thus water flooded onto their property.
- Bought in 1995, wants to find a solution.
- CS – isolated wet habitat value, captures stormwater, absorbs into the land.
- MP possibly protect isolated wet with bounds
- Not a wetland under state law (Upton bylaw vs. state Wet Prot Act)
- Driveway is designed at grade
- MP – suggests issue a variance and potentially cut the back end of the lot from being cleared (put bounds to protect not disturb)
- JS – board doesn't ask to relocate septic, BOH usually approves before UCC approves the NOI/plans.
- UCC decided to condition the OOC with 1)BOH approval 2)bounds around the isolated wet, and 3) bounds in back for no disturb.
- Haven't scheduled perc because of weather
- UCC – cont to next meeting – for updated plans showing updates above - 8/12/09 at 7:30.

#### **8:22 Trask property BVT Discussion**

**Present: J. Brochu, Dr. Fitzpatrick, A. Morin,**

#### **H.Trask**

- 2004 – 28 acres donated on Chestnut St.
- Land development only, no building. Regulation soccer and lacrosse fields, nature trail etc. basketball court
- Brian – Graz Engineering – large amount of veg wetland
- Mapped area – Hat Heritage
- Underground base plan – testing has been done, extensive soil testing
- 25' offset from wet. Limited development of site
- UCC – blasting in small area within proposed soccer field
- Impervious – basketball court area
- Public driveway pervious, gravel based parking lot
- No vernal pools

- BVT hasn't yet approached DPW
- Port-o-potties, no bathrooms and no equipment buildings
- Fence is proposed for soccer field and basketball court
- There is a trail in the state forest – there is also private property between the proposed Trask property and state forest
- Plan is subject to site plan review
- Natural fertilizers will be used
- CS – suggested to move areas to a 30' buffer. Some spots around regulation fields will remain at a 25' buffer.
- S.Heim – asked about Eco tech report, any vernal pools
- CS – erosion controls, sequencing plan
- J.Brochu – restated wanting to partner with town, UCC is amicable to design

**8:55 NOI 44 Fiske Mill Rd.**

- Original ad for the legal notice wasn't put in paper.
- Issued an Emergency Order along with special conditions with OOC
- CS read notice – opened hearing
- Closed hearing

**9:00 RFD 13 Hopkinton Rd. present: M.Allen**

- CS read notice
- MA presented plans
- Cracked septic tank, bank owned, clear title V – swap tank/tank replacement
- Within buffer zone of Pratt Pond
- Silt sock, any cont soil excavate off site
- Tank 10' – 12' off rear of house
- Closed hearing

**9:10 General**

- Nov. 11th Veteran's Day – skip meeting, One meeting on the 18<sup>th</sup> of Nov. – check for location – all in favor
- 97 Crocket Rd. – resign OOC – all in favor
- 2 Glen Ave. – sign for CoC – all in favor
- RFD 13 Hopkinton Rd. – motion to sign neg determination – all in favor
- 44 Fiske Mill OOC – motion to sign – all in favor

**9:30 General**

- MS looking for approx \$108 for 2<sup>nd</sup> safety mirror at community garden – all in favor
- Kenneth Village site walk to schedule – CS to call Kevin Lobiser
- Trail has eroded into a culvert at Peppercorn – water is going over the road – maintenance under Land Stewardship
- M.Penko – Upton 5 year action plan review
- Stream teams – need to find people to help
- Pending Concerns:
- JS update on Pulte
- John's items:
- Mendon St./Chestnut St. – M. Conneaney came in re: property cleared more than planned because of blasting, everything was outside 100' buffer. Not in resource area.
- UCC would like to invite him to 7:45 at next meeting, bring site plan for lot, some suggestions on how to fix situations.
- Dale Shadbegian – letter to lift EO – motion to lift his EO – all in favor. UCC will wait to issue CoC CS will call him re: CoC
- Al Consigli's property – Chris and John's site visit

**10:30 Meeting Adjourned**

---

---

---

---

---

---

---

---



## Meeting Minutes

To: Members of Upton Conservation Commission  
Cc: Upton Town Clerk  
From: Debbie Sexton  
Re: Minutes of meeting Wednesday, August 12, 2009

### Members Attending:

Rosely Rupinski, Sandy Lajoie, Chris Scott, Marcella Stasa (8:00), Mike Penko (7:50)  
Debbie, John

### TimeLine

#### General

**7:50 NOI (cont) 96 Christian Hill Rd. present: M&J Langley**

- Updated plans from P.Lavoie dated 7/16/09
- Cross section plan presented
- BOH meeting tomorrow
- JS – UCC approving a conceptual plan (vs. design)
- MP – how much does the perc rate affect the design? JS – It could greatly affect the design.
- UCC – decided to condition the OOC greatly. Concerned about denying NOI with DEP issues and holding up the Langley for months. One condition is if perc is 20 or less it will be o.k.
- If perc rate is higher than 20, UCC needs an amended NOI (or if buyers want to design lot differently).
- UCC – no work should take place until there is an approved BOH plan.
- UCC – reviewed updated plans
- Closed hearing
- CS reminded the Langley's about recording the OOC at the Registry of Deeds when they receive it.

**8:12 Discussion 2 Tyler Rd. present: Dr. Pandiscio**

- Met with building inspector with plans for a shed.
- P.Roche told applicant to moved forward with putting sono tubes in.
- Applicant wasn't aware of the town's process. (ie. Needed to come to Con Com for a sign off).
- Currently there are sono tubes in the ground and a wooden deck.
- 12 x 16 shed abuts lawn, didn't clear any trees but did dig.
- JS went to site, thought wet was a little closer than 30', and didn't sign off on building permit.
- One vote requested a filing, rest of board was fine to let it go. Typically JS will sign off on a permit if it is outside of 50'.
- CS will speak with Pat Roche regarding coming to Con Com first.

**8:30 Discussion 21 Howarth Dr. present: Jesus Medina**

- Cleared vegetation beyond bounds 15' from wet.
- JS had already visited the Medina family and informed them of the wetland bounds on their property. He advised them to let the vegetation grow back.
- UCC – they can work from where the posts are to house.
- JM wants to put swing set and table, metal fence, pebbles and ground cover in.
- This house was closest to wet
- SL suggested for him to decide what he would like to have done, then file an RFD – Marcella and Sandy will visit site.
- CS – what will you do with material when dug up?

**8:45 General**

- Motion to sign M.Tamagni CoC at 17 Pearl St. – all in favor
- Motion to accept MM from 7/22/09 – all in favor
- CS has called K.Lobiser re: Kenneth Village site walk.
- Marcella will talk with Tim Davison re: Trail fixing at Peppercorn

**9:00 John Savello**

- Dan Acquilino from 69 North St. – John had 3-page letter from Dan Boucher regarding the property and potential drainage from Pulte.
- Water is coming onto property into his house.

- Owner has surveyor working for him (JS knows)
- D.Boucher's letter doesn't think the water from the development is affecting 69 North St. property.
- M.Penko and JS will visit site next week.
- Owner may want to put in a drain down slope of the wet.

#### **General**

- CS – letter to Pulte, UCC discussed and made updates

#### **John Savello (cont)**

- Fresco's – cleared trees and driveway/parking lot
- Stoddard owns property (Fresco's is leasing lot)
- Most of parking lot is in 50' buffer
- P.Roche gave the go ahead to do job
- Doug Cook did excavation
- CS will send a letter (vs. EO) at this time. Invite them to our meeting.
- Owners stopped all work – says he'll do whatever Con Com wants

#### **General (cont')**

- CS – showed UCC letter from Fred Ruland, UCC discussed responses, UCC will respond with a letter (certified mail).
- Beaver Issues – J. Dwinell will work with UCC on NOI to lower water level
- M.Penko presented draft of a letter to DCR
- MP - Last beaver job wasn't done well
- Another emergency order may be needed
- M.Connearney will come into next meeting, said he would move swing set and let vegetation grow back
- Motion to issue OOC for 96 Christian Hill – all in favor
- UCC discussed fee chart for bylaw regs
- CS to send letter to Walker Dr. re: Enforcement Order inviting him to our meeting.

#### **10:04 Meeting Adjourned**

_____	_____
_____	_____
_____	_____
_____	_____

## Meeting Minutes

To: Members of Upton Conservation Commission  
Cc: Upton Town Clerk  
From: Debbie Sexton  
Re: Minutes of meeting Wednesday, August 26, 2009

### Members Attending:

Rosely Rupinski, Chris Scott, Marcella Stasa, Tom Dodd, Mike Penko  
Debbie, John

### TimeLine

#### General

#### 7:30 Discussion 242 Mendon St.

present: M.Connearney

- Let it revegetate
- He moved swing set himself

#### 7:35 NOI 217 Mendon St.

present: Eric Bazzett Andrews Survey

- CS read notice
- Failed septic
- Eric presented plans and erosion controls
- Possibly filling in an old tank
- Lots of ledge, open field
- Both lots are same owner – no easement necessary. Transfer was made trustee to owner.
- Will have a revised set of plans for BOH
- Eric left a copy of transfer papers with new book and page.
- UCC would like a copy of more recent plans for BOH for OOC
- J.Savello – did site visit – site is o.k.
- Closed hearing.

#### 7:45 NOI Off Pearl St. Industrial Communications

present: Rick Vocci

- CS read legal notice
- Looking to have a wetland crossing vs. cutting trees. Mature hardwood pines
- Access drive through Pearl St.
- 12' wide gravel drive with underground utilities under drive past buffer.
- 1,160 sq ft of fill into wet.
- 600 ft. drainage to catch run-off off of the driveway – continuous throughout
- replication area – plan on same species.
- Minimal use of driveway (once a month), gate at end of driveway.
- Has DEP #311-0635
- Siltation barrier
- No increase in run off
- Can use existing material from road to help revegetate wet area.
- Proposing to mitigate with a wetland mix.
- JS – plan review, hasn't been on site yet.
- Crushed stone surface on gravel driveway ¾" stone.
- JS wondering about having asphalt in driveway.
- Drainage pipe will help reduce velocity and speed of water
- Trench is 18" in depth all the way down
- UCC suggested aprin at end of drain
- Road has a pitch to it.
- Will be plowed in winter – snow will be stored in area of tower.
- MP – looking for long term maintenance plan in plan (vs. OOC)
- JS – likes paved driveway crossing over wet.
- MP – would like Stormwater report with calculations. Can volume coming off hill/road be handled with drainage in place?
- Looking for more than a 1" storm situation.

- Schedule site visit – 9/8/09 Tues. at 6:15.
- Larz Dwyer 20 Pearl St. – ditch dug at 17 Pearl St., culvert under property, water onto his property, cross drain under the road.
- Can this swale handle the flow and volume of water or should it be bigger?
- Industrial Communications needs to get back to UCC with: Reclaimed asphalt crossing, Stormwater calculations, Replication area using existing material, Long term maintenance, Control of invasive species.
- CS to e-mail the above list to Industrial Communications.
- Cont to 9/9/09 at 7:30.

**8:45 NOI 75 Williams St.**

**present: Geoffrey Fornari/Hancox Landscaping**

- CS read notice
- Geoffrey presented plans
- Purpose: Safety, function and esthetics, provide a wide variety of plants
- Erosion control – silt and hay bales
- Native wetland plantings
- Already went before Grafton Con com
- Geoffrey went over the variety of wet species to be planted
- 6” of loam – composted – pine/bard
- UCC – would like to see bounds on plans – 4 total
- CS – make sure an excavated area not be dumped into the wetlands.
- Attach wetland markers to boulders
- Geoffrey will do revised plans with bounds.
- Closed hearing.

**9:15 Discussion Anthony Ward Eagle Scout project**

- Warren Brook water shed
- Clean up, park environment, building benches, trail fixings, clean parking lot
- M.Stasa – suggested: sign could be refurbished – pictures, maybe gate or boulders, take out some berms boardwalk.

**9:35 By-law fee chart – UCC discussed, Rosely will revise.**

**9:45 General**

- Send CR to state W. River Rd.
- K.Lobisser – Kenneth Village – when they finish their last house by 9/30/09 UCC could come by once for both issues (CR site visit and CoC)
- Fresco’s – Chris will meet with him/Fresco tomorrow
- Marcella and Sandy – wrote a letter to address the property owners moving at Glen Echo. MS handed out copies for UCC to review.
- Beavers - Tim Davidson water levels – Emergency Certificate
- 69 North St. – JS to contact him about a time
- Motion to issue OOC for 75 Williams St. – all in favor
- Motion to issue OOC for 217 Mendon St. – all in favor
- CS reviewed OOC for 96 Christian Hill property.

**10:35 Meeting Adjourned**

_____	_____
_____	_____
_____	_____
_____	_____

## Meeting Minutes

To: Members of Upton Conservation Commission  
Cc: Upton Town Clerk  
From: Debbie Sexton  
Re: Minutes of meeting Wednesday, September 9, 2009

### Members Attending:

Chris Scott, Mike Penko, Marcella Stasa, Sandy Lajoie, Tom Dodd, Scott Heim, Rosely Rupinski  
Debbie Sexton

### Meeting Timeline

**7:35 NOI(cont) Industrial Wireless/Pearl St. present: Rick Vocci**

- Botanist will meet J.Savello at site (vs. forwarding her notes) Mon./Tus.
- Revised plans – 1) Added replication notes using existing wetland materials. 2) Plan for invasive species – how to eliminate (herbicide). 3) Add check dams to drainage ditch- 200' intervals, added 4 1' high 2' wide and 45 degree angle. 4) Drainage channel to be inspected quarterly, remove any growth and to provide a report to Con Com. Any damage will be fixed.
- MP – suggested making channel 1' deeper with trap rock and eliminate the check dams.
- Currently designed to pick up run off from the road but there is other drainage.
- MP asked to possibly receive a data sheet.
- CS – asked Rick to decide which option they would want to go with (theirs or MP's).

#### General:

- John Engdahl – rescheduled for next meeting 9/23/09 at 7:29.
- 17 Pleasant St. – engineer for DPW will be here tonight. Looking for an Emergency Certificate. Will be filing a NOI. Selectman and DPW are requesting the work.
- Motion to accept mm from 8/12/09 – All in Favor
- Community Garden – shed is on its way. People winding down their work. MS is going to try and get some funding for balance.
- Kenneth Village CR – will do site visit when K.Lobisser is finished with construction. Do final inspection and CR walk together.
- Trail fixing – Tim Davidson quote: \$1,000 – Stephans and Peppercorn. Con Com needs to identify a spot for excavated muddy/material. Tim suggested putting it towards the site area. MP suggested using the money from trails grant to pay for T. Davidson's fees.
- Maybe use Town Crier to advertise for funds or Garden Club, Men's Club. Possibly use boy scouts to help with assembling shed.
- October 6<sup>th</sup> – Shinning Rock/Noble Vista – CS read UCC letter from 8/09. Offer a meeting and time to them either on Nov. 16<sup>th</sup> or 23<sup>rd</sup>.

**8:30 Discussion 17 Pleasant St. present: Larry Bombara, John Johnson (DPW)**

- Homes are being flooded. A homemade drainage was set up. 18" diameter pipe is emptying into 20 and 22 Pleasant St.
- Pipe discharges below ground, water can't get out so it backs up, discharging into 17 Pleasant St.
- Emergency Certificate – NOI to follow
- Expensive project. Funding is a concern – Selectmen are working on it.
- Could issue EO many times – fine to do when homes are flooding.
- Will be starting on Monday – the plan in do open the hole in the ground larger.

**8:55 Beaver Discussion**

- CS to send letter to J.Dwinell re: NOI filing.

#### General:

- Fresco's – questions about paving vs. crushed stone. Cost has escalated (site plan review).
- 134 Fowler St. – Tom D. saw hay bales out but no stakes in them. TD not sure if they are installed properly.
- 69 North St. – no update

- Upton Landfill project question – D.Therrien questioned if the site would be Commercial and Industrial under the new by-law regs. The cost would be \$300 (vs. 100 for “replication”). UCC decided it was Commercial and Industrial.
- Rosely updated the by-law reg fee chart.

**9:50 Meeting Adjourned**

---

---

---

---

---

---

## Meeting Minutes

To: Members of Upton Conservation Commission  
Cc: Upton Town Clerk  
From: Tom Dodd and Debbie Sexton  
Re: Minutes of meeting Wednesday, September 23, 2009

### Members Attending:

Chris Scott, Marcella Stasa, Sandy Lajoie, Tom Dodd  
John Savello

### Meeting Timeline

#### 7:30 Glen Echo Discussion

present: John Engdahl

- Almost finished. Curbing being put in. Pond C1 - No significant issues.
- EPA and National compliance groups visited site.
- EPA suggested stormwater logbook could use more info.
- Open Space – ROW – what landscaping would homeowners prefer? Nothing.
- Probably signage or demarcation.
- Hydrant protection – Pulte, no. They had that discussion with town in past.
- Guardrail at pump station is a maybe – cost approx \$4,000.
- Pulte could use rocks possibly cheaper.
- Lot 14? Had some clearing (2<sup>nd</sup> lot on left). May have been an NOI lot.
- 69 North St. – believes it may be an issue with Basin B1. Flow may be concentrated out of basin. If an issue, Pulte would respond.
- 2 lots may have foundations put in this year. Lot 36 will be last lot.
- Should be done by spring.

#### 8:00 NOI 38 Shore Dr.

present: Eric Bazzett

- Septic system repair.
- Everything is less than 50' from BVW.
- Impervious barrier around system.
- Top grade level with road grade.
- BOH approved.
- Appl. will close hearing.

#### 8:15 NOI(cont) Off Pearl St./Industrial Wireless

present: Rick Vocci

- New plan 9/17/09 - updated with new isolated WL and enlarged main WL.
- SH agreed with final wetland lines (via e-mail).
- Wetland fill – 1,360 sq ft, replication - 1,400 sq ft.
- JS - can get rep area to work since isolated WL also in this area.
- Paved or recycled asphalt thru WL's is desired.
- Stockpile WL material for replication area away from WL's.
- App would like to close hearing.
- Hope to start construction within 1 month.

#### 8:40 General

- Motion to accept meeting minutes from 8/26/09 – All in favor.
- T. Davidson is putting in water barriers on Taft St. at Peppercorn.
- Noble Vista – town working with M. Allen and Jay Telerman to hopefully avoid court date.
- Reviewed as-built plan for 97 Crockett Rd. Owner is looking for CoC. Plan very different from original – has sundeck on lake that wasn't on original plan. CS will invite them to a meeting.
- Motion to issue OOC for 38 Shore Dr. – All in favor.
- Motion to issue CoC for 28 Grove St. – All in favor.
- Motion to issue OOC for Pearl St. Tower – All in favor.

**9:20                    Meeting Adjourned**

---

---

---

---

---

---



## Meeting Minutes

To: Members of Upton Conservation Commission  
Cc: Upton Town Clerk  
From: Debbie Sexton and Tom Dodd  
Re: Minutes of meeting Wednesday, November 18, 2009

### Members Attending:

Scott Heim, Chris Scott, Mike Penko, Marcella Stasa, Sandy Lajoie, Tom Dodd, Rosaly Rupinsky  
John Savello, Debbie Sexton

### Meeting Timeline

#### **7:35 NOI(cont) Upton Landfill present: D.Therrien**

- MP interested in eradication phrag – question about what UDG could do.
- Continued to 12/9/09 at 8:00
- Site visit December 6<sup>th</sup> at 9:00am
- Dave gave UCC update

#### **7:45 RFD 21 Howarth Dr. present: Mr. Medina**

- CS read notice
- J.Medina described what he wanted to do.
- 3 locations for swing set, shed, picnic table
- Marcella and Sandy saw the site
- MS thought area was law and could be wet.
- Going up to wet line.
- JS – erosion control not necessary, flat area.
- Closed hearing.
- Conditions – don't do anything beyond your bounds.

#### **8:00 RFD 7 Goss Pond present: Ralph Billington**

- CS read notice
- Building, 24 sq ft. 1 ½ story high, 65' from wet area – garage/bard for storage.
- On side of existing shed and on existing lawn
- Erosion is in – hay bales and silt
- JS – plot plan. On concrete slab (vs. foundation)
- Detached from house.
- CS explained Wetland Protection law. Explained the confusion between building department and Con Com.
- Wetland is a shrubby marsh then a pond.
- MP questioned if there were any deed restrictions. JS didn't think so.
- Closed hearing.

#### **8:15 Howarth Conservation Land/Glen Echo discussion**

- Home owners looking to restrict use of land to not allow hunting.
- Residents report people shooting within 500' of homes.
- Location - at end of phase two, at cul-de-sac
- No hunting – close to development lots of children, concerned about safety.
- Land regulations – possibly change it. Would need to have a public hearing.
- CS suggested calling the police with car license plate numbers (cars that are parking in subdivision to hunt).
- Residents would like to put up signs and change the land Regs (public hearing route).

#### **8:35 Hartford Ave. South drainage discussion present: M.Allen, E.Dias**

- 2003 – E.D. gave history
- April 2004 Enforcement Order. ED new to this project and is getting up to speed with issues.
- ED gave a few options to manage the flow of discharge.
- Swale and stream has enough capacity to handle approx. 5 acres of flow.
- Engineers were wondering if two catch basins wee asked to be taken off line. JS – it was proposed.

- 5 acres (wooded), put it back to how it was before development.
- 2 isolated wetlands were wiped out because of grading for shoulders of road.
- The stream and swale can handle flow from Rockdale Hill.
- UCC still wondering about how much impact paving the road was. Looking for numbers. What was the change?
- E.D. has finished Shinning Rock as built plans and forward to UCC.
- ED will forward drainage calcs to UCC.

**9:30 General**

- Motion to accept Meeting Minutes from 10/14/09 – All in favor
- Motion for a negative determination for 7 Goss Pond – All in favor
- Motion for a negative determination for 21 Howarth Dr. – All in favor
- Motion to accept Certificate of Compliance for 38 Shore Dr. – All in favor
- Motion to accept Certificate of Compliance for 44 Fiske Mill Rd. – All in favor

**9:30 Meeting Adjourned**

_____	_____
_____	_____
_____	_____
_____	_____

Wednesday, November 18<sup>th</sup>  
Upton Conservation Commission

**9:40 Executive Session - Reason for executive session #9 for convening executive session.**

- Roll call votes
- Brian Winner letter. Representing UCC for Governor's Landing.
- CS gave summary
- Vote to allow new court magistrate to pick up where the former court magistrate left off without starting over.

Sandy Lajoie - Yes

Chris Scott – Yes

Marcella Stasa – Yes

Mike Penko – Yes

Rosaly Rupinski – Not sure. Not enough information.

Tom Dodd – Yes

- Vote to listen to Governor's Landing with no downsides. All in favor
- Vote to leave executive session – All in favor.

10:35 Adjourned

## Meeting Minutes

To: Members of Upton Conservation Commission  
Cc: Upton Town Clerk  
From: Debbie Sexton  
Re: Minutes of meeting Wednesday, December 23, 2009

### Members Attending:

Chris Scott, Mike Penko, Marcella Stasa, Sandy Lajoie, Tom Dodd  
John Savello

### Meeting Timeline

#### 7:30 West River Rd. Conservation Restriction

- Seems everyone is o.k. with this – next gets signed

#### 7:35 Fowler St. Discussion present: Dave Therien, John Poirier, Lee cote, Sherry Berger, Antonette Poirier, Al Holman, Gary Bohan, Patrick Roche

- 128/132 Fowler drainage issues
- UCC perennial stream and stormwater
- AP – since new structure (barn) – water has risen, channeled toward Poirier property.
- DT – No stormwater, calcs done, Put in catch basin to resolve problem, no way to keep all water on property, believe had a wet fall (always flowed across property).
- CS – waste water going to brook – but kept clean
- AP – animal feces and sediment toward brook
- BOH recommended a berm around fence line
- CS – over last 4 years – more intense rain events compounding problem
- LC – put in catch basin (14' from well)
- JP – no vegetation on pasture
- CS – UCC jurisdiction, 200' stormwater, 100' wet land
- JP – ground frozen – water runs to their property
- SB – suggests grassy buffer zone
- DT – virtually impossible to percolate all water on property
- RD – Wood St. solution of stone and vegetation seems to have worked
- JP – suggested French drain to direct water to brook out back
- DT – can't contain those storms
- JP – who is responsible for this – who is protecting my interests
- AP – thought this was BOH issue
- GB – less than 2,000 sq ft would require site plan approval process
- PR – agriculture not part of bylaw (Farming Act), Question so whether Farm Act is appropriate.
- AH – 2 issues: 1) water run off and 2) manure. Suggests mitigate manure. BOH position – if water contaminated – that might be an issue. Has seen manure in water going across property. Move manure off site.
- LC – moves manure every day (couple days in winter)
- DT – can contain solids, don't think can contain liquids.
- SB – create 10 – 15' buffer. Move horses to back field
- CS – even in winter, vegetation is still going to filter it.
- DT – Earthen dam going to hold back water
- AH – water testing – upstream, downstream, well testing – full season
- GB – building inspector call
- CS – we had no jurisdiction on this site
- LC – met with Poirier's before started build
- DT – put outflow with baffle to trap solids, 100 yr. storm wouldn't work
- MP – don't build anything that traps wood turtles. Probably requires a filing (with 150' of riverfront).
- DT – even now could be silt fence to trap solids.
- LC – Lee is o.k. with doing a silt fence.

- MP – If filing is required would like to have meeting in Jan. and decide whether need filing in mid Feb (2/10/10).
- CS – immediately put silt fence in.

**8:40 – Upton Land fill NOI(cont.)**

- Hasn't filed with Corp on replication plan
- MP would like replication plan so we can resolve this

**8:50 NOI (cont) 54 Fiske Mill Rd. present: Glen Odone**

- Proposed in ground pool
- Added water basin, (hay bales and silt fence) outside 100' buffer
- Changed granite to concrete bounds
- Appl would like to close
- Want to go forward with cutting trees (leave stumps)
- 21 days decision, 14 day appeal period) tree cutting without erosion control is o.k.

**8:55 General**

- JS reviewed 4 Westboro Rd. prop 2005 – 2008 – had trees cut between this time period (up to WL lines) Suggested an EO
- CS sent EO to Ms. Woodin
- RD – Trees cut and in water so now they should have filed with Con Com.

**9:05 Discussed North St. Plan Brd decision (Tony Dick's previous prop)**

**9:15 CS will talk to Lorraine Watson (37 Taft St.)**

- Reviewed UCC Annual Report letter

**9:30 JS update on drainage at 17 Pleasant St.**

- Clean out ditch 30' long 12" pipe
- Not in wet – want to do this now
- Clean out, pack stone (ad Emergency Certificate expired)
- CS is updating a 2<sup>nd</sup> EC
- NOI will need to be completed afterwards
- MP – makes motion to allow work at 54, 56, 58 Pleasant St.

**9:40 Enter Executive Session**

**9:45 Exit Executive Session**

**9:50 Meeting Adjourned**

_____	_____
_____	_____
_____	_____