

Meeting Minutes

To: Members of Upton Conservation Commission
Cc: Upton Town Clerk
From: Mike Penko, vice-chair
Re: **Minutes of meeting Wednesday, 7/13/11**

Members Attending:

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

7:30PM

Agent Report – Mathew Selby

See attached report.

Selby visited Upton Grafton RR site in Hopedale where a small stream had been filled without a CWA permit. The length of stream filled was similar to the Maple Ave site. Riprap at outlet provided aeration. The stream flows into the Mill River.

Discussion about pool installed at 117 Westborough Road within 100 ft. buffer (wetlands occur on adjacent property).

Selby to visit Mobico on Route 140 to determine if fill has been removed from wetland as requested by ConCom.

Tennessee Gas Pipeline Discussion

with TG representatives Steve Morowski and Dan Schenee

TG Provided copy of state approved ROW Management Plan.

Targeted control of woody vegetation on “Blackstone Lateral” only, not the main line.

Information sent to all property owners; property owners can opt out. Follow-up visits planned if land owners did not respond to mailing.

Control - early August – end November time frame.

Mechanical control to be used near wetlands and on woody vegetation greater than 8 ft. tall.

Goal is control mow, and treat, with one herbicide application during a 7 year cycle.

MA NHESP review complete (no issues). No vernal pools. Warren Brook area not part of Blackstone Lateral and will not be sprayed.

Steve M will do QAQC and MA DAR will likely do site inspections. VCS will do the work.

ConCom offered an opportunity to observe.

South Street Gravel Pits Tree Cutting Discussion

with Henry P Jr., Pam P., and Bill Sisco (consulting forester)

ca. 30,000 bf removed with no state approved cutting plan.

Some work occurred within wetland buffer (violation of WPA).

No Plans for more cutting (town is expected to buy the land).

If there is addition cutting on Poirier property, an NOI or cutting plan should be filed.

Glen Echo 35-37 Howarth Drive)

A gully has formed on back side of the detention basin. Contact John E. of Pulte to request repairs.

Maple Ave – Grafton- Upton RR

Site visit held on July 12 at 4:30.

Owner is proposing to entirely fill/pipe an intermittent stream passing through property and adjacent ponded area. Riparian buffer has already been cut, erosion control more or less in place.

WPA and bylaw are not applicable (Federal RR Preemption)

Contact Corps Regulatory office. CWA should be applicable.

Consensus was the Commission would consider not opposing filling of stream so long as significant mitigation was provided (e.g. preservation of another stream and riparian buffer in Upton such as those on the Miscoe Hill Road or Westborough Road parcels; long-term Phragmites control on Old Zac.

Stormwater Bylaw

Chris Scott attended BOS meeting and will be ConCom representative
It makes sense for ConCom to be the official enforcement authority, as is the case in other towns.
Need to enact bylaw to avoid possible USEPA enforcement action against town.

Miscellaneous Items

1. Motions passed to order businesses cards for Selby, sign DS time sheet, pay MACC dues (\$400), and miscellaneous LSC expenses.
2. Website updates discussed. Need to pdf documents for posting on website.
3. Open Space: OSRP approved by DCS, copies need to be made and distributed, pot o website
4. LSC: work date at SWF planned for coming weekend.
5. SWF: motion to spend down FY2010 Conservation Fund balance to 0 (zero) to pay legal expenses. There will still be a \$7,000 shortfall which will be covered by private donations. Town Counsel expenses exceeded \$21,000
6. Motion passed to transfer \$2,000 of FY12 funds into the Conservation Fund.
7. JR Estates: CR or deed restriction needs to allow ROW for new wells site. On hold.
8. 85 Mechanic Street: manure pile still not removed but after two years may not be much of a risk.
9. Landscape Depot (Rt 140): Knotweed removed mechanically but not yet sprayed. Tom J. to follow-up with owner.

10:10PM Meeting Adjourned

Minutes approved on _____

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