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Board of Selectmen

**Town of Upton**



**Massachusetts**

Meeting Minutes of June 22, 2010

*Location:* Fire & EMS Headquarters, 20 Church Street – 2<sup>nd</sup> floor training room.

*Present:* Chairman Michael E. Goodwin, Selectman Kenneth E. Picard, Town Manager, Blythe C. Robinson, and Department Coordinator Karen L. Varney. Selectman Robert J. Fleming did not attend.

The meeting was called to order at 6:00pm.

Due to the absence of Selectmen Fleming approval of the Board's meeting minutes were put on hold until the July 13<sup>th</sup> meeting.

Town Manager Blythe Robinson gave the Board an update on the Open Meeting Law changes that will take effect July 1<sup>st</sup>. Discussion took place relative to the process of posting Agenda's for all Boards, Committees and Commission at the Police Department therefore allowing the required 24/7 accessibility. The Department Coordinator and Town Clerk will be working on a posting template that will be used uniformly. Both Selectmen agree the Police Department would be a good location for the new posting requirement.

*Correspondence reviewed by the Board:*

1. A follow up letter sent to the resident of 5 Oak Knoll Lane along with a correspondence from Town Counsel.
2. Letter from G-U Railroad president Jon Deli Priscoli Re: transportation of wood pellets.
3. Follow up letter from the Town Manager to John Engdahl, Pulte Homes Re: Glen Echo Development Street lights.
4. Letter of applause received from a resident of School St to the Code Enforcement Department.
5. Meeting minutes of June 10<sup>th</sup>: Fire Chief Search Committee.
6. Report of the Library Director for May.
7. Account Statements for the month of May from RBC.
8. Update from Comcast Re: ESPN3D
9. Update from Charter Re: channel line-up adjustments effective July 5<sup>th</sup>.

The Board will review the remaining correspondence after completion of the scheduled hearings.

45 At 6:15pm Chairman Goodwin opened the Public hearing of David E. McQuilkin of 13  
46 Williams Street who submitted an application for a Class II License. The legal notice and  
47 description of the property was read aloud by Chairman Goodwin and noted that all abutters  
48 were notified. Mr. McQuilkin came before the Board, stated his name and address and gave a  
49 brief summary saying it is his intention to wholesale cars, purchasing them at auction,  
50 performing repair work and bringing them back to the auction for resale.

51 Chairman Goodwin asked if there were any abutters who wished to speak. James R.  
52 Bates, Jr. of 14 Williams Street approached the table and submitted a letter to the Board noting  
53 six areas of concern. He continued by saying he has a problem with the request for the total  
54 number of vehicles on the lot Mr. McQuilkin will have for sale at any one time. Other areas of  
55 concern but not limited are signage and illumination. Mr. Bates is supportive of his neighbors  
56 endeavor and looks forward to a tasteful outcome.

57 Abutters Brent Dawson of 27 Williams Street also addressed the Board with his concerns  
58 of 12 vehicles and the issue of discarding oil and the impact on environmental issues. In addition  
59 Michael Merrigan of 25 Williams Street also voiced concerns about caustic material and  
60 environmental issues and if any studies would be done. Mr. Bates commented that there is a  
61 catch basin on the left side area of the garage which drains down onto his property.

62 The Board informed the residents that another ZBA and public hearing is scheduled and  
63 will continue dialog after opening this hearing and recessing.  
64

65 At 6:30pm Chairman Goodwin opened the Class 11 hearing of Ralph John Dixon of 37  
66 Williams St and recessed.  
67

68 Going back to the 13 Williams Street hearing, Chairman Goodwin asked if there were  
69 any other abutters who wish to speak. Joseph Christopher of 53 Williams Street approached the  
70 Board and expressed his concerns with traffic issues and inquired as to the hours of operation  
71 and the number of vehicles on the property. After dialogue, Chairman Goodwin closed the  
72 hearing. It was agreed by both Chairman Goodwin and Selectmen Picard to discuss this License  
73 request further and will act by the letter of the law.  
74

75 At 6:35pm the Class 11 License hearing of Ralph John Dixon of 37 Williams St was  
76 reconvened. The legal notice and description of said property was read aloud by Chairman  
77 Goodwin and noted that all abutters were notified. Mr. Dixon came before the Board, stated his  
78 name and address and gave a brief overview of his reasoning for applying for a Class 11 license.  
79 His plan is to attend the local auto auctions to purchase cars and or motorcycles for the purpose  
80 of reselling. He has been operating his machine shop in the same location since 1983. He has no  
81 plans with changing his signage and has requested a license not to exceed three cars /  
82 motorcycles.

83 Fifteen year resident and abutter, Bob Humes of 35 Williams St informed the Board that  
84 Mr. Dixon has been a great neighbor and has had no issues or problems and is in support of him  
85 receiving a Class 11 license. Another Abutter, Joseph Christopher of 53 Williams Street  
86 addressed questions of concern he has about vehicles on display around the Street. After  
87 discussion, the Board agreed to take this request under consideration.

88 Chairman Goodwin closed the hearing.

89 Chairman Goodwin disclosed that he is a customer of Mr. Dixon at his Lakeside Machine  
90 shop. Chairman Goodwin is in favor of issuing restrictions to this Class 11, i.e., not spare or junk

91 parts to be left outside, also no balloons and banners. Selectman Picard's concern is with lights  
92 and signage and noted that this applicant and the previous applicant is required, per the Town's  
93 By-laws, to go to the ZBA for their approval. They may also put on restrictions that they feel is  
94 appropriate. The Planning Board may want input as well.

95 The Board requires more time to review these requests and take into consideration the  
96 abutters comments. It was agreed that the Board will rule on these License requests at their July  
97 13<sup>th</sup> meeting. This will be a two-step process, approval by the ZBA as well as the Licensing  
98 Authority, the Board of Selectmen.

99

100 The Board resumed review of their correspondence.

101 10. Mass Dept of Environmental protection Re: Chemical Safety control.

102 11. Correspondence Re: Wind Energy Siting Reform Act.

103 12. Suburban Coalition request for membership. (for the Boards consideration)

104 13. Upton Regional School District Assessment for FY11.

105 14. The Beacon

106 15. FYI: Open Meeting Law Seminar

107

108 Confidential material:

109 ⇒ Copy of a correspondence from Town Counsel dated June 1, 2010 (packet in BOS  
110 Office).

111 ⇒ Litigation Status report from Town Counsel dated June 7, 2010.

112

113 Chairman Goodwin said he looks forward to seeing Representative George N. Peterson, who  
114 will be attending the July 13<sup>th</sup> meeting at 6:00pm. Also a Liquor License transfer is scheduled at  
115 6:20pm relative to the Wildwood Lounge.

116

117 Town Manager Blythe Robinson presented her weekly report. She asked the Board if they  
118 would be interested in meeting with the Mendon Selectmen July 13<sup>th</sup> and invite the Finance  
119 Committees and have a work session. It was agreed to contact the Mendon Selectmen and set up  
120 a 7:30pm time frame.

121 Ms. Robinson met with Jay Talerman, Esq., relative to the Noble Vista project.

122 Conservation Commission issues have been resolved and the next step will be for the Town to  
123 reaffirm its requirement of the developer before the Town signs off on a stipulation of dismissal  
124 from the State Housing Appeals Committee. This will be an item for discussion at the July 13<sup>th</sup>  
125 meeting.

126 Also a meeting will be held next week for the purpose of closing out the Route 140 water  
127 main project.

128 Ms. Robinson also informed the Board that she attend the Blackstone Valley Economic  
129 Development Commission meeting. The Board asked that she set up a meeting between them  
130 and the Board for the first part of August.

131

132 At 7:08pm the Board recessed their meeting for five minutes.

133

134 The Board reconvened at 7:14pm.

135

136 At 7:15pm Chairman Goodwin opened the Public Hearing to hear the request of South  
137 Street Reality Trust to grant permission for an earth removal permit. The legal notice was read  
138 aloud as well as the description of said property. All abutters have been notified. Henry J. Poirier  
139 III, Pamela Campbell and Sonny Poirier came before the Board. Henry said the required Permit  
140 Bond was approved from Hanover Insurance and will make sure the Selectmen's Office gets a  
141 copy. His request is for 40 loads a day, 3 to 5 days a week Monday – Friday. He is aware that  
142 there may be some safety issues coming out of South Street into Chestnut St and will address  
143 those issues. The hours of operation will be 7:00am to 3:45pm with the exception of those times  
144 when school buses are operating. Mr. Poirier had a copy of the standard bus route and will  
145 comply with those times. Also speed limits shall not exceed 20 MPH on the roads immediately  
146 accessing major highways.

147 Abutter Bill Rianhard of 129 South St voiced his concern. He noted that years ago there  
148 were problems and the situation was out of control. Hauling began at 5:00am to 6:00pm. He  
149 asked how 40 loads a day will be controlled. It is his opinion that it be decreased to 20 loads a  
150 day with hours of operation from 9:00am to 2:00pm. Also having the trucks coming in a different  
151 direction. The sizes of the trucks were also a concern as well as imposing a 15 MPH limit. Mr.  
152 Rianhard asked the Board to approve a 3 to 6 month permit vs. a 3 year open ended permit and to  
153 monitor the hauling.

154 Another abutter, Karen Rybicki of 56 South Street also voiced her concerns and noted  
155 that restrictions should be in place. The applicant said a typical 10 wheeler will haul 17/18 yards  
156 vs. an 18 wheeler that will haul 26/28 yards. Sonny said he is aware of the previous problems  
157 and will monitor this project on a regular basis.

158 Chairman Goodwin closed the hearing.

159 Selectman Picard spoke of the possibility of limiting the trucks to 10 wheelers and to  
160 ensure they maintain the MPH limit. Monitoring can be done by the Police Department. Also  
161 street sweeping needs to be addressed. It was agreed that the Board needs time to digest the  
162 abutters concerns and will revisit this request at the Boards July 13<sup>th</sup> meeting.

163  
164 The Board welcomed Mary Kearnan of Mendon who came before the Board requesting  
165 to operate a Hot Dog business at Kiwanis Beach this summer. In a memo to the Board, Town  
166 Manager Blythe Robinson noted that the Recreation Commission has not taken action on this  
167 matter but believes there would be some benefit. In researching the laws, she found that there is  
168 reference on lunch carts however this applies to licensing them on a public way, which Kiwanis  
169 Beach is not. Chairman Goodwin's opinion is that the Town request RFP's. Selectman Picard  
170 agrees. Ms. Kearnan was informed that they are unable to grant her the necessary permit at this  
171 time until the process can be researched further by the Town Manager.

172  
173 Mike Penko, Tom Dodd, Marcella Stasa and Bill Taylor of the Open Space Committee  
174 came before the Board seeking approval in submitting a Land Grant application for  
175 Sweetwilliam Farm. Despite the action by the STM in May to deny a request to fund appraisal  
176 fees to study the value of Sweetwilliam Farm, the Open Space Committee has continued to work  
177 on the process to acquire the Farm. The Committee is looking for the Board's approval to submit  
178 a Local Acquisition for Natural Diversity (LAND) Grant application for FY2011. This  
179 application is due July 15<sup>th</sup> and requires the signature by the Chief Executive Officer. If awarded,  
180 would be for \$500,000.00. Mr. Penko gave a summary and voiced the Committee's support to  
181 move forward.

182 Selectman Picard said he was not in favor of supporting this but feels he needs to give the  
183 Committee the opportunity. Chairman Goodwin in favor of submitting the Grant application and  
184 can finalize before the July 15<sup>th</sup> deadline.

185  
186 Motion # 1: Selectman Picard motioned to approve submitting a Local Acquisitions for Natural  
187 Diversity (LAND) Grant application for Sweetwilliam Farm. Majority: Chairman Goodwin.

188 Selectman Picard wanted it noted that he does not support this project but wishes to give  
189 the opportunity.

190  
191 Next on the Agenda the Board welcomed Joan M. Scribner, Principal, Nipmuc Regional  
192 High School and Meghan Cilley, Library Media Specialist at Nipmuc. Ms. Cilley came before  
193 the Board to request funding from the Risteen Fund in the amount of \$9,000.00 for a Virtual  
194 reference library collection containing 405 titles for the Nipmuc Regional High School Media  
195 Center. The Gale eBooks offer unlimited number of users 24/7. Once purchased the titles will be  
196 owned by the school and will not need to be subscribed to each years as is traditionally the case  
197 with online resources stated Ms. Cilley. There would be a \$50 per year maintenance server fee  
198 from Gale Virtual Reference. After discussion, the Board agreed to approve the total amount.

199  
200 Motion # 2: Chairman Goodwin motioned to approve the amount of \$9,000.00 from the Risteen  
201 Trust Fund for the educational purchase of the Gale Virtual Reference Library Collection  
202 (eBooks) for Nipmuc High School. Majority: Selectman Picard.

203  
204 In closing, Selectman Picard noted the upcoming meeting with Mendon officials. Also he  
205 would like to revisit review of the Town Common area later on this summer. He noted the  
206 Knowlton property on Main Street which is back on the market the possibility of renovating this  
207 property with CPA funds. To be discussed further.

208  
209 Motion # 3: Selectman Picard motioned to adjourn the meeting at 8:20pm. Majority:  
210 Chairman Goodwin.

211  
212 Respectfully submitted,  
213 Karen L. Varney, Department Coordinator

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