

# CONSERVATION COMMISSION

Town of Upton



Massachusetts

508-529-6286  
concomm@uptonma.gov

1 Main St, Box 9  
UPTON, MASSACHUSETTS 01568

## Meeting Minutes – Wednesday 10/22/2014

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

### Members Attending:

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

### 7:30 PM General Business

**Meeting Minutes** – motion to accept and sign minutes from 9/10/14 and 10/8/14 – 2<sup>nd</sup> and approved.

**Website** – updated new meeting time; starting on 11/12 meetings will be at 7:00 pm not 7:30 pm.

**OSC** – Bill Taylor attended meeting in Hopkinton regarding the parcel that abuts the USF.

**LSC** – Will be attending the next CPC meeting for the hearing for the North St schoolhouse foundation project; this is an item on the warrant for the upcoming STM (11/18/14). New sign has been installed at Peppercorn Hill parking area.

**Finances** - payroll signed.

**Admin/Office** – need to check w/ the Town Accountant regarding new account numbers; Instead of purchasing a new cabinet for the Con Com space we will re-use a storage cabinet from another department.

### Misc Items:

- Meeting schedule: Nov. 12 only meeting in November due to Thanksgiving holiday; Dec. 10 & 17 (rescheduled due to Christmas holiday).
- Special Town Meeting set for 11/18/14.

### 7:40 PM Forestry Management

- Mike Downey ok'd extension as long as plan is completed and submitted prior to the end of FY15 (June 30, 2015).
- Scope of Services was provided to Mass Audubon; they provided a cost estimate break down.
- Tom contacted the State to see if they had contacts for habitat specialists; he was given the name of a Habitat Biologist from Westboro (Maryanne Piche) she has worked with other towns and private landowners; we will provide the Scope of Services document to her and invite her to our meeting on 11/12.
- Including one or more wildlife and bird habitat specialists on the team to assist forester should lead to a better, more comprehensive plan.

### 8:05 PM Rockwood Meadows easement

- Revised easement documents were provided; Developer will allow bicycles and horses but no hunters; suggested further conversation with the developer regarding this issue as they won't be hunting on the property but crossing for access to the Peppercorn Hill Property where hunting is

allowed. Want to make it clear that we will not be responsible for “policing” this property nor do we endorse the “no hunters” policy.

- It was brought to the attention of the developer’s attorney that they did not include Hopkinton in any discussion of the easements nor are they listed in the documents. Mike will be attending the Hopkinton Con Com meeting on 11/3 at 7:30 pm for discussion of this matter. We need to determine if both towns need to hold the CR or easement – checking with Town counsel on this.

**8:30 PM          General Items (continued)**

- 2014 is the 50<sup>th</sup> Anniversary of the Commission; Commission members would like to mark the occasion by planting something – Mike suggested a white oak sapling that came from Stefans land; motion made to plant a white oak at the Whitney East pasture – 2<sup>nd</sup> & approved. Scott donated a fence to go around the tree to protect it; will meet Sunday (10/26) at 9am at the cul-de-sac on Howarth Dr to plant the tree.
- USEPA draft MS4 Stormwater Regs – public comments are due by 12/29/14; check with Selby to see if he has reviewed or has comments; also perhaps MACC will be providing comments.
- Public meeting laws – reminder that any discussion that may take place in the field (trail work, hiking, etc...) needs to be recorded into the minutes of a Con Com meeting. Specifically if any decision is needed it must be done at a posted public meeting.
- SVT and Americorps – Marcella received info that they have a couple people with various skills available for Commissions or Land Trusts; we can submit proposals if there are any projects we would like help with; submit any ideas to Marcella. One suggestion is to assist the Forester (Rupert) with the forest management plan.
- Agent’s report (10/9 – 10/22).
- Library Feasibility Committee is looking for input on site locations for a new library.

**8:55 PM          101 High St RDA**

- Septic system upgrade/replacement w/in 100’ of buffer zone. Selby reviewed and suggested issuing a negative Determination; erosion controls will be needed.
- Motion to issue and sign a Determination (Negative #3) – 2<sup>nd</sup> and approved.

**9:00 PM          147 North St & Whitney parking area & easements**

- Mike noticed activity near drainage swale and attempted to inspect the work. This led to a brief, unpleasant encounter with Mr. Potheau. Selby made a follow-up site visit to inspect the work and met with the Potheaus. The work near swale involved installation of posts for a trellis. There is an open OOC on the property.
- Mike and Marcella met with Chief Bradley and Town Manager to discuss the encounter with Potheau and subsequent charges of harassment. Mike made a list of all on-site activity since April (2014).
- Additional work on the Whitney parking area needs to be finalized; we need to spell out all activity to be completed (signage, kiosks); discussion of removing the granite stops (2) nearest the Potheau’s property to avoid people accidentally backing onto their property and to more clearly delineate and buffer the public parking area; signage stating that it is public parking for access to trails is also needed. The LSC previously voted to install carved wood signage. Alan suggested that we hold a public hearing(s) or meetings for signage and kiosks that we intent to install at any of the town’s properties. This would allow input from all abutters and the public. Marcella opposes contacting abutters as the work that is being done is what we are allowed to do.
- Mr. Potheau has offered to plow the Whitney parking area; suggest creating a memorandum of understanding (MOU) so it will be clear what is expected such as: timeframe for plowing after a snowfall, where to plow the snow, sanding if necessary, and liability issues. . Mike concerned that town will be liable if icy areas are not sanded.

- Motion to have LSC compose a letter to the Potheaus regarding the parking spaces and signage at the Whitney Conservation parking area explaining what is to be done to finish this area – 2<sup>nd</sup> and approved (5 yes/1 no/1abstain).

**9:35 PM      Motion to Adjourn – 2<sup>nd</sup> & Approved**

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

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