

# CONSERVATION COMMISSION

Town of Upton



Massachusetts

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1 Main St, Box 9  
UPTON, MASSACHUSETTS 01568

## Meeting Minutes – Wednesday 12/10/2014

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); Selby (Agent)

### 7:15 PM Forestry Discussion

- Rupert will start in February 2015 and will provide a report by mid-May.
- Need to finalize the contract for Blythe to sign.
- Need to let Maryann Piche know Rupert's timeframe so she can coordinate with him.
- Mike has put together a packet of materials on a CD for Rupert, the other consultants, and anyone else who want one.
- MA Aud provided a contract for their services for ConCom chair to sign.
- Suggestion that if Rupert doesn't have his end of the paperwork done by our next meeting on 1/14/15 we may need to contact the other forester (Phil Benjamin).

### 7:30 PM General Items

**Meeting Minutes** – motion to accept and sign minutes from 11/12/14 – 2<sup>nd</sup> and approved.

**Website** – Alan continues to update and clean up.

**OSC** – Contacted the 2 individuals who were looking to sell or donate land to the town. No money to buy plus bank has started foreclosure on the Taft St property. Donation is for land (approximately 12 acres) off North St that is completely land-locked; no access and would need BOS and town meeting approval. Parcel appears to be useless as it borders both sides of the Mass Pike; however, there is no downside to discussing with the BOS as this parcel potentially could be connected to an "owner unknown" parcel if the town decides to take that land. Motion to ask OSC to consult with the BOS about this parcel – 2<sup>nd</sup> and approved.

**LSC** – still looking over the idea of preserving the old foundation off North St; looking at grants for funding. Americorp will be doing a project connecting trails with neighboring towns. Walked the Whitney Conservation Area w/ SVT – no encroachment issues.

**Finances** - payroll signed; motion to sign expense voucher – 2<sup>nd</sup> and approved.

**Admin/Office** - Not meeting on 12/17 or 12/24/14. Next meeting will be 1/14/15.

**Misc Items** - CS will contact Cook Company on Milford St to see about annual site visit.

- Beavers – Southboro Rd beaver dam appears to be leaking as the water level is not at the top of the dam; perhaps the beavers are gone. Mike Callahan (Beaver Solutions) did his maintenance; perhaps we should try to breach the dam – if they rebuild it will be clear that the beavers are still there. We will need to schedule a time to do this.
- Technology – MP made a suggestion to Blythe a "smart board" be installed in LTH conference room; also a screen on the stage in the main hall for future use.

- CS suggests reviewing NOI for status, recording and to make sure they are building what they presented; and quarterly review for on-going projects. Also suggests that we contact Code Enforcement to have them let us know that an as-built has been submitted.
- Annual Report – draft; DS will check numbers for filings; will add Forestry. Motion to approve the report with those updates – 2<sup>nd</sup> and approved.
- Maple Ave COC – Selby will contact Gene Bernat as we need to include condition for easement access – need an easement document.

**Motions** – Extend OOC for Crosswinds 311-489 for 2 years – 2<sup>nd</sup> and approved.

**Rockwood Meadows** – MP spoke with Atty Greenwald regarding the CR/easement documents; Hopkinton Con Com does not want to be involved in this, they don't want to hold the CR; Hopkinton Area Land Trust could possibly hold the CR or SVT.

**Whitney Conservation Area** – CS spoke with Blythe about plowing the parking area; will need to put something in writing as to what is expected. Selby contact the abutter regarding NOI/OOC issues. There are concerns about what was presented vs what was built. MP drafted a letter to be sent to the Potheau's regarding upcoming activities: 1) Things to do in the spring – reducing the number of granite parking stops/markers (remove 1 or 2) and clearly define the public parking area with signage. Removing one of the easternmost spacers is suggested to define a more concise public parking area and because eastern spaces are not usable without risk of inadvertently parking or backing onto Potheau's property. Also, someone could be blocked by someone parked at the Potheau's. 2) Alternative opinion ...don't remove the markers as they serve as a clear reminder of our easement area. AM review the easement and believes we have very clear rights as does the owner (grantor) of the easement. MP raised long-term concern about a prescriptive easement if Potheau activities on easement are not permitted or challenged by town. Minor encroachment (partial parking on easement) appears to be an on-going issue. Key issues: signage, snow management, encroachment problems (suggest asking town counsel for an opinion if we should ignore small issues or take a stance), kiosk, and landscaping.

AM suggestions: signage; break the news that a kiosk is coming and snow plowing agreement. Also he suggested that we talk w/ Mr. Potheau to discuss the items then put them in a follow-up letter.

Motion for 2 members and Selby to meet w/ Mr. Potheau about snow plowing, signage and kiosk; then to follow-up with a letter. Also to ask town counsel for an opinion about encroachments in the parking easement (how should be address this) – 2<sup>nd</sup> and approved.

It was noted that the parking area looks great and the fence along trail easement is actually helpful.

**9:10 Agent's Report**

- Per 11/12 – 12/9/14 report.

**9:30 PM Motion to Adjourn – 2<sup>nd</sup> & Approved**

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

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