

**Town of Foxborough
Conservation Commission Minutes
February 13, 2012**

Members Present: Robert Boette (Chair), Allan Curtis (Vice Chair), Eric Nelson (Clerk), Douglas Davis, Judith Johnson, James Marsh and Valerie Marshall
Staff Present: Jane Sears Pierce, Conservation Manager and Lee Ann Tavares, Secretary
Others Present: See attached sign-in sheet

Meeting Opened

Bob Boette opened the meeting, held in the Andrew A. Gala Jr. Meeting Room, at 7:00 p.m.

Discussion Re: Warrant Articles

Eric and Jim were asked to work with the Planning Board on a potential land clearing bylaw for a future warrant article.

12 Woods Avenue, Request for Determination

Information Reviewed:

- RFD dated 2/6/12

Bob opened the hearing by reading the legal notice, as posted in the Sun Chronicle.

The Applicant's representative, David Oberlander of BDO Engineering, was present to review the proposed septic system repair. He said that a 1,000 gal pump chamber is required, but the new system will be further away from the wetlands than the present system. Access to the area will be from driveway side of the property. Jane pointed out the unpermitted work that she had observed during her site visit, including an above ground pool and a stockade fence, part of which was across wetlands. She told the homeowner, who had accompanied her on her site visit, that the fence through the wetlands was a violation and needed to be removed; Mr. Oberlander stated that he was aware of this requirement. Jane added that she had also spoken to the septic system installer.

Motion was made by Allan Curtis to close the meeting for the 12 Woods Avenue RFD; seconded by Doug Davis. **Vote: 7:0:0**

Motion was made by Allan Curtis to issue a Negative Determination (checking #3 and #6) for 12 Woods Avenue; seconded by Doug Davis. **Vote: 7:0:0**

November 7, 2011 Minutes

Motion was made by Eric Nelson to accept the November 7, 2011 meeting minutes as distributed; seconded by Allan Curtis. **Vote: 7-0-0**

December 12, 2011 Minutes

Motion was made by Eric Nelson to accept the December 12, 2011 meeting minutes as distributed; seconded by Allan Curtis. **Vote: 7-0-0**

January 9, 2012 Minutes

Motion was made by Eric Nelson to accept the January 9, 2012 meeting minutes as distributed; seconded by Allan Curtis. **Vote: 7-0-0**

Order of Conditions Extension, DEP #157-447, 10 Panas Road

Motion was made by Allan Curtis to extend the Order of Conditions for DEP #157-447 for a period of one year; seconded by Doug Davis. **Vote: 7:0:0**

Mechanic Street Conservation Property - YMCA License Renewal

Jeanne Sherlock, the Hockomock YMCA's Vice President of Innovation and Healthy Living attended the meeting and gave a brief history of the Healthy Futures Program. She stated with disappointment that the YMCA had decided not to return to the Mechanic Street property for their program this year. She said that they (YMCA) pride themselves on being good neighbors and never meant to be a burden on anyone. They are currently looking for alternate sites.

Bob stated that he too was disappointed. Other potential conservation land sites for the garden were discussed. Ms. Sherlock asked about water availability at the other sites, mentioning that they had spent \$3,500 to bring water to the Mechanic Street site. Jane reminded her that they had been warned that the Commission had never had such a project on their properties before and that their project's license had been for one year to determine whether it would be appropriate for the site.

The Commission asked the YMCA to clean up the area they had been using for the garden to return it to its previous condition. Bob mentioned that he had seen a truck at the site that had been taking wood (fallen trees, etc.) off the property. Ms. Sherlock stated emphatically that this truck was in no way connected to the YMCA. Bob noticed that the gate had been open, so he closed it. Ms. Sherlock noted concern about how to return the property to its previous condition as the area was previously just a field. Jim reviewed their previous license agreement and told her that they should clean up the area, flatten out the gardens, remove the markers and rocks and put the area back to the condition it had been in prior to their use.

Conservation Rental Properties

Since she would be away on vacation for the following meeting, Judi gave a brief history of the 120 Spring Street property, reporting that the house was in very good shape. She said that Mr. Zelienski had done what he was supposed to do (regarding renovating and maintaining the property).

She had reviewed the Commission's files and spoke to some of the questions that had been asked, but never answered, about the property. She said that Atty. Gellerman had advised that there should be a vote at Town Meeting to rent the property, but she did not know if this had ever been done. There had also been a Town Meeting vote to sell the property, but it had not yet been subdivided; it has since been subdivided. She said that if the property was sold at this time, part of the sale price could go towards funding the Town Hall renovation project and part could go into an account to maintain the Commission's other rental properties.

Judi said that the dirt road into the 10 Fairbanks Road property was a problem that needed to be addressed and the property needs a new septic system. She recommended that only the second floor of the house, containing two bedrooms and one full bath, should be renovated and that the third floor should be closed off.

Val indicated that she was going to try to get a similar report to the ones submitted by Judy together. She was tasked with reporting on the two Lane properties, off of North Street.

Commissioners reviewed Jane's draft letter to the current renters at 120 Spring Street and 89 North Street, stating that their leases will be expiring and that the Commission will need to increase the rent to fair market value at that time. Both property renters are aware that an increase in rent will be coming after April 30th. Jane reported that the boiler at 89 North Street had been replaced and that the invoice had been submitted for payment.

The Town Manager told Jane that the Commission should hire one of the larger rental agencies in town to market the two properties. During the Commission's discussions, Gil Campos of Remax was mentioned as being very well known in town. The Commission would like to increase the property rentals to the lower end of the range of market value rates. Val asked how the Commission would pay the realtors, since rental income currently goes directly into the General Fund, so they

have no funds to pay for it. Doug recommended getting the three quotes from realtors and going from there. He asked Bob to call some realtors to see how to progress. Jane will review the notes from her meeting with the Town Manager to see what he had said, but would speak with the Town Manager and Randy regarding payment, if her notes don't include this information.

87 North Street Renovation

Jane was asked to send the draft letter she had prepared for Bob to the Principle of the Southeastern Regional High School, since the school had indicated that they would renovate the property. The letter asked for an estimate of how much it would cost for the supplies to renovate the house.

Review of Manager's Responsibilities Re: Site Visits and Vernal Pools

Jane asked the Commission for their guidance regarding site visits, asking whether she should be looking for and certifying vernal pools. She gave an update on a property owner in town who, during her site visit, had allowed her to enter a potential vernal pool to look for obligate species. She found the obligate species and had told the homeowner that she planned to certify it. Now, the homeowner does not want her to certify the pool. She and Bob described Bill Buckley's issues with her looking for vernal pools during her site visits.

Val stated that it was the Commission's job to police and protect the Town's natural. Jane was asked to contact the MACC for further advice about certifying vernal pools during site visits, specifically, can she certify them even if the owner tells her that she can not.

Potential Property Donation

The Chadwick property, which the property owners recently offered to donate to the Commission, appears to contain two potential vernal pools. Judi feels the Town should accept the approximately five acre property.

Meeting Adjourned

Motion was made by Allan Curtis to adjourn; seconded by Eric Nelson. **Vote: 7-0-0**

The meeting adjourned at 9:12 p.m.

Respectfully submitted,

Eric Nelson, Clerk

Documents, Not Referenced Above, Reviewed During Meeting

Attached Documents:

1. Agenda, February 13, 2012
2. Meeting Sign In Sheet

Location of Other Documents:

3. Manager's Report, filed in Manager's Report binder in Conservation Commission's office.
4. Referenced projects' documents: please see Conservation Commission's project file

Draft minutes submitted by Lee Ann Tavares: 2/21/12

Reviewed by Jane Sears Pierce: 2/27/12

Approved by Commission: