

**Town of Foxborough
Conservation Commission Minutes
December 10, 2012**

Members Present: Robert Boette (Chair), Eric Nelson (Clerk), Judith Johnson and Valerie Marshall

Members Absent: Allan Curtis (Vice Chair), Douglas Davis, James Marsh

Staff Present: Jane Sears Pierce, Conservation Manager and Lee Ann Tavares, Secretary

Meeting Opened

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

Continued NOI, Crackrock Pond Dam, DEP-157-507, Neponset Reservoir Company

Due to an Open Meeting Law error in posting the Agenda, the applicant has agreed to continue this hearing to December 17.

East Belcher Road Compost Facility Operation, Andy Felix

Since Mr. Felix had not yet received his as-built plan of the compost facility (required by the Commission), the plan will be discussed during the next meeting on December 17.

August 13, 2012 Minutes

Motion was made by Eric Nelson to accept the August 13, 2012 meeting minutes as revised; seconded by Valerie Marshall. **Vote: 4-0-0**

September 17, 2012 Minutes

Motion was made by Eric Nelson to accept the September 17, 2012 meeting minutes as distributed; seconded by Judi Johnson. **Vote: 4-0-0**

November 26, 2012 Minutes

Motion was made by Eric Nelson to accept the November 26, 2012 meeting minutes as revised and to be put into proper format; seconded by Valerie Marshall. **Vote: 4-0-0**

92 East Belcher Road Violation

During their review of previous minutes, the Commission had questions regarding 92 East Belcher Road. They wanted to ensure that the proposed berm would be in the correct location and that the work would not go beyond the preexisting lawn area. The Commission's recent approval of the Hammond's restoration plan did not give the Hammonds permission to install a fence or house animals in the recently altered/restoration area.

Judi stated that a wetland delineation and determination of whether the site's drainage ditch is actually an intermittent stream needs to be accomplished prior to any determination of use of that area.

The Commission reviewed their concerns about possible adverse impacts to what appears to be an intermittent stream in the disturbed area, directing Jane to (1) send a letter to the homeowners about their concerns and (2) talk to the DPW Director about any work they might propose in the area. Currently, the Hammond's only approved work is the revegetation and restoration of the disturbed areas, including the creation of a berm and swale. All restoration work shall be done by hand, not machine, and the approved berm should be as high as the currently installed sediment controls. Jane was also asked to visit the site regularly.

General Discussion

Jane presented a boiler plate of special conditions for the Commission to review for drafting the Crackrock Pond filing's Order of Conditions.

Enforcement Guidelines

Jane presented enforcement guidelines that she had drafted for the Commission's review and approval.

Motion was made by Judi Johnson to adopt the Enforcement Guidelines as revised on 12/10/12; seconded by Valerie Marshall. Vote: **4-0-0**

Commission Rental Properties

The Commission discussed their rental properties. Jane explained that the Town Manager had asked her to revise the Recreation Department's (Mill Street) RFP for the Commission's two rental properties at 120 Spring Street and 89 North Street. He said that the RFP's three year leases would go to the highest RFP bidder.

Val felt this was unfair to the current tenants as they were previously told by the Commission in writing that they could continue to rent the properties, but that rent would be going up incrementally on an annual basis until the fair market value was reached. This methodology of meeting fair market value by gradually increasing the rent over three years in consideration of long-term tenants was endorsed by the Town Manager. Apparently, this policy has changed as the Town Manager is now requiring an RFP. Currently, neither tenant has a lease. A letter was previously sent from the Commission to the tenants giving them the option to stay, if they chose to, at a higher rent.

Jane stated she had received a verbal approval from the Town Manager to contact Town Counsel. Town Counsel will need to provide assistance to the Commission to resolve this matter.

Beaver Management Workshop

Jane reported on her attendance at a recent Beaver Management workshop.

Lincoln Hill Property

Jane offered to speak to Melissa Cryan from the State about the Lincoln Hill property, if the Commission wanted her to do so.

Acceptance and purchase of the property was originally voted on by the Commission and also at Town Meeting but unfortunately not incorporated into the deed. Judi stated that she was against selling undeveloped land. Previously, Al had suggested selling smaller lots with an access to the rear portion of the property. Judi was in favor of a land swap, if there was a net positive benefit to open space preservation in the town, but alternative parcels would need to be evaluated. Jane had previously suggested swapping with a parcel of land behind the capped landfill, but the Commission did not believe that it would ever be developed since it contained a large wetland complex and several vernal pools.

Members felt that having a row of houses in front of a conservation property would degrade the conservation and recreational value of the property.

Val recommended discussing this again with the full Commission to obtain a consensus. The subject could be brought up at Town Meeting. Bob suggested talking to the Advisory Committee liaison.

Letter of Good Standing Form:

Jane proposed using a form that could be included with wetland applications, which would have to be signed by the Treasurer stating that taxes are current. She explained that the draft form was based on the Planning Board's application form. Bob noted concern about the clock ticking once an application is received and action being taken in a timely manner. Jane suggested tabling it for another time.

Meeting Adjourned

Motion was made by Eric Nelson to adjourn; seconded by Val Marshall. **Vote: 4-0-0**

The meeting adjourned at 9:00 PM.

Respectfully submitted,

Eric Nelson, Clerk

Draft minutes submitted by Lee Ann Tavares: 12/11/12

Reviewed by Judi Johnson: 12/12/12

Approved by Commission: 12/17/12

Documents, Not Referenced Above, Reviewed During Meeting

Attached Documents:

1. Agenda, December 10, 2012

Location of Other Documents:

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