

**Town of Foxborough
Conservation Commission Minutes
September 20, 2010**

Members present: Bob Boette (Chairman), Allan Curtis, Judi Johnson and Eric Nelson

Absent: Harold Blomberg, Doug Davis, Jim Marsh

Also present: Jane Pierce, Conservation Manager

Meeting Opened

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

Public Comments

Cocasset River Recreation Area - Lauren Bitar from 47R Mechanic Street expressed her dismay that the Cocasset River Recreation Area is not unavailable to the Town's residents (gates are padlocked). She stated that this land was donated to the Town for the residents' enjoyment.

Debbie Giardino (Recreation Department) also stepped up and stated that she too feels it is unacceptable that residents have been locked out of this property and asserted that the situation needs to be corrected and the area opened back up. She said that the property had been a gift to the town; now that the town had received a ruling on the lawsuit, she believed it was time to open it up.

Bob Boette said that he would speak to Andy Gala about the issues and would ask for a legal opinion on how the Commission should proceed.

10 Mill Street – Alex Pokrovskiy, homeowner, attended the meeting to ask for the Commission's permission to remove a large oak tree, within the 100 foot riverfront area, from his property.

Bob Boette asked him to tie a ribbon around the subject tree so that the Commissioners could view the tree and its location. Mr. Pokrovskiy was asked to return the FCC's September 27 meeting for their decision.

DEP #157-472, 5 Michelmores Way, Extension Permit

Motion was made by Allan Curtis to issue an Extension Permit for DEP File #157-472, 5 Michelmores Way. Seconded by Judi Johnson. **Vote: 4:0:0.**

DEP #157-306, 5 Michelmores Way, Certificate of Compliance

Motion was made by Judi Johnson to issue a Certificate of Compliance for DEP File #157-306, 5 Michelmores Way. Seconded by Alan Curtis. **Vote: 4:0:0.**

DEP #157-480, 16 Old Colony Road, Certificate of Compliance

Motion was made by Allan Curtis to issue a Certificate of Compliance for DEP File #157-480, 16 Old Colony Road. Seconded by Eric Nelson. **Vote: 4:0:0.**

DEP #157-483, 36 Ridge Road, Partial Certificate of Compliance

Motion was made by Allan Curtis to issue a Partial Certificate of Compliance (for the garage addition, only) for DEP File #157-433, 36 Ridge Road. Seconded by Judi Johnson. **Vote: 4:0:0.**

Letter to Leo Potter, Water and Sewer Department Re: 10 Fairbanks Road

The former tenants of 10 Fairbanks Road did not pay their water bill and left behind a balance of \$400.00. The Water Department indicated that if the Commission was not going to attempt to collect the outstanding monies, the Department will abate the \$400, rather than asking the

Commission to pay the amount. Judy drafted a letter to the Water Department stating the Commission's decision not to take legal action, which Bob Boette signed.

Neponset Res. Ph. III MCP Recommendations; Draft Comment Letter

Judi Johnson drafted a letter from the Conservation Commission to Paul Ahearn, Director of S. P. – Environmental, Invensys Systems, Inc., to provide their comments on the Final Draft Phase III Remedial Action Plan. The plan was prepared by Woodard and Curran for Invensys Systems, Inc. regarding remediation of industrial contamination of the Neponset Reservoir and Crack Rock Pond.

The draft letter reviewed the flaws and inconsistencies of the scientific, alternative and cost analysis in the Phase III report, as outlined in detail in two letters (by William Jobin, Sc.D., Director of Colorado Valley Ecologists, and by Paul McManus, an LSP with a concentration in environmental risk characterization) that were prepared on behalf of the NRRC, Inc.

In the draft letter, the Commission recommends that the Final Draft Phase III report (in its current form) be rejected because the report is fundamentally flawed. In addition, the Commission agreed that Invensys should initiate testing and pilot projects for targeted dredging near the Gudgeon Brook discharge (the area of the Reservoir with the highest concentration of Cadmium contamination). This information could then be used to more accurately determine feasible remediation efforts in the Reservoir.

Motion was made by Judi Johnson that the Commission adopt the letter submitted on September 20, pending receipt (and incorporation in the letter) of the final dates of the letters by Mr. Jobin and Mr. McManus, to be signed by Jane for the Chairman. Seconded by Allan Curtis.
Vote: 4:0:0.

10 Fairbanks Road/Update

Jane and Judy inspected the property in early September and found the home empty, with the large dumpster filled with debris in the front yard about to be hauled away. It was their opinions that (1) the house will need professional cleaning and (2) the refrigerator may need to be replaced. Jane recommended that it should be inspected by the Town's Building Inspector to make sure that it is inhabitable and all systems are functioning properly.

The tenants never paid their outstanding rent in the amount of \$1,950.00, plus the unpaid \$400.00 water bill. The Commission decided not to pursue the tenants legally for the rent and water bill because they believed that due to the way the small claims court laws are set up, the chances of receiving payment would be very small.

Jane reviewed her recommendations going forward, including requiring all prospective tenants to provide a CORI check, credit report and references. Additionally tenants should be required to pay a security deposit along with first and last month's rent at lease signing. She recommended amending the lease agreement to restrict indoor pets. Also, because of the age of the building, the tenants must be given a copy of the State's lead paint notice.

The Commission questioned whether they could (now, post dog park ruling) enter into a rental agreement without the Board of Selectmen's consent, and wondered who should be in charge of their rental property homes' administration, etc. Heather Harding, present for the meeting, stated that the Recreation Department had one rental property that they, too, were having problems with rental collections, saying that Andy Gala "does everything" regarding renting the property.

Two people in the audience expressed their interest in renting one of the Commission's properties and Bob advised them to leave their contact information with Judy.

Economic Development Bill: 2-Year Permit Extension Ramifications

Jane explained that since the extension applies to municipal permits, the Commission will not be able to require their usual one-year OoC extensions for two more years. She said that the MACC and the Attorney General's office plan to draft guidance documents in the near future.

Docks, Ch. 91 – “How To”

Jane provided the Commission with excerpts of the DEP's Chapter 91 Law which protects the public's interest in waterways of the Commonwealth. She indicated that the laws relating to docks are complicated and she has received several questions about them. Ch. 91 applies only to “Great Ponds” and some rivers; Jane believes that there are not Great Ponds in Foxborough, but will look into this. She told the Commission that she would like to add her Dock Excerpts to the website.

Open Space Plan Progress Update and Brief Planning Session

Since receiving the Taunton River grant, Jane has dedicated more than 50 hours, paid by grant monies, and an equal amount of regular hours toward updating the town's Open Space and Recreation Plan.

Jane told the Commission that she had completed her review of the assessor's parcel information and was currently comparing this information to the Commission's list of conservation properties. Judi and/or Jane will then update the open space map and Bill Buckley (Bay Colony) has offered to have his firm put together a final version of the map.

Jane met briefly with Heather Harding last Friday, who is currently working on the agriculture section of the plan. Jane indicated that Judi and Eric have been plugging away at the plan, too, adding “so we are getting close to the finish line.”

Heather was present at tonight's planning session to review outstanding needs and to help determine how to proceed. Since she had been heavily involved in the 2009 attempt to update the Plan, she reviewed her recollection of the work that was done last year. In addition, the following information was discussed:

- Goals and Objects was started in 2009; needs to be completed.
- Community Vision
- Mark Resnick had reviewed much of the plan, particularly the Zoning Bylaws.
- 5 Year Action Plan needs to be worked on.
- ADA Compliance – Dan Iagatta, Town representative, should be asked for his assistance.
- Trail Maps – Eric will send Jane a digital copy of the Warner Trail map
- Table of Contents; Jane had prepared a first draft of this section.
- Scenic Road Map
- Contributors List had been moved to the beginning of the document as a “Preface”
- Special thanks for grant from Taunton Watershed was added.
- Charts and survey results from the 2009 survey were completed last year.
- After completion, the draft plan should be emailed to town departments for their comments.

Request to Purchase “Preserving Family Land” Books by Stephen Small, Esq.

Jane would like to purchase these books by Stephen Small for distribution to interested residents. Bob stated that if we had the money in the budget to go ahead with the purchase.

August 30, 2010 Minutes

Motion was made by Eric Nelson to accept the August 30, 2010 meeting minutes, as distributed. Seconded by Judi Johnson. **Vote: 4:0:0.**

Meeting Adjourned

Motion was made by Judi Johnson to adjourn. Seconded by Allan Curtis. **Vote: 4:0:0**

The meeting adjourned at 9:15 p.m.

Draft minutes submitted by Judy Leahy: 9/22/10

Reviewed by Jane Pierce: 9/27/10

Approved by Commission: 9/27/10