

**Town of Foxborough
Conservation Commission Minutes
November 21, 2011**

Members Present: Robert Boette (Chair), Allan Curtis (Vice Chair), Eric Nelson (Clerk), Judith Johnson and Valerie Marshall
Absent: Douglas Davis, James Marsh
Also Present: Jane Sears Pierce, Conservation Manager

Meeting Opened

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

Continued NOI, 86 Ridge Road, DEP #157-502

An email was received from the applicant, Mr. Yan Fisher, requesting continuance to January, 2012.

Motion was made by Eric Nelson to continue the hearing for DEP #157-502 until January 9, 2012; seconded by Allan Curtis. **Vote 5-0-0**

April 11, 2011 Minutes

Motion was made by Eric Nelson to accept the April 11, 2011 meeting minutes, as distributed; seconded by Allan Curtis. **Vote: 5-0-0**

May 9, 2011 Minutes

Motion was made by Eric Nelson to accept the April 11, 2011 meeting minutes, as distributed; seconded by Allan Curtis. **Vote 5-0-0**

July 18, 2011 Minutes

Motion was made by Eric Nelson to accept the April 11, 2011 meeting minutes, as distributed; seconded by Allan Curtis. **Vote 5-0-0**

Beaumont's Pond, DEP #157-499, Order of Conditions

Jane reviewed her draft OoC for this filing, explaining that she had drafted two separate orders; one for the State and one for the Bylaw. She then reviewed the findings section, as well as the Special Conditions. Val opined that the Orders' paragraphs regarding Public Education should reference the previous Order of Conditions language about public education (DEP #157-172); the Commissioners agreed. The Commission then signed the draft Orders.

Sullivan's Way, DEP #157-426, Certificate of Compliance

Jane and Bob had inspected the site and recommended issuing the Certificate of Compliance.

Motion was made by Allan Curtis to issue the Certificate of Compliance, as drafted, for Sullivan's Way; seconded by Eric Nelson. **Vote 5-0-0**

Special Town Meeting Warrant Article 9 Discussion

John Michelmores Esq. was present to explain his opposition to the Commission's STM Article 9, which proposed to amend the Town Manager Act (TMA). He stated that he planned to speak against the Article during the Special Town Meeting, but wanted to speak with the Commission first.

He began by stating that he wanted to make it absolutely clear that this was not personal, saying that he had much respect for the Commission, but believed that the idea of modifying the Town Manager Act was just not good government.

Mr. Michelmores gave a history of his involvement in the Town Manager Act Committee. He was Vice Chair of the town's government study, whose goal was to create clear, unambiguous straight lines of authority and responsibility. He opined that Warrant Article 9's revision, if passed, would give the Conservation Commission authority over the Board of Selectmen, adding that it would not make sense. Rather than changing the TMA, he recommended adopting a conservation land management and control "policy" defining the Commission's powers. He also suggested that Joel

Lerner's outline regarding conservation restrictions could be used to place Conservation Restrictions on conservation properties, which would better protect them.

Val presented Mr. Michelmore with a copy of the MACC's letter in support of the proposed Town Managers Act amendment. She explained that properties are given to the Commission to protect the natural resources, not to be used for other purposes. The Town Manager Act (TMA) takes the Commission's rights under the Conservation Commission Act away. The Commission would like to be exempt under the TMA as are the schools, library, fire chief and water and sewer commissions. The town of Dudley exempted their Conservation Commission from the property management authority of the Town Manager.

Judi explained the Mass Conservation Commission Act to Mr. Michelmore and added that with the passing of the Town Manager Act, the Town's conservation land no longer had the protection it had under the Conservation Commission Act. The Town Manager Act could allow a change of use on the property from passive recreation to the property being used for projects such as cell phone towers or timber cutting. Val explained that the Commission only wanted to protect conservation properties, properties that were deeded to the Commission, not other municipally owned properties. She also explained that the Commission did not want to delete anything from the TMA.

Val reiterated that Mr. Michelmore and the Commission were saying the same thing. Mr. Michelmore suggested creating a conservation land management policy, but a policy already exists: the Mass Conservation Commission Act, which spells out how conservation land is managed by Conservation Commissions.

Mr. Michelmore thanked the Commission for the opportunity to meet with them and for the information, saying that he would review the MACC letter of support and would "think about it."

Neponset Reservoir Dam Gauge

Jane reported that the NRRC had received an estimate from Bay Colony to install a staff gauge on the Neponset Reservoir Dam to monitor water levels and asked the Commission to vote whether they should allow this to be done.

Motion was made by Judi Johnson to allow the NRRC to install a staff gauge to measure water levels on the Neponset Reservoir Dam; seconded by Allan Curtis. **Vote 5-0-0**

Letter of Support for Article 9

A letter of support for the Commission's Warrant Article 9, drafted by Judi and Val, to be submitted to The Foxboro Reporter was reviewed and discussed. The Commission approved of the letter. Judi indicated that she would check newspaper deadlines and then submit the letter to Bill Steadman and Frank Mortimer.

Meeting Adjourned

Motion was made by Valerie Marshall to adjourn; seconded by Allan Curtis. **Vote: 5-0-0**

The meeting adjourned at 8:50 p.m.

Respectfully submitted,

Eric Nelson, Clerk

Draft minutes submitted by Lee Ann Tavares: 12/7/11

Reviewed by Jane Sears Pierce: 12/11/11

Approved by Commission: 12/12/11