

**Town of Foxborough
Conservation Commission Minutes
December 12, 2011**

Members Present: Robert Boette (Chair), Allan Curtis (Vice Chair), Eric Nelson (Clerk), Judith Johnson, James Marsh (8:00) 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.

November 21, 2011 Minutes

Motion was made by Eric Nelson to accept the November 21, 2011 meeting minutes, as distributed; seconded by Allan Curtis. **Vote: 5-0-0**

45 Lakeview Road, Request for Determination

Information Reviewed:

- Request for Determination
- Letter from Grady Consulting dated 12-8-11

Val opened the hearing by reading the legal notice, as posted in the Sun Chronicle. Applicants Anastasia Tsoumbanos and Steve Kourtidis of Lakeview Pavilion and their representatives, Rick Grady of Grady Consulting and William Rodenheiser, attended the meeting.

Mr. Grady described the proposed septic system upgrade and leaching area relocation, which would be outside of the jurisdictional areas. Only a pipe from the building, a vent leading to the system, a low vent pipe (proposed at the top of the hill near the site's dumpsters) and a high vent pipe (at the bottom of the hill, adjacent to the lake) would be located within jurisdictional areas. No work was proposed within the 25 foot no disturbance area. The existing system would be pumped and filled. Jane asked whether the lower vent could discharge effluent for the leaching area, located just uphill of the vent. Mr. Grady stated that it would take a back up of a couple feet for that to happen, explaining that the pipes did not go straight out from the leaching field.

Jane indicated that although the wetland delineation looked good, she observed a lot of dumping at the edge of the pavement, just uphill from a probable vernal pool. She explained that the material should be removed and no further dumping allowed. Ms. Tsoumbanos asked about the dumped material; Jane described it as brick, brush/storm damage materials. Bob added that he had also observed 55 gallon drums and a ramp that could have been off-site, saying that it looked like someone had been doing their oil changes there. Ms. Tsoumbanos said that their landscapers had been told not to dump debris along the edge of the wetland and that she would speak to them about it. She said that the drums were off-site.

Jane asked whether there should be additional siltation controls. Mr. Grady said that they planned to do the construction work in January, when the business would be closed, so additional silt fence could be added around the parking lot.

When asked about the proposed (schedule 40) PVC encasement piping, Mr. Grady stated that the Board of Health will probably want schedule 80 pipe, although it is okay to drive over schedule 40 pipe. Jane asked about stockpiling. Mr. Grady stated that the pavement would be trucked away, but the sub-base would probably be re-used; if stockpiling was necessary, it would be located outside of the buffer zones.

Jane stated that she did not want the wetlands delineation approved under this determination. She recommended adding (to permit) that it was not a determination of the accuracy of the wetland flags.

Motion was made by Allan to close the RFD for 45 Lakeview Road; seconded by Valerie Marshall. **Vote: 5-0-0**

Camp Lincoln Hill Property - Oak Street - Discussion

Information Reviewed:

- Report by Jane Pierce about Potential Town Auction Lands dated 5/16/2010

Lorraine Brue, Foxborough Land Use Committee member, was present to discuss the Oak Street Parcel; Foxborough Treasurer, Lisa Simkus, was also present. Ms. Brue explained that the Land Use Committee had been researching Town owned parcels that they were hoping to sell to put them back on the town tax rolls and to fund the proposed Town Hall renovation, adding that the Treasurer's attorney had reviewed the list.

When Lorraine spoke about the 4.5 acre parcel on Bob White Road (a paper street), Jane informed her that this parcel was conservation land. She said that she had discussed this with Bill Casbarra more than a year ago and provided Lorraine with a copy of the 5/16/2010 report she gave to Bill Casbarra at the time. Jane also showed Lorraine a copy of the deed from one of their files.

Lorraine asked about the Oak Street property. Judi explained that the property had been purchased by the Town for conservation and recreation purposes, as voted at Town Meeting in 1994. Lorraine explained that since the deed was not filed properly (it didn't state "for conservation and recreation purposes"), they had hoped to sell several Form A lots along the front of the property. She went on to say that she and Randy Scollins had attended a Water and Sewer Commission meeting to discuss their proposal. Judi stated that the Commission had not been aware of these plans to sell the property before learning about it during the recent Special Town Meeting. Val asked Lorraine for a copy of the minutes showing the water and sewer comments.

Bob said he didn't mind selling the front parcels as Form A (Planning Board approval-not-required) lots as long as Town Meeting approved of it and the funds went toward a specific purpose such as the rehabilitation of one of the town's many empty buildings for a new Town Hall. Allan said that at the time of the 1994 Town Meeting, the Commission had said that they didn't want the land, they just wanted to ensure that the wells were protected.

Mechanic Street Conservation Land Issues

Shawn and Kristen Buckley, who live next door to the YMCA Community Gardens on Buckley Lane had come in to discuss their concerns about the YMCA's garden program.

Mr. Buckley listed many his issues, including the property's gate not being locked; more cars parked on-site than permitted (12 cars on one day and often 4 cars parked); noise; working past 7:00 p.m.; a Porta-John located just outside his back window; a sign on the street indicating the property was the YMCA's farm; and the fact that no one had been policing the YMCA's program. He, his wife, and his daughter had been unhappy about the program's noise all summer; he said that he just "wants it to go away."

Al said that the first thing the Commission told the YMCA to do was to contact the abutters. Mr. Buckley said that he had no problem with their proposal at that point, but the things he was told and the things that are happening are two different things. He was also concerned about who was gardening in the Community Garden plots. He said he had seen one person that he knows to be a criminal, working in the garden. In addition, he had not been notified of the YMCA's request to extend their license and feels that abutters should have been notified. Mrs. Buckley asked if only Foxborough residents were being allowed to use/rent the gardens. Jane explained that the YMCA had hired a farmer to oversee the project.

Mrs. Connolly, 10 Maura Elizabeth Lane, complained about the site activity and the number of cars that park there. She was also concerned that the program was going to expand.

Mr. Buckley told the Commission about an individual who recently went into the woods and shot himself, saying he is concerned about not knowing who is going in and out of the place. He stated that he had only spoken to the Commission about his issues; he had not talked to the YMCA recently and did not want to talk to them, saying he was “done.” The Commission asked Jane to contact the YMCA’s representative, Caitlin Hurley, to tell her that the Commission has a lot of issues to discuss and if she can’t come in until January, then so be it.

Val, recapping Mr. Buckley’s concerns about the lack of gate locking, people being there late at night and people driving up the access road, stated she believed that initially, the YMCA had good intentions, but they didn’t follow the parameters that were required.

Discussion of Email from Resident Regarding the Town Manager Act

A 12/9/11 email from Paul Mortenson regarding his opposition to the recent vote at Town Meeting was circulated. In the email, he had accused Val of misrepresenting the fact that the Commission had a legal opinion from the MACC. Jane was asked to get a copy of the STM tape from Bob Cutler and then transcribe it. Val said that she would contact Linda at the MACC to let her know about the email and to clear up any confusion.

Conservation Rental Properties

Jane told the Commission that since the vote to change the TMA, the Commission needed to talk seriously about how to deal with their rental properties. For example, they need licenses for Hersey Farm’s Community Farm and the hay field management.

45 Lakeview Road, Request for Determination

Motion was made by Allan Curtis to issue a Negative Determination for the RFD for 45 Lakeview Road; seconded by Valerie Marshall. **Vote: 6-0-0.**

Meeting Adjourned

Motion was made by Allan Curtis to adjourn; seconded by Jim Marsh. **Vote: 6-0-0**

The meeting adjourned at 9:20 p.m.

Respectfully submitted,

Eric Nelson, Clerk

Documents, Not Referenced Above, Reviewed During Meeting

Attached Documents:

1. Agenda, December 12, 2011
2. Meeting Sign In Sheet
3. 12/9/11 email from Paul Mortensen

Location of Other Documents:

4. Manager’s Report, filed in Manager’s Report binder in Conservation Commission’s office.
5. Referenced projects’ documents: please see Conservation Commission’s project files

Draft minutes submitted by Lee Ann Tavares: 12/28/11

Reviewed by Jane Sears Pierce: 1/03/12

Approved by Commission: 2/13/12