

**Town of Foxborough
Conservation Commission Minutes
January 9, 2012**

Members Present: Robert Boette (Chair), Allan Curtis (Vice Chair), Eric Nelson (Clerk), Judith Johnson and Valerie Marshall
Absent: James Marsh, Doug Davis
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 Lower Level Meeting Room, at 7:00 p.m.

Public Comment - Diane Weckbacher, 89 North Street

Ms. Weckbacher, the tenant at 89 North Street, and Hillary McGuire, her oil technician, were present to discuss the need for a new boiler. Ms. Weckbacher said that she recently replaced the water heater and now the boiler needs to be replaced, but she could not afford to pay for replacing it. She said that she had been a good tenant for the six or seven years she had lived in the house and described the maintenance work that she had performed, including:

- repairing the exterior wall near the chimney, which had rotted,
- interior and exterior painting,
- replacing the back door and screen door,
- building up the bulkhead and
- repointed the chimney.

Also, as caretaker of the Lane conservation area she:

- picks up trash
- finds and thwarts childrens' attempts to build camp fires,
- asks the Highway Department to fix/maintain the roadway when needed, and
- notifies the Conservation office and police of snowmobilers, ATVs and hunters on the property.

Ms. McGuire, who has maintained the boiler while the Weckbachers have lived in the house, reviewed the current issues with the heating system. She said that the second floor didn't have any heat and the first floor was being "nursed along;" the current burner is a circa 1950s "Aqualiter." The Weckbachers initially only considered replacing the second floor circulator (which would cost ~\$1,000), but now the other pump is also starting to go. Ms. McGuire presented her \$5,800 work proposal to the Commission, which included the installation of a new high efficiency burner and the replacement of the oil line, which was not to code. The house has a forced hot water system, with both convection and baseboard heaters.

Bob stated that the property's lease agreement requires the lessee to perform and pay for all home maintenance and repairs, since the Commission did not have any funds to pay for repairs.

Al asked Jane to meet with Mr. Paicos as soon as possible to ask him how to proceed with replacing the boiler, since he is in charge of the property until the recent Town Manager Act amendment becomes effective.

Continued ANRAD, 45 Panas Road, DEP # 157-503

The applicant was not present, but had submitted a formal request for continuance; Bob announced that the hearing would be continued to January 23, 2012.

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

The applicant was not present, but had submitted a formal request for continuance; Bob announced that the hearing would be continued to February 27, 2012.

Town Dam Consultant

Jane reported that the Town had hired a new consultant to review and report on Town dams; Michael Carter of GCG Associates Inc. She was asked to contact Mr. Paicos to clarify who in Town is responsible for dam maintenance.

YMCA Community Garden, Mechanic Street Project License Renewal

YMCA representatives Caitlin Hurley, Kimberly Cohen, John Metcalf, Jim Downs, Jean Sherlock and Christy MacDonald attended the meeting to discuss recent issues with their Healthy Futures Community Garden project, currently located on the Mechanic Street conservation property.

Al gave a brief review of the recent meeting that was attended by the property's neighbors, a State Representative and a couple lawyers, to voice their concerns about the garden, indicating that their main complaint had been cars parked next to the abutting house. Val added that they had also complained about the property's gate being left open and late night partying, which had disturbed the neighbors. Another complaint was that one of the gardeners was known to have a criminal past, which was disturbing to hear. Al asked if they had CORI checked the garden's participants.

Jim Downs stated that locking the gate would be a simple fix, but CORI checking community garden participants was difficult to do. He said that they CORI check their staff and do level 3 sex offender checks for members. Ms. Hurley addressed the gate, taking full responsibility for its remaining unlocked. The first time she had heard about the neighbor's issues was when the YMCA's past CEO told her about them on September 16th. She then called Mrs. Buckley, who had told her that they had issues with vandalism in the past (i.e. before the garden program). Both Ms. Hurley and Mr. Downs asked for, but did not receive, a call back from Mr. Buckley. A certified letter was sent to the Buckley's, but they never picked it up. Ms. Hurley added that after hearing about the neighbors' concerns, they told people to leave the site by 7:00 pm.

Mr. Downs said that if the abutters' concerns were communicated to them, they could have dealt with the issues on the spot. Mr. Buckley called the Board's Chairman, not Ms. Hurley. He said that they could close earlier, add signage, move the Porta-John to the other side of the field, and limit cars; whatever it takes to address neighbors' issues, since the garden is an important "Y" program.

The "Ys" gardener, Christy McDonald, stated that the lock was "fake locked" and that anyone on the site after 9:00 pm was not their garden people. She was on-site daily until 5:00 or 6:00 pm. She said that she had made some paths in the woods so the kids could go into the shade. The tracks leading to the garden area were from her car. She said that on Wednesdays and Fridays between 3:00 and 5:00, CSA participants would park at the site to pick up their vegetables, saying picking and eating at the site was part of the experience. Jane reminded the YMCA representatives that this was not their original plan; they had initially stated that (1) CSA program participants would pick up their vegetables at the YMCA's facility, and (2) YMCA groups would be walking from the YMCA to the garden during the summer.

Judi stated that the Buckley's had told the Commission that they could not go through another summer with the community garden in their back yard, but the Commission was committed to working with the YMCA and liked the concept of their program. She suggested looking into using another conservation area if the garden could not work at the Mechanic Street location.

Based on the Commission's recent meeting with the neighbors, Judi recommended scaling back the program to the originally proposed CSA (i.e. discontinue the community plots) and creating a list of issues for discussion. Al suggested having a joint meeting with the neighbors to work things out.

Jean Sherlock (YMCA) asked if other options could be explored while this is being worked out. Judi replied "yes." Jane stated that a legal notice for the meeting to formally extend the license would need to be posted in the newspaper. The Commission suggested that the YMCA should send letters to the abutters to notify them of the meeting. Mr. Metcalf asked about future meeting dates, and

indicated that they would plan to attend the January 23, 2012 meeting to discuss renewing the lease. Ms. Hurley asked Jane for a copy of her minute's history for the project.

Community Preservation Act

Jane had attended a meeting, scheduled by Sharon Wason (Town Planner), about getting the CPA passed in Foxborough; Bob Cutler and Kevin Paicos also attended. Mr. Paicos wanted the Commission's and other departments' support before moving forward, as well as a list of potential projects that could be funded by CPA monies. A committee would need to be formed, but only residents could spearhead the project; paid town employees could not. Jane was asked to speak to the Recreation Department to see if they might have interest in the project. The CPA needs to be voted on at a regularly scheduled election and to put it on the ballot, the CPA must be approved by Town Meeting vote. Sharon Wason is currently working on a presentation about the CPA.

Conservation Rental Properties

Jane will talk to Kevin Paicos about replacing the boiler at 89 North Street. She told the Commission that the Fairbanks house will not be knocked down, but still needs a new septic system before it can be rented. When the leases expire at the end of April, house rents will need to be increased. She explained the Hersey Farm issues, saying that there are currently three projects at the site that will all need licenses. The Commission discussed the need for a management plan for all of their rental properties. A subcommittee was created, including Bob, Val and Judi, who planned to start by visiting all of the properties on the following Friday.

Meeting Adjourned

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

The meeting adjourned at 8:55 p.m.

Respectfully submitted,

Eric Nelson, Clerk

Draft minutes submitted by Lee Ann Tavares: 1/26/12

Reviewed by Jane Sears Pierce: 1/31/12

Approved by Commission: 2/13/12

Documents, Not Referenced Above, Reviewed During Meeting

Attached Documents:

1. Agenda, January 9, 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 files