

**Town of Foxborough
Conservation Commission Minutes
April 23, 2012**

Members Present: Allan Curtis (Vice Chair), Eric Nelson (Clerk), Douglas Davis, Judith Johnson, James Marsh and Valerie Marshall
Absent: Robert Boette (Chair)
Staff Present: Jane Sears Pierce, Conservation Manager and Lee Ann Tavares, Secretary
Others Present: See attached sign-in sheet

Meeting Opened

Allan Curtis opened the meeting, held in the Lower Meeting Room, at 7:00 p.m.

153 North St, Request for Determination

Information Reviewed:

- RFD dated 4/10/12

Allan opened the hearing by reading the legal notice, as posted in the Sun Chronicle.

The Applicant's representative, Brian Carpentier, was present to review the proposed project. Mr. Carpentier stated that they would like to construct a chain linked fence around the property's back yard, which is covered in lawn. He added that they had removed the debris as asked by Jane during her site visit. Jane complimented the clean up work they had done. She stated that this project, located at the corner of Young and North Streets, has a wetland behind the property that could have been a detention basin but she could not find any information in the files to confirm this. The wetland was full of phragmites. Judi stated that she and Bob had been out on the site and agreed that it looked like a detention basin full of phragmites. Mr. Carpentier stated post holes will be dug by hand.

Motion was made by Judi Johnson to issue a Negative Determination (checking #3 and #6) for 153 North Street; seconded by Allan Curtis. **Vote: 6:0:0**

February 27, 2012 Minutes

Motion was made by Eric Nelson to accept the February 27, 2012 meeting minutes as distributed; seconded by Allan Curtis. **Vote: 6-0-0.**

April 2, 2012 Minutes

Motion was made by Eric Nelson to accept the April 2, 2012 meeting minutes as distributed; seconded by Allan Curtis. **Vote: 6-0-0.**

Neponset Reservoir Weed Management, DEP #157-479, OoC Extension/Amendment

Information Reviewed:

4/19/12 Letter from ACT to FCC

Mike Lennon from Aquatic Controls Technologies (ACT) was present along with NRRC members Rhys Bowen, Rick Lewis, Kim Mellen and Shelia Warner.

Val asked for copies of the Material Safety Data Sheet (MSDS) for the proposed herbicides. Mr. Bowen spoke about their Request for an Amendment to their Order of Conditions. He informed the Commission that he had sent a copy of their proposed herbicide treatment amendment to Bob Worthley, the new Operations Manager of the Water Department, as requested. He had spoken to Mr. Worthley today, who spoke with Mike Lennon, and said that their proposal shouldn't be a problem, but requested that water testing be performed at the Water Department's town well before, after and during the application of herbicides. Val asked whether the current Order of

Conditions indicates how to proceed if well monitoring detected chemicals. She was told that Diquat binds readily with sediments so they don't expect to find anything.

Judi asked about their Order of Conditions' (Bylaw) expiration date. Jane recommended that the expiration date for the Bylaw and State portions of the Order should be the same. She also recommended amending the current Orders so that they would contain similar language to the recently issued Orders of Conditions for Beaumont's Pond and Cocasset Lake.

Mr. Lennon described the requested amendment's herbicide application process using Diquat and pelletized Fluridone. Eric asked if liquid Fluridone was used during the 2009 treatments and was told "yes." They want the flexibility to use the herbicides they want, where they need them and want to knock down large, dense patches of weeds. Mr. Lennon indicated that pelletized Fluridone can be used in localized areas, since it is highly soluble in water (which is why the palletized version is being used). Turbidity curtains could be used to cordon off areas such as coves, but he was not sure if they would be necessary. Eric asked why they had chosen Diquat and Mr. Lennon explained its effectiveness. Diquat can be used to control Milfoil since it only needs 16 to 24 hours time to be effective. Eric asked how large of an area would need to be treated with Diquat and was told that the NRRC had budgeted for 50 acres, but expected to treat only 25 acres. He explained that they will need to see what this year's plant survey shows, before they can determine whether they will need floridone this year.

The Commission asked about monitoring and Mr. Lennon stated that the original Order had a condition that required monitoring; ACT is under contract to perform two plant surveys per year. He added that they are also doing sonar surveys, looking for stumps etc. and will share results with the Commission.

Jane stated that administratively, they will need to legally notice the Order of Conditions Amendment meeting in the newspaper. The Commission asked about removing/replacing the boards in the dam to control the water level during and after the application. They were told that with Diquat, it may not be necessary to lower the water since it dissipates after five days. Judi stated that she would like to see the lake lowered by removing one board from the dam prior to treatment and replacing the board to raise the water level after application.

The dam now has a chisel mark on its stones as an elevation marker to aid in measuring water levels.

Conservation Rental Property Reports

Judi and Val presented a draft copy of their Subcommittee's Rental Property Management Report. Judi reported on their and Bob's meeting with Kevin Paicos; their report was revised per Mr. Paicos' advice (taking out the referenced options). Mr. Paicos intends to get an Article on the Warrant for the Fall Town Meeting (he will write the article) regarding putting the rental income into a revolving fund that the Commission will be able to use for maintenance and upkeep of the properties. Judi added that Mr. Paicos strongly supports the Commission. She indicated that they would go before the Board of Selectmen to discuss their strategy. Mr. Paicos would like to have consistent Town-wide standards; the Recreation Department currently retains all of their rental funds in revolving accounts. Val indicated that the Commission would like to propose town-wide consistency with standard operating procedures.

Judi described the conditions at each property, stating that the Commission had done pretty well, considering that they had no funding from the Town. She said that three of the houses are in reasonably good shape.

The houses at 89 North Street and 120 Spring Street are in good condition and can be rented at fair market value as required. Mr. Paicos indicated that the Commission could phase in the new market value rental rate, should the current tenants choose to stay.

The 10 Fairbanks Road property needs a new septic system. Jane was asked to contact Southeastern Regional High School to see if they would be interested in renovating that property, since they are unable to renovate the 87 North Street property. Mr. Paicos recommended renovating all three floors of the Fairbanks property, rather than just two as suggested by the subcommittee.

Judi explained that the last tenant residing at 87 North Street had been part of the Lane property negotiations and was part of the deed agreement; she believed she was supposed to be a tenant for life, but is checking into this. This house needs major renovations making it too costly to repair. It will remain boarded up until funds can be secured to have it demolished.

Jane reported that Lee Ann had been trying to connect with Gil Campos (rental agent), per the Commission's request, but had not been able to reach him, stressing that the Commission needed to get a rental agent on board soon. Val recommended asking the agent who had shown interest in Jane's request for market value to come to the next meeting to talk to the Commission.

The current plan of action is to hire a rental agent to determine the fair market value and to manage and monitor the two properties (89 North Street and 120 Spring Street). Jane was asked to call the current tenants (Weckbachers and Zielinskis) to let them know that:

1. the Commission was working on a phased approach to increasing the rents and ask them if they would be interested in staying when the rent is increased,
2. the Commission recognizes that they have been good tenants and hopes that they will stay on,
3. the Commission will pay for major repairs,
4. there will be some low-level caretaker responsibilities such as gutter cleaning and septic pumping along with keeping watch at the property.

Jane recommended having Lee Ann make the calls, since she had already been in contact with the tenants and had developed a rapport with them. The Commission agreed that this would be fine.

Hersey Farm License

Jim prepared a draft license for the Discretionary Fund's Foxborough Community Garden at Hersey Farm and presented it to the Commission for their review. Jane indicated that the haying operation and soccer fields needed to be licensed as well. After review, Jim indicated that he would amend the lease and forward it to the Commission. Jane will then send a copy to Discretionary Fund reps.

Val recommended getting Town Counsel's advice regarding the licensing process. She felt that the Commission should not be preparing legal documents without his review. Town Council should also be asked whether the license review would require a public notice; the Commission agreed.

ATV Issues

Jane updated the Commission regarding ATV issues on Conservation properties. She had received some useful information from her friend, Pat Huckery from DFW, who has been working with the Police Department and Environmental Police in other towns. Ms. Huckery suggested a fact finding mission to gather information about the conservation properties such as: why is the area important (i.e. are there any vernal pools, migrating endangered species, etc.), what are the locations of the access roads to the property and where else are the ATV's coming into the property.

Pat recommended sending out flyers (giving Jane copies of her information) to notify abutters that ATV use is not allowed on conservation lands, with information about fines and who to call. Jane circulated a copy of one of the letters that Lee Ann had modified to pertain to Foxborough. Brightly colored laminated paper signs can be put up – again and again if necessary, in ATV problem areas. Judi reported that the plastic signs she had seen in Sharon were recently broken and pulled down.

Val recommended asking the Recreation Department and Water Department to the Commission's next meeting to discuss possible solutions to town-wide ATV issues, and then meet with the police

to get everyone on board. Jane will speak to Debby Giardino (Recreation Department) during the upcoming Department Head meeting on Thursday.

Draft Regulations

The draft needs to be finalized. Val noted her concern about going beyond the intent of the Bylaw. Jane said that she didn't want to push the Commission but asked if they could review her most recent draft regulations for the next meeting and then have a public meeting in six weeks or so. The Commission agreed, emphasizing the need for the definitions, especially regarding vernal pools.

Land Donation

Jane reminded the Commission about a family who would like to donate land to the Commission and will be in the area in May to meet with her and visit the property. She invited Commissioners to join her and the family on May 3rd at 9:00 and to meet at Town Hall.

She said that she had the feeling that they would like to take care of business (sign transfer documents, etc.) at that time. Judi recalled a situation in which the BOS turned down a donation. Val noted concern about accepting the property prior to the passing of the recent Town Warrant Article to amend the TMA. Judi suggested telling the family that the Commission is interested in the property, but will not be able commit to managing it until BOS approval is received. Jim stated that they could draw up the documents for signature and hold them in escrow until all conditions are met. Jane will discuss this further with the family.

New Filings Distributed to Commissioners

- Request for Determination – Morse Street – Columbia Gas

Meeting Adjourned

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

The meeting adjourned at 9:30 p.m.

Respectfully submitted,

Eric Nelson, Clerk

Documents, Not Referenced Above, Reviewed During Meeting

Attached Documents:

1. Agenda, April 23, 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 file

Draft minutes submitted by Lee Ann Tavares: 4/24/12

Reviewed by Jane Sears Pierce: 5/01/12

Approved by Commission: 5/21/12