

**Town of Foxborough
Conservation Commission Minutes
September 15, 2014**

Members Present: Robert Boette (Chair), Allan Curtis (Vice Chair), Eric Nelson (Clerk), Judith Johnson, James Marsh and Valerie Marshall

Members Absent: Douglas Davis

Staff Present: Jane Sears Pierce, Conservation Manager, and Diana Gray, Land Use Secretary

Others Present: See attached sign-in sheet

Meeting Opened

Bob Boette opened the meeting, held in the Boyden Library, at 7:00 p.m.

Lincoln Hill Property, Oak Street

Mr. Boette recently met with the Board of Selectmen in regards to the Oak Street property. They would like to see if the property's frontage could be sold as five ANR lots. Mr. Boette stated that he wanted to bring the topic to the Commission for discussion.

Ms. Marshall stated that the Land Management Sub-Committee hadn't heard any proposals in regards to this property. Mr. Boette stated that he only had short notice on this before his meeting.

Ms. Marshall stated that they recently met with the Town Manager and it was briefly discussed; they were going to coordinate a meeting with the Recreation Board and also meet with the Boy Scouts; they asked for another meeting with the Town Manager for further discussions; but instead he met with the Chairman without involving the Sub-Committee.

Heather Harding of the Recreation Board stated that the first she heard of this proposal was at the recent Board of Selectmen's meeting. Mr. Boette stated that one of the Selectmen was looking for action. Ms. Harding stated that the Recreation Board will be meeting on October 20th and suggested that it be a joint meeting so that the topic could be discussed by both boards.

Ms. Johnson explained the history of the property. Lincoln Hill was purchased by the Town in the 1970s as "land for conservation and recreation purposes" but it was never written into the deed. The Asset Review Committee wanted to sell lots from this property in the past, but was told it could not, due to the Article 97 restriction on the land. In order to remove the restriction, a vote would be needed from the Conservation Commission, Town Meeting and the State Legislature. The Conservation Commission's vote would need to be unanimous, and land of equal value would be needed in exchange.

On 10/22/12, the Commission voted (6:0:1) that they did not support the sale of five lots on Oak Street on the Lincoln Hill property. Ms. Pierce also noted that marbled salamanders, a State Threatened rare species, were found on the property. It was also noted that the property was purchased with Federal Funds, so if the Town were to sell the property, they might be required to return the funds to the Federal Government.

Ms. Harding wanted to know if the minutes from the Town Meeting vote could be recorded against the deed to solve the problem, since that was what the state recommended. The Recreation Board has a similar issue with the Mill Street CRRRA property that they own. Mr. Boette stated that actual minutes of the town meeting's debate are needed, not just a record of the vote.

Lynda Walsh of the Foxboro Jaycees stated that the Jaycees used to take care of the cabins that were there until they were taken down due to liability issues.

Mr. Boette stated that a placeholder to sell the lots had been put on the Town Meeting Warrant, without prior notice to the Commission.

38 West Street, DEP #157-525 - Notice of Intent

Information Reviewed: NOI received August 15, 2014

Mr. Boette opened the hearing by reading the legal notice, posted in the Sun Chronicle and The Foxboro Reporter. Applicant Ed McIntyre was represented by Jim Neeva of Dunn McKenzie. They would like to repair the septic system which is approximately 50 years old. They are proposing to move the system as far from the wetlands as they could and will be using a Presby system to reduce the height. Ms. Pierce noted that a newer system will be more efficient than the old.

Motion was made by Ms. Johnson to close the hearing for DEP #157-525; seconded by Ms. Marshall. **Vote: 6-0-0**

21 Sherman Street, Request for Determination

Information Reviewed: RFD received August 20, 2014

Mr. Boette opened the hearing by reading the legal notice, posted in the Sun Chronicle and The Foxboro Reporter. The applicants, Brian and Helen O'Neill, represented themselves. They would like to replace their current retaining wall next to a wetland, since it is was no longer supporting the land. They will be using pressure treated beams to replace the ones currently there.

Ms. Johnson noted that land that has been filled will move over time and she had no problems with the existing wall being replaced, but wanted to have better written plans for the record. She is also concerned with runoff into the wetlands, so the wetlands should be shown on the plan.

Ms. Pierce asked if they were also looking to install a fence at this time. She would also like to see vegetation planted on the slope next to the wetland to help stabilize the area.

Mr. O'Neill stated that right now they are concerned with the wall, but will eventually want to install a four foot fence in front or behind the wall for safety purposes. The Commission informed them that unless the fence was added to this filing, they would need to file another RFD when they planned to install a fence in the future.

Mr. O'Neill explained that he planned to dig down four feet, install one foot of gravel on the bottom and I-beams, and then install the pressure treated wall. He will use a hand-mechanized post hole digger as he will be doing the work himself.

Motion was made by Ms. Johnson to close the meeting for an RFD at 21 Sherman Street and to issue a Negative Determination with reference to the minutes on how the wall will be constructed; seconded by Mr. Nelson. **Vote: 6-0-0**

11 Daniel Carpenter Court, DEP #157-524, Continued NOI Hearing

Information Reviewed:

- Application received July 15, 2014
- Plan: "Repair On Site Sewage Disposal System," May 12, 2014, by DMG Associates, Berkley, MA

A revised plan had not yet been submitted. Bob Doherty came before the Commission with a copy of the revised plan; he had thought that the Board of Health was going to send over a copy. He submitted the copy to the Commission for their files.

Motion was made by Ms. Johnson to close the hearing for DEP #157-524; seconded by Mr. Nelson. **Vote: 6-0-0**

Lincoln Hill Property, Oak Street

Jim Green, Boy Scout SR District ADC and Foxborough Unit Commissioner, of 96 Main Street stated that he went on a walk-through of the property with the Commission last year, since the Boy Scouts were interested in using the property as a Cub Scout camp. He had concerns and questions

about the former pool area. A pavilion was once proposed but could not be built as the whole area is not fenced.

Dr. Green stated that Eagle Scout candidates were always looking for projects and could be helpful to the Commission; they also have access to grant programs. He said that if the Boy Scouts took the land as a site there was a lot they could do it, but the National Boy Scouts would require that a long term plan for the property was in place.

Ms. Pierce noted the Bill Yukna was working with the Town Manager to create a position to manage all Town properties in a similar way as the schools; Ms. Harding will ask him for an update on the pool's safety issues. She knows that the DPW started to fill it in at one time.

The Commission will have a joint meeting with the Recreation Board on October 20th to discuss a long term plan for this property. Dr. Green will see if a representative from the Boy Scouts can come also.

Conservation Rental Properties

89 North Street - Ms. Pierce attended a meeting with Town Manager Bill Keegan, Building Commissioner Bill Casbarra, School Building Manager Bill Yukna, and the school's Facilities Manager regarding the 89 North Street property. They visited the house and felt that the building was too far gone to put any more money into it. Currently, the roof needs replacing, the center chimney needs rebuilding, there is rot in the wood and it only has single-paned windows and inadequate insulation. They think that the tenants' lease should be bought out and the building demolished.

The Land Management Sub-Committee had met with the Town Manager recently to talk about the rental properties. They had discussed selling 120 Spring Street to fund other projects, but only if the Commission received the money from the property's sale, to be deposited into a fund that could only be used by the Commission.

87 North Street - The DEP will not allow the 87 North Street property to be burned by the Fire Department as previously planned, since they are concerned about the lead paint at the property. It will probably end up being torn down along with 89 North Street.

Regulations to Foxborough's Wetland Bylaw (Article IX)

Motion was made by Mr. Nelson to continue the Public Hearing for the Regulations to Foxborough's Wetland Bylaw to September 29, 2014 at 7:25 p.m.; seconded by Ms. Marshall.

Vote: 6-0-0.

Other Discussions

Drought Conditions - Ms. Pierce informed the Commission that Smith's Pond, as well as many streams are dry all around town, due to the lack of rain. She explained that part of the Smith Pond area's dry conditions are due to the recent breach in the older portion of Gavin's Pond Dam, which dramatically lowered that pond's water levels. Gavin's Pond is the headwaters to the stream and ponds that are behind the Lincoln Hill property area. The Commission asked her to check with the town of Sharon to see if their well near Gavin's Pond is overdrawn.

Fairbanks Property - A Clean Up Day is being planned for the Fairbanks Road property. The oil tank needs to be checked (Mr. Boette said that he would do this); the trees in the roadway need to be cleared; and the DPW will be asked to help board up the building.

Land Management Sub-Committee - The minutes of the Land Management Sub-Committee were reviewed and accepted.

Motion was made by Ms. Marshall to accept the minutes of the Land Management Sub-Committee from September 3, 2014; seconded by Ms. Johnson. **Vote: 6-0-0.**

Conservation Property Walks - The Commission discussed scheduling site visit walks of their conservation properties once a month to get to know them better; the first will be on October 25th at the 10 Fairbanks Road property. A future visit to the Cocasset River Park (off Mill Street) will be sometime in November.

Meeting Adjourned

Motion was made by Mr. Nelson to adjourn the meeting; seconded by Ms. Marshall.

Vote: 6-0-0

The meeting was adjourned at 9:30 p.m.

Respectfully submitted,

Eric Nelson, Clerk

Draft minutes submitted by Diana Gray: 9/25/14

Approved by Commission: 10/20/14

Documents, Not Referenced Above

Attached Documents:

1. Agenda, September 15, 2014
2. Meeting Sign In Sheet

Location of Other Documents:

3. Manager's Report, filed in Manager's Report binder in the Conservation Office.
4. Referenced projects' documents: please see Conservation Commission's project file