

**Town of Foxborough
Conservation Commission Minutes
April 11, 2011**

Members present: Robert Boette (Chair), Allan Curtis (Vice Chair), Douglas Davis, Judith Johnson and Eric Nelson (Clerk, arrived late)
Absent: 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.

Bob began the meeting by asking for a moment of silence for Conservation Commissioner, Harold Blomberg, who had recently passed away.

Hockomock YMCA, 2011 Healthy Futures Community Garden Update

The YMCA's representatives Kimberly Cohen, Caitlin Hurley and Christy MacDonald (the YMCA's farmer) were present to provide the Commission with an update on the Health Futures Community Garden, located on the Commission's Mechanic Street conservation property.

Before the YMCA members began their update, Bob wanted them to know about The Foxboro Reporter's 4/15/11 article about the Friends of Camp St. Augustine (FOCSA), a non-profit organization, making a profit on town land. In the article, Kevin Paicos had said that it is illegal for a private group to hold revenues generated on town-owned property. With that in mind, he asked Kimberly to begin her update.

Kimberly began by review by stating that their proposed budget for this year would result in a net loss of \$1,700, but that any extra money that they might generate would be turned over into the Program. She stated that the YMCA's real goal for their project is to help beat childhood obesity.

Caitlyn then reviewed last year's experimental program at a garden plot in Mansfield. They sold 20 shares; nine of last year's families are interested in buying shares this year and have been given discounts for their patience last year. If they sell 11 more shares at \$350, add 10 community plots at \$60 (per the Commission's request), and provide water and all day access after member orientation, they project a net loss (after expenses) of \$1,700. They plan to develop interest in farm camps and would bus kids in from school in the future and any money they eventually make would be re-invested in the program.

Doug asked how large the community plots would be. Ms. McDonald stated that the plots would most likely be 8' by 10' but they were flexible and would cater to people's needs.

Jim asked Kimberly about the grant from Stop & Shop that he remembered her mentioning in the past, wondering if it had been used for their project. Kimberly stated that yes, it had been used for an internal grant and that it had covered \$3,500 for bringing water to the site. The rest of the grant (\$100,000 for three years in a row) would be used for a variety of healthy initiatives programs.

Doug asked if they were planning to take food back to the Y to sell. Caitlyn stated that they sell shares, then any of the families who buy the shares would pick up their vegetables at the Y. Kimberly added that by selling at a farmer's market it helped them to sell more of their produce.

Judi suggested that they switch the license's timeframe to a more farmer friendly timeframe. She recommended having the next license run from July through January (i.e. a six month license) and then making the next license term run from January to January. When the license expires in the

middle of the growing season, it really doesn't work. Everyone agreed that the next term would expire in January.

Caitlyn stated that the last time they came before the Commission, they were asked provide a report to renew their license. She asked what the Commission would like to see in that report. Doug stated that he would just like them to keep a running tab of what's going on. Caitlyn offered to add the Commission to their email distribution list. She planned to send emails to participants to let them know what crops would be available in the upcoming week. The Commission agreed that this would be a good way to keep up with their progress.

Jane offered to put the YMCA's new license on the Commission's next agenda for signatures. Caitlyn then told the Commission about their Earth Day event, which would be on Friday April 22, from 12:00 to 3:00 at the site.

369 Central Street, Continued ANRAD, DEP #157-496, Big Y Foods

Jane informed the Commission that she had drafted a boilerplate Order of Resource Area Delineation (ORAD) for the filing, recommending that they close the hearing and sign the ORAD.

Motion was made by Doug Davis to close the hearing for DEP #157-496, 369 Central Street. Seconded by Allan Curtis. **Vote: 5:0:0**

Motion was made by Doug Davis to sign the ORAD for DEP #157-496, 369 Central Street. Seconded by Allan Curtis. **Vote: 5:0:0**

Cocasset Lake, Order of Conditions, DEP #157-170

Tony Gilby and Sarah Windsor, representing the Cocasset Lake Association, attended the meeting to review their request to waive Special Condition #22 of their Order of Conditions, which states:

“Prior to a repeat of the lake management technique allowed by this Order the applicant shall survey the lake watershed using the techniques described in the publication, “Surveying a Lake Watershed and Preparing an Action Plan” published by DEP, 2001.”

Tony opined that Special Condition #22 was a heavy requirement, saying that if they were to do the required survey it would be very time consuming and cost a great deal of money. He believed that since they had been managing the lake for many years, they had a good feel for the lake's watershed, which was mostly unaltered town or state forest land. He reviewed the lake's watershed map, stating that its main inflow came from Governor's Meadow, with minor input from Sunset Lake. They have monitored the lake for nutrients, phosphorus and invasive weeds and their results fall into a very reasonable range. In the past, the Lake Association had tried lake drawdowns, but they didn't work very well. The Association has an annual contract with Lycott for herbicide spot treatments and now enjoys a nice open water area with fish and wildlife.

Bob asked what condition #22 required. Jane explained that it required an environmental survey because the original Order was very old and if they were required to file a new NOI, wildlife habitat evaluations/surveys are now required. She reminded the Commission that they had discretionary authority to waive certain conditions, but she didn't recommend that the condition be permanently waived.

Tony stated that the Association monitors the water quality by using a Secchi disk to measure water clarity and biological activity. If they see find any significant changes to the water quality, they send water samples off to the lab. He said that following heavy rainstorms, water tests sometimes resulted in elevated coliform levels, usually due to the presence of goose feces.

Jane indicated that she was concerned about the age of the original permit, but added that it appeared that the Association had been handling the lake's management extremely well.

Judi stated that she could understand the need for a survey if this was a new project, but considering the Commission's recent review of the lake's management, she didn't have a problem waiving this requirement. Jim agreed, but noted his concern about setting a precedent by permanently waiving a condition. He felt that they had a consensus that this is not necessary at this time, but recommended leaving it in the Order.

Motion made by Jim Marsh that the wildlife habitat evaluation/survey is not necessary at this time but may be revisited in the future. Seconded by Allan Curtis. **Vote: 5-0-0**

Durham Park, Montgomery Way, OoC Extension – DEP #157-420, Richard Davis

Motion was made by Doug Davis to extend the Order of Conditions for DEP #157-420, Durham Park (originally filed under 186 Cocasset Street) for one year. Seconded by Allan Curtis. **Vote: 5-0-0**

Conservation Property Farm Lease/License Discussion – Hersey Farm License

The State's License Agreement for the former Hersey Farm had finally been received; Bob signed the document for the Commission.

February 28, 2011 Minutes

Motion was made by Eric Nelson to amend the February 28, 2011 meeting minutes by removing the second sentence of the first paragraph in the Mechanic Street Conservation Land section. Seconded by Allan Curtis. **Vote: 5-0-0.**

Motion was made by Eric Nelson to approve the February 28, 2011 meeting minutes as amended. Seconded by Allan Curtis. **Vote: 5-0-0.**

Morse Street, Glue Factory Pond (aka Bleachery Pond) Dam Discussion

Bob and Jane visited the site with Mike Carter, President of GCG Associates, to discuss the constant flooding issues in this area that the Bob Swanson, Highway Department, wanted to fix. They inspected the culverts under Morse Street, between the two ponds, the downstream pond's outlet structure and the culvert located just down stream, which Mike believed had collapsed. Several things would need to occur, including the installation of at least one additional culvert underneath Morse Street to allow more water to flow through; the spillway would need to be replaced, and the water main under the street would need to be corrected. The dam engineering consultant that the Town currently uses had recommended a million dollar project to correct the problem, but Kevin Paicos believed that it could be repaired for a lot less. Mr. Carter told Bob and Jane that he would send them a brief review of their site visit findings with recommendations about how the flooding might be corrected.

ATV Issues on Conservation Land

Jane reported that she had seen two 15 year olds on ATV's on conservation land near the newly identified marbled salamander (rare species) vernal pool. The ATVs did not have license plates. Jane spoke to the boys, explaining that ATVs were not allowed on conservation properties, adding that they had been very respectful. She told them that under the new law, their bikes could be taken away in the hopes that this would get back to other teens. When they asked her were they would be allowed to ride, she told them that ATVs were allowed in the State Forest. She told them about the new ATV laws, advising that she would post the laws on the Commission's website for their review.

Judi stated that the Foxborough State Forest was the only local area where ATV's are allowed.

Doug stated that the police say they cannot catch them, believing that the problem was "where are the parents?" Jane said they were riding near the conservation property's vernal pools, next to the

river, saying that the property was quite disturbed from ATV use. She said that she also heard ATV noises coming from the nearby Porter property.

Judi added that the ATV's are out every Saturday and Sunday on Willow Street, saying that they arrive by trailer and that some ride so fast below a rise so they would not be seen. The problem is that the kids believe that no one is going to catch them.

Open Space & Recreation Plan Update

Jane informed the Commission that she had been spending almost all of her time on the Plan, adding that it was coming along very well.

Community Preservation Act

Judi reported on the recent seminars that she had attended regarding the Community Preservation Act, including "The ABCs of CPA" and "CPA Adoption." She explained what she had learned about the program to the Commission, advising "it's a tax that gives back." The Town is currently paying into the State's fund, but they are not getting anything back (since they haven't adopted the CPA). She told the Commission that if the CPA was adopted in Foxborough, the money could be left in the CPA account, and didn't need to be used every year. Jane stated that they had adopted it in her hometown and that it had proved to be a good deal.

NHESP Priority Habitats and Estimated Habitats of Endangered Species Maps

Jane informed the Commission that the State's Endangered Species Act Priority Habitat maps, which are now good for four years instead of two, would be reissued in January 2012. She advised the Commission that she planned to be looking for rare species (including marbled salamanders, wood turtles, box turtles and Blanding's turtles) on conservation properties and during site visits for wetland application reviews, since the new maps will now only be updated every four years.

Reschedule Meeting

Jane informed the Commission that their May 23rd meeting would now be the same date as the Town Meeting. Judy was asked to look into available dates and meeting spaces for rescheduling.

Meeting Adjourned

Motion was made by Jim Marsh to adjourn. Seconded by Eric Nelson. **Vote: 5:0:0**

The meeting adjourned at 9:00 p.m.

Respectfully submitted,

Eric Nelson, Clerk

List of Documents, Reviewed during Meeting

1. For the wetland applications reviewed above, please see the Commission's files.
2. Conservation Manager's Report, 4/11/11
3. 4/15/11 Foxboro Reporter article "FOCSA disbands after town takes chapel revenues"
4. Healthy Futures Community Garden Projected 2011 Budget Report (updated 4/11/11)

Draft minutes taken by Judy Leahy
Reviewed by Jane Pierce: 11/15/11
Approved by Commission: 11/21/11