

FOXBOROUGH CONSERVATION COMMISSION
AGENDA

Monday, November 15, 2010
Andrew A. Gala Jr. Meeting Room - Town Hall

7:00 PM **Open Meeting /Public Comment Period**

7:05 PM **Kevin Paicos, Town Manager**

Introductory meeting with the Commission

7:35 PM **Mill Street Culvert Replacement Issues**, Bob Swanson, Highway Department

Review of recent emergency culvert replacement work and resulting wetland issues

PROJECT REVIEW

7:45 PM **Continued Hearing, Nadia Estates, off Morris Street, DEP #157-493**

Review of Notice of Intent filing for a proposed 40B Condominium Project.

9:00 PM **Reported Wetland Violation, VFW, Cocasset Street**, Erik McKenzie

Review of Restoration Order for dumping that occurred behind the building.

GENERAL BUSINESS

Documents to be Signed (red folder)

Accept Minutes: September 27, 2010 and October 25, 2010

For Discussion/Review

- 2011 FCC Meeting Schedule
- Conservation Rental Properties
- Open Space & Recreation Plan Update
- STM Warrant

Upcoming Events

Next Meeting: Monday, November 29 - 7:00 PM
Andrew A. Gala Jr. Meeting Room, Town Hall, Foxborough

PLEASE NOTE: COMMISSION BUSINESS IS SUBJECT TO CHANGE WITHOUT NOTICE

Town Hall, 40 South Street, Foxborough, Massachusetts 02035
http://foxboroughma.virtualtownhall.net/Pages/FoxboroughMA_Conservation/index

CONSERVATION COMMISSION PUBLIC HEARING/MEETING PROCEDURES

Please be sure to sign the ***Meeting Attendance Log***, located on the table near the entrance.

***The Conservation Commission Chairman shall preside at the hearing.
All questions must be directed through the Chairman.***

The Chairman shall open the hearing at 7:00 or when a quorum is present. If a meeting is held but the Commission lacks a quorum, the members present may still take action short of deliberating or voting. A quorum is required for a public hearing under the Wetlands Protection Act.

Hearing/Public Meeting Conduct:

1. The legal notice shall be read for each new wetland application filing (Notice of Intent, RFD, etc.).
2. The project applicant (or representative) shall give his/her presentation, describing the project and/or presenting updates.
3. The Commissioners shall present their information/observations and ask their questions.
4. The Conservation Manager shall present her information/observations and ask her questions.
5. Questions and/or comments from members of the public *may* be heard, at the discretion of the Chairman. Open Meeting Law specifies that no person may address a meeting of the governmental body without permission of the presiding officer, and that all persons shall be silent at the request of the presiding officer.
6. The Commission will deliberate and should not be interrupted.
7. The hearing will be closed or continued to a date certain.

Interests of the MA Wetlands Protection Act (Ch. 131, S.40/310 CMR 10.00):

protection of public and private water supply
protection of groundwater supply
flood control
storm damage prevention
prevention of pollution
protection of land containing shellfish
protection of fisheries
protection of wildlife habitat

Additional Wetland Values Protected under Foxborough's Wetlands Bylaw (Article IX):

("including, but are not limited to the following")

groundwater,
erosion control,
water pollution,
wildlife and
preservation of open space.

Please Read – Important Participant Information:

The 2007 Wetlands Appeal Streamlining Regulations (available upon request) allow ten residents to initiate appeals, extending the statutory right such groups have to request a superceding order of conditions. This rule (under the Wetlands Protection Act) applies to neighbors and citizens, individuals, and groups regarding (in legal terms) "standing in order to request adjudicatory hearings".

In other words, **in order to guarantee their rights to a hearing on appeal**, the 10 citizens, abutters, and/or **aggrieved persons must demonstrate that they have participated in prior proceedings connected to the application in question**. Such participation must be through written comments, filed at any point in the proceedings prior to the issuance of a Superseding Order of Conditions (SOC).

Although the written submission is not required to be very detailed, filing **written comment is the only sure way to guarantee** that citizens will maximize their **rights to a hearing on appeal**. The Commission has paper and pen available for your assistance, if you wish to submit written comments during tonight's hearing.

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