

**Town of Foxborough
Conservation Commission Minutes
April 5, 2010**

Members present: Bob Boette (Chairman), Alan Curtis (Vice Chairman), Harold Blomberg, Doug Davis, Judi Johnson, Jim Marsh and Eric Nelson

Absent: Bill Hocking, Temporary Conservation Manager

Also present: Jane Sears Pierce, Conservation Manager

Meeting Opened

Bob Boette opened the meeting, which was held in the Selectmen's Meeting Room in Town Hall, at 7:00 p.m.

DEP #157-487, Abbreviated Notice of Intent; Gillette Stadium, Parking Lot 7

Bob read the legal notice. Amy Green was in attendance, representing Foxborough Realty Associates who proposed to upgrade Gillette Stadium's parking lot #7, which includes the old "Spooky World" site. Most of the site is previously disturbed; only one of Spooky World's former (three) buildings remains, along with at least two trailers (used by staff), several vehicles (parked in the rear, next to the brook), and numerous dumpsters, port-a-potties and metal trash cans.

Jane visited this on Thursday, April 1 with Amy Green and Woody Benisek-Beal (Project Manager for The Kraft Group). Since the site plans were difficult to understand, Jane had colored them to make them easier to read. During their site visit, Jane had asked Amy to consider the following plan modifications:

1. additional grass swales around the site's perimeter, particularly in the following areas:
 - (a) stone rip rap area that discharges directly to the river near the roadway crossing, and
 - (b) around catch basins, and
2. creation of designated storage areas (away from wetland resource areas) for:
 - (a) vehicles,
 - (b) port-a-potties, and
 - (c) trash barrels (unless emptied and cleaned before being stored).

Amy reviewed the proposed plans, indicating the following:

1. the rocky swale, located at the back corner of the lot, would be cleaned,
2. in the front/entry area of the site, the road would be the high point in order to direct stormwater toward the swale,
3. a grassed swale would be created around the catch basin in the back lot,
4. hoods would be installed in all catch basins,
5. a continuous grassed berm would be created around the rear/outer boundaries of the lot,
6. the area along the river, between the river and the roadway, would be vegetated with grass, and
7. the applicant will submit a copy of their snow removal plan for the site.

Amy indicated that she would like to receive an Order of Conditions for the project as soon as possible, since work has been slated to begin on April 19, asking the Commission to close the meeting. Jane warned the Commission that no new information, including the revised plans that Amy would be submitting, could be allowed if the meeting was to be closed on this date. She recommended holding another administrative meeting, prior to the next scheduled meeting, so the revised plans could be received and included as part of the Order of Conditions, which she would

prepare for the administrative meeting. The Commission agreed with this plan, deciding to hold another (previously unscheduled) meeting on Monday, April 12, to be able to close the hearing and issue the Order of Conditions. Amy told the Commission that she would modify the plans as discussed/requested as early as possible before April 12 so that Jane would have time to review them. The hearing was continued to April 12 at 7:05.

Access Agreement for Dam Mitigation Work – Neponset Reservoir Company

Judy Leahy had given Andy Gala a copy of both the 2009 (reviewed by Town Counsel) and 2010 Neponset Reservoir Company access agreements and he had given her the “go ahead” to sign the 2010 agreement. Jim indicated that he would like to make changes to expand upon the Hold Harmless Clause, which would further protect the Commission. The Commission instructed Judy to wait until she had received Jim’s revision before mailing the revised agreement to Bob Kimball.

Motion by Doug Davis was made to sign the agreement with Jim’s changes. Seconded by Harold Blomberg. **Vote: 6:0:0**

ORAD Extension Request - 191 Cocasset Street – Site Visit Report

Jane and Judi Johnson visited the site on April 1 for a quick review of the site’s wetlands. While visiting the site, they heard wood frogs calling from several wetlands, including R, I, F, L and K. and had observed fairy shrimp in Wetland L (open water area near the esker) and K. They also found marbled salamander larvae (a Mass Threatened Species) in Wetland K. They documented the height of several of the site’s flooded vernal pools.

Jane will visit the site with the applicant’s biologist tomorrow at 10:00 and is hoping to document the vernal pools, as well as the marbled salamander sighting at that time.

10 Fairbanks Road Rent Update

Judy informed the Commissioners that the March rent was paid on April 1 and that the tenant reported that the April rent would be paid on April 15. A letter will be sent to tenants to notify them that in order to have their lease renewed on August 1, they must:

1. pay April’s rent, as they verbally committed, on April 15 and
2. make the remaining three monthly payments (May, June and July) on time (on the first of each month, or earlier).

87 North Street Tenant

The lease agreement for 87 North Street will expire on May 31 and will not be renewed. The current tenant, who has been planning on vacating the home for a few months, has not been able to do so due to health and other personal issues. She has asked to remain a tenant on a month to month basis; both parties will give 30 days notice for vacating.

Nadia Estates Update

The vernal pool at Nadia Estates flooded to at least 6 inches over Morris Street, flooding all the way to the Randal's property (to the rear of the site). This means that the applicant will not be able to build their roadway at the northern end of the pool, as planned.

YMCA Community Garden Update

Bob spoke with Eddie Lawton who suggested a site on Mechanic Street across from the animal hospital for the YMCA’s proposed community garden. Parking is available near the fence that was installed by the Highway Department and water can be accessed from Buckley Lane. Eddie said he

would put down fertilizer and plow the fields. A fence can be put up to keep the deer away from the vegetables. Judy will contact Kimberly Cohen at the "Y" about this site.

204 East Street NOI – Scott Barbato

The NOI for 204 East Street was received by the Commission on April 2. Due to the holiday on April 19, the earliest meeting time available to open the hearing is April 26.

Judy will contact Scott Barbato's representative, Forrest Emery, to alert him of the scheduling issue and request a letter waiving the requirement to hold a public hearing within 21 days of filing the NOI. The packet submitted by the applicant did not include a copy of the DEP's enforcement order. She will also ask the applicant to provide the Commission with a copy of the DEP's order, notify the Board of Selectmen, Building Inspector and Planning board of the filing and will schedule a site visit before the meeting on April 26.

Motion by Allan Curtis was made to adjourn the meeting at 9:20 p.m. Seconded by Doug Davis. **Vote: 6:0:0**

Meeting adjourned at 9:20 p.m.

Draft minutes submitted by: Judy Leahy on 4/12/10

Approved by Commission: 5/3/10