

**Town of Foxborough
Conservation Commission Minutes
November 29, 2010**

Members present: Robert Boette (Chairman), Harold Blomberg, Judith Johnson and Eric Nelson (Clerk)

Absent: Allan Curtis, Doug Davis, Jim 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.

Reported Wetland Violation, VFW, Cocasset Street

Jane reported that Erik McKenzie called her in the afternoon to let her know that he would not be attending the meeting because he recently learned that the land on which the wetland violation had occurred was not his property, but was actually MBTA land. Erik McKenzie indicated that he would provide the Commission with a written statement concerning this matter.

Jane told the Commission that she planned to contact the DEP Circuit Rider to get her advice on how to proceed with this violation. This is the first time that Jane and the Commission have experienced a wetland violation on State agency property. The Commission asked Jane to speak to Erik about having bounds installed along the rear of his so that Commissioner's could see where it was located during future site visits.

Continued Hearing, Nadia Estates, off Morris Street, DEP #157-493

In letter dated November 26, 2010 from Jim Pavlik, Outback Engineering, stated on behalf of the Applicant, they would not be attending the hearing tonight and would like to continue the hearing to the next meeting on December 13 at 7:45.

Partial Certificate of Compliance, Lot 10 (13 Sullivans Way), DEP #157-426

Jane reported that the Order of Conditions for this filing had been for the entire subdivision. This Partial CoC is for the final lot, which is not located in a wetland resource area buffer zone, is needed by the bank for the sale of this home's closing. The applicant/builder, Mr. Moore, informed Jane that he will be requesting a full CoC for this filing/subdivision in the spring, when he will provide the Commission with as-built plans. Jane stressed that this Partial CoC was for Lot 10, only.

Motion was made by Harold Blomberg to issue a partial Certificate of Compliance for Lot 10, DEP #157-426. Seconded by Judi Johnson. **Vote: 4:0:0**

Order of Conditions, 46 Beach Street, DEP #157-494

Motion was made by Harold Blomberg to issue an Order of Conditions for 46 Beach Street, DEP #157-494. Seconded by Eric Nelson. **Vote: 4:0:0**

Request for Determination, 96 Main Street, Fox Run Condominiums

Steve Gilbert from SFG Associates came before the Commission on behalf of the applicant, Fox Run Condominiums, to present a proposed plan for a septic system repair, located within 100 feet from bordering vegetated wetlands.

The previously permitted plans for this repair had to be revised when more bedrooms were discovered when the Board of Health required that Steve's company to inspect all apartments checking for number of bedrooms and garbage disposals. As a result, they now need to enlarge the (previously approved) system to handle the additional bedrooms (no garbage disposals will be allowed).

The leaching field would be located 62 feet from the BVW and two new septic tanks will be installed; one for each building. The leaching fields will be located in an area that is currently a hill, covered by several trees which will need to be cut down to level the hill.

Jane indicated that she would like see the 25 foot no disturb zone, which is currently being maintained as a lawn, replanted with native plants. She explained that this area is a previously disturbed area where the current, failed leeching system is located. At the very least, Jane wanted the area to be allowed to revegetate naturally (i.e. no longer be maintained as lawn). Judi stated that she would like to have a few native shrubs planted in the area.

Jane reported that the applicants had previously received a negative determination for a septic system that was proposed to be 24 additional feet away from the BVW. Jane recommended that a negative determination should be issued, with the requirement that restoration of the 25 foot no disturb area (per Article IX) be performed by creating a natural vegetative buffer within 25 feet of the BVW. Bob indicated that he also wanted the 25 foot area, once restored, to be a no disturb zone per Article IX. Jane indicated that she could include her Buffer Zone Restoration brochure with the Determination, as a guide for the applicant. Steve said that he had no problem with this, except for the asphalt area, which would remain. The Commission agreed to this.

Motion was made by Judi Johnson to issue a Negative Determination (checking #3 and #6), with the condition that the 25 foot buffer zone area be restored, as discussed above. Seconded by Eric Nelson. **Vote: 4:0:0**

October 25, 2010 Minutes

Motion was made by Harold Blomberg to accept the October 25, 2010 meeting minutes, as distributed. Seconded by Eric Nelson. **Vote: 4:0:0.**

Nomination of Conservation Commission Clerk

The Town Counsel had recommended that the Commission should elect one of their members to be their "Clerk," who would sign minutes, as well as other documents such as conservation restrictions, deeds, etc. Eric was asked if he would be willing to take on this responsibility and he stated that he was.

Motion was made by Judi Johnson to designate Eric Nelson as the Foxborough Conservation Commission's Clerk. Seconded by Harold Blomberg. **Vote: 4:0:0**

Special Town Meeting Warrant Article

Jane explained that the Commission's recently approved Warrant article, for the Special Town Meeting tentatively scheduled for January 2011, needed an official vote after having been posted on the agenda for 48 hours. The Warrant was to amend (administrative changes) the Commission's Wetland and Groundwater Protection Bylaw, Article IX, as recommended by Jane and Jim.

Motion was made by Harold Blomberg to approve the Warrant Article for the Special Town Meeting, as drafted. Seconded by Eric Nelson. **Vote: 4:0:0.**

Meeting Adjourned

Motion was made by Judi Johnson to adjourn. Seconded by Allan Curtis. **Vote: 4:0:0**

The meeting adjourned at 10:30 p.m.

Respectfully submitted,

Eric Nelson, Clerk

List of Documents, Reviewed during Meeting

1. 11/26/10 letter from Jim Pavlik, Outback Engineering, requesting a continuance to 12/13/10 for the Nadia Estates hearing.
2. Partial Certificate of Compliance, Lot 10 (13 Sullivans Way), DEP #157-426
3. Order of Conditions, 46 Beach Street, DEP #157-494
4. Request for Determination & Negative Determination, 96 Main Street, Fox Run Condominiums
5. Buffer Zone Restoration Guidelines - Foxborough Brochure
6. October 25, 2010 Draft Minutes
4. Special Town Meeting Warrant Article to Amend the By-Law (Article IX)

Draft minutes submitted by Judy Leahy: 11/30/10

Reviewed by Jane Pierce: 12/20/10

Approved by Commission: 1/3/11