

**Town of Foxborough
Conservation Commission Minutes
February 11, 2013**

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 Lee Ann Tavares, Secretary

Others Present: See attached sign-in sheet

Meeting Opened

Bob Boette opened the meeting, held in the Andrew A. Gala Jr. Meeting Room, at 7:00 p.m.

207-209 Oak Street, ANRAD, DEP #157-508

Bob opened the hearing by reading the legal notice, as posted in the Sun Chronicle.

The DEP number has been received, so the hearing can now be closed.

Motion made by Eric Nelson to close the hearing; seconded by Allan Curtis. **Vote passed: 5:0:0**

Motion made by Eric Nelson to approve and sign the Order of Conditions for DEP #157-508 as drafted. **Vote passed 5-0-0**

Jim Marsh entered; 7:09pm

January 14, 2013 Minutes

Motion was made by Eric Nelson to accept the January 14, 2013 meeting minutes as amended; seconded by Valerie Marshall. **Vote passed 6-0-0.**

January 28, 2013 Minutes

To be approved at the next meeting.

Lot 2 Oak Street, NOI, DEP #157-509

Bob opened the hearing by reading the legal notice, as posted in the Sun Chronicle.

William Self from Curley & Hansen attended the meeting, representing the applicant. He indicated that the required Stormwater checklist had now been submitted to the Commission.

Mr. Self described the proposed five lot subdivision with two stormwater detention areas. He explained that following a review by the Town's DPW, they had required an overflow mechanism for the lower detention basin (located next to Oak Street). The overflow pipe, which would be in the outer riparian zone, would discharge to an existing catch basin on Oak Street. The addition of this overflow mechanism would not increase the area's stormwater discharge to the catch basin. They will be going before the Planning Board on the following Thursday for their final critique.

Jim asked about the age and condition of the existing catch basin on Oak Street. Mr. Self stated that, based on the information he could find, the basin was probably installed in 1985. He added that he did not expect any additional stormwater (from overflow) to go through the pipe. The basins were designed for a 100 year storm and will be grassed. The Commission noted concern about future pesticide or fertilizer use on the lot next to the detention basin. The house lot will have a lawn running right up to the basin's retaining wall, so lawn care chemicals could eventually discharge into the overflow pipe. Mr. Self indicated that the four foot deep basin would have a chain link fence around it, suggesting that the Commission could include a special condition regarding the use of lawn chemicals near the basin. The subdivision's homeowner association will maintain the basins prior to the road acceptance, then the Town will take over.

Mr. Self then reviewed a proposed water service tie-in, which will be in an easement along the property line on the abutter's (Capone) property. They plan to install a new water service that will be connected to Mr. Capone's line. Mr. Self explained that they do not know the exact location of the water main, but are assuming that they will be able to stay out of the 100 foot buffer for the installation. The water line is in a plastic pipe and hard to find, so is not shown on the plan. If the work goes further into the buffer zone than anticipated, they will come back before the Commission.

Motion made by Judi Johnson to close the hearing; seconded by Eric Nelson. **Vote passed: 6:0:0**

25 Mirimichi Road, Request for Determination

Information Reviewed: RFD received 1/29/13

Bob opened the hearing by reading the legal notice, as posted in the Sun Chronicle.

The homeowner, Mr. Richard Audette, was present. He proposed the cutting of 12 trees on his newly purchased property on Lake Mirimichi, stating that he was not planning to increase the size of the lawn area. The closest tree that would be cut is 50 feet from the water and none of the trees are on the bank leading down to the lake. He plans to renovate the single family home and add a garage, using the existing foundation. Some of the trees are being removed to build the garage. He also wants to replace an existing wooden retaining wall with concrete, which is located next to the house and close to the lake. Jane stated that she believed that cutting the proposed trees would be ok since most of the trees were small pines; she had drafted a Negative Determination for the Commission's review.

Motion was made by Jim Marsh to issue a Negative Determination; seconded by Eric Nelson. **Vote passed: 6-0-0**

East Belcher Road Compost Facility Discussion

Bob Swanson, Highway Superintendent, was present. At a previous meeting, the Commission had requested that he file an after-the-fact Notice of Intent for the additional unpermitted work (i.e. wetland filling) that had been done at the site. As of today, no Notice of Intent filing had been submitted to the Commission. Bay Colony had prepared a plan, which had been received earlier in the day at around 3:00; Pare had been sub-contracted to delineate the wetlands.

Pare representatives had suggested issuing an Enforcement Order, rather than filing a Notice of Intent that would have to go to the DEP. The Commission discussed issuing an EO, rather than a NOI, which they believed would make sense. Restoration could be required as part of the Enforcement Order.

Concern about the site's underground drainage system, installed without the Commission's prior review or approval, was discussed. Jane and Judi stated that they would conduct a site visit. Jane explained that she could issue a cease and desist order for work that had occurred beyond the 2011 Determination's approved (150' x 250') compost pad. The Determination had required that the submission of a Notice of Intent was required for any proposed work beyond the approved compost pad. The restoration order would take care of the illegal fill issue, but the compost facility is still using an unpermitted area, as cited in the Determination.

Planning Board members Gordon Greene and Bill Grieder, also present at the meeting, asked whether the Planning Board's expired permit could be reviewed prior to the completion of the restoration work. Jane believed that they could conduct their hearings for the compost area, before the restoration order's work was completed. Jane was asked to research allowable requirements for an Enforcement Order (vs. requiring a NOI) and then provide a draft for the Commission's review during their next meeting.

Lincoln Hill Camp/Oak Street Property

An opinion letter had been issued by Town Counsel Cindy Amara regarding the Lincoln Hill property. The letter indicated "it is likely that the land will be considered protected under Article 97."

Garrett Spillane Road Property

The Commission agreed that a discussion with the Selectmen regarding this property was required. Jane recommended that a land management subcommittee should be formed to deal with land issues.

Motion was made by Eric Nelson to form a Land Management Sub-Committee comprised of members Judi Johnson, Valerie Marshall and Jim Marsh; seconded by Allan Curtis. **Vote: 6-0-0**

High School Tree Cutting

Jane and Bob reported that they had inspected the tree cutting area (for the ball fields) at the High School and reported that the ongoing work was outside of the Commission's jurisdiction.

2012 Annual Report

Motion was made by Judi Johnson approve the 2012 Annual Report as amended; seconded by Valerie Marshall. **Vote: 6-0-0**

New Filings Distributed to Commissioners

- Request for Determination – 2 Truax Lane
- Notice of Intent – 10 East Belcher Road, Foxboro Sports Center Expansion Project

Meeting Adjourned

Motion was made by Valerie Marshall to adjourn; seconded by Allan Curtis. **Vote: 6-0-0**

The meeting adjourned at 9:28 p.m.

Respectfully submitted,

Eric Nelson, Clerk

Draft minutes submitted by Lee Ann Tavares: 2/20/13

Reviewed by Jane Sears Pierce: 2/21/13

Approved by Commission: 3/25/13

Documents, Not Referenced Above, Reviewed During Meeting

Attached Documents:

1. Agenda, February 11, 2013
2. Meeting Sign In Sheet

Location of Other Documents:

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