

**Town of Foxborough
Conservation Commission Minutes
February 1, 2016**

Members Present: Robert Boette (Chair), Judith Johnson (Vice Chair), Eric Nelson (Clerk), Valerie Marshall, James Marsh and Michael Kelleher (at 7:15 p.m.)

Members Absent: None

Staff Present: Jane Sears Pierce, Conservation Manager, Diana Gray, Land Use Administrator

Others Present: See attached sign-in sheet

Meeting Opened

Bob Boette opened the meeting, held in the Boyden Library, at 7:00 p.m.

Minutes

The Commission reviewed the draft minutes of December 14, 2015.

Motion was made by Mr. Nelson to approve the minutes of December 14, 2015 as amended; seconded by Ms. Johnson. **Vote: 5-0-0**

12 Authelet Way (London Estates), DEP #157-548, NOI

10 Authelet Way (London Estates), DEP #157-549, NOI

Engineer Bill Buckley of Bay Colony Engineering, representing applicant Mike Ferrone, Briarwood Construction, were present. Mr. Buckley explained that these applications were part of the London Estates Subdivision, the infrastructure for which was approved by the Commission last fall. The two lots will share a driveway (located on the existing farm road) and wetlands along both sides of the driveway will be connected by a culvert, at an elevation that will not drain the wetlands.

Lot 15 is five acres in size and contains the subdivision's certified vernal pool. They are proposing to build a four bedroom home (1,700 sq. ft.) with a conventional FAST septic system that has been approved by the Board of Health. The septic system will be more than 100 feet but less than 150 feet from the wetlands; the closest point of the house foundation will be 51 feet from the wetlands. Mr. Boette and Ms. Johnson, who attended the recent site walk, had asked the applicant to restore the lot's wetland buffer zone. Mr. Buckley is therefore looking into doing a planting plan for a 5,700 sq. ft. buffer zone restoration which will include native trees, shrubs, plants and grasses.

All of the subdivision's houses will have roof drains to dry wells (plastic chambers in stone bed). They will install silt socks with mulch and orange construction fencing along the limit of work line.

Mr. Kelleher arrived at 7:15 p.m.

Lot 16 contains 2³/₄ acres and is further away from the wetlands. The foundation will be outside of the 100 foot buffer zone and the septic system (they will not be using a FAST system) will be out of the 150 foot buffer. A four bedroom home is proposed for this site, with roof infiltration dry wells.

Ms. Marshall asked about distances between septic systems. Title 5 requires they be located five feet off of the property line and at least 10 feet apart. The Foxboro bylaw requires them to be 150 feet apart, usually only when they are near wells, but not this area.

Motion was made by Ms. Marshall to close the Public Hearing for 12 Authelet Way DEP #157-548; seconded by Mr. Nelson. **Vote: 6-0-0**

Motion was made by Mr. Nelson to close the Public Hearing for 10 Authelet Way DEP #157-549; seconded by Mr. Nelson. **Vote: 6-0-0**

242-246 Main Street, DEP #157-546, ANRAD

Information Reviewed: 242-246 Main Street, Wetland Location Plan (5 page), rev. 2/1/16

Atty. Frank Spillane, Engineer Bill Buckley, Paul Fokman and Scott Goddard were present, representing the applicant, Ron Bonvic, Lawson Farm LLC. Mr. Buckley began by distributing copies of the revised plan dated 2/1/16 to the Commission.

Atty. Spillane explained that a site walk, held on the previous Friday, was attended by Ms. Johnson, Mr. Boette, Ms. Pierce, Mr. Goddard, Mr. Buckley and himself. He noted that some flags had been removed from the revised plans in areas where no work was being proposed. If they find that they will be working in those areas in the future, they will come back before the Commission.

All changes discussed during the site walk, including connecting the “opening” between WLF A201 and WLF A78 have now been added to the plan. The FEMA floodplain will be added by Mr. Buckley.

Mr. Goddard stated that no Bordering Land Subject to Flooding (BLSF) determination would be needed at this time.

Ms. Pierce quickly reviewed the newly distributed plan and had questions about the location of flag 245R. Mr. Buckley stated that he would check his notes. She also explained that the site’s riverfront area was difficult to interpret with snow cover and that she and Ms. Johnson did not agree with the delineation in the flatter part of the riverfront area near the street. She recommended hiring a third party consultant to review this area, since they hadn’t come to any conclusions during the site visit.

Mr. Goddard stated that the riverfront area was a well-defined channel, four feet wide. Ms. Johnson, who had checked aerial photos, stated that it appeared that the river was 14 to 25 feet wide rather than 4 feet, as represented on the plan. Mr. Goddard responded that riverfront flags had been moved 10 feet inland and the plans had been revised in response to Ms. Pierce’s and Ms. Johnson’s concerns. Ms. Marshall asked about the river’s mean annual high water line.

Mr. Boette asked what kind of activities would be proposed in the 200 foot riverfront area? Mr. Buckley responded that a detention basin would be in part of it.

Ms. Johnson stated that she would like to go out to the site to walk it some more. Mr. Marsh indicated that he hadn’t had a chance to see the site and wanted to walk it before the Commission issued an ORAD. Ms. Marshall also hadn’t seen the site and wanted to have a chance to visit it too.

Mr. Fokman stated that he wanted to have a conversation regarding the “process.” Going into this process, he had an expectation that the process would be completed by this or the next meeting. He wanted to hear that the walk could be held this week, and changes made after Ms. Pierce’s and the Commission’s review, and that the hearing could be closed by next Monday. He felt that they had been very responsive to all questions and had revised the plans accordingly, stating that he was getting anxious for the next step.

Ms. Johnson indicated that this application was submitted at the hardest time of the year to review wetland lines. She stated that Mr. Goddard had had a lot of time to figure out where the wetland line was and now the Commission wanted to have more time to review them too. She explained that she works full time and had to take time off to visit the site on the previous Friday, which cost her money. She advised that water levels are very low from the very dry fall (the area was in an “Advisory” last November and December), when the wetlands line had been delineated and the area is still in a water deficit. Ms. Johnson stressed that the Commissioners were all doing their best to get this done and she felt that he was rushing them. For large and complex sites like this one, they prefer to review wetland flags during the spring.

Mr. Fokman explained that he had Atty. Spillane submit a letter stating that the Commission could only access the property in the presence of one of the applicant’s representatives because there are landowners who don’t live there. The person he represents (the potential buyer of the site) feels it is

getting too complicated to allow anyone on site and they are concerned about liability. Mr. Buckley and Mr. Goddard have stated that they will accommodate anyone's schedule to visit the site on a weekend.

Ms. Johnson pointed out that the ANRAD, which was signed by the property owner, gives the Commission permission to go on site at reasonable times. She did not want to argue about access, but wants to be able to poke around without anyone distracting her with discussions about soils.

A site walk was scheduled for the following Saturday at 9:30 a.m.

Motion was made by Ms. Marshall to continue the Public Hearing for 242-246 Main Street, DEP #157-546, until February 8, 2016; seconded by Ms. Marshall. **Vote: 6-0-0**

Mr. Nelson left for the evening at 7:55 p.m.

Wyman Village, DEP #157-535, Corrected Order of Conditions

Applicant Joe Lynch and his representative John Rockwood came before the Commission in regards to the Corrected Order of Conditions for Wyman Village. Ms. Pierce attended a DEP site visit for their Request for a Superseding Order of Conditions and admitted that some of the conditions she included in the draft Order were based on another 40B project's Order and should not have been included in this project's Order. She asked to simply revise/correct the issued Order and remove the portions that did not apply. The DEP and Mr. Lynch were agreeable with this approach of revising the Order instead of issuing a Superseding Order, so she had drafted a Corrected Order. Mr. Rockwood stated that it is still a protective order and once a copy is received by the DEP, the applicant will withdraw his Appeal.

Motion was made by Ms. Marshall to approve the Corrected Order of Conditions for DEP #157-535; seconded by Mr. Kelleher. **Vote: 5-0-0**

Stonehurst Subdivision, DEP #157-270, Request for Order of Conditions Extension

A request has been received from Greg Spier to extend the Order of Conditions for Stonehurst Realty Trust. There are three lots left in the development to be sold.

Motion was made by Ms. Johnson to extend the Order of Conditions for Stonehurst Realty Trust, DEP #157-270; seconded by Mr. Marsh. **Vote: 5-0-0**

Regulations for Foxborough's Wetlands Protection Bylaw, Chapter 267

Motion was made by Ms. Johnson to continue the hearing for Regulations to Foxborough's Wetlands Protection Bylaw, Chapter 267 to February 8, 2016; seconded by Ms. Marshall. **Vote 5-0-0**

Annual Report

Ms. Pierce prepared a draft Annual Report for 2015 and asked for the Commission's comments or corrections, as soon as possible, since the deadline was coming up soon.

Lincoln Hill Property, Oak Street

The Commission discussed the deed issue at Lincoln Hill. They would like to ask the Town Manager to get a certified copy of the Town Meeting Minutes approving the purchase of the property and have the Minutes appended to the deed to protect the property under Article 97, as recommended by the EOEAs' Statewide Conservation Restriction Reviewer, Irene DelBono.

Motion was made by Ms. Marshall to ask the Town Manager append a certified copy of the Town Meeting minutes approving the purchase of Lincoln Hill to the deed for Lincoln Hill to protect the property under Article 97; seconded by Ms. Johnson. **Vote: 5-0-0**

Meeting Adjourned

Motion was made by Mr. Nelson to adjourn the meeting; seconded by Ms. Johnson. **Vote: 5-0-0**

The meeting was adjourned at 8:30 p.m.

Respectfully submitted,

Eric Nelson, Clerk

Draft minutes submitted by Diana Gray: 2/23/16

Approved by Commission: 4/25/16

Documents, Not Referenced Above

Attached Documents

1. Agenda, February 1, 2016
2. Meeting Sign In Sheet

Location of Other Documents

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