

**Town of Foxborough
Conservation Commission Minutes
January 25, 2010**

Members present: Bob Boette, Chairman, Harold Blomberg (*arrived late*), Judi Johnson, Jim Marsh and Eric Nelson

Members absent: Allan Curtis and Doug Davis

Also present: Jane Sears Pierce, Conservation Manager
Bill Hocking, Temporary Conservation Manager

Meeting Opened - Bob Boette opened the meeting at 7:05 PM, held in the McGinty Meeting Room in the Public Safety Building.

DEP #157-436, 34 Pleasant Street, Bylaw NOI Extension Permit

Motion by Judi Johnson was made to issue a one year Bylaw Extension Permit for DEP #157-436. Seconded by Jim Marsh. **Vote: 4:0:0.**

January 11, 2010 Minutes

Jane noted that the minutes did not include the motions to continue DEP #157-486 (to February 1, 2010) and CSX RFD (to January 25), asking the Commission who had made the motions. Bob instructed Judi to revise the minutes to show that Harold Blomberg had made the two motions, with Allan Curtis seconding them.

Motion was made by Judi Johnson to accept the January 11, 2010 minutes with revisions, as discussed. Seconded by Jim Marsh. **Vote: 4:0:0**

Harold Blomberg arrived at this point in the meeting. (Although he was not planning to attend, he came in to ensure that there would be a quorum for the 6 Carmine Drive RFD.)

Nadia Estates (40B), ZBA Review Memo

Jane had drafted two memos to the ZBA for the Commission's review; one to introduce herself to the ZBA and suggest her role in assisting them in their review of 40B projects under Article IX.

Her second draft memo included her review recommendations (as the Commission's Manager) for wetland issues associated with the Comprehensive Permit Application (40B) for Nadia Estates. Jane reviewed the proposed memos with the Commission, asking whether they would like make any additions or modifications. Bob asked her to add "and Retention Basin" after "Detention" to comment number six's heading on page two of the (second) review memo.

Judi, reminded the Commission that not everyone knows what a vernal pool is, suggesting that she would like the (second) memo to include a brief and uncomplicated definition of a vernal pool. Jane agreed that this was a very good idea, admitting that she often forgets that some people don't know anything about vernal pools.

There was also a brief discussion about the Nadia Estates' wetland delineation and the applicant's desire to have the delineation reviewed during the winter. Jane reviewed the DEP's guide, *Delineating Bordering Vegetated Wetlands under the MA WPA* (1995), with the Commission. Relative to winter delineations, the guide states that the "DEP recommends that BVW delineations be avoided if possible when deep snow cover or "deep freeze" conditions exist." The Commission agreed that delineations should only be reviewed during the growing season (April 30 – October 7).

Motion was made by made by Judi Johnson to send the two draft memos to the ZBA with the discussed changes. Seconded by Eric Nelson. **Vote: 5:0:0**

Request for Determination, 6 Carmine Drive

Bob recused himself from the discussion, due to his personal relationship with the applicant; they have been neighbors for many years. He asked Judi to act as Chair for this discussion. Judi then read the legal notice.

Bill Buckley from the Bay Colony Group was present, representing the applicant, Harold H. Donnelly Jr. He explained that the applicant proposed to add an addition to the east side of his current single family home, consisting of an accessory apartment (used to be called an “in-law apartment”) and a single-bay garage for Mr. Donnelly’s new residence. After construction of his apartment, the existing house will be occupied by his son and his family.

The one bedroom accessory apartment will be about 750 square feet and the garage will be about 360 square feet. No change to the septic system will be required since two of the existing (home’s) bedrooms will be converted to a single bedroom, so the number of bedrooms will remain the same. The addition will be built on a slab, therefore keeping the disruption to the site minimal.

Jane and Bill had visited the site. Jane had visited the site earlier in the day, stating that the site is relatively flat, though somewhat flooded from the day’s heavy rains. Bill checked the wetland delineation and found it to be correct. He explained that there is a small stream in the rear beyond the wetland line which flows west to east in the swamp. The site is about 30 feet below Route 95, which is 200 feet beyond the site. The proposed plan will not disrupt the resource area.

Motion by Judi Johnson for a Negative Determination for the 6 Carmine Drive RFD (State form: #2 and #6; Bylaw form: #4). Seconded by Harold Blomberg. **Vote: 4.0.0.** (*Bob Boette had recused himself from this discussion.*)

Continued NOI Hearing, DEP #157-485 (off) East Street, T-Mobile Northeast, LLC

Jane informed the Commission that she had received an email from Michael Stuart (Project Designer, Aerial Spectrum, Inc.), applicant’s representative, earlier in the day, requesting a hearing continuance to February 22.

Motion made by Harold Blomberg to continue the hearing for DEP #157-485, T-Mobile, to February 22, 2010. Seconded by Eric Nelson. **Vote: 5:0:0**

Continued Request for Determination, CSX Railroad Right-of-Way

The revised plan, per the Commission’s specifications, was received and reviewed by Jane and Bill. Bill, who is more familiar with the rail line, said that it looked good.

Motion made by Judi Johnson for a Negative Determination for the CSX Right of Way RFD (State form: #5 and #6; Bylaw form: #4). Seconded by Eric Nelson. **Vote: 5:0:0**

Eric left the meeting at this point.

MACC Semi-Annual Meeting – Scheduled for 2/27/10; copies of course schedules given to Commission members. Jane will attend and asked the Commissioners to consider attending, too.

Court Case Update – Bob reported that Judge Long had made a decision to keep his original decision, adding that the way it is worded allows for an appeal. No other activities on the site are affected by this decision; the conservation land can still be used as conservation land.

Meeting Adjourned

Motion by Harold Blomberg to adjourn the meeting at 9:15 PM. Seconded by Judi Johnson. **Vote: 4:0:0**

Draft minutes submitted by: Judy Leahy on 2/1/10

Approved by Commission: 2/1/10