

**Town of Foxborough  
Conservation Commission Minutes  
April 2, 2012**

**Members Present:** Robert Boette (Chair), Allan Curtis (Vice Chair), Eric Nelson (Clerk), Douglas Davis, Judith Johnson and Valerie Marshall

**Members Absent:** James Marsh

**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.

**Hersey Farm – License**

Earle Ferguson, Foxborough Community Farm Stand's farmer, and Lori McDonald and Rich Gorenstein of the Discretionary Fund were present to discuss the property's license requirements. Sandra Herrmann, Town Manager's Secretary, had voiced her concerns about the Town's liability should anyone become ill after eating vegetables purchased from the Farm Stand. She advised Jane to call Laura Peckham at MIIA, the Town's insurer. Lee Ann called Ms. Peckham, who explained that MIIA would cover any trips, falls etc. on the property, but not the food; the licensee would be responsible for this. Ms. McDonald agreed, saying that they have liability insurance for food issues. She added that they have to be permitted yearly by the Board of Health and that one of their employees (Lisa Bounds) has her ServeSafe (HRTR) certificate, as required by the BoH. Jim Marsh, who is drafting the license, was not present. Jane suggested a license expiration date that would mirror the State's permit, which is 12/31/15. Ms. MacDonald asked that a copy of the proposed license be emailed to her at LoriMcDonald88@yahoo.com.

**March 19, 2012 Minutes**

**Motion** was made by Eric Nelson to accept the March 19, 2012 meeting minutes as distributed; seconded by Allan Curtis. **Vote: 6-0-0.**

**Blueberry Island Fire**

Doug Davis reported that on Saturday, March 24<sup>th</sup>, his son observed a fire on Blueberry Island (Lane Conservation Area on Neponset Reservoir) and that the Fire Department had been notified but did not show up. He reminded the Commission that previous camp fires had destroyed the area. Judi stated that she recently found lots of new campfire areas at the Canoe River ACEC area, some of which were still burning or smoldering.

**ATV Issues**

Bob reported on ATV activity at the landfill, which had caused a good deal of damage to the cap. He spoke to Bob Swanson about installing blockades for the area. Jane reported that she had checked the Upper Pond Dam area, as requested, but did not see any significant damage. One area appeared to have cleared by fishermen to open up a fishing spot. Also, although she did not go very far up the trail across the street from Lakeview Pavilion, she did not see any damage. She did notice what appeared to be ATV tracks, but did not find any adverse impacts. Eric, who lives nearby, added that he had not seen motorized vehicles, other than in Gilbert State Forest. Jane stated that education was the key, adding that she plans to talk to MOM (ATV/motorcycle dealership) as soon as they move into their new headquarters on Rt. 1 at the old pottery building. Bob asked Jane or Lee Ann to look into purchasing "no ATV" signs; Judi indicated that she would go to Sharon to copy the wording of conservation area signs that she had seen.

## **86 Ridge Road, Fisher, Continued Notice of Intent, DEP #157-502**

### Information Reviewed:

- NOI dated 5/10/11
- Letter from Bay Colony Group dated 5/6/11

The Applicant, Mr. Yan Fisher, and his representative, Mr. Paul Zonghi, were in attendance to present the proposed project's revised plans. Mr. Zonghi explained that they plan to keep the existing driveway's grades. One retaining wall will be moved slightly and the back of the garage foundation will also serve as a retaining wall.

The project's design will result in less storm water running onto the ground. The addition's roof will recharge stormwater (approximately 2,016 s.f.) into the ground via a dry well. In addition, a stone wall in front of the shed will be removed and replaced with a grass swale to allow water to flow to the gravel pit/recharge area under the shed as originally designed in the past. The plan's notation will be corrected to show the grass strip/swale in front of the shed (#2). An area of impervious pavers near the dock will be removed and replaced with low growing bushes. An impervious walkway will remain to connect the stairway to the dock. Mr. Zonghi stated that the plan's note regarding "impervious and pervious" figures are in reverse and will be corrected on a final plan.

Mr. Zonghi stated that they will be cutting out part of the driveway's pavement and that approximately 128 yards of soil will need to be excavated, but it will be stored in the interior of the garage until needed as backfill. Silt fence will be installed along driveway and stockpiles of native hay will be kept on site for emergencies. Bob asked for another row of haybales along the edge of the driveway. A revised plan will be submitted.

**Motion** was made by Valerie Marshall to close the hearing for DEP #157-502, 86 Ridge Road; seconded by Judi Johnson. **Vote: 6-0-0**

## **8 Independence Drive, Request for Determination**

### Information Reviewed:

Request for Determination

Letter from Cannon Forge Condominium Association dated March 29, 2012

The applicant's representative, Ken Brissette, along with the applicants/property owners Audrey and Dale Paccione attended the meeting. Jane informed the Commission that Bill Casbarra, Building Inspector, said that the work could not go outside the condo's original footprint. Using aerials Jane determined that the work would be approximately 40 to 50 feet from the wetlands. She advised adding "the wetland line is not approved by this Determination" to the Determination form. Mr. Brissette stated that he would install drywells, simply a pit of rocks under the downspouts.

**Motion** was made by Valerie Marshall to close the hearing for 8 Independence Dr., seconded by Eric Nelson. **Vote: 6-0-0**

**Motion** was made by Valerie Marshall to issue a Negative Determination (checking #3, 6) and adding that "the wetland line is not approved by this Determination," seconded by Eric Nelson. **Vote: 6-0-0**

## **Neponset Reservoir Management, DEP #157-479, NRRC**

Mr. Rhys Bowen, Ms. Shelia Warner and Ms. Kim Mellen were present for the NRRC and Mr. Mike Lennon and Mr. Ken Wagner of Aquatic Control Technologies (ACT) were present as their expert consultants.

Mr. Bowen began by stating two points: (1) their efforts to manage the lake are ongoing and (2) they subscribe to the principal of adaptive management and change strategy and tools as necessary.

He explained that in the past, they have used a lakewide treatment with the chemical SONAR® (fluridone), as approved in their 2009 Order of Conditions. This resulted in a clear improvement, particularly for fanwort and water milfoil (variable), but now milfoil is rebounding.

He added that there were other options for 2012 such as limited spot treatments with fluridone (palletized) and treating milfoil with Diquat. A third possibility is to use Copper sulfate treatments to control noxious algal blooms but the lake level is not low enough.

When Bob asked if they had spoken to the Water Department about their proposed plans, Mr. Lennon stated that they had tested one well weekly in 2009, when they were treating weekly with fluridone, but there were no issues. Mr. Wagner explained that the reservoir's thick layer of much plugs the soils so there was no infiltration, as they had suspected.

In 2009, they did a lake wide fluridone (SONAR) treatment, due to fanwort dominance at that time, which was very effective. Diquat is now being proposed for the variable milfoil, which is rebounding. The Commission asked whether a recent fish kill in the lake could have been attributed to oxygen depletion due to the decomposition of the treated vegetation. Mr. Wagner stated that with fluridone, the die-off of plants is slow. He believed that last year's thick ice cover caused an under the ice kill.

Doug wanted to involve the Water Department and receive their comments. Bob's personal belief was that Diquat should not be used. Judi recommended eliminating Diquat to be consistent with their requirements for Beaumont's Pond. Mr. Wagner stated that the Diquat is a contact herbicide with a short half life, adding that unlike Beaumont's Pond, water doesn't move quickly in the Reservoir. He also mentioned harvesting as another option but feels it is not as good as it can spread the weeds by fragmentation. There are no biologic predators for Milfoil, making chemical treatments necessary in some instances. He believed that Reward® (Diquat) would be good to use because it can be used in small areas for localized treatments as needed; the time of restricted use for this chemical is five days.

Bob suggested pulling some boards from the dam to change the water level prior to application in late spring. Eric asked for more assurances regarding the toxicity/dilution factor and its impact on wells. Judi was opposed to harvesting as it could churn up the cadmium sediments on the bottom of the lake, adding that this project differs from the Beaumont's Pond application as it is a public water body with pollution that was caused by a federally permitted discharge.

Mr. Wagner asked the Commission how to file, since Diquat was not part of the original filing. The Commission advised him to file for an amendment, notify the Water Department and provide well monitoring for the same wells as last time, along with a plan of action and legal notice in the paper. Mr. Bowen advised the Commission that the plant monitoring has continued.

#### **Order of Conditions, 15 Kendall Dr File # F2012-1**

Mr. Roger Proulx attended the meeting and presented revised plans as required during the previous meeting. He also presented an additional revision, moving the proposed fence further away from the vernal pool. He explained that the current approved plan makes it difficult for him to back out of the new garage. Bob thanked Mr. Proulx for moving the fence farther away from the vernal pool.

Jane said that she could write a cover letter for inclusion in the Order of Conditions to be filed with the Order at the Registry. She advised that a finding could be made that the revised plan will have less adverse impact on the vernal pool as work is being pulled away from it.

**Motion** was made by Valerie Marshall to approve the proposed work as it will have less adverse impact on the vernal pool; seconded by Eric Nelson. **Vote: 6-0-0**

**Motion** was made by Judi Johnson to include a cover letter in the Order of Conditions stating that the proposed changes are insignificant, seconded by Doug Davis. **Vote: 6-0-0**

**Motion** was made by Judi Johnson to sign the Order of Conditions; seconded by Valerie Marshall. **Vote: 6-0-0**

### **Proposed Wage Classification Plan**

Jane gave an update on the proposed wage classification plan brought forth by Kevin Paicos to bring the current wage system up to be more competitive with similar towns. In reviewing the proposed terms she realized that she had not received any Step raises since she was hired, almost three years ago. Bob indicated that he would speak to Mr. Paicos about this. The new plan raises would be merit driven, not related to time, as they currently are. Val stated she was opposed to raises being strictly merit and feels they should be a combination of both time and merit. Also the employee's goals and objectives should be determined according to hours worked. Eric, who works in Human Resources was opposed to time based raises, explaining that a merit based system was used now in most situations. Val and Judi outlined the Federal system's raise requirements. The board all agreed that competitive wages equals quality employees.

### **Draft Regulations**

Jane inquired about posting the public hearing for the adoption of the regulations. Val noted her concern that regulations must not change the Bylaw. Jane stated that they were not adding anything or changing the Bylaw, just defining the terms used in the Bylaw. Doug asked if the draft regulations should go to Town Council prior to adopting them. Bob suggested running it by the Town Administrator. Val recommended waiting to hold the public hearing until Jim was present.

### **Open Space and Recreation Plan**

Jane stated that she had addressed all of DCR's comments regarding the Open Space Plan and would like make the small changes and to send it off to DCR, asking if they wanted to review the updated document first, explaining the changes she had made.

**Motion** was made by Valerie Marshall that Jane should make the changes and send the Open Space Plan to the DCR; seconded by Douglas Davis. **Vote: 6-0-0**

### **Meeting Adjourned**

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

**Meeting adjourned at 9:40PM**

Respectfully submitted,

Eric Nelson, Clerk

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### **Documents, Not Referenced Above, Reviewed During Meeting**

#### Attached Documents:

1. Agenda, April 2, 2012
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

Draft minutes submitted by Lee Ann Tavares: 4/10/12

Reviewed by Jane Sears Pierce: 4/23/12

Approved by Commission: 4/23/12