

**Town of Foxborough  
Conservation Commission Minutes  
May 21, 2012**

**Members Present:** Robert Boette (Chair), Eric Nelson (Clerk), Judith Johnson, Douglas Davis and James Marsh

**Absent:** Allan Curtis (Vice Chair), Valerie Marshall

**Staff Present:** Jane Sears Pierce, Conservation Manager and Lee Ann Tavares, Secretary

**Meeting Opened**

Chairman Boette opened the meeting, held in the Lower Meeting Room, at 7:00 PM.

**Public Comment**

Deb Giardino, Recreation Director, was present to request permission to hold the Recreation Department's annual fishing derby on the Sunday after Founders Day (June 10, 2012) at the Lane property, saying they had partnered with Bass Pro Shop this year. She indicated that all trash will be removed and notified the Commission that the lock to access road's gate was missing. Deb said that either her department or the Highway Department would take care of some fallen trees on the point that needed to be removed, adding that she hadn't seen the Bill Hocking memorial bench before and that it looked beautiful.

**Discussion Re: ATV Issues on Town Properties**

Ed O'Leary, Foxborough Police Chief, Deb Giardino and Bob Swanson, DPW, were present to discuss ATV issues. Mr. Swanson spoke to the issues they had been having at the town's capped landfill, adding that they will be working to fix it soon. He thought that the ATV issues might subside when the soon to be installed solar farm is installed, since a fence will be needed around the perimeter of the site. Ms. Giardino stated that they did not have any problems with ATV use on their recreation properties, adding that they get riders from Mill Street who use the trails to the rear of their Cocasset River Recreation Area property, but they haven't been a problem.

ATV use has been observed at the Canoe River Wilderness area, the Rumford River conservation area off Cocasset Street and the Upper Carpenter Dam area. Bob asked Chief O'Leary about the police department's response to ATV calls. Chief O'Leary responded that they had not received any recent calls that he was aware of, but when calls do come in, they visit the reported area to see if anyone can be identified, but they don't have any way to chase ATV's. He felt that educating the public about the recent changes to the ATV laws and about Foxborough's ATV bylaw would help.

Jane explained that she had recently spoken with Pat Huckery, NE Regional Director or the Division of Fisheries & Wildlife, who recommended the following:

1. Perform research on properties, including (a) why they may be significant (vernal pools, rare species, etc.), (b) locations of access roads into the property, and (c) other means of access.
2. Send a flyer/letter to notify abutters that conservation lands are not open to ATV use, including telephone numbers to call for assistance (i.e. local and environmental police).
3. Post signs, using brightly colored laminated paper and posted as high as possible.

Judi stated that on Willow Street (where she lives), ATVs arrive on trailers. She said that abutters are nervous about calling the police because they are afraid of retaliation. She said that the Environmental Police have manpower issues; whenever she has called about hunting issues, they have never come out to her property. Chief O'Leary stated that he would contact the Environmental Police, adding that they are responsible for state laws. Doug recommended that the police buy an ATV.

Bob added that ATV's were going through the Porter Property (a 21E site, next to the Rumford River conservation area off Cocasset Street) via the property's access road. Jane added that when

she had stopped two ATVs in that area last year, she was told they had traveled there from the Neponset Reservoir via the railroad bed. Jane suggested having the Commission's summer intern work on this project. The Commission agreed, stating that educational material would need to be created to send to the abutters and that an article in the paper would also be helpful. Chief O'Leary stated that it would be okay to use the Police Department's telephone number on the flyers.

Ms. Giardino stated that they usually use an ATV during fishing derbies to bring supplies back and forth and offered to distribute educational materials about ATVs during their upcoming Derby.

### **RFD, 7 Mill Street**

Information Reviewed: Request for Determination dated April 30, 2012

The applicant's (Gordon and Margot Hay) representative, Michael Trowbridge attended the meeting. He explained that a new septic system (approved by the Board of Health) has been proposed because the two current cesspools, located in the property's backyard, have failed. The new system will be 68 feet from the wetland and all work will be located in a current lawn. Silt fence will be installed as the limit of work. The system had to be in the backyard because there isn't enough room in the front yard.

**Motion** was made by Eric Nelson to issue a negative determination, seconded by Doug Davis.  
**Vote: 5-0-0**

### **March 5, 2012 Minutes**

**Motion** was made by Eric Nelson to accept the March 5, 2012 meeting minutes as distributed; seconded by Judi Johnson. **Vote: 5-0-0.**

### **July 25, 2011 Minutes**

**Motion** was made by Eric Nelson to accept the July 25, 2011 meeting minutes as distributed; seconded by Judi Johnson. **Vote: 5-0-0.**

### **April 23, 2012 Minutes**

**Motion** was made by Eric Nelson to accept the March 19, 2012 meeting minutes as distributed; seconded by Judi Johnson. **Vote: 5-0-0.**

### **Request for OoC Amendment, 46 Beach Street, DEP #157-494**

Information Reviewed:

Letter from Bay Colony Group to FCC dated August 26, 2012

Proposed Plan: Sewage Disposal System Design, 46 Beach Street, revised April 25, 2012

The applicant's representatives Bill Buckley of Bay Colony Group and Larry VanLear attended the meeting. Mr. Buckley explained that Mr. VanLear proposed to increase the size of the previously approved plan's house, adding that the lay-out and configuration had changed. The new four bedroom home's stretched out design is to allow for handicapped access and more first floor living, since the new property owner's wife is disabled. Work is proposed up to, but not into, the 25 foot no disturb area. There will be a walk-out cellar, the deck will be at the first floor level and the proposed walkway along the rear of the house will match the grade. They will be bringing in some material to establish grade. Mr. Buckley explained that the septic system's location has not changed, but the tank has been moved slightly and a vent will be required, since the septic system will be under pavement.

The Commission questioned the amount of impervious cover. Mr. Buckley, stating that the 83,000 sq. ft. lot included the water (lake) between the street side upland and the island, said that he did not have the exact figure but he felt the lot's impervious coverage was around 7%. Bob asked how much of the esker they planned to take down. Mr. Buckley stated that they propose to cut the hill down by 46% at its highest and would be using this material in the front of the house. Judi asked if they would be clearing the whole lot. Mr. Buckley responded that they proposed to clear a lot of it.

He explained how he had calculated the lot size, stating that the lot included land under water and an island, all of which has been included in his calculations.

Judi noted her concern about cutting right up to the 25 foot no disturb zone, speaking to the esker's steep slope with very little ground cover. She stated the buffer zone's trees were quite large and would probably not be able to stand the extent of alterations/damage proposed and live. She believed that the proposed house was oversized for the lot and that the narrow buffer strip wouldn't function as a water quality buffer. Judi stated that the previous project's impact was much smaller; they are now proposing to clear cut the lot, add a much larger home with three car garage and take down more of the esker. She was concerned about stormwater water run off from the increased lawn, and was concerned that the proposed lot clearing would damage the buffer zone's trees.

Mr. Buckley was asked to add the following information to the proposed plan: (1) stake 25 foot no disturb boundary and two house corner points closest to the 25 no disturb zone, (2) 100 foot boundary, (3) dry well information and (4) proposed limit of site clearing.

Jim wanted to walk the property; Doug asked if they would stake the 25 foot no disturb zone. The Commission planned to walk the property on Wednesday, May 30<sup>th</sup> at 5 PM.

**Motion** was made by Doug Davis to continue to June 11, 2012 at 7:30PM; seconded by Jim Marsh. **Vote: 5-0-0**

#### **Request for OoC Amendment Neponset Reservoir Weed Management, DEP #157-479**

Information Reviewed: April 19, 2012 Letter from ACT to FCC

The applicant's representative, Mike Lennon from Aquatic Controls Technologies (ACT), was present along with NRRC President, Rhys Bowen. Mr. Lennon described why herbicides were needed to treat the reservoir's existing milfoil and bladderwort. He said that the spring vegetation survey, performed two weeks before, had shown excellent control Cabomba, but that the space opened up by the Cabomba was being filled by variable milfoil (new European milfoil and non-native swollen bladderwort [*Eutricularia inflata*]). He said that there was little or no water chestnut this spring, due to volunteers' hand pulling efforts last spring. Milfoils are beyond management point and large leaf pondweed predominates the areas near Water Department's well.

He spoke with the Water Superintendent, who said he was in favor of the project as long as wells were tested before, during and after treatment. Mr. Lennon was unsure what testing during treatment meant, but will clarify this with the Superintendent. He indicated that he would provide the MSDS, as promised, per Val's request.

One board will be removed from the dam's outlet structure prior to treatment. This will be included in the Amended Order of Conditions. They would like to treat the water during the week of June 5<sup>th</sup>. They will probably not use pelletized Floridone at this time (but would like to keep it in the Amended OoC), just Diquat, and will probably just hand pull the Eurasian water milfoil. Fanwort (found before) is the same, so there is the potential for a small treatment with Sonar, but it is expensive and not as important as the other treatments.

**Motion** was made by Doug Davis to close the hearing; seconded by Jim Marsh. **Vote: 5-0-0**

#### **Request for OoC Extension, DEP #157-170, Cocasset Lake Herbicide Treatment**

Information Reviewed: Request for OoC Extension

Tony Gilby and Sarah Windsor, representing the Cocasset Lake Association, attended the meeting to answer any questions that the Commission might have about this year's herbicide treatment plan.

**Motion** was made by Judi Johnson to extend the Bylaw Order of Conditions for one year; seconded by Doug Davis. **Vote: 5-0-0**

The Commission indicated that next year, they will grant a three year extension for both Orders.

Mr. Gilby informed the Commission that they were planning to drawdown the lake in late August so they could do some maintenance work on the dam (located on the opposite side of Water Street from the lake). He stated that Cocasset Lake Association maintains the Cocasset Lake dam. They will contact the office when work is to begin.

### **General Business**

- Bill Hocking Memorial Dedication Ceremony - Bob informed the Commission that the Dedication would be held on June 2<sup>nd</sup> at 2 PM at the Sallie property's Main Street parking area.
- Rental Properties – Realtor Chris Kearney of REMax was present to discuss the Commission's rental properties. She explained that she had performed research and found that three bedroom homes in Foxborough rent for around \$1,800/month. She did not go to inspect the properties, basing her conclusions on research only. She would run an ad and do all background checks on potential tenants. Her commission would be one month's rent, after a home is rented.

Bob explained that the Commission would like to keep the tenants they have, but would like to ease them into the going market rate, as approved by Kevin Paicos. Ms. Kearney stated that there would not be a fee if the current tenants chose to stay. The Commission invited Ms. Kearney to visit the properties with Bob and Jane on Tuesday May 29<sup>th</sup> at 10 AM. Bob recommended raising the rent to \$1,000 to start and to offer a one year lease. The Conservation Office will call the tenants to inform them of the upcoming visit.

- Conservation Maps - Jane provided the Commission with samples of maps that her intern (and daughter) Sarah had produced using the office's new ArcView GIS 10 desktop application. Bob asked Jane and Sarah to meet with him on 5/29 to walk the Sallie property and plot the trails (with the new GPS handheld device) so that trail maps could be created to distribute during the Bill Hocking Memorial.

### **New Filings Distributed to Commissioners**

- Request for Determination – 239 East Street

### **Meeting Adjourned**

**Motion** was made by Jim Marsh to close the hearing; seconded by Doug Davis. **Vote: 5-0-0**

The meeting adjourned at 9:39 p.m.

Respectfully submitted,

Eric Nelson, Clerk

Draft minutes submitted by Lee Ann Tavares: 5/31/12

Reviewed by Jane Sears Pierce: 6/3/12 (rev. 6/11/12)

Approved by Commission: 7/17/12

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

#### Attached Documents:

1. Agenda, May 21, 2012

#### Location of Other Documents:

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