

**Town of Foxborough  
Conservation Commission Minutes  
September 10, 2012**

**Members Present:** Robert Boette (Chair), Allan Curtis (Vice Chair), Judith Johnson and James Marsh  
**Members Absent:** Eric Nelson (Clerk), Valerie Marshall, 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.

**239 East Street, Notice of Intent, DEP# 157-505**

Information Reviewed: NOI dated 8/22/12

Bob opened the hearing by reading the legal notice, as posted in the Sun Chronicle. The applicant, Paul Silveira and his representative, David Oberlander of BDO Engineering, were present. Mr. Oberlander describes the proposed in-law apartment and garage. The whole lot is within the 200' Riverfront area. The septic location is dictated by the existing well location. Also, there is a 30' right of way to the home in the rear of the lot. Jane asks that the erosion control be brought in further as this is the limit of work. Drywells are proposed. One needs to be relocated. Fill material will not be stockpiled on site. Material will be carted off or used for slab on grade garage. Any loam left on site will be covered with poly. The back yard drops off to a wooded area. Jim notes concern about the trees being affected by construction. He asked if garage could be moved closer to the right-of-way. New location of one drywell and the erosion control placed 15 feet from foundation and will be shown on a revised plan.

**Motion** was made by Alan Curtis to close the hearing for 239 East Street; seconded by James Marsh. **Vote: 4:0:0**

**52 Neponset Heights Avenue, DEP #157-495**

The applicant was not present, but had requested an extension to September 30, 2012 for project completion. Jane stated that they are planting seeds in the area. She has been communication with homeowner Mrs. Cindy Deng via email. All rip rap has been removed from the water. She presented photos of the area. Judi suggested stabilizing the sides and water's edge with willow whips or dogwood. Both are easy to cultivate. Erosion control mats will be covering the seeds. Bob notes concern about erosion on the property. Bob suggests that Jane put into writing the Commission's concerns and suggestions. The Commission agreed to the extension as requested.

**46 Beach Street, DEP #157-494, Continued Discussion**

Neither the applicant, Larry VanLeer, nor his representative, Bill Buckley, was present. Jane reported that she has not heard from either of them regarding the meeting tonight. Bob stated he had spoken informally with Bill Buckley who stated that he was in agreement with the Commission closing the discussion.

**Motion** was made by Jim Marsh close the discussion concerning a revision on a previously issued Order of Conditions without prejudice; seconded by Allan Curtis. **Vote: 4-0-0**

**Neponset Reservoir Dam**

Jane stated that she had spoken with Bob Swanson regarding removing the boards at the dam and requested to be present when it is done. Bob stated he would also like to be present and suggested a represent from NRRC. It was also mentioned that the weeds need to be cut near the street in front of the Sallie property.

## General Discussion

**East Street** - The Commission discussed a request from Mr. Barbados to meet with the Commission regarding their support/sponsorship a Solar Farm. He proposes to cut 10 acres. Judi was concerned as this is a core biohabitat area. The Commission did not support this project.

**Remote Participation** - Bob read a communication from Kevin Paicos stating that the Board of Selectmen did not authorize Remote Participation.

**NOI vs. RFD** - The Commission discussed Determinations vs. Notice of Intent filings. Jane explained how the filing fees for the Determinations went to the General Fund, unlike the Notices of Intent which go into the Commission's revolving fund. Bob stated he liked to keep it simple and continue with the Determinations. Jim agreed. He suggested adding a condition on the Determination that stated before work begins the applicant must check with the agent.

**Open Space and Recreation Plan** - Jane reported that the State has asked for a revision of the Open Space Plan to include resources. She is working on this using the Town of Shrewsbury's Plan as they have been approved.

**Neponset Reservoir ROA** - Judi stated that she is working on the Neponset ROA and is finding it difficult to comment on. She will have a letter for the Commission to review at the next meeting. She is also meeting with the NRRC on Friday.

## Rental Properties

A warrant article needs to be written with the Town Manager's assistance to obtain a revolving fund for the funds received from the rental properties. The leases for 120 Spring Street and 89 North Street also need to be drafted by Town Counsel. Judi offered to help with the warrant article and recommended that a defense of the article at town meeting include excerpts of the Rental Properties Committee Report (past rental income generated and the maintenance needs of the properties). An explanation about why the Commission's rental home at 87 North Street has deteriorated to the point of needing to be demolished should be included. This deterioration was partially due to a provision in the Lane Property deed, requiring that the 1988 tenant (who lived in the house through 2009) be allowed to continue to occupy the house.

## 239 East Street, DEP #157-505, Order of Conditions

**Motion** was made by Jim Marsh to issue the Order of Conditions for DEP #157-505, 239 East Street, pending receipt of a revised plan showing (1) the relocation of one drywell, (2) the erosion control placed 15 feet from the proposed foundation, and (3) the condition that no stockpiling of fill is allowed; seconded by Judi Johnson. **Vote: 4-0-0**

## Minutes

Eric Nelson was not present so the minutes will be approved at the next meeting.

## Permit Extension Act

Jane informed the Commission that the Permit Extension Act was extended another two years.

## Meeting Adjourned

**Motion** was made by Jim Marsh to adjourn; seconded by Judi Johnson. **Vote: 4-0-0**

The meeting adjourned at 8:58 p.m.

Respectfully submitted,

Eric Nelson, Clerk

Draft minutes submitted by Lee Ann Tavares: 10/16/12

Approved by Commission: 10/22/12

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

### Attached Documents:

1. Agenda, September 10, 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