

**Town of Foxborough  
Conservation Commission Minutes  
November 5, 2012**

**Members Present:** Robert Boette (Chair), Allan Curtis (Vice Chair), Douglas Davis, James Marsh and Valerie Marshall

**Members Absent:** Judith Johnson, Eric Nelson (Clerk)

**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 Lower Level Meeting Room, at 7:00 p.m.

**Public Comment Period**

**Bow Hunting on Hersey Farm Property**

Mark Thurston, 304 Elm Street Mansfield, a bow hunter was present to discuss the possibility of bow hunting in a section of Hersey Farm. He presented photos taken by his wildlife camera on the property. He stated that there was a concentrated deer population and asked to hunt in the swampy area. Jane added that bow hunting was not a bad idea in certain areas.

Val voiced concern about the proximity to Rte. 140 adding that there are disc golf courses and trails through those woods that are used by many kids. She is familiar with the area as she and her husband walk there. Mr. Thurston said he would be in the swamp area and a legal distance from Rt. 140 and where the children walk. He added that the shooting range is approximately 35 yards at its farthest. Jane suggested issuing permits. This topic will be on the agenda for the next meeting.

**East Belcher Road Compost Facility Operation**

Andy Felix, Tree Tech was present to discuss possible expansion and wetlands filling at the facility. Mr. Felix stated that the RFP had an incentive to come in and run the facility to save the Town money. He added that doing just that would not be worth it so the “carrot on the stick” was the ability to run a business as well. The logging area is in question as being outside the original approved area. Jane said that an area designated as not to be filled is now filled. Mr. Felix said the original plan was not clear. He said they built a berm to protect the wetland. Bill Grieder, Planning Board member gave a history of the project adding that the original permit was for only six months and has now expired. He said he was not against the operation as it was well run but it needs to go through the permitting process. Mr. Grieder said that the Planning Board also thought the work area was larger than what was approved. Bob asked about the as-built plan and Mr. Felix stated that he was told by Bay Colony that due to the hurricane the plan would not be ready for the Planning Board meeting on 11/8.

Val said that they were approved for the pad and no other work within the wetland. If they wanted to do more they would have to come before the board. Mr. Felix described the area as having been cut out for fill used to cap the landfill. He said he installed a drainage pipe where the water was coming in. Mr. Felix said he had no idea that there were wetlands on the property. He said only two areas were clearly wet and they had bermed one area to protect it.

Bob said he had no problem with the area and is there frequently it is well run but the footprint has expanded. Val said there was a plan that showed where work can occur. Mr. Felix thought they could fill one area as long as it was replicated. Jane stated that during a previous discussion with Planning and Bob Swanson, expansion of the project was discussed and she informed them that additional work would have to come before the Commission.

Bob asked where the trees/logs were coming from. Mr. Felix stated they were not from infested areas. Allan said that the logs were beyond the original area but did not see any damage being done by the operation. Doug said that the Spring Brook area has been completely compromised over the years.

The as-built plan is needed to identify any expansion or filling. Mr. Felix stated that there was not any standing water in the log area. He said they did not want to go into the wetland area because they wanted to avoid the need for replication. They went into the hill to expand the drop-off area. Mr. Felix said he would not be ready for the 11/8 Planning Board meeting. Area closes in 12/1 for the season. No more logging on the site until everything is resolved. Need to get the permit squared away. Val stated that she could see why there was confusion. One area on the submitted plan said "fill area."

No more trees allowed until Planning Board approval. Any expansion will require a Notice of Intent with the Commission. Mr. Felix stated that they ran into conditions they did not expect and modified on the fly. Jim stated it was a miscommunication and finds too many inconsistencies. He explained that the Commission is here to see that the resource areas are protected.

Mr. Grieder said that they have to do things to the letter of the law. This operation is a benefit to the Town but he wants to see the as-built. They may have an opening on the Planning Board meeting on 11/28. The Commission meets on 11/26. Mr. Felix stated that he hates to be thought of as one who is taking advantage. He will bring in the as-built as soon as it is available.

### **Minutes**

The Chairman stated that due to Eric's absence, minutes will be reviewed/approved at the next meeting.

### **Discussion Re: Wetland Violation - 92 East Belcher Road**

Jane described her recent visit to 92 East Belcher Road, as Bob had asked her to do. Upon her arrival at the property she observed heavy equipment in the buffer zone, adjacent to the wetland. Jane explained that excavation work was being performed next to a stream, possibly perennial, that began somewhere above the capped landfill, when then ran around the landfill, and eventually downhill through the property. She noted that the stream's water was exceptionally clear.

Jane met with the homeowner, Mrs. Tanya Hannon, who told her that they wanted to have horses on the property someday, informing her that her husband had been clearing the site. Rather than issuing a formal cease and desist order, Jane told the homeowner that no further work could be performed near the stream and wetland, directing her to have the excavator moved away from the wetlands.

Jane reviewed her Manager's Report with the Commission, including before and after photos of the drainage area next to the street on the west side of the property. She said that when she spoke to Mark Hannon that afternoon, he had claimed to have an agricultural exemption for the work. Jane explained what would be required to qualify for an agricultural exemption and informed him that his property would not qualify.

Mr. Hannon informed Jane that he had installed straw wattles and repaired the silt fencing during the weekend, and was eager to complete the work, since the excavator was rented. He wanted to remove the stockpiled materials (scraped up dirt and pucker bush) and move rocks out of the drainage ditch and spread them around.

Jane reviewed aerial photos of the site with the Commission, point out the area that had been altered. The Commission estimated that an area roughly the size of a football field had been altered. They had a discussion about requiring the homeowner to restore the area. Jim recommended issuing a cease and desist order.

The Commission instructed Jane to draft a cease and desist/restoration order for the homeowners. The order should (1) instruct the homeowner(s) to attend their November 26 meeting, and to (2) draft and bring one plan describing the work that had been performed, and (3) one plan describing how the area would be restored. Jane was asked to issue the order, which would then be discussed by the Commission on November 26.

### **Request for Partial Certificate of Compliance, 13 Montgomery Way, Lot 6 DEP 157-420**

**Motion** was made by Doug Davis to issue a PCOC for Lot 6, 13 Montgomery Way ONLY for DEP #157-420; seconded by Allan Curtis. **Vote: 5-0-0**

### **Oak Street/Lincoln Hill Camp**

Jane described the site as a beautiful area with eskers, wetlands, and a probable vernal pool. She stated that she researched the old minutes and included transcript excerpts of them regarding Lincoln Hill in her Manager's Report.

Bob stated that he had talked with Town Manager, Kevin Paicos, about the sale of the property. Mr. Paicos said that he would replace lost acreage. Five 60,000 square foot lots are proposed. Doug wants to see the property that would replace this one. Jane suggested the area behind the capped landfill; she believed it would be a great piece of conservation land since it contained vernal pools and Blanding's turtles and is adjacent to marbled salamander habitat.

Val noted her concern about the wells in the area. Bob stated that the Water Commissioners did not have any problem with selling the lots. The Commission could receive some cash from the sale.

Doug wanted to see which property would be swapped. Val was concerned about the Town's drinking water well. Al suggested reconfiguring the lots and providing access and parking for the back area and using cash from the sale to fix the Fairbanks house. This will be on the 11/26 agenda.

### **Conservation Rental Property Discussions**

Jane reported on the demolition/burning of the Lane house. She said that according to the Fire Chief they would burn it down, but needed a written request from the Commission and an inspection and report by a DOS licensed and certified asbestos abatement contractor on whether there was asbestos in the house.

Val asked when the Commission had decided to burn the house. Doug expressed concerned about burning it as it is on the edge of the pond. Bob said that he tested window sills for lead paint using a lead paint test kit but did not find any. Money is needed for the demolition. No trespassing signs need to be put up. The Commission will let the Town Manager decide how to proceed.

### **Meeting Adjourned**

**Motion** was made by Valerie Marshall to adjourn; seconded by Jim Marsh. **Vote: 5-0-0**

The meeting adjourned at 8:57 p.m.

Respectfully submitted,

Eric Nelson, Clerk

Draft minutes submitted by Lee Ann Tavares:

Approved by Commission: 11-26-12

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

#### **Attached Documents:**

1. Agenda, November 5, 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