

**Town of Foxborough
Conservation Commission Minutes
October 20, 2014**

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

Members Absent: Douglas Davis

Staff Present: Jane Sears Pierce, Conservation Manager, and Diana Gray, Land Use Secretary

Others Present: See attached sign-in sheet

Meeting Opened

Bob Boette opened the meeting, held in the Boyden Library, at 7:00 p.m.

Camp Lincoln Hill, Oak Street - Joint meeting with Recreation Board

Recreation Board Chairman Heather Harding attended the meeting to update the Commission on the Oak Street Lincoln Hill property. She said that the DPW will be capping the swimming pool, as the Boy Scouts' representative pointed out that it created a liability since it wasn't completely filled in. The DPW will fill and compact the area; Town Planner Sharon Wason will look into getting excess materials from the Payson Road project to fill the pool. A lot of overgrowth in the pool area will need to be removed first. The Boy Scouts are interested in building an outdoor amphitheater on the property that could be used by all. The Jaycees will be helping with the clean-up also.

Ms. Johnson noted that there is also a structure near the pool and a well/hole that is covered with plywood that should be filled in, too.

There should be another joint meeting after the area has been cleaned to discuss plans and grants for the camp.

Recreation Director Deb Giardino stated that they will be starting a new nature program for adults and kids, adding that Ms. Pierce has agreed to help instruct the volunteers.

Ms. Marshall indicated that she would like to celebrate Earth Day with a poster program. She volunteered to be the Commission's Recreation liaison and will try to meet monthly with Ms. Harding.

Minutes

The Commission reviewed the minutes of September 15th and September 29th.

Motion was made by Ms. Marshall to approve the minutes of September 15, 2014 as amended; seconded by Ms. Johnson. **Vote: 6-0-0**

Motion was made by Mr. Nelson to approve the minutes of September 29, 2014 as submitted; seconded by Mr. Curtis. **Vote: 5-0-1** with Ms. Marshall abstaining.

Community Way - Wyman Village, Proposed 40B

A new layout was recently submitted for the roadway, which moves the roadway further away from the vernal pools at the center of the site.

Ms. Pierce informed the Commission that she had been asked to give a PowerPoint presentation at the next Zoning Board meeting to explain vernal pools and how to protect them.

General Business

Neponset Reservoir Dam - Mowing of the dam still needs to be done.

Cocasset River Park – Dr. Jim Green informed the Commission that computer parts and trash need to be removed from the area.

Lakeview Pavilion - The Commission has been invited by the owners to attend their groundbreaking ceremony on November 6th at 10:30 a.m. RSVP to them directly if you are interested in attending.

Master Plan Section 5 - The Commission's response letter is still being worked on.

Willow Street Camporee - A letter was received from the Boy Scouts, who recently held their Camporee at the Willow Street conservation area, with 300 attendees. Ms. Johnson stated that they did a good job managing everyone coming and going but they did not put flyers in the area's residents' mailboxes, as requested.

0 Camp Road, Restoration Order

Ms. Pierce and Mr. Boette recently visited the site with property owners, Mr. and Mrs. Puzin (in attendance at the meeting), to see the newly constructed stone retaining wall and filled area near the picnic table. While on-site, they had asked the Puzins to remove the newly placed dirt from around the trees by hand, which the Puzins reported had now been done. The ditch, which the abutter reported to have been newly dug, appeared to have been there for quite some time.

Ms. Pierce had drafted a Restoration Order for the Commission to review. Ms. Johnson suggested adding a condition that the rocks and marble at the boat ramp should be removed from the water.

Per the Restoration Order, the Puzins will need to hire a consultant to prepare a restoration plan. They will have until the Commission's meeting on November 24th to present a stabilization plan and a Resource Area Restoration Plan. A copy of the draft Restoration Order, with the meeting's amendments, was given to the Puzins; a final copy would be signed during the next meeting.

Conservation Rental Properties Discussion

Town Manager Bill Keegan, DPW Director Roger Hill and Finance Director Randy Scollins attended the meeting to discuss the Commission's 10 Fairbanks Road property.

Mr. Keegan explained that a plan to take down the building is being worked on. Mr. Hill had estimated that the cost of demolition would be around \$19,000 but when he asked for bids they came in around \$50,000, since the cost of disposal is high. Other alternatives include asking the adjoining owner if they would be interested in the building or having the building taken down "in house" and removed over time.

The Commission is concerned that the building needs to be closed up, but Mr. Hill stated that it would be very difficult to put plywood over the windows as they would need to be lagged to the masonry around the windows. Ms. Marshall stated that it is a liability to the Town to leave the house open, from the possibility that someone could get hurt.

The cesspool is dry but the property needs to be checked for asbestos. Mr. Hill is hopeful that the building can be taken down by the end of October. The Commission noted that the Historical Commission and the Building Department would need to sign off on the permits.

In regards to 89 North Street, Mr. Keegan explained that he met with the current renters, who would like to stay until the end of their lease (June 30, 2015). They are willing to assume responsibility for some of the repairs and the maintenance of the property. He was informed by Bill Yukna that it would take too much money to fully repair the property as it needs a new roof and there is a lot of associated rot with the resulting water damage.

The Commission asked if the CIP funds that were earmarked for 89 North Street could be used for 120 Spring Street, instead, if the intent is to take down the 89 North Street property once the tenants leave. Mr. Scollins stated that this would require a vote at Town Meeting.

Motion was made by Ms. Marshall to approve the demolition of 10 Fairbanks Road as recommended by the DPW Director; seconded by Mr. Nelson. **Vote: 6-0-0**

70 Beach Street, Request for Determination

Mr. Boette opened the hearing by reading the legal notice, posted in The Foxboro Reporter. The Commission met with Mark Bergeron who is the representative for the owners at 70 Beach Street. They would like to put a deck on the rear side of the house which would be approximately 55 feet from the top of the Neponset Reservoir's bank. Holes for the sonotubes will be hand dug.

Motion was made by Ms. Johnson to close the meeting for the RFD at 70 Beach Street and to issue a Negative Determination; seconded by Mr. Curtis. **Vote: 6-0-0**

93-95 Main Street, ANRAD, DEP #157-526

Mr. Boette opened the hearing by reading the legal notice, posted in The Foxboro Reporter. The Applicant, Mike Ferrone of Briarwood Construction, and his representatives Lauren Hastings and Briscoe Lang of PARE Corp., were present to review their ANRAD for 93-95 Main Street.

Ms. Hastings reviewed the wetland delineations for the site, a 16.7 acre parcel, which included three separate wetland areas. Ms. Hastings met Ms. Pierce and Mr. Boette on the site on October 14th to review the wetland flags. At that time, Ms. Pierce indicated that several flags in the area of flags A-18 and A-35, needed to be moved inland. After she had reflagged the area, Ms. Pierce met with Ms. Hastings again on October 16th to review the revised wetland flags; Ms. Pierce agreed with their revised locations. A revised ANRAD plan was submitted to the Commission during the hearing.

During their October 14th site visit, Mr. Boette found a catch basin underneath a sheet of plywood at the southern end of the site's potential vernal pool. Ms. Pierce had asked about previous filings for the site, wondering if the area had been constructed as a detention basin. In her Manager's Report for the 10-20-14 meeting, she included excerpts of Ms. Hastings' email, which stated: "Regarding historic uses on the site: Bill [Buckley] indicated that an Order of Conditions was issued in the 1980s to develop that entire site as a commercial development. We are not sure if the catch basin in the C-series wetland was a part of the site improvements approved for that use."

Ms. Hastings reviewed some historical photos of the site, showing that it was disturbed in the past and now has some man made features. She indicated that there was an application made in the early 1980's, but the owner passed away and the work was never completed. Abutters remembered the proposed project, stating that the developer's name was Neil Ferguson.

The Commission indicated that they would need to look at earlier filings for this site to determine whether the catch basin had been approved. The applicant's representatives didn't object to reviewing earlier filings.

Ms. Hastings had originally considered the area to be a "pond" when she delineated the area in May, but based on recent site visits had changed its classification to "Isolated Land Subject to Flooding."

Ms. Pierce explained that while visiting the site on October 14th and 16th, she had found biological evidence (cases of caddisfly larvae, and shells of freshwater clams and amphibious, air-breathing snails), so she believed that the area was a certifiable vernal pool. She advised that according to the Mass. NHESP's July 2009 "Guidance on the Field Identification of Vernal Pools when Dry," the area should be re-visited in the spring to collect documentation to certify the pool.

Curt Fauth of 10 Shea Lane commented that the area was usually full of water and it is unusual that it is dry like it is now.

Brian Doherty of 91A Main Street commented that the pond is usually drier in the fall.

Bob Wenmark of 14 Shea Lane stated that there is more fauna in the spring that is not visible now.

Mr. Lang stated that they were not looking to certify a vernal pool at this time, they were asking for approval of the wetlands' delineations and classifications, adding that Mass. NHESP certifies vernal pools. They have now classified the wetlands as Isolated Wetlands (A series), Bordering Vegetated

Wetlands (B series) and what was formerly thought of as a pond, but is now Isolated Land Subject to Flooding (C series). Ms. Pierce asked Mr. Lang to update the submitted ANRAD form to show the changes, since the submitted form only indicated that BVW and Isolated Freshwater Wetland were delineated. Mr. Lang hand wrote/added “bank, +/-500 LF, Area C” to the ANRAD form.

Mr. Doherty claimed there used to be a stream across the property behind his house at one time and was concerned about where the water would go, asking if a perc tests had been done. In response, the Commission state this would be part of the subdivision process, but not required for this filing.

Jeremie LeClair of 9 Glenwood Ave noted that low lying areas near his home are not delineated on the map and are wet sometimes.

Richard DeCoste showed the Commission some drawings he had made of the site with his input.

Mr. Lang noted that the site had not been engineered yet, explaining that they are just asking for a wetlands determination this evening and would like the hearing to be closed.

Mr. Fauth asked to have the potential vernal pool reassessed in the spring.

Ms. Pierce explained that vernal pools are best protected under the Town’s Wetland Bylaw if certified; a determination of whether the ILSF (area C) was a certifiable vernal pool could be made both before a Notice of Intent was filed, or during the NOI hearing process. She asked abutters to listen for wood frog chorusing during March/April, and to let her know if this chorusing was heard.

Motion was made by Ms. Johnson to close the Public Hearing for the ANRAD at 93-95 Main Street, DEP #157-526; seconded by Mr. Curtis. **Vote: 6-0-0**

Regulations to Foxborough’s Wetland Bylaw (Article IX)

Motion was made by Ms. Johnson to continue the Public Hearing for the Regulations to Foxborough’s Wetlands Bylaw to November 10, 2014; seconded by Mr. Nelson. **Vote: 6-0-0.**

Meeting Adjourned

Motion was made by Mr. Nelson to adjourn the meeting; seconded by Ms. Johnson.

Vote: 6-0-0

The meeting was adjourned at 9:30 p.m.

Respectfully submitted,

Eric Nelson, Clerk

Draft minutes submitted by Diana Gray: 10/29/14

Approved by Commission:

Documents, Not Referenced Above

Attached Documents:

1. Agenda, October 20, 2014
2. Meeting Sign In Sheet

Location of Other Documents:

3. Manager’s Report, filed in Manager’s Report binder in the Conservation Office.
4. Referenced projects’ documents: please see Conservation Commission’s project file