

**Town of Foxborough
Conservation Commission Minutes
July 14, 2014**

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 Diana Gray, 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.

Payson Road Athletic Fields, Request for Determination of Applicability

Mr. Boette opened the meeting by reading the legal notice, as posted in the Sun Chronicle and the Foxboro Reporter. The Applicant, which is the Town of Foxborough, was represented by Bill Buckley of Bay Colony. Mr. Buckley reviewed the proposed project for Phase II of the Payson Road Recreation Complex. A Site Plan Approval has been received from the Planning Board to expand the Tot Lot and to pave a portion of the lot. The current driveway which is 12 -15 feet wide will be replaced with a 6 foot wide walking path which will be handicap accessible. The remainder will be replaced with grass. A multi-purpose field will also be created as well as an access drive and sidewalk to the concession building which will be paved. A paved concrete pad of 40' x 20' will be installed for the pavilion; it will be covered at a later date. There will be a drain swale at the end of the lot and a gravel path around the top of the lot and around the baseball fields. The fence and existing berm will be a barrier to the wetlands.

Mr. Boette asked if there would be more runoff from the parking lot to the wetlands and the pond. Mr. Buckley stated that a water quality swale will be installed with pipes under the path to drain to the wetlands.

Ms. Pierce noted that she has spoken with Dave Laliberte in regards to the type of seed mix to be used; it will be a wildlife mix with Reed Canary grass on the swales. Mr. Laliberte is also open to suggestions if that is not acceptable, Ms. Pierce will check with Ms. Johnson.

Ms. Marshall asked if the gravel path will be handicapped accessible. Mr. Buckley stated that it is a densely graded crushed stone that will be handicapped accessible. She also asked about drainage on the upper path. Mr. Buckley feels that the existing leeching pits will be able to handle the path and field drainage. Ms. Pierce asked about the fertilizer getting into the wetlands. The leeching pits don't drain directly into the wetlands so this shouldn't be an issue.

Mr. Davis asked about the hill near the basketball court. Mr. Buckley explained that there are no changes proposed as this is the area of the capped landfill. Planning Board member Gordon Greene noted that permission is needed from the EPA for any proposed changes in that area.

Mr. Marsh asked when this work will be done. Mr. Buckley stated that it will begin in August and hopefully be completed by November 15th.

Motion was made by Doug Davis to close the meeting and to issue a Negative Determination (#3 and #6) for the RFD for Payson Road Athletic Fields; seconded by Jim Marsh. **Vote: 5-0-0**

Union Street, DEP #157-522, ANRAD

This hearing needed to be continued as the abutter notices were not sent out by the Applicant. Mr. Boette opened the meeting by reading the legal notice, as posted in the Sun Chronicle and the Foxboro Reporter.

Motion was made by Jim Marsh to continue the hearing to July 28, 2014; seconded by Doug Davis. **Vote: 5-0-0.**

45 Lakeview Road, DEP #157-523, NOI

The Applicants, Anastasia Tsoumbanos and Natalia Kapourelakos, were present and represented by Bill Buckley from Bay Colony Group. Mr. Buckley explained that this application is for the reconstruction of the Lakeview Pavilion which burnt down earlier this year. The property is 3.9 acres; the existing parking area will not change. The new building will be in the same location as the old, but with an expansion of 20 feet into the parking area. Mr. Buckley explained there was a proposal in 2009 to square off the building that was never done but will be part of the new building. They will also replace the landscaping that was lost in the front of the building and rebuild the deck on the back. The septic in the front yard was just repaired last January and will be reused. They have received permits from the Zoning Board and the Planning Board. Mr. Buckley noted that the concrete on the side of the building will be replaced with grass and a concrete path; this will be used for deliveries. The back will have a patio with pavers and additional pavers near the gazebo. They would like to expand the corner of the deck a couple of feet but will use the existing posts and cantilever the deck to support it, they anticipate no further impact to the wetlands. There are five pine trees near the deck extension that will be taken down, as well as one large oak tree near the proposed delivery area.

Mr. Davis asked if the kitchen had a separate septic system. Mr. Buckley explained that there used to be two but they were combined into one. Mr. Buckley also explained that the clean roof runoff will be directed to an underground infiltration system to recharge into the ground with any overflow going to the culvert. They will be bringing the grading down six to seven feet near the delivery area and it will be tied into the drainage system.

Ms. Pierce asked if they have received permits from the Board of Health (BoH) yet and was informed that it has not been approved by the BoH yet.

Ms. Marshall asked about the runoff from the parking area, Mr. Buckley stated that no changes are proposed at this time. Ms. Pierce asked if there was any inexpensive ways to treat the parking lot runoff; Mr. Buckley stated there were not due to the steep land in the area.

Mr. Boette asked about emergency water access. Mr. Buckley noted that there are not good fire hydrants in the area but the town has plans to redo the pressure district once the Main Street water tank is abandoned. They will be upgrading the water line from a 6" to a 12" pipe down Main Street and Lakeview Road but this will not be done until next spring at the earliest. The facility will be done before that time so their options right now are to install underground tanks with 30,000 gallon fire pumps or install a temporary system with generators and pumps that would draw from the lake. Ms. Marshall asked if the runoff water could be used to fill the tanks. Mr. Buckley explained that the tank is only filled once. The price to install the temporary system could be substantial if they have to rent it for a long period of time and it could be a problem over a winter so they will probably go with the underground tanks.

Ms. Marshall asked about the plantings along the slope. Mr. Buckley stated that there is no landscaping plan yet, but he would accept a condition that they bring it back once it is created. Ms. Pierce commented that ferns and native plants such as blueberries and sweet peppers could be used to help stabilize the slope. Mr. Boette asked that the stumps from the pine trees to be taken down not be removed as it would compromise the stability of the slope.

Ms. Pierce noted that she would like to see parking lot drainage mitigation. Mr. Curtis asked if rip rap could be used for the parking lot's storm water. Mr. Buckley stated it could be possible if they can go into the 25 foot no disturb zone or right up to the 25 feet. He will work on a barrier at the curb cuts.

Mr. Buckley will not be available for the next meeting of the Board but will provide information for the hearing.

Motion was made by Doug Davis to continue the hearing for DEP #157-523, 45 Lakeview Road to July 28, 2014; seconded by Jim Marsh. **Vote: 5-0-0**

3 King Philip Place (Lot 4A), DEP #157-519, NOI, Foxborough Gables, LLC

The builder, John McCarthy was present as well as Engineer Niles Zager of Outback Engineering. Mr. Zager explained that this is a subdivision that was approved in 2005. They are proposing to build a single family house with a septic system in front. The 25 foot no touch zone will be maintained and roof drains will be used. They will minimize the area to be disturbed by using R36 chambers and will use sand instead of stone. This home will also have a patio area. They are looking for finish up this subdivision as there are only a few lots left.

Mr. Davis asked about the cul tec system. Mr. Zager explained the system.

Ms. Pierce noted that the Order of Conditions for the subdivision has expired. An As-Built of the subdivision's infrastructure is needed for Certificate of Compliance to close the expired Order; Conservation information could be included on that or a separate plan could be prepared.

Motion was made by Doug Davis to close the hearing for DEP #157-523; seconded by Jim Marsh. **Vote: 5-0-0**

8 King Philip Place (Lot 8), NOI, DEP #157-520, Foxborough Gables, LLC

The builder, John McCarthy was present as well as Engineer Niles Zager from Outback Engineering. This application is for a single family home with an in-ground pool and pool house within the 100 foot buffer. Roof drains will be used and the driveway will be away from the resource area and erosion control measures put in place. The pool house will be 40 – 45 feet away from the 25 foot no disturb zone.

Ms. Pierce noted that she could not find the flags in the back of the property where the DEP wetlands are. She also asked if the ridge is different than what is on the plans currently. Mr. McCarthy noted that the flags may have disintegrated. Ms. Pierce is concerned with the impacts to the wetlands and asked that the flags be reset or pulled back to the work line. The silt line could be pulled closer to increase the buffer.

Mr. Zager will provide the requested information. A draft Order on Conditions will be prepared for the next meeting.

Motion was made by Val Marshall to continue the hearing for DEP #157-520 to July 28, 2014; seconded by Al Curtis. **Vote: 5-0-0**

Access Road off Route 140/108 Washington Street, NOI, DEP #157-521

Mr. Dan Krantz was present as well as Atty. Peter Tamm, Engineer Mr. Craig Lizotte and Environmental Consultant, Ms. Amy Green. Mr. Krantz explained that this application is to improve traffic by relieving congestion on Route 1. They met with the Planning Board last week where traffic was a major concern. The employee parking is being moved from the lots in front of the stadium to these two lots. There will be a total of 1,100 to 1,200 parking spaces created for Gillette employees coming from the south. They also have a future plan for employees coming from the north. Ms. Green noted that the 119 Washington Street parcel is out of the buffer zone and is not part of the NOI.

They have filed a MEPA Notice of Project Change (NPC) as the turn from the driveway was moved from one side of the former MOM's land to the other. Since filing the NPC, wetland impacts have been reduced. As part of the wetlands mitigation they have created additional vernal pool habitat upland and will day lighted the stream by removing a culvert under the current access easement to the Town's well.

Mr. Boette asked if there is existing pavement in the former parking area for the old restaurant at the site, adjacent to the proposed gravel parking lot. Ms. Green noted that there is previous pavement in the area, but it is broken up. Mr. Lizotte quickly calculated the old pavement area to be 1,500 sq. ft.

They would like to consolidate the basins to the existing basin to minimize the direct impact.

Mr. Lizotte explained the stormwater and design intent. The driveway will be off of Route 140 and will be a 24 foot paved road. They will be treating the driveway's stormwater with a gravel wetland, since it will be in the Zone II (stormwater calculations require first 1 inch of runoff instead of 1/2 inch). The groundwater is at grade so no detention basins are proposed. The Mass DOT drainage easements outlets will have rip rap plunge pools. They moved the turn in the road from one side of the MOM property (108 Washington Street) to the other and will be removing the existing gravel access road to the Town wells and restoring the area. They will be rebuilding MOM's detention basin to address the 2008 stormwater management revisions and since seasonal high groundwater is high, they will be replacing it with a gravel wetland. They have received comments from the Planning Board's Engineer and will be addressing his comments. The water department needs access to their well field in the area.

Mr. Davis asked about the gravel wetland BMP and how it would be maintained. The invasive species and sediment will need to be cleaned out periodically; Kraft already has a program to keep their BMPs cleaned and maintained. Mr. Lizotte noted that it will not be getting as much road salt and sand as it will not be used all the time. The driveway will be paved, the parking area will be gravel, the grass will be mowed and pine saplings will be used for re-vegetation along the disturbed sides of the driveway. The parking area will have 630 parking spaces and the grade will be changed by 10 feet with a sediment forebay to an infiltration basin. This is being added because they are adding pavement and impervious surface and removing trees, which will change the site's rate of the runoff.

Mr. Davis asked if the broken up old pavement could be removed. Ms. Green noted that trees have grown up in the area and would be disturbed if it is all removed. Chunks could be removed but it may cause more harm than good.

Ms. Pierce stated that the lot is proposed to be used up to fifteen times a year and asked if pervious pavement could be used for a smaller detention area. Mr. Lizotte stated that the DEP does not allow pervious pavers in critical areas.

Mr. Davis asked about lighting. The parking lot will only be lit when in use and not otherwise; they will use cutoff shields. There will be multiple gates to the lot, so lighting when not in use will not be necessary. He also asked if there are any plans for the MOM building. They do not have a proposed use at this time.

They will be meeting with the Board of Water and Sewer Commissioners on July 21st to discuss the Town well area.

Mr. Davis asked about the existing lot on Route 1 and if the area will be fenced and was told that that area will be barricaded off with barriers and fencing. A Cape Cod berm will be used so wildlife will not be impeded from crossing the area.

Ms. Pierce asked if the abutting self-storage property had any concerns. There will be no impact to their property. She also noted the concerns she brought up in her Manager's Report. Ms. Green stated that she has addressed those concerns.

Mr. Marsh asked if Patriots Place employees would be allowed to use this lot. Mr. Krantz stated that they have their own parking area; this lot will be for stadium employees only and they will have staggered entrances and exit times.

There are still technical issues to be addressed.

Motion was made by Doug Davis to continue the hearing for DEP #157-521 to July 28, 2014; seconded by Al Curtis. **Vote: 5-0-0**

Regulations for Foxborough's Wetland Bylaw (Article IX), Continued Hearing

Motion was made by Valerie Marshall to continue the hearing for the Regulation for Foxborough's Wetland Bylaw (Article IX) to July 28, 2014; seconded by Al Curtis. **Vote: 5-0-0**

Other Discussions

- The Management Plan for the rental properties will be reviewed at the next meeting.
- There was a roof leak at 89 North Street; the fire alarm came off the wall due to the recent rain.
- The ZBA has forwarded a plan for a proposed 40B on Community Way. Ms. Pierce distributed a draft response to be discussed at a future meeting.
- Ms. Pierce had prepared an Income Comparison for the rental properties.

Meeting Adjourned

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

The meeting adjourned at 10:10 p.m.

Respectfully submitted,

Eric Nelson, Clerk

Draft minutes submitted by Diana Gray: 7/28/14

Reviewed by Jane Sears Pierce: 8/26/14

Approved by Commission: 9/29/14

Documents, Not Referenced Above

Attached Documents:

1. Agenda, July 14, 2014
2. Meeting Sign In Sheet

Location of Other Documents:

3. Manager's Reports (2), filed in Manager's Report binder in the Conservation Office.
4. Referenced projects' documents: please see Conservation Commission's project file