

**Town of Foxborough
Conservation Commission Minutes
July 28, 2014**

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

Foxborough Boulevard and Constitution Way 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. Frank Lahey represented the applicant, Communications Construction Corp. on behalf of Comcast. Mr. Lahey explained that they need to dig a trench in an existing utility easement behind Foxborough Furniture on Foxborough Boulevard. It will be a 6” to 12” trench approximately two feet deep. They are planning to backfill the ditch after every 20 feet and then loam and seed; all on the same day. He expects it will be left in as good or better condition. He will use silt fencing in the area closest to the wetlands. No manholes are proposed, but small “hand holes” might be used.

He has already spoken with Ms. Pierce about moving the silt fencing as work progressed.

Ms. Pierce noted that the area crosses a brook near the shopping plaza. Mr. Lahey stated that they would hand dig the trench in the areas that are next to the brook.

Motion was made by Val Marshall to close the meeting and to issue a Negative Determination (#3 and #6) for the RFD for Foxborough Boulevard and Constitution Way; seconded by Judi Johnson. **Vote: 4-0-0**

Land Management Report Update

The Commission reviewed the Property Management Sub-Committee’s Report Update. In regards to 89 North Street, the Report’s Options, they need to be rearranged so that the Interpretive Center option is listed first and the Continued Use as a Rental Property option is listed second. Ms. Marshall will make the necessary edits.

It was noted that the Historical Commission closed up the Fairbanks Road house after it had been vandalized with a cinder block thrown through the downstairs sliding door. No definite use has been proposed for the Fairbanks Road property at this time. The Commission discussed having the local Vocational School use this as a project house, but Mr. Boette reminded the Commission that the School had indicated that the remote location would use a lot of their students’ limited time, just getting to the property. A meeting with the Historical Commission will be set up and then the Sub-Committee will report back to the Commission.

The house at 89 North Street is in dire need of repairs. The current tenants, the Groves, attended the meeting to explain their concerns and the work that needs to be done. The roof is their biggest concern, since the ceiling on the second floor is starting to collapse because of the leaks and the water damage has also caused mold. They would also like the property to be insulated, since they spent a considerable amount of money on oil last year, even though they kept the temperature at 60 degrees. If the Commission would like them to do some of the work, explaining that they have people at their church that could help them. They asked the Commission for a reduction in their monthly rent, until the necessary repairs have been completed.

Mr. Boette appreciated their offer but was not sure whether the Town regulations would allow them to do the work, so the Town Manager would need to be consulted. Ms. Marshall asked if the property would qualify for an energy audit by their power company. Mr. Boette advised that he had attended their recent MassSave house audit, but the only thing they received from an audit was new light bulbs. Since the Groves applied to Self Help for fuel assistance last year, MassSave would not perform a complete energy audit. Ms. Pierce explained that Ms. Tavares had called MassSave and Self Help numerous times to try to get their assistance, but both organizations claimed that the other was responsible. The Commission thinks that MassSave should be asked again.

The roof will be approximately \$6,000 to \$10,000 to be replaced. Three quotes are needed to get the work done, so the Commission asked Ms. Pierce how many quotes had been received and how to procure the CIP funds that were granted for the house repairs. Ms. Pierce stated that she would check the roofing quotes that had been received. When the Report Update has been finalized, she will schedule a meeting time for the Sub-Committee to review it with the Town Manager.

Union Street, DEP #157-522, ANRAD Hearing

Ms. Marshall read the legal notice, as posted in the Sun Chronicle and The Foxboro Reporter. Lauren Hastings of PARE Corp. represented the applicant and submitted the abutter notification Certified Receipts for this hearing. This is an undeveloped wooded lot on Union Street; Ms. Hastings verified the wetland boundary and defined the wetland and an intermittent stream on the property. She met with Ms. Pierce and walked the site on July 10th; Ms. Pierce noted that she agreed with the wetland line, as delineated. The applicant indicated that they will be coming back with house and septic plans, but the first step is to verify the wetlands.

Abutter Brad Pond of 17 Union Street asked to see a copy of the plan, but had no comments.

Motion was made by Judi Johnson to close the hearing and to approve the Order of Resource Area Delineation, as drafted, for the submitted plan; seconded by Doug Davis. **Vote: 4-0-0.**

45 Lakeview Road, Lakeview Pavilion, DEP #157-523, Continued NOI Hearing

The applicant, Anastasia Tsoumbanos, and Patty McCarthy Serpis attended the continued hearing. The applicant's representative, Engineer Bill Buckley, had submitted revised plans that included a water quality barrier along the edge of the parking lot's pavement to slow stormwater runoff and let sediments settle out. Ms. Tsoumbanos explained that there has been no decision on what type of fire suppression system will be used yet, but the Commission will be notified if they propose to use the lake as a temporary water source.

The Commission discussed the need for an Operation and Maintenance Plan for the catch basins, which could be included as a condition of approval. Conditions are also needed for the mitigation planting plan for the slope next to the lake, to be received by March 2015, and that the cut pine trees' stumps will be left in place (which is already noted on the plan). They are hoping to open the rebuilt Pavilion by the fall of 2015. The Commission would like the slope's mitigation planting work completed by November 2015. If the lake is to be used as part of the temporary fire suppression system the applicants will have to come back for an amended Order of Conditions.

Motion was made by Doug Davis to close the hearing for DEP #157-523, 45 Lakeview Road; seconded by Val Marshall. **Vote: 4-0-0**

8 King Philip Place (Lot 8), DEP #157-520, Continued NOI Hearing

As requested, a revised plan has been received showing the limit of work line moved farther away from the wetlands. Ms. Pierce is satisfied with the revised plans.

Motion was made by Val Marshall to close the hearing for DEP #157-520; seconded by Doug Davis. **Vote: 4-0-0**

Gillette Access Road off Route 140/108 Washington St., DEP #157-521, Continued Hearing

The applicant, Dan Krantz (Kraft Group), and applicant's representatives Amy Green (Amy Green Environmental), Craig Lizotte (VHB), and Peter Tamm, Esq. (Goulston & Storrs) attended the continued hearing.

Environmental Consultant Amy Green began by stating that she has added the Commission's requested information to the plans. Revisions included changing the 25 foot No Disturb Zone's designation, updating of the reforestation plan, and page 2 of 7 of the NOI application. Ms. Pierce noted that the 25 foot NDZ table's information was not provided in the same format as hers, but Zone II and the Floodplain were now shown on the plans. Ms. Green noted that they are showing an overall net loss of 1,500 sq. ft. of 25 foot NDZ, after restoration.

Atty. Tamm requested that the hearing be closed tonight.

Ms. Pierce stated that the DPW Director Roger Hill informed her that the MEPA review is calling for 80% of the parking lot's total suspended solids (TSS) to be captured by BMP's.

Engineer Craig Lizotte thought that Mr. Hill had misread the information, as they had only presented preliminary plans to the State, to be followed by detailed plans. Mr. Lizotte explained that the DEP letter acknowledged that the Bass Pro parking lot was built prior to the 2008 revisions to the DEP Stormwater Regulations. He explained that the Kraft's will be upgrading that lot to the new standards as part of this project. The MEPA Certification states that no further review is necessary.

Atty. Tamm offered to provide the MEPA Certification with the comment letter from the DEP.

The Commission asked for the locations of the Town's test observation wells to be shown on the plan.

Ms. Marshall suggested that the applicant should run through the changes that had been discussed and then determine how to proceed.

The Commission noted their concern that the flared end section of Mass DOT's drainage outfall from Rt. 1, which was discharging directly into the wetland. Mr. Lizotte indicated that they could pull the flared section back a few feet and install a stone plunge pool at the end of it.

Mr. Lizotte stated that a Notice of Project Change (NPC) was submitted to the State during the design phase. He has since changed Infiltration Basin 1 to Gravel Basin 3 and has had a conference call with the Planning Board's peer reviewers, who said that they liked it. The Commission noted that they are still waiting for a review letter from the Planning Board's third party (peer) reviewer. On page C.4.2, the grading at the Bass Pro parking lot had been taken out (next to the old detention basin). The reforestation plan proposed only the planting of white pine. No gravels would be removed; it will be a "balanced site" regarding earth removal and fill.

The Commission saw no compelling reason to close the hearing, as the applicant was still going through the Planning Board process. Atty. Tamm stated that if there are any changes in regards to the wetlands to be made as a result of the Planning Board hearings, they would come back to the Commission.

Atty. Tamm stated that they had met informally with the Commission in June and also had a site walk; he feels the issues left are minor in nature and could be conditioned in the Commission's decision. The conditions he noted for approval were:

1. lighting levels reduced/eliminated when the lot is not in use;
2. the reforestation plan can be a special condition;
3. the location of the Town's test observation wells in the mitigation area shown on the plan;

4. shorten the flared end of MassDOT's discharge outfall (MassDOT has not reviewed the plan yet, so this would be subject to MassDOT approval); and
5. a final sign off by BSC (peer reviewer) on the Stormwater Report, subject to any requests of the Planning Board.

Ms. Marshall was opposed to closing the hearing until the locations of the Town's test observation wells are shown on the plans. Ms. Johnson also wanted Ms. Pierce to have additional time to review the plans to her satisfaction, adding that providing another couple of weeks to review shouldn't be a burden to the applicant since the next Planning Board meeting would be on September 11th. Mr. Davis would like to have Mr. Hill's opinion on the MEPA Certification.

Atty. Tamm stated that they would reach to Mr. Hill regarding the Zone II and DEP MEPA letter. Mr. Boette will speak to the DPW Director to have the test observation wells locations identified.

The Board of Water and Sewer Commissioners (BWSC) would also like the current water line relocated. Atty. Tamm stated that the Town only has an Easement, not a Right of Way. They are offering as mitigation to remove the impacts along the traveled path and feel that the request of the BWSC is not within the jurisdiction of the Commission.

The Commission would like an update to the progress of their requests by August 4th; well before the continued hearing.

The Commission would like to receive a letter from the BWSC on their request and a copy of the MEPA letter.

Motion was made by Val Marshall to continue the hearing for DEP #157-521 to August 11, 2014; seconded by Judi Johnson. **Vote: 4-0-0**

204 East Street - Planning Board Meeting (7/24/14) Update re: proposed subdivision

Mr. Boette, Ms. Johnson and Ms. Pierce attended the recent Planning Board meeting for a Preliminary Subdivision at 204 East Street. They expressed concerns with the crossing of the Canoe River and the impacts to the wetlands and the ACEC by the proposed subdivision. The Planning Board made a determination that the applicants could apply for a 12 lot OSRD.

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

Motion was made by Judi Johnson to continue the hearing for the Regulation for Foxborough's Wetland Bylaw (Article IX) to August 11, 2014; seconded by Val Marshall. **Vote: 4-0-0**

Other Discussions

- The ZBA has forwarded a plan for a proposed 40B on Community Way. Ms. Pierce is concerned with the vernal pool and quarry wetlands on the site, written comments need to be submitted and members of the Commission may attend the next ZBA meeting.
- Ms. Johnson would like to add an agenda item in regards to the Master Plan. The Master Plan calls for the Conservation Commission to change their emphasis from acquiring land to land management and there were also changes proposed to the Open Space and Recreation Plan she would like to discuss.

Meeting Adjourned

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

The meeting adjourned at 9:35 p.m.

Respectfully submitted,

Eric Nelson, Clerk

Draft minutes submitted by Diana Gray: 8/5/14

Reviewed by Jane Sears Pierce: 8/13/14

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