

**Town of Foxborough  
Conservation Commission Minutes  
August 11, 2014**

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

**11 Daniel Carpenter Court, DEP #157-524, Notice of Intent**

Information Reviewed:

- NOI received July 16, 2014
- On Site Sewage Disposal System, 11 Daniel Carpenter Court, 5/12/14, by DMG Associates

Mr. Boette opened the hearing by reading the legal notice, posted in the Sun Chronicle and The Foxboro Reporter. No one was present for this hearing. The Chair called for a motion to table this hearing until later in the evening.

**Motion** was made by Ms. Marshall to table the hearing for DEP #157-524 until later in the evening; seconded by Ms. Johnson. **Vote: 6-0-0**

**Land Management Report Update**

Ms. Johnson, Ms. Marshall, Mr. Marsh and Mr. Boette met with Town Manager Bill Keegan on August 8<sup>th</sup>. They discussed the Conservation owned properties; they explained how they would like to use 89 North Street as an interpretive center, which the Town Manager received well. A plan is needed to get the renovations done that were found from Mr. Casbarra's inspection. Funding will need to be found for necessary repairs.

Mr. Keegan will speak with Bill Yukna in regards to the roof repairs. A draft appropriation needs to be prepared for the other necessary repairs. Mr. Keegan also suggested that they meet with other Boards and Committees in town such as the Advisory Committee, Board of Selectmen, Recreation, Asset Review Committee, Planning Board, Historical Commission, DPW and Finance. This meeting could be set up for some time in October. Mr. Keegan feels that one central board is needed to manage the town properties and this may be handled by the Assistant Town Manager in the future. Mr. Yukna will also be told of the vandalism at Fairbanks so the building can be secured.

They also discussed the future of the dog park area, how to get that back area back into public use, the fence may need to be taken down.

The rental income was also discussed, the Commission does not receive the income until \$18,000 is collected which hinders necessary maintenance needed on the rental properties. Mr. Keegan will discuss how this amount was determined with the Finance Director to get a better understanding of the process.

Ms. Pierce stated that there is only about \$2,800 in the rental income balance at this time due to the cost of recent repairs. There is also \$16,500 in CIP funds that were granted to be used for repairs. Another priority besides the roof repair is to get Spring Street painted.

Another discussion was about the DEP permit fees at 87 North Street and collecting a fee from the fire department for their training exercises there.

**Access Road off Rt. 140 (includes 108 Washington St.), DEP #157-521, Continued Hearing**

**Information Reviewed:**

- 7/29/14 Letter from R. Worthley, Water Supt., to S. Wason Re: Water Dept. Concerns
- July 2014 Stormwater Report (Printed 7/16/2014, recd. 7/31/14)
- 7/30/14 Letter - VHB to BSC's 7/9/14 letter Re: Response to Stormwater Concerns
- 25 Foot Buffer Zone Impacts, Combined Lot, by Amy Green (recd. 8/4/14)
- 8/6/14 Letter from BSC to FCC Re: Supplemental Peer Review #1
- 8/4/14 Revised NOI Plans
- 8/6/14 Letter from VHB to R. Worthley Re: Response to 7/29/14 Comment Letter
- 8/7/14 Letter from Peter Tamm, Esq. (Goulston & Storrs), to FCC Re: NOI (#157-521)
- 8/8/14 Memo from Roger Hill, DPW Director, Re: VHB Responses to B. Worthley's comments

Mr. Curtis and Ms. Johnson signed Mullin Rule affidavits for a missed meeting.

Dan Krantz of the Kraft Group explained that they have addressed the three items that the Commission had concerns with at the last meeting. The Town wells are now shown on the plans; Art Reynolds of the Water Department showed the surveyors where there were; the stormwater has been reviewed by the town consultant, BSC, and they feel that all their comments have been addressed; and Mr. Lizotte has spoken with the DPW Director Mr. Hill about his concerns with regards to stormwater.

Mr. Hill is also looking for 600 feet of new water line which Mr. Krantz and Atty. Tamm feel is not a Commission issue but they would be agreeable to a condition that the Planning Board addresses this.

Mr. Boette asked if the power lines will be moved to the new road. Mr. Lizotte stated that they are shown relocated on the plans. Mr. Boette also asked how the water line will be maintained if left in the current location. Atty. Tamm stated that they will be providing the town with a new easement if they wish to relocate the water lines but they can still be accessed from the current location if necessary. Mr. Krantz thinks they would want to replace the old pipe with a new one and it could be moved to the new easement.

Ms. Marshall wanted to know where the hydrant is located. Mr. Lizotte stated that the hydrant is located in the Route 1 layout.

Atty. Tamm stated that they are hoping to satisfy the Commission's concerns but this project does not justify the cost of a new water line as there will be no water use. They feel the wetlands replication is a good mitigation which will be beneficial to the project but will move it to another location if the Commission is concerned with the water line. The water department will still be able to access the water line even if they replicate the wetlands.

Mr. Davis is concerned with the monitoring wells and if they will be able to monitor the parking site; they may be flowing in the other direction.

Mr. Lizotte reviewed the changes to the plans with the Commission.

Ms. Marshall is concerned with how the Town will access the land; Atty. Tamm stated that the gates will have a Knox Box that the Town will be able to access.

Ms. Johnson is concerned that if the hearing is closed before the water issues are resolved, they may need to come back to make changes. Atty. Tamm stated that the Town concerns will be addressed but the risk is on the Kraft Organization, the water department will make recommendations to the Planning Board under their Site Plan Approval process.

Mr. Krantz stated that this water line serves Patriots Place and the stadium so they are concerned with it being accessible by the Town.

Ms. Marshall asked if the well is near the edge of the road, Mr. Lizotte stated that the well is a two inch well but cannot be shown that small on the plans so it looks bigger than it actually is.

Mr. Davis has concerns with who owns the access road; Atty. Tamm stated that Title matters are not the Commission's issue.

Ms. Pierce still has concerns with the stormwater. Mr. Lizotte stated that the Zone II standards that have been met are higher than the Land Use with Higher Potential Pollutant Load area (LUHPPL) standards.

Mr. Davis would like to see a condition on how many times the site can be used as they have stated it will only be used for major events.

The Commission would like to know the definition of a major stadium event. Mr. Krantz stated it is for events with at least 50,000 people.

Ms. Johnson is concerned with the changes in the wildlife to due to the use; this area is a wildlife corridor. Atty. Tamm stated that they have berms that allow the wildlife to still access the area and will limit the lighting. This area is adjacent to Route 1 and will be developed but they are trying to minimize the impacts.

Ms. Pierce wants to make sure all the documents have been received for the administrative record.

**Motion** was made by Ms. Johnson to close the hearing for DEP #157-521, Access Road off of Route 140; seconded by Mr. Curtis. **Vote: 6-0-0**

#### **11 Daniel Carpenter Court, DEP #157-524, Notice of Intent**

This item was tabled earlier this evening. The applicant did not show up and the hearing will need to be continued.

**Motion** was made by Mr. Davis to continue the hearing for DEP #157-524 to August 25, 2014 at 7:10 p.m.; seconded by Mr. Curtis. **Vote: 6-0-0**

#### **Regulations for Foxborough's Wetland Bylaw (Article IX)**

**Motion** was made by Ms. Marshall to continue the hearing for the Regulations for Foxborough's Wetland Bylaw (Article IX) to August 25, 2014 at 7:15 p.m.; seconded by Mr. Curtis. **Vote: 6-0-0**

#### **Access Road off Rt. 140 (includes 108 Washington St.), DEP #157-521, Continued Hearing**

The Commission discussed conditions for the Order. Conditions to be included include:

1. No Tailgating allowed;
2. A definition of major stadium events be included;
3. No security lighting to be used when the lot is not in use;
4. Suitable accessible access to the Water Department lines.

Ms. Pierce will send out a draft in advance of the next meeting.

Mr. Curtis left for the evening at 9:05 p.m.

#### **Community Way (off), Proposed 40B; Comment Letter – ZBA Filing**

A draft comment letter was prepared and reviewed by the Commission. The most important item is to advise the ZBA that the 100 foot buffer around the vernal pools not be waived. Pictures of the inhabitants of the vernal pools will be included for informational purposes. Ms. Pierce also has concerns with any blasting that may be done and its effect on the vernal pools water quality or quantity, as well as the intermittent stream.

The applicants will still need to file with the Commission under the State Wetlands Protection Act.

Mr. Boette and Ms. Johnson will be attending the ZBA meeting.

### **Beaumont's Pond, DEP #157-499**

Correspondence has been received asking the Commission to sign an acknowledgment of their new expiration date under the Permit Extension Act. The Commission feels since the Extension Act was automatic no acknowledgement is needed. No action was taken.

### **State Forest Trails Meeting**

The recent Trails Meeting discussed replacing Park Supervisor Ron Clough who recently retired. The Commission will send a letter in support of hiring a new Park Supervisor at the F. Gilbert Hills State Forest.

### **New Filing Distributed to Commissioners**

- 3 Willow Street, Request for Determination

### **Meeting Adjourned**

**Motion** was made by Ms. Marshall to adjourn; seconded by Ms. Johnson. **Vote: 5-0-0**

The meeting adjourned at 9:35 p.m.

Respectfully submitted,

Eric Nelson, Clerk

Draft minutes submitted by Diana Gray: 8/13/14

Approved by Commission: 9/29/14

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### **Documents, Not Referenced Above**

#### Attached Documents:

1. Agenda, August 11, 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