

**Town of Foxborough
Conservation Commission Minutes
September 29, 2014**

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

Members Absent: Douglas Davis, James Marsh, and Valerie Marshall

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 7:30 p.m.

0 Camp Road, Reported Wetland Violation

The owners of 11 Bragg Road, Mr. and Mrs. Hulbig, informed Ms. Pierce about ongoing activities at 0 Camp Road, which is on the Neponset Reservoir. This small lot is behind the home at 11 Bragg Road, which also surrounds the lot. Ms. Pierce visited the site, observed that they appeared to be cutting trees, digging trenches and dumping stones into the lake and issued a Cease and Desist letter to the owners of 0 Camp Road, Carl and Joan Puzin.

Mr. and Mrs. Puzin and their son came to discuss this matter with the Commission. Mr. Puzin explained that they had planned to put up a post and beam shed on the property to store their lake items, since they can't leave anything at the lot or it will be vandalized. He stated that the cut trees/logs on the property were brought in to make the shed and were not cut on the property. Perc tests are scheduled for the following Wednesday to explore the site's options for a septic system.

Mr. Puzin stated that they have abandoned the shed area and would just like to fill in the hole. After starting to build the shed, he was informed by the Town's Building Inspector that he could not have a utility shed on the property unless they were living in a house on the lot. The site's camp building was taken down a few years ago at the request of the Building Commissioner, after many years of vandalism. The foundation from the original camp building was left in place, since they were told that if they built a new building, it would have to be in the same footprint.

Ms. Johnson expressed her concern that the lakefront rock retaining wall looked new. Mr. Puzin explained that the rock wall keeps getting knocked down or people steal the stones, so they keep rebuilding it. The wall helps to keep soil from being washed away from the hillside, causing tree roots to be exposed. Ms. Johnson was concerned that the bases of several trees next to the new retaining wall, including a couple of red maples and a couple of white pines, had been covered with fill. She explained why fill and compaction will kill the bank's trees, advising that the soil should be removed from the base of the trees (roots) as soon as possible. She said that the leaning trees that the deck structure is tied to could also be killed by the fill. She suggested planting native shrubs and trees along the shoreline to help stabilize the slope and control erosion, adding that an engineered retaining wall would be needed, if proposed (under a NOI) in the future.

The Commission will decide whether to issue an Enforcement Order or a Restoration Order.

Joe Hulbig of 11 Bragg Road, who has lived in his home for the past three years, stated that he thought they could not build within 100 feet of the lake. He stated that there had been much disregard for the land over the past year or so, including tree cutting, dumping rocks in the lake to build a boat ramp and digging a big ditch that is one to two feet off his property line. Recently, they have cleaned up the lot somewhat, but he feels that they are encroaching on his property with some of their activities. He reported that the Puzins had spent the previous month or two building the wall at the water and filling behind it.

Mr. Puzin admitted that they did bring in rocks and marble to make the boat ramp and offered to remove them. The Commission told him to wait until an EO or RO had been issued.

Mr. Boette explained that the Commission is concerned with wetlands and their buffer zones, not property boundaries. Property line issues need to go before the Zoning Board. Ms. Johnson added that 100 feet from the reservoir is the Commission's jurisdictional area, i.e. they have to come before the Commission for a determination for any proposed activity within 100 feet of the reservoir.

Ms. Pierce noted that the Board of Health's regulations for septic systems requires new systems to be located at least 150 feet from a wetland.

The Commissioners should visit and inspect the site and then decide whether an Enforcement or Restoration Order should be issued during the meeting on October 20. In the meantime, the Cease and Desist Order will remain in effect. The Puzins were told that they could not do any work on the site until a new Order (enforcement or restoration) has been issued, with the exception of removing the fill from around the shorefront trees, as previous explained.

The Commission discussed various options that the Puzins might have to help stabilize the slope on their property. Ms. Pierce and Mr. Boette scheduled a site visit at the site on September 30 at 3:00 with the Puzins.

Minutes

The Commission reviewed the minutes of March 24, 2014, April 14, 2014, July 14, 2014, July 28, 2014, August 11, 2014 and August 25, 2014.

Motion was made by Mr. Nelson to approve the minutes of March 24, 2014 as submitted; seconded by Mr. Curtis. **Vote: 4-0-0**

Motion was made by Mr. Nelson to approve the minutes of April 14, 2014 as submitted; seconded by Mr. Curtis. **Vote: 4-0-0**

Motion was made by Mr. Nelson to approve the minutes of July 14, 2014 as submitted; seconded by Mr. Curtis. **Vote: 4-0-0**

Motion was made by Mr. Nelson to approve the minutes of July 28, 2014 as submitted; seconded by Mr. Curtis. **Vote: 4-0-0**

Motion was made by Mr. Nelson to approve the minutes of August 11, 2014 as submitted; seconded by Mr. Curtis. **Vote: 4-0-0**

Motion was made by Mr. Nelson to approve the minutes of August 25, 2014 as submitted; seconded by Mr. Curtis. **Vote: 4-0-0**

To Be Signed

Motion was made by Ms. Johnson to sign the Order of Conditions, as drafted, for 11 Daniel Carpenter Court DEP #157-524; seconded by Mr. Curtis. **Vote: 4-0-0**

Motion was made by Ms. Johnson to sign the Order of Conditions, as drafted, for 38 West Street DEP #157-525; seconded by Mr. Curtis. **Vote: 4-0-0**

Regulations to Foxborough's Wetland Bylaw (Article IX)

Motion was made by Mr. Nelson to continue the Public Hearing for the Regulations to Foxborough's Wetlands Bylaw to October 20, 2014; seconded by Mr. Curtis. **Vote: 4-0-0.**

Meeting Adjourned

Motion was made by Mr. Nelson to adjourn the meeting; seconded by Ms. Johnson.
Vote: 4-0-0

The meeting was adjourned at 8:20 p.m.

Respectfully submitted,

Eric Nelson, Clerk

Draft minutes submitted by Diana Gray: 10/7/14

Approved by Commission: 10/20/14

Documents, Not Referenced Above

Attached Documents:

1. Agenda, September 29, 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