

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

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

Members Absent: None

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

Others Present: See attached sign-in sheet

Meeting Opened

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

Public Comments

Dave Young came to the Commission in regards to the land behind his property at 71 Spring Street. He was told there were wetlands there when he purchased his property in 1998. The property was sold to the owners of 75 Spring Street this past February and since then, the property has been cleared of vegetation and large boulders and fill have also been brought in. Mr. Young would like to know if they are in compliance with wetland laws. He is looking for guidance on what can and cannot be done on that property. He said that they have also been four wheeling on the property.

Ms. Pierce commented that there is a Restoration Order on the property from last spring, and that she went to observe the property last week and it didn't look that bad. Mr. Boette and Ms. Johnson will try to visit the site before the next meeting.

45 Neponset Avenue, RFD

Dan Hertzlinger a representative with National Grid was present. He explained that this application is for upgrades to the substation at 45 Neponset Avenue; they would like to put in four new distribution poles, three of which will be within the buffer of the intermittent stream. This would be one day of work with an auger truck digging the holes for the poles; a parking lot is in between the stream and the location of the new poles.

Ms. Pierce noted that under the new DEP regulations this activity is exempt, but they still need to apply under the town bylaw.

Mr. Boette asked if the trucks could be kept out of the wetlands. Mr. Hertzlinger stated that a staging area will be set up on the paved area of the parking lot. He also noted that the stream is not flowing this time of year but erosion controls will be used if necessary.

Motion was made by Ms. Johnson to issue a Negative Determination for 45 Neponset Avenue; seconded by Ms. Marshall. **Vote: 6-0-0**

Commission Reorganization

With the resignation of Mr. Curtis, the Commission is in need of a new Vice Chairman and a liaison for the Board of Recreation.

Motion was made by Mr. Davis to nominate Judi Johnson as Vice Chairman; seconded by Mr. Nelson. **Vote: 6-0-0**

Motion was made by Ms. Johnson to nominate Valerie Marshall as the Conservation Commission liaison to the Board of Recreation; seconded by Mr. Marsh. **Vote: 6-0-0**

Minutes

The Commission reviewed the minutes of June 6, 2011, June 23, 2014, October 20, 2014, November 10, 2014 and November 24, 2014. There was a question on the June 23, 2014 minutes that will be reviewed for the next meeting.

Motion was made to approve the minutes of June 6, 2011 by Ms. Marshall; seconded by Ms. Johnson. **Vote: 6-0-0**

Motion was made to approve the minutes of October 20, 2014 by Mr. Nelson; seconded by Mr. Davis. **Vote: 6-0-0**

Motion was made to approve the minutes of November 10, 2014 by Mr. Nelson; seconded by Ms. Johnson. **Vote: 6-0-0**

Motion was made to approve the minutes of November 24, 2014 by Mr. Nelson; seconded by Ms. Marshall. **Vote: 6-0-0**

5 Wilkeson Way, NOI DEP #157-529

Dave Hobaica of Easton Pool and Spa as well as the property owners Roger and Cynthia Rumsey were present. Mr. Hobaica explained that the homeowners would like to install a 22' x 44' in ground pool in the backyard's grassy area. The pool would be located out of the 50 foot buffer and 70 feet from the edge of the wetland line. Pervious patio pavers will be used and the pool will have a cartridge filter system so no backwashing will be necessary. All materials will be kept out of the 100 foot buffer.

Ms. Pierce noted that since this property is part of the Natural Heritage priority habitat restriction area, NHESP issued an approval letter, stating that if anything needs to be changed, proposed changes will need to be submitted to the NHESP for their review and approval.

Mr. Boette asked if a pool shed were to be built also. Mr. Hobaica stated that the pool equipment doesn't need housing so this is not currently proposed; they will come back if needed in the future. The Commission will note in the Order of Conditions that buildings/sheds are not allowed as part of this application and there shall be no storage of chemicals.

Motion made by Mr. Davis to close the Public Hearing; seconded by Mr. Nelson. **Vote: 6-0-0**

204 East Street, Proposed Forge Estates Subdivision NOI, DEP #157-528

Correspondence has been received from the applicant's representative requesting that the hearing be continued to January 26, 2015 as they have not had time to respond to BSC's peer review letter. Ms. Johnson noted that she will not be available for the meeting on the 26th. Ms. Pierce advised that she had informed the applicant that Ms. Johnson couldn't attend the meeting, suggesting that he might want to continue the hearing to a February meeting, but she had not yet received such a request.

Motion made by Mr. Davis to continue the Public Hearing to January 26, 2015 as requested; seconded by Ms. Marshall. **Vote: 6-0-0**

15 Union Street, DEP #157-527, Order of Conditions

Ms. Pierce noted that the boundary marker requirement at the 25 foot no disturb zone had been added as a condition, as discussed with the applicant's representative during the hearing.

Motion to sign the Order of Conditions for 15 Union Street, DEP #157-527, was made by Ms. Johnson; seconded by Mr. Marsh. **Vote: 6-0-0**

34 Hill Street, DEP #157-32A, Partial Certificate of Compliance

This Partial Certificate of Compliance is for 34 Hill Street only, and is administrative in nature.

Motion to sign the Partial Certificate of Compliance for 34 Hill Street, DEP #157-32A, was made by Mr. Davis; seconded by Ms. Johnson. **Vote: 6-0-0**

45 Lakeview Road (Lakeview Pavilion), DEP #157-469, Certificate of Compliance

This is a Certificate of Compliance is for a 2009 project that was never started. The bank is now requesting that this be cleared from the title prior to financing the Pavilion's reconstruction.

Motion to sign the Certificate of Compliance for 45 Lakeview Road, DEP #157-469, was made by Mr. Davis; seconded by Ms. Johnson. **Vote: 6-0-0**

2 Lincoln Hill Way, DEP #157-509, Partial Certificate of Compliance

This is a Partial Certificate of Compliance for Lot 2.

Motion to sign the Partial Certificate of Compliance for 2 Lincoln Hill Way DEP #157-509 was made by Mr. Davis; seconded by Mr. Nelson. **Vote: 6-0-0**

New Conservation Member

The Commission has received four applications for the one open seat on the Commission from Jeffrey Ambs, Colin Browning, Michael Davison and Michael Kelleher. The Commission interviewed each candidate separately. Mr. Boette explained to all the candidates that the Commission will make a recommendation of an appointee to the Board of Selectmen as they are the appointing authority.

The Commission first met with Colin Browning. He has a Bachelor's Degree as well as an MBA and is an Army Veteran. While living in Westport, he served on the Westport River Watershed Alliance monitoring the Westport River and leading educational programs for children and adults. He has attended Conservation meetings as well as read up on the Commission's laws and regulations. He has a lifetime interest in the environment and is a member of the Audubon Society and the Nature Conservancy. He is retired and feels he has the time to serve the Commission and the Town; he has lived in Foxboro for the past five years. He would like to learn more about the wetlands regulations and laws. He also has experience in Public Relations as he did ad work for a firm in New York City.

The Commission then met with Mike Davison. Mr. Davison owns Smith's Pond, so has real life experience dealing with wetlands and an aging dam. He is interested in preserving his property and has dealt with the Commission in the past due to flooding issues at his property. He feels that he is familiar with the type of issues that the Commission deals with and would like to learn more. He grew up in Mansfield, but moved to Foxborough in 2002 when he bought his home from his grandfather after spending 20 years in the military as an aeronautical engineer. He has worked with all levels of government, due to his military experience. He was the past Chairman of the Racino Committee and is interested in serving the town again.

The Commission then met with Mike Kelleher. Mr. Kelleher stated that he grew up on Daniel Carpenter Court and "in" the State Forest. He is currently a town firefighter and a part-time staff scientist for Environmental Health and Engineering in Needham, most recently working on the closing of Quincy Medical Center. Mr. Boette asked whether he had checked to see if he could serve on the Commission, since he is a town employee. He said that he would check with the State Ethics Commission if chosen.

He is working on his Master's Degree in Environmental Health Science, and is a Certified Safety Professional (CSP), a Certified Hazardous Materials Manager (CHMM), and a 12 year member of the Mass. State Hazardous Materials Response Team. He is interested in the hearing process and how the regulations are applied. He is familiar with what happens during emergencies, but would like to see the process from the other side. He had been reading the Commission's on line minutes to become familiar with their activities and is familiar with most of the town's conservation land; his parents also grew up in town. Mr. Davis asked if he could be impartial with applicants from town that he might know. Mr. Kelleher stated that he has to perform inspections as part of his firefighter duties and is required to be impartial, adding "the law is the law."

The Commission then met with Jeff Ambs, a Mechanical Engineer, specializing in air pollution monitoring instrumentation. Mr. Ambs served on the Foxborough School Council for the past seven years, but now that his daughter is going into high school, he is looking for other volunteer opportunities in town. He enjoys going to the State Forest and has lived in town for seven years. His work involves air monitoring of underground diesel engines, but he does not have very much experience with water pollution. He does know how to read plans and drawings, is interested in serving the town, and likes to be outdoors. He studied vernal pools as a scout and has volunteered at Moose Hill Audubon Sanctuary.

The Commission discussed the candidates and their qualifications and decided to nominate Mike Kelleher for the position. A recommendation will be sent to the Board of Selectmen and thank you letters will be sent to the other applicants.

Mr. Nelson left the meeting at 9:20 p.m.

Master Plan Natural and Cultural Resources Section Comment Letter

Ms. Marshall finished a summary of the Commission's Comments regarding Section 5 (Natural and Cultural Resources) of the Master Plan, which would be sent with the Commission's comment letter to the Planning Board.

Motion was made by Ms. Johnson to send the summary and comment letter to the Planning Board regarding the Natural and Cultural Resources section of the Master Plan; seconded by Mr. Davis. **Vote: 5-0-0**

Regulations for Foxborough's Wetland Protection Code, Chapter 267 (formerly Article IX)

Ms. Pierce noted that changes should be made to the Regulations to change references to Article IX to Chapter 267 of the new Foxborough Code.

Motion was made by Ms. Johnson to make the changes described by Ms. Pierce and to continue the Public Hearing for the Regulations to Foxborough's Wetlands Bylaw to the Commission's next scheduled meeting; seconded by Mr. Marsh. **Vote: 5-0-0.**

Conservation Manager's Report

Ms. Pierce included excerpts from the MACC Handbook in regards to Limited Projects.

Meeting Adjourned

Motion was made by Mr. Davis to adjourn the meeting; seconded by Ms. Johnson. **Vote: 5-0-0**

The meeting was adjourned at 9:45 p.m.

Respectfully submitted,

Eric Nelson, Clerk

Draft minutes submitted by Diana Gray: 1/13/15

Approved by Commission: 3/23/15

Documents, Not Referenced Above

Attached Documents

1. Agenda, December 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