

**Town of Foxborough
Conservation Commission Minutes
June 11, 2012**

Members Present: Robert Boette (Chair), Allan Curtis (Vice Chair), Judith Johnson, Douglas Davis and James Marsh

Absent: Eric Nelson (Clerk), Valerie Marshall

Staff Present: Jane Sears Pierce, Conservation Manager and Lee Ann Tavares, Secretary

Meeting Opened

Chairman Boette opened the meeting, held in the Lower Meeting Room, at 7:00 PM.

Public Comment

Tom Spognardi, Cub Scout Pack 70 in Foxborough requested the use of Cocasset River Park on July 14, 2012 from 10-11:30AM for their Annual Fishing Derby. Bob requested that they leave any wood turtles, if found, alone as there were at least two females and several young in the area. The Commission asked that the neighbors on Milton Street be told of the program.

Motion was made by Judi Johnson to allow the use of Cocasset River Park for Cub Scout Pack 70's annual fishing derby; seconded by Doug Davis. **Vote: 5-0-0**

52 Neponset Heights, DEP 157-494, Restoration Order

The homeowners, Yuanfang Deng and Yung-Fong Cheng and their representatives George Collins and George Lincoln were present.

Mr. Collins explained that the applicants had an approved Order of Conditions to raze and rebuild a single family home. The homeowners had been issued a Restoration Order for rip rap that had been added at the water's edge and the removal of the area's silt fence. The work done at the waters edge was not part of the original Order of Conditions. Mr. Collins stated that they hired Dr. Walter Hewitson to review the disturbed area, presenting the doctor's letter to the Commission. Mr. Collins stated that based on their expert's comments, they could leave the rip rap in. Judi disagreed with the expert's report, which stated that the rip rap would have habitat value; Jane agreed.

Bob stated that they had worked within the 25' no disturb zone (NDZ) and had removed a retaining wall, adding that the rip rap would have to be hand removed. Mr. Lincoln, next door neighbor helping the homeowners, stated that the wall was cobblestone, in disrepair and needed to be rebuilt yearly by the previous owner. He added that most of what was left had fallen into the water and that material was picked up and removed. Photos of the area were presented.

Mr. Deng asked for extra consideration based on his expert's report. Bob stated that neither the Order of Conditions nor the Commission's discussions during the hearing was followed. The additional, unauthorized work area would need to be restored. Judi explained that this project had an exorbitantly large impervious area and the natural landscaping in the approved plan was to mitigate for the impervious areas. Jane provided a list of native species that could be planted in the lower area. She recommended a planting/restoration plan. Bob reiterated that the riprap had to be removed.

Mr. Collins stated that they would fulfill the requirements of the Order of Conditions and that this was a work in progress. Jane noted concern about stabilizing the area, saying that the landscaped area was supposed to be completed before the house was built.

Judi warned that it was currently not the optimal time to plant; in mid-summer new plantings required regular watering to become established; she wanted to ensure that the plantings survived and suggested a wetlands seed mix. Jane suggested that bonded fiber matrix or jute netting could be used to cover and stabilize the newly planted/seeded area. Mr. Collins stated that they would have a plan for the Commission by the end of the week. The homeowner stated that his intentions were good and

that he wanted to preserve the reservoir. He was concerned about erosion and planned to retire in the house. He stated that he tried to comply immediately with the restoration order, but was concerned that removal of the rip rap would cause more disturbances. Bob explained that the unauthorized fill and work was done within the 25' do not disturb area, adding that adding any materials to the reservoir is not allowed. He stressed that the bank needed to be stabilized.

Mr. Lincoln compared the work to retaining walls and plantings located on the north and south sides of the lake, adding that he was the one who suggested the riprap. He was told that the referenced walls and plantings were older/grandfathered and would not have been allowed at this point in time.

Regarding the 25' NDZ, Jane instructed the homeowners that when planting the area, they should only dig holes for the new plants and not otherwise disturb or add new soil to this area. The discussion was continued to the June 25th meeting.

Motion was made by Alan Curtis to ratify the Restoration Order for 52 Neponset Heights, DEP 157-494; seconded by Doug Davis. **Vote 5-0-0**

131 Morse Street, Request for Determination

Information Reviewed: Request for Determination dated April 17, 2012

Joshua Bowes, Merrill Associates, Inc., representing Columbia Gas, attended the meeting to review a proposed gas main installation. The existing main is a four inch steel pipe, which is being replaced with a four inch poly pipe. The pipe will be in a 2-3' wide trench and a sand bed. The pavement will be patched each day. If it is necessary, a steel plate will be put down to allow work to continue in that area. Nothing will be stockpiled, work will not be performed during rain and erosion controls will be installed at the catch basins. They propose to abandon the old pipe in place, which will result in fewer alterations. Mr. Bowes stated that dewatering is not typical, but if necessary they will pump into a dirt bag with an outlet away from a resource area. They will contact the agent if dewatering is necessary.

Motion was made by Doug Davis to issue a Negative Determination with a condition that the agent be notified if dewatering is necessary; seconded by Allan Curtis. **Vote: 5-0-0**

46 Beach Street, DEP 157-494, Request for OoC Amendment

Information Reviewed:

Letter with plan from Bay Colony Group to FCC dated August 26, 2012

Proposed Plan: Sewage Disposal System Design, 46 Beach Street, revised April 25, 2012

The applicant's representatives, Bill Buckley of Bay Colony Group and Larry Van Lear, attended the meeting. Mr. Buckley explained that they marked the outside corners and the home's limit of work. Infiltration basins have been added to the plan along with downspouts to drywells along the rear of the house to minimize impacts to the 25' NDZ. Planting native plants, including high bush blueberries was discussed. Jane asked about the note on the plan about the deadfall tree removal, adding that no activity is allowed within the 25' NDZ, but deadfall tree removal might be allowed, if done by hand without machinery.

When asked about the proposed project's extent of site work, Mr. Buckley stated that most of the trees were going, but most were small trees and scrub brush. They also propose to take the ridge down four to five feet to use as fill. The septic system will be in the front of the property.

The Commission was concerned that the construction would cause extensive root damage to the remaining trees on the knoll and the 25' NDZ. Judi indicated that she would like to have a certified arborist determine how the proposed project would impact the trees. Judi added that they could consider the hiring of an arborist to minimize impact to the lake. The Commission asked to have trees, six inches or larger at DBH, as well as species be noted, marked and located on the plan. Jim noted his concern about the slope's stability. Judi agreed, stating that the steep slope, along with the potential impact of the proposed clearing and possibility of erosion was a concern. She said that the

original (approved) project had been a compromise, but the proposed house and its impacts were too excessive for this small lot. The Commission asked the representatives if they could push the building's footprint 10' towards the street to save the esker.

In summary, Mr. Buckley was asked to add the following details to the plan:

1. trees (six inches or larger at DBH) as well as species in the NDZ and those proposed for removal
2. remove "work in 25' area" from plan,
3. move the building footprint 10' towards the street, and
4. all Hostas and non-native plants that had been planted in the 25' NDZ shall be transplanted to areas outside of the 25' NDZ.

Motion was made by Doug Davis to continue to June 25, 2012 at 7:30PM; seconded by Jim Marsh. **Vote: 5-0-0**

239 East Street, Request for Determination

Information Reviewed: Request for Determination dated May17, 2012

The homeowner, Mr. Silveria, was present to review his proposal to construct two one-story additions to an existing single family home and install a new septic system. The proposed work would double the size of the home. Jane had visited the site and stated that she believed that the project would require the filing of a Notice of Intent with a detailed plan that showed where grading would occur, as well as the location of erosion controls and stockpile areas, if any, and Jim agreed.

Motion was made by Judi Johnson to issue a Positive Determination; seconded by Jim Marsh. **Vote: 5-0-0**

Cocasset Lake, DEP 157-170

Motion was made by Alan Curtis to sign an Extension Permit for Cocasset Lake's herbicide program, DEP 157-170; seconded by Doug Davis. **Vote 5-0-0**

Hersey Farm License

Jim indicated that he had been working on drafting the lease. He said that he would talk to Town Counsel, Lou Ross, to make the Commission's draft license the same as the State's.

Open Space & Recreation Plan

Jane stated that she is currently working on finalizing the plan and intends to have the final plan printed before the end of FY12.

Meeting Adjourned

Motion was made by Judi Johnson to close the hearing; seconded by Jim Marsh. **Vote: 5-0-0**

The meeting adjourned at 9:23 p.m.

Respectfully submitted,

Eric Nelson, Clerk

Draft minutes submitted by Lee Ann Tavares: 6/20/12

Read by Jane Sears Pierce: 8/15/12

Approved by Commission: 9/17/12

Documents, Not Referenced Above, Reviewed During Meeting

1. Agenda, June 11, 2012 (attached)
2. Manager's Report, filed in Manager's Report binder in Conservation Commission's office.
3. Referenced projects' documents: please see Conservation Commission's project files