

**Town of Foxborough  
Conservation Commission Minutes  
January 3, 2011**

**Members present:** Robert Boette (Chair), Allan Curtis (Vice Chair), Doug Davis, Judith Johnson and Eric Nelson (Clerk)  
**Absent:** Harold Blomberg and James Marsh  
**Also present:** Jane Sears Pierce, Conservation Manager

**Meeting Opened**

Bob Boette opened the meeting, held in the Andrew A. Gala Jr. Meeting Room, at 7:00 p.m.

Bob began the meeting by asking for a moment of silence for former Conservation Commissioner, Bill Hocking, who had recently passed away.

**Hockomock YMCA, 2011 Healthy Futures Community Garden Presentation**

Kimberly Cohen and Caitlin Hurley were present to provide the Commission with an update on the Health Futures Community Garden, located on the Commission's Mechanic Street conservation property that they have leased.

Kimberly explained that due to the late start of the YMCA community garden project last year, they had launched a temporary field at a site in Mansfield, but they plan to move their whole operation to the Foxborough site for this year's growing season. Last year, they partnered with the Foxborough Community Farm Stand, who set up a satellite site at the Y and the Y sold their produce for them. Once the produce started to age, they gave it away to Y families.

Caitlin told the Commission that 12 families had signed up originally and there was a lot of interest in their community garden plans. Last year, each family paid \$150 for their share and received 12 weeks of produce. They anticipate having a 20 to 22 week growing season this year and will credit the 2010 member families \$100 when they sign up for 2011.

In 2010, they plan to farm one acre of property, for a total of 30 shares; a full season of produce in the CSA will be offered for \$350. This year, they also hope to create 4' x 8' garden plots for families to purchase to grow their own produce; the cost and size of the plots will be determined in early spring.

Judi reminded Kimberly that they need to make sure that they renewed their license when it expired in June, so that it wouldn't slow them down. Kimberly asked what they would need to do to renew the license. Jane recommended that they should submit a one page report and a request for a new license. The report should include a brief overview, including what they had produced, their costs, profits and a plan for the following year.

**Quick Lube Parking Lot, near Rodman Ford Parking Lot – Route 1**

Bob informed the Commission that he had observed trash behind the Quick Lube, near the old Rodman Ford, which was encroaching upon the neighboring wetlands. He had called Bill Casbarra, who referred Bob to the Selectmen, who referred him to the Board of Health. Pauline Clifford, the Health Agent, then sent a letter to Donald Rodman concerning this matter.

**Continued ANRAD, DEP #157-496, 369 Central Street, Big Y Foods**

The applicant's representatives, Bill Buckley (Bay Colony Group) and Briscoe Lang (PARE Corp.) attended the meeting to discuss Briscoe's findings regarding the site's riverfront area.

Briscoe explained that during the previous Commission meeting, Jane had questioned the validity of the ANRAD's reference to the bank (of Robinson Brook) as the edge of the riverfront area. She believed that the Mean Annual High Water Line (MAHWL) would better define the riverfront boundary.

Therefore, Briscoe and Jane had visited the site together to review the riverfront boundary. While on site, Jane had referred to an article published in the April 2000 AMWS Newsletter titled "The Buzz About Bankfull" by Heidi Davis, DEP. In one section, the article states:

" 'For those stream types that exhibit a well-developed floodplain, bankfull stage is easily and reliably identified as the elevation of the floodplain.' Further, 'The floodplain is the level land area adjacent to the channel that is flooded at a frequency commensurate with the bankfull discharge' (S. Smith, et al, 1999)."

The article also spoke to "the transition between herbaceous and shrub communities." Jane had previously observed an abrupt transition between herbaceous vegetation and woody vegetation (red osier dogwood). During their site visit, although he and Jane had observed the herbaceous to shrub transition area, after reviewing Heidi Davis' article, they were not sure whether the break represented the actual edge of the riverfront.

After their site visit, Briscoe reviewed information from a gaging station on the Wading River (not the same river, but a similar sized river, downstream in Norton), taking the highest flow rate for each year, taking an average to come up with an approximate yearly (high) flow rate. The historical data showed that two-thirds of high water readings had occurred between January and April. After reviewing this date, he suggested waiting until the spring to observe flooding in the area so that they could determine where the riverfront boundary should be located.

Bob thought that it would be reasonable to wait until the spring floods to accurately determine the riverfront's MAHWL boundary. Therefore, Bill asked to continue the hearing until March 14<sup>th</sup>.

**Motion** was made by Doug Davis to continue hearing for DEP #157-496, 369 Central Street, Big Y Foods to March 14, 2011. Seconded by Allan Curtis. **Vote: 5:0:0**

#### **Continued NOI, DEP #157-495, 52 Neponset Heights Avenue**

The applicant was not present, but had requested a continuance to January 24<sup>th</sup>.

**Motion** was made by Allan Curtis to continue hearing for DEP #157-495, 52 Neponset Heights Avenue to January 24, 2011. Seconded by Doug Davis. **Vote: 5:0:0**

#### **Voucher Signed:**

A voucher was signed for a bill from MJ Eisenhauer Plumbing for \$500.00 for winterizing the Commission's properties at 10 Fairbanks Road and 87 North Street.

#### **Bill for MACC Dues**

A bill for MACC dues for 7/10-7/11 was reviewed by the Commission. Doug stated that he did not want to pay the dues because they did not support the Commission after they had made a request for assistance with the recent dog park matter, in fact, had included a very negative "Bark Park" article in their newsletter that was factually wrong.

Jane, acknowledging the Commission's very negative experience with MACC, still believed that it was a wonderful organization and encouraged the Commission to join so they would be able to take MACC courses and conferences at discounted prices. The Commission decided not to pay the dues.

### Open Space and Recreation Plan Update

Jane gave the most recent version of the open space map that she and Judi had been working on to the Commission. She told them that she had met with Allison Gillum and that they had visited the Assessors office to request the information that Allison needed to work on Section 5 of the Plan. Allison told her that it was going to take longer to finish Section 5 than she had originally anticipated, mainly because the Town GIS parcel/assessor data layers were from 1999/outdated.

Bob asked Jane if she had heard anything from Tim Cummings (Town Manager's intern) about his meeting with the OSRP reviewer, Melissa Cryan at the State. Jane responded that she hadn't been able to reach him, so had not heard anything about his meeting.

### Nadia Estates, DEP #157-493, off Morris Street, Continued Hearing

The applicant's representative, Jim Pavlik (Outback Engineering) attended the meeting. He reminded the Commission that during the previous meeting, there had been another round of revisions, but generally, the Town's representative Steve Baker had no further comments.

Jim reviewed details that had been added to the projects plans, including additional catch basin water quality inlets details and snow storage areas now included swales with low berms which would allow water to run off into the WQ inlets and a lot of other minor details.

Jane told the Commission that she was pleased with the updated version of the water quality sampling protocol letter, dated 1/3/11, from Seth Dufort of Outback Engineering.

Bob expressed his concern about the underground storage basins, to which Doug agreed, adding "they don't work." Jane recommended that temporary stilling basins might be created in the locations of the underground basins, for use during construction.

Bob was concerned about the dumpster pad's close proximity to the vernal pool. Jim thought that covering the dumpster and enclosing it with a fence might be a good solution. Jane agreed, stating that she could include a special condition in the order of conditions to prohibit dumpsters within 100 feet of wetlands during construction. Judi liked the suggestion about fencing around the future dumpster pad, since it would contain trash that might otherwise blow into the vernal pool. Mohammad stated that the dumpsters would be covered and would surround the dumpster pad.

After further discussion, Mohammad asked the Commission for a digital copy of the draft Order of Conditions, prior to signing, offering to give the Commission permission an extension to the 21 day requirement for issuing an Order of Conditions if they found that they needed more time. Bob told Mohammad that he and Jane would review the draft OoC and then send a draft to Mohammad, as he requested.

**Motion** was made by Allan Curtis to close the hearing for DEP #157-493, Nadia Estates.  
Seconded by Doug Davis. **Vote: 5:0:0**

### Notice of Intent, DEP #157-497, 67 North Street (Christensen Estates)

Bob opened the hearing by reading the legal notice, as posted in the Foxboro Reporter.

The Applicant's representative, Bill Buckley of Bay Colony Group, was present to review the proposed project. He first described the site's wetlands which consisted of an intermittent stream that flowed north to south, underneath Rt. 95, which was bordered by a bordering vegetated wetland. He explained that the project site was 11.2 acres and that the project had originally consisted of six lots, but that now two ANR lots had been removed from the subdivision and would not be part of its covenant. Lots 6 and 3 would be located within the 100 foot buffer zone.

The proposed roadway was 420 feet long and 20 feet wide. Their Planning Board hearing was continued to the end of the month and had asked for a waiver to put a sidewalk on only one. Storm

water would be managed by one open detention basin, located at the end of the roadway at the bottom of the hill. The detention basin would have a forebay area with rocks; the basin would be only three feet deep, with an emergency overflow. They would need to bring soil to the site to fill the rear portion of the roadway, which would create a 3 to 1 slope along the back.

Judi, who reviewed the site's previous wetland delineation, recalled seeing a vernal pool, the location of which should not require any changes to the proposed plan, but she wanted to visit the site in the spring to see whether it was a certifiable vernal pool.

Bill stated that he was not going to ask the Commission to close the hearing yet, since he wanted to wait until after they had met with the Planning Board at the end of the month. He indicated that the Planning Board wanted to include a condition that the dead end road could not be extended towards the golf course.

Jane wanted to take the opportunity to discuss filing fees with the Commission. She explained that Bill had submitted a filing fee for two house lots, only, and although she understood this was how things were done in the past, but she would have preferred this to be a filing for the subdivision's infrastructure only, which has a higher filing fee. Then, after the infrastructure had been completed, the applicant could file a Request for Determination or a Notice of Intent for each house lot that was within the Commission's jurisdiction. This way, they would have one filing for the subdivision and separate filings for each lot. She indicated that from an administrative perspective, it would be "much cleaner" and easier to find the files in the future. Bob opined that it would difficult to do for this filing, but they could follow her recommendations for similar filings in the future. Jane agreed, saying that for this small subdivision, it didn't matter.

Judi wanted to make sure that the Commission would have permission to go onto the property in the spring to visit the potential vernal pool. Bill replied that this would be fine, but to just let him know when a site visit was planned so he could inform his client.

**Motion** made by Allan to continue hearing until April 14, 2011 at 7:05. Seconded by Judi Johnson. **Vote: 5:0:0.**

#### **November 15, 2010 Minutes**

**Motion** was made by Allan Curtis to accept the November 15, 2010 meeting minutes, as distributed. Seconded by Judi Johnson. **Vote: 5:0:0.**

#### **November 29, 2010 Minutes**

**Motion** was made by Allan Curtis to accept the November 29, 2010 meeting minutes, as distributed. Seconded by Judi Johnson. **Vote: 4:1(DD):0.**

#### **Nadia Estates, DEP #157-493, off Morris Street, Review of Possible OoC Conditions**

Doug asked Jane why she wanted the Commission to review the OoC conditions. Jane replied that she just wanted to make sure that she didn't include conditions that the Commission wouldn't want. She explained that, when researching special conditions, she had reviewed the Gillette Stadium conditions, which she found were based on MACC's boilerplate conditions. Therefore, she used the MACC conditions and then added other conditions from various sources, including conditions contained in the DEP's Wildlife Habitat Protection Guidance for Inland Wetlands document.

Jane then reviewed her draft conditions with the Commission, including the following major issues:

1. Requirement for a Compliance Inspector, with stipulations outlining required background, experience and responsibilities (Judi asked for a list of what should be included in the Compliance Inspector's progress reports).

2. Re: submissions required for the pre-construction meeting, Bob asked Jane to remove the requirement for the submission of a “final project sequencing plan.”
3. Doug asked for a condition about installing a permanent sign about the vernal pool; Jane pointed out information in the Findings section, which included information about the vernal pool and its protection.
4. Timing for the temporary vernal pool habitat alteration work was discussed and defined.
5. Water quality testing (3 samples) collection points were reviewed; it was decided that testing should occur at both ends and in the middle of the western shore, when not flooded. Since a preconstruction baseline was needed, it was determined that the first round of testing should occur prior to construction, no later than April 30, and then annually between April 15 and 30.
6. Reports on results of water quality testing should be submitted within 30 days of receipt of lab report; water quality conditions to stay in effect for five years after the issuance of an occupancy permit. Outback Engineering’s Revised Water Quality Sampling Protocol letter should be referenced and followed.
7. Compliance Inspector progress reports should be submitted once a month.
8. A condition should be included about creating temporary settling basins in the locations of the future detention basins to be used during construction/prior to installing detention basins.
9. There shall be no de-watering; if needed contact Commission for approval.
10. Cement trucks shall not be washed out on site.
11. No blasting will be allowed on site. If blasting is found to be necessary, applicant shall come before the Commission for their review/approval.
12. Signs should be installed around the vernal pool’s 25 foot no disturbance area, and shall be maintained (i.e. if torn down, then replace) in perpetuity.

Jane told the Commission that she would make the changes that they had discussed and would then email the OoC to the Commission for their further review before signing.

**Meeting Adjourned**

**Motion** was made by Judi Johnson to adjourn. Seconded by Allan Curtis. **Vote: 5:0:0**

The meeting adjourned at 10:00 p.m.

Respectfully submitted,

Eric Nelson, Clerk

**List of Documents, Reviewed during Meeting**

1. For the applications, reviewed above, please see Commission’s DEP file folders.
2. April 2000 AMWS Newsletter article: “The Buzz About Bankfull” by Heidi Davis, DEP
3. 1/3/11 Letter from Seth Dufort, Outback Engineering, to Foxborough Conservation Commission, Re: Revised Water Quality Sampling Protocol, Nadia Estates

Draft minutes taken by Judy Leahy: 1/3/11

Reviewed by Jane Sears Pierce: 2/10/11

Approved by Commission: 2/14/11