

**Town of Foxborough
Conservation Commission Minutes
July 19, 2010**

Members present: Bob Boette (Chairman), Harold Blomberg, Doug Davis, Judi Johnson, Jim Marsh and Eric Nelson

Absent: Alan Curtis

Also present: Jane Sears Pierce, Conservation Manager and Bill Hocking, Interim Agent

Meeting Opened

Bob Boette opened the meeting, held in the Selectmen's Meeting Room in Town Hall, at 7:00 p.m.

Notice of Intent, DEP #157-491, 67 Green Street, John Gamache

Jack Gamache, applicant, and his representative, Bill Buckley from Bay Colony Group, were in attendance to present Mr. Gamache's proposal to construct a 34,000 gsf office/warehouse/limited manufacturing facility with associated parking, drainage and utilities. Bill Buckley explained that the project site, a vacant 6.9 acre parcel of land located across from Faxon Road, consists of a meadow, young trees and bordering vegetated wetlands. About half (3.4+/- acres) of the property is wetland.

The property has had two Notice of Intent filings, most recently in 2007 (DEP #157-461) for a 40,400 gsf medical office building. An Order of Conditions for that project was issued on December 3, 2007 and has been extended through December 3, 2010, but since it will not be built, the applicant has requested a Certificate of Compliance to remove it from the chain of title. The wetland delineation for the current filing was approved by an ORAD issued on May 16, 2005.

The proposed building will be constructed in 2 phases, with the first phase consisting of a 19,000 gsf building and a 23 space parking lot. A single loading dock will serve the facility, which will be constructed during the project's first phase. The storm water management system will consist of a perforated pipe and stone trench system for the (clean) roof runoff and an above-ground detention basin to the rear of the building, which will handle the parking lot's runoff. A standard catch basin/manhole system will be used to convey the system's stormwater; the catch basins will have deep sumps and oil/water separators. After meeting with Jane during the previous week, the snow removal area, formerly proposed for the eastern side of the site, has been moved to the western side of the parking area. Construction is scheduled to begin in August 2010 and finish in Spring 2011.

Bob stated that since it had been five years since someone had looked at the wetland line, he wanted it to be verified before issuing an approval. Bill Hocking believed that if there were any changes, they would be in the back by Rt. 95, stating that he would visit the property to review the line.

Motion was made by Doug Davis to (1) close the hearing and accept plan as shown, pending the certification of the wetland line and (2) to issue a Certificate of Compliance for **DEP# 157-461**. Seconded by Judi Johnson. **Vote: 6:0:0**

Request for Determination, 33 Mirimichi Road

The applicant, Steven Robertson (not present), lives in Maine so Jane presented his request for the removal of a damaged pine tree. The large pine tree, located on a hillside approximately 30 feet from Lake Mirimichi, had recently been hit by lightning and appeared to be splitting down the center, which looked dangerous. Mr. Robertson was very concerned for his tenants' safety. Access to the tree would need to be through the next door neighbor's back yard, which is a flat lawn area. Since this was a potentially dangerous situation, Bob Boette had directed Jane to allow the immediate cutting of the tree, followed by the filing of an RFD, as a formality.

Motion was made by Jim Marsh to issue a Negative Determination (checking #3 and #6).
Seconded by Doug Davis. **Vote: 6:0:0**

Request for Determination, 23 Bragg Road

Homeowner, Bernard Stelmach, and his representative/landscaper, John Lieneck of Linex Landscape Services, came before the Commission to present their proposal to construct a 12 foot round paver patio with natural rock retainers, adjacent to the Neponset Reservoir. John explained that the work would not involve the removal of any trees, indicating that the grade change would be no more than 12 inches. He planned to take out the top soil and add 4" to 6" of crushed stone (crush/run) for the base of the patio. The work would all be performed manually (all "wheelbarrel work"); they want to maintain a natural look.

After review of the proposed plan, it became clear that the patio was proposed to be built only 15 feet from the water; within the Bylaw's 25 foot no disturb zone (NDZ). Judi explained the importance of naturally vegetated buffers and stressed that a 25 foot NDZ from a wetland was the bare minimum protection. She explained that if the Commission allowed Mr. Stelmach to build in the 25 foot NDZ, they would have to allow other abutters to do the same.

The Commission encouraged Mr. Lieneck to redesign his proposed plan to keep work out of the 25 foot NDZ. Mr. Stelmach, who now understood the importance of the 25 foot NDZ, asked the Commission to continue the meeting until August 2, so that he could explore other options.

Motion was made by Eric Nelson to continue RFD meeting to August 2. Seconded by Harold Blomberg. **Vote: 6:0:0**

Informal Discussion with Bob Swanson, Highway Department

Bob Swanson was invited to tonight's meeting to discuss the highway department's upcoming projects. As a result of the severe spring flooding caused by the heavy rains, the Bleachery Pond sluiceway on the south side of Morse Street was undermined by approximately 1½ feet. This area has been prone to flooding in the past, but has never been as bad as this year. Bob S. believed that the installation of two 24" culvert/lines, 150 feet long, adjacent to the sluiceway would ease the flooding problems. Each pipe would have its own flow control structures (boards) to allow the Highway Department to lower the water when necessary.

Bob B. thought that the 48" pipe (downstream on Morris Street) should be worked on first. Bob S. agreed that a lot of restoration work is needed since this Spring's flooding, but it will need to be done in a phased approach. He is hoping to receive help from FEMA and plans to speak to them. Bill Hocking thought that the pipe installation sounded like a good approach.

In an effort to further reduce the flooding risk at Morse Street and save the town money, Bob S. is working with Norfolk County Mosquito Control. They plan to perform mechanical wetlands management activities, including selectively clearing brush, fallen trees and debris from a previously maintained portion of the Rumford River in the area where it crosses from east to west under Morse Street. The work area is located within the River's tributary located off of Morse Street at the Bleachery entryway; work will be conducted during the low flow period. Mosquito Control reports that all removed material will be deposited off site or within adjacent uplands, not in the wetlands.

Bob S. explained that they plan to excavate only 75 feet from the area of the pipe's discharge in order to reclaim some of the culvert's lost capacity, due to siltation and debris. Doug asked if Mosquito Control planned to come before the Commission before performing the work. Bob S. replied that they are exempt from the WPA, but also have a very short window of time to perform this work.

Judi stated that alteration thresholds apply and that she wanted to ensure that these thresholds are not exceeded. She wanted the proposal clarified and shown on a plan.

Bob S. stated that most of the work would be channelization, not stream widening and that it was being proposed for sometime in the end of July or first week of August. Jane commented that it has been her experience that towns will often ask for Mosquito Control's assistance to save time and money. Doug asked if they planned to dig side channels to which Bob S. replied "no." Bob B. asked if they planned to remove tree stumps and Bob S. said "no," they would only cut down as far as they could.

Bob B. asked Bob S. to let Jane know when Norfolk County would be working so that they (Jane and Bob) could observe the ongoing work.

Jane explained that she had met with Bob Swanson on 7/12/10 when he had submitted several RFD filings for upcoming Highway Department projects (listed below). She recommended that two of the projects, the Edwards Road and Morse Road roadway reclamation projects, could be allowed to start immediately (i.e. prior to August 2), since they were very straight forward. Bob S. indicated that they would cover catch basins with filter fabric and surround them with hay bales.

Jane asked the Commission to give the Highway Department their okay to begin this work prior to the issuance of the Determinations, which they did, after further discussions.

DEP #157-461, 67 Green Street

Motion was made by Eric Nelson to issue an Order of Condition for **DEP #157-491**.

Seconded by Judi Johnson. **Vote: 6:0:0.**

DEP #157-489, 67 Mechanic Street

Motion was made by Jim Marsh to issue an Order of Condition for **DEP #157-489**. Seconded by Doug Davis. **Vote: 6:0:0.**

DEP #157-358, 67 Mechanic Street

Motion was made by Harold Blomberg to issue a Certificate of Compliance for Phases I and II of **DEP #157-358**. Seconded by Jim Marsh. **Vote: 6:0:0.**

Lakeview Pavillion Request

Jane was asked to review the minutes from the Pavillion's previous request to eradicate weeds from Lakeview Pond and then call them to review her findings and instruct them how to proceed.

June 28, 2010 Minutes

Motion was made by Judi Johnson to accept the June 28, 2010 meeting minutes, as presented.

Seconded by Harold Blomberg. **Vote: 6:0:0.**

Meeting Adjourned

Motion was made by Jim Marsh to adjourn. Seconded by Harold Blomberg. **Vote: 5:0:0**

The meeting adjourned at 9:20 p.m.

Draft minutes submitted by Judy Leahy: 7/21/10

Reviewed by Jane Pierce: 7/27/10

Approved by Commission: 8/2/10