



The Conservation Commission

Permitting Process; An Abutter's Guide

The Foxborough Conservation Commission has prepared this guide to explain what you, as an abutter to a proposal to conduct work in or near wetlands, can expect during the process of review of this project. It is not intended as a legal guide, but to help you understand how to participate in hearings, get information, and best communicate any concerns you may have.

To reach the Conservation Commission, please call the office at 508-543-1251 or send an email to Diana Gray (dgray@foxboroughma.gov) or Jane Sears Pierce (jpierce@foxboroughma.gov). The Conservation Office is located on the second floor of Town Hall, 40 South Street.

Why am I Receiving This Notice?

You are receiving this notice because you are an abutter (as defined by law) to a proposal to conduct work in or near wetlands that is being reviewed by the Foxborough Conservation Commission. The notice is required by law to let you know that a public hearing will be held regarding this activity.

How Can I Find out More about What is Proposed?

An application and supporting materials are on file at the Conservation Office. You are welcome to come to the office to review this information. Our office is generally open on weekdays from 8:30-4:00 pm, except on Fridays when we are open until 12:30 pm. Since the Conservation Agent may be conducting site visits or at off-site meetings, it is best to make an appointment to review a file to ensure that staff will be available to assist you.

What Should I Expect at the Public Hearing?

At the first hearing, the property owner or their representative will present plans and explain what is being proposed for the Commission and audience. The Conservation Chair, who directs the meeting, will first ask the Commission for their questions. The Chair will then give the audience an opportunity to ask questions or offer opinions. Comments may also be submitted in writing at or before the hearing.

Since the Commission often hears several projects in an evening, hearings last a specified period of time. At the end of this time, the hearing may be either closed, or continued (if the Commission needs additional information to make a decision). Continued hearings may be several weeks or months in the future, depending on how long it will take the applicant to gather the required information. You will not receive notice of the continued hearing date, but the date will be announced at the end of the hearing.

Occasionally, the hearing process may be delayed due to weather, the absence of a Commission member, or at the applicant's request. To verify that a hearing is being held on a scheduled date, you can call the conservation office, or go to the Commission's website (foxboroughma.gov/conservation) to review the posted agenda. You can also sign up to receive various town agendas via email.

How Can I Make My Concerns Known if I Cannot Attend?

Comments can be submitted in writing prior to the close of the public hearing. Copies will be provided to the Commission members. As with all testimony (oral and written), it is most helpful to raise concerns early in the process.

What Happens After the Hearing?

After the hearing and the record are closed, no new information can be submitted. The Commission deliberates and issues a decision – called an Order of Conditions – at a Commission meeting, usually within 21 days of closing the hearing. The Commission generally either approves a plan with conditions or denies it if it cannot be adequately conditioned to protect wetland resource areas. Interested individuals are welcome to attend and listen to the Commission’s deliberations, but may not make further comments.

What Issues Does the Commission Consider?

The scope of issues that the Commission can consider in reviewing proposed projects is defined by state and local law and regulations. In presenting testimony (oral or written) it is most helpful to focus on these issues.

Will I Be Notified of the Decision?

Copies of decisions are not sent to abutters. You may request a copy of any decision from the conservation office. The owner is also required to record their decision/permit at the Registry of Deeds. Permits are generally valid for three years and may be extended by the Commission.

How Can I Appeal?

Appeals of the Conservation Commission’s decisions are handled in two ways. Appeals of decisions under the Wetlands Protection Act (called a Request for a Superseding Order of Conditions) must be made to the Department of Environmental Protection (DEP) within 10 business days, using forms supplied by the DEP. Appeals may be made by abutters, 10 residents of the community or the DEP. Appeals under the Town of Foxborough Wetlands Protection Bylaw must be made to Superior Court by an aggrieved party.

Suggestions for Presenting Testimony at Public Hearings

- State your name and address for the record before you speak and each time you speak.
- Feel free to use the proposed plan to point out concerns you may have and try to stand so that the Commission can see the area to which you are referring.
- Try to state all of your questions or concerns at once and then allow the next person to speak;
- Be polite and respectful of differing opinions.
- While you may have questions of the applicant, you should address them to the Commission.
- Avoid personal attacks and stick to issues relating to the project that are within the Commission’s jurisdiction (within 100 feet of a wetland or 200 feet of a river; issues like traffic and noise are outside of the Commission’s purview).
- Don’t ask to speak again unless everyone has had a chance to be heard.
- It is fine to just say “I agree with Mr. Smith about that drainage issue” rather than restating the same concerns.

Comments made at one hearing need not be repeated at subsequent ones unless they have not been addressed.