

**Town of Foxborough
Conservation Commission Minutes
October 5, 2009**

Members present: Bob Boette, Chairman, Al Curtis, Vice Chairman, Harold Blomberg, Judi Johnson, and Eric Nelson

Members absent: Doug Davis

Also present: Jane Sears Pierce, Conservation Manager
Bill Hocking, Temporary Conservation Manager

Meeting Opens

Bob Boette opened the meeting at 7:05 PM, which was held in the Paine School, behind the Town Hall.

DEP #157-480, 16 Old Colony Road

Since the applicant for this project never received their signed Order of Conditions, which had been sent by Certified Mail, they were requesting another original copy.

Motion by Harold Blomberg was made to sign the duplicate Order of Conditions for DEP #157-480, 16 Old Colony Road. Seconded by Judi Johnson. **Vote: 5:0:0 in favor.**

Extension Permit: DEP File #SE 157-377, 137 North Street

Motion by Al Curtis was made to issue an Extension Permit for DEP #157-473, 23 Perry Drive, as long as the filing fee had been received. Seconded by Harold Blomberg. **Vote: 5:0:0 in favor.**

Certificate of Compliance: DEP File #SE 157-377, 137 North Street

Motion by Al Curtis was made to issue a Certificate of Compliance for DEP #157-473, 23 Perry Drive, contingent upon Jane Pierce's review, as long as the filing fee had been received. Seconded by Harold Blomberg. **Vote: 5:0:0 in favor.**

Request for Determination of Applicability: 120 South Street

Bob opened the hearing at 7:10 PM and read the legal notice. The RFD was for the installation of an ADA required (stone dust) path at the High School.

Bill Yunka, the Chairman of the Permanent Municipal and School Building Committee, reviewed the proposed project, explaining that part of the High School renovation project required bringing the ball fields up to ADA requirements. The proposed stone dust path will be installed in an area that is currently maintained as lawn. It would be a fairly straight-line path running beside the tennis courts to the baseball diamond's backstop. Hay bales and silt fence would be installed prior to construction. Since bid documents for the work are ready to go out, the Committee wants any concerns that the Commission might have written into the bid document.

Bill H. stated that he met with the architect before the plans were drawn up and they discussed where the path should go, taking into consideration an intermittent stream in the area. He said that the filing represented exactly what they had discussed. After the filing was submitted, he visited the site with Jane.

Judi asked whether stone dust would cause a problem when it rained. Bill Y. told her that stormwater would flow off the top, which will be slightly higher than grade and sloping to the sides from the middle.

Motion by Al Curtis was made to close the meeting and issue a Negative Determination (2/4) for Request for Determination of Applicability: 120 South Street. Seconded by Harold Blomberg. **Vote: 5:0:0 in favor.**

Town Meeting Conflict

Since a Special Town Meeting had been scheduled for November 30th and would conflict with the Commission's scheduled meeting for that date, the Commission discussed whether their scheduled meeting

for that date should be rescheduled. Bob determined that the meeting should be held on November 23rd, instead of on the 30th and indicated that he would ask Esther to find a place to hold the meeting.

7:30 PM, Continued NOI: DEP #157-482, 17-24 Summerville Road

John Rhoads, Norwood Engineering Company, Inc., applicant's representative and Cocasset Park Condominium Trustees Mary-Ann Boaz (10 Summerville Road) and Janet Zonghetti (1 Summerville Road) were present.

John distributed a copy of his letter dated October 2, 2009, about the White Knight system to the Commission. Al, who had been the hearing's Acting Chairman, explained that the continuance was for a follow up to the previous meeting's discussion about whether the White Knight alternative septic system would be applicable in this location.

John explained that the White Knight system is approved by the DEP for remedial use (only) and is intended to rehabilitate the leaching field in place, using the existing septic tank, D-box and leaching field. The system enhances treatment, but does not do what an enhanced removal system does. He enclosed some literature from the White Knight manufacturer with his letter. John opined that it was a good product for what it is intended to do, but in order to use the system (citing the DEP's letter, Modified Approval for Remedial Use or "MARU"), under design standards II.4A, the groundwater needs to be at least two feet below the soil absorption system. The test holes performed at this site indicate that the system would not meet the DEP's two foot separation standard, so it would not be appropriate for this location.

The DEP formula is a mixing formula that states that 440 gallons per acre is appropriate for (nitrogen) mixing purposes. Another way is to recharge roof runoff water is to promote mixing which does not now occur in all seasons. In John's opinion, recharging the building's roof runoff would help with the nitrogen dilution and seems to be the best solution available

In summary, John stated that they had examined the White Knight; it is a rehabilitation standard only and they do not meet the DEP criteria for using it in this location.

Al agreed that the White Knight would not be appropriate in this location. When it had been discussed during the previous meeting, he said that he had been very skeptical about it's working in this location.

Bob asked where the roof runoff would go. John explained that he wanted to take advantage of the walkway area and install a linear infiltration trench at the edge of the walkway's pavement. A couple of roof runoff pipes that currently discharge onto the pavement could be spread out in a drywell in the infiltration trench (perforated pipe and stone envelope wrapped with Moraffi filter fabric).

Eric asked where the off site vernal pool was located and John indicated that it was located just offsite in the plan's "ILSF" area. Bill explained that he believed the ILSF had formed after they built the condos because they had cut off the natural drainage for the site, causing the off-site depression to fill up. He believed that the groundwater which wanted to flow in the area of the failed system (from the ILSF) contributed to the current septic system's failure.

Motion by Judi Johnson was made to close the hearing for DEP #157-482, 17-24 Summerville Road. Seconded by Harold Blomberg; Bob Boette abstained. **Vote: 4:1:0 in favor.**

Open Space & Recreation Plan

The Commission asked Jane to work on the version of the map that Dave had corrected.

Discussion: Bylaw Revision for Special TM

Bob told the Commission that he would review possible revisions to the Bylaw with Jane and would discuss the proposed changes during the next meeting.

NOI, 36 Ridge Road (new filing) was distributed to the Commissioners.

2010 Meetings Schedule: Bob will come to office to work on the schedule on the following day, indicating that the Commission should review the proposed meeting schedule during the next meeting.

Sign Vouchers and Accept Minutes

Two vouchers were signed.

Motion by Judi Johnson was made to accept August 17, 2009 minutes as distributed. Seconded by Al Curtis. **Vote 5:0:1.**

Motion by Judi Johnson was made to accept September 28, 2009 minutes as distributed. Seconded by Al Curtis. **Vote 5:0:1.**

Mail

Bob reviewed the mail which included the following information:

- The Friends of Camp St. Augustine (FOCSFA) is celebrating a 5th anniversary on Saturday, October 17th, from 9:00 to 12:00 at Camp St. Augustine.
- A flyer about the MACC semi-annual conference and workshops was read.

204 East Street , DEP #157-467, Superceding ORAD Update

Bill reviewed recent correspondence from Forrest Emery (applicant's representative) and Gary Makuch (DEP) regarding slope stabilization which would be occurring between October 9th and 15th per orders of the DEP. Judi wondered whether this work would satisfy the DEP's cease and desist order.

Bill reminded her not to forget that Forrest had appealed the DEP's cease and desist order and the hearing date had yet to be set. Bob didn't think that the current work would satisfy the DEP's order, adding that it looked like that had filled things in and moved the pile of dirt. Bob asked Bill to call Gary at the DEP to make sure that the Commission is allowed to attend their next site meeting, stating that he would hope that they could visit the site without being threatened by arrest.

Bill recommended putting the site visit request in the form of a letter to Gary Makutch of DEP. Jane was asked to write the letter to Gary. In the letter, she was instructed to ask him:

1. When was he expecting to schedule an on-site visit for 204 East Street,
2. To let them know when the meeting would be held, since the Commission would like to join him, and
3. How many Commission members would they allow on site.

Neponset Reservoir Dam Repair

Bill updated the Commission on the ongoing dam repair's progress, stated that he had visited the site earlier in the day. He said that they had done a good job at moving the entrance way's stone gate post. They had dug out behind it and then lifted it up and set it down so that the area between posts has been widened. Crushed stone was placed in the low area in the beginning of the path, just beyond the gate. The swing gate is still in place on the left side with a cable to lock the gate to the stone post that was moved. Construction signs, warning of the construction, have been installed and a large excavator, used for grubbing and doing work on the dam was on site today. Showing some of his pictures, he explained that the orange material in the upstream side of the dam (in the water) is a barrier for any siltation that might occur. Later, weighted sandbags will be put on the skirt to weigh it down. He indicated that the lake appeared to be within two inches of where it was last year.

The machine that was working on-site today will be parked at the top of the hill in sight of the Lane house. Reportedly, the machine that will be driving the piles is said to be four times the size of the machine that was on-site today.

Judi informed the Commission that during the NRRC's next meeting, they will be discussion drains, etc. around the lake, as recommended by AECOM, and will be looking into their recommendations. She said that they will be discussing the areas where nutrients are getting into the lake that were identified in the herbicide treatment feasibility study (about the methodologies that could be used to address the lakes water quality).

Morris Street Vernal Pool Certification

Jane informed the Commission that the Morris Street vernal pool certification that she had submitted to the NHESP had been denied. She explained that she had called Marea Gabriel to see what she could do to correct the submission and Marea had told her that it was next to impossible to certify vernal pools in late

August since the certification rules had recently changed. Jane indicated that she would be revising her submission as discussed with Marea and would be resubmitting the certification application.

DCR's Working Forest Initiative/Pilot Forest Carbon Offset and Trading Program

Jane also reviewed with the Commission information about the DCR's Working Forest Initiative that she had learned about during a recent MA Society of Municipal Conservation Professionals (MSMCP) meeting. She said that they had also reviewed the *Pilot Forest Carbon Offset and Trading Program*, which seemed like it might be worth looking into. A pamphlet that she reviewed with the Commission stated:

“The program rewards landowners for long-term, sustainable management of their forests by aggregating and selling the carbon annually sequestered by trees. These carbon credits have a value that can be sold to offset emissions. [] Carbon credits are accrued annually; you are selling the annual increase in carbon sequestered by your forest and guaranteeing that this amount will remain sequestered for 15 years. [] In 2008 carbon credits traded on the CCX ranged from \$1.20 to \$7.50 per ton.”

Party for Dave Risch

Al asked the Commission to get together on the 18th of October, 1:00 at his house on the Cape. He said that he would send directions to his house. He told the Commission that he had a plaque made for Dave's many years of service as the Conservation manager and that he would also give him a watch that he had purchased, himself.

Motion by Harold Blomberg was made to adjourn at 8:30 PM. Seconded by Judi Johnson. **Vote 5:0:1.**

Submitted by Jane Sears Pierce: 10/19/09

Approved by Conservation Commission: 11/02/09