

**Town of Foxborough  
Conservation Commission Minutes  
May 4, 2009**

**Members present:** Bob Boette, Chairman, Al Curtis, Doug Davis, Bernie Marshall,  
Val Bataille-Ferry

**Members absent:** Harold Blomberg

**Also present:** Judi Johnson, 81 Willow Street  
Bill Hocking, temporary Conservation Manager

**7:00 p.m. Meeting opens** – Bob B. opened the meeting which was held in the Town Hall Meeting Room, 40 South Street.

**7:05 p.m. Continued Hearing Notice of Intent 45 Lakeview Road DEP File #SE 157-469** – The purpose of the hearing is for the reconstruction of a patio and deck and construction of 645 s.f. of additions to an existing function hall that lies partially within the buffer zone to an inland bank.

Bill Buckley, Bay Colony Group, Inc. and Frank Spillane, attorney were present to represent the applicant Kourtidis Realty Trust. Bill B. explained that they had been before the Commission last spring for a public hearing and a site walk. Bill B. said that he asked the Commission to continue the hearing until they appeared before the Zoning Board of Appeals to modify some of the conditions of the operating permit. Bill B. explained that the modifications do not differ substantially from those described in his letter of June 30, 2008 to the Commission. Bill B. said that they have notified all the abutters of the new hearing date and time by sending them the legal notice by certified mail.

Bill B. said he moved the galleys closer to the building to minimize the disturbance to the slope. They will take out 3 trees; 2 pines and one hardwood. They will use a small excavator. There will be no expansion to the septic system. The hay bales will be placed as shown on the plan mostly to define the limit of work area. Bob B. is concerned about getting the hay bales in there without damage to the slope. Bill B. said that it will be more labor intensive and that a stalked hay bales line will be more effective. Bill H. said he looked at the site and also the trees that will be removed. He said the new wall will help by making it more enclosed and saw no problems.

**Motion** by Doug Davis was made to close the public hearing. Seconded by Al Curtis. Voted 5:0:0 in favor. An Order of Conditions will be issued within 21 days.

**7:15 p.m. 10 Mill Street – Cease & Desist** – Aleksandr Pokrovskiy and Lena Zeliger, 10 Mill Street were present. An Enforcement Order was issued to Aleksandr Pokrovskiy, 10 Mill Street on April 14, 2009 for “activities within a bordering vegetated wetland and within 200 feet of a river. There has been no filing for this type of work with the Foxborough Conservation Commission.”

Bill H. explained that he visited the property and saw that a backhoe had leveled the top of the hill just above the river. The material was pushed down over the back within 200 feet of the river and within 100 feet of a vegetated wetland. Bill H. said he met with Alek at the site and told him not to do any more work. Bill H. said that they have not done any work since then. Lena Z. explained that they were cleaning up the area and stopping the erosion. Judi J. explained the best way to stop erosion is by wetland vegetation. Bill H. said that there is a large tree that came down.

The Commission would like them to file a Determination of Applicability along with a plan before any work is done.

**Motion** by Doug Davis was made to sign and issue a Cease & Desist to Aleksandr Pokrovskiy at 10 Mill Street for activities within a bordering vegetated wetland and within 200 feet of a river. Seconded by Al Curtis. Voted 5:0:0 in favor.

**Extension Permits** – DEP File #SE 157-431- 14 Willow St.  
DEP File #SE 157-339 – Taylor Farms  
DEP File #SE 157-170 – Cocasset Lake  
DEP File #SE 157-420 - 186 Cocasset St.

**Motion** by Doug Davis was made to issue Extension Permits for DEP File #SE 157-431, DEP File #SE 157-339, DEP File #SE 157-170 and DEP File #SE 157-420. Seconded by Al Curtis. Voted 5:0:0 in favor.

**Certificates of Compliance** – DEP File #SE 157-431 - 14 Willow St.  
DEP File #SE 157-339 Partial Taylor Farms Const. of Rds only  
DEP File #SE 157-339 Partial Taylor Farms Lot 2 only  
DEP File #SE 157-339 Partial Taylor Farms Lot 4 only  
DEP File #SE 157-339 Partial Taylor Farms Lot 5 only  
DEP File #SE 157-145 Partial Autumn Heights 1 Mary Way only

**Motion** by Doug Davis was made to issue a Certificate of Compliance for DEP File #SE 157-431, DEP File #SE 157-339 Partial for Roads Only, DEP File #SE 157-339 Partial Lot 2 only, DEP File #SE 157-339 Partial Lot 4 only, DEP File SE# 157-339 Partial Lot 5 only and DEP File #SE 157-145 Partial 1 Mary Way only. Seconded by Al Curtis. Voted 5:0:0 in favor.

**Planning Board Referrals** – 45 Lakeview Road – The applicant has filed a Notice of Intent.

**Zoning Board of Appeals Application** – Nadia Estates off Mechanic Street – The Wetlands Protection Act applies. They will have to file a Notice of Intent.

**Foxhill Avenue Parcel D** – The Commission received a letter from Jeff Lovely regarding donating a parcel of land to conservation. Bob B. and Bill H. said they both looked at the property. Bill H. said the almost 5 acres is all wetlands. The Commission agreed that Bob B. would give the request to Andy Gala to go before the BOS.

**Request for town-owned boat ramp on Neponset Reservoir** – The commission received an email asking if there are any plans for the town to develop a town-owned boat ramp on the Neponset Reservoir. The Commission discussed the issue and agreed that there would be too many problems having a boat ramp. There is a boat ramp for small boats such as kayaks and canoes on Edwards Road.

**Upper Carpenter Dam** – Bill H. said that he met with Dave Leone, GZA, Peter Baril, GZA, Paul Sneeringer, ACOE, Mark Geib, Dam Safety, Bob Swanson, Pete Sobel, Bob Boette and Dave Risch at Carpenter Upper Dam on April 23, 2009. It was agreed to excavate the area at the present spillway to a width that would satisfy the 100 year storm runoff without causing a dam failure. This proposal would allow a larger excavator to be used. GZA will draw up the new plan. Bill H. flagged the area. Bill H. spoke with Bay Colony and they agreed to do the survey work which will be done under the previous arrangement as mitigation for Chestnut crossing.

The Commission agreed that an amended Order of Conditions should be issued once the plans are received.

**Neponset Reservoir DEP File #157-479.** The Neponset Reservoir is being chemically treated to control the growth of nuisance aquatic vegetation on May 6, 2009. Signs were posted along the Reservoir.

**Full time agent** –The Town Manager did not recommend a full time conservation agent. Bob B. will talk about having a full time conservation agent at town meeting.

**Sign Vouchers & Accept Minutes** – No vouchers. **Motion** by Doug Davis was made to accept the minutes of April 6, 2009 as distributed. Seconded by Val Bataille-Ferry. Voted 5:0:0 in favor. **Motion** by Doug Davis was made to accept the minutes of April 14, 2009 as distributed. Voted 4:0:1 in favor. Al Curtis abstained as he was not at the meeting.

**9:00 p.m. Motion** by Doug Davis was made to adjourn. Seconded by Val Bataille-Ferry. Voted 5:0:0 in favor.