

**Town of Foxborough
Conservation Commission Minutes
September 14, 2009**

Members present: Al Curtis, Acting Chairman, Harold Blomberg, Doug Davis,
Judi Johnson

Members absent: Bob Boette, Val Bataille-Ferry

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

7:00 p.m. Meeting opens – Al Curtis opened the meeting which was held in the Town Hall meeting room, 40 South Street.

7:05 p.m. Continued Hearing Abbreviated Notice of Resource Area Delineation 1000 Washington Street DEP File #SE 157-481 –The purpose of the hearing is for confirmation of wetland lines to delineate resource areas located at 1000 Washington Street.

Bill Buckley, Bay Colony Group and Briscoe Lang, PARE Engineering were present to represent the applicant Alan Antokal, Alan-Lawrence Realty Trust. Briscoe explained that at the last meeting Bill H. said that he had some problems with a few of the flags. Briscoe said that he met Bill H. and Bob B. with an auger on August 12, 2009 to walk the site for a couple of hours. During the site visit they agreed to change several flags. The flags were moved and put on the revised plan dated August 18, 2009 with the following note: This plan is a compilation of plans including, but not limited to, the 1995 Route One State Highway layout plan, a plan of land in Foxborough, MA dated Rev. Jan 21, 1987 by Dunn Engineering Co., Inc. and the Route One topographic survey by James W. Sewell Company, Old Town, Maine dated 4-7-74 and Plan of Land in Foxborough, MA dated October 22, 1992 by Bay Colony Group, Inc. for the Town of Foxborough.

Motion by Doug Davis was made to close the hearing. Seconded by Judi Johnson. Harold Blomberg was not at the last meeting, but has read the minutes dated August 17, 2009. **Vote 4:0:0.** An Order of Resource Area Delineation will be issued.

Briscoe explained that they are proposing to build a warehouse building on the site which would involve a 5,000 square foot alteration of the BVW if allowed. While on the site walk on August 12, 2009 they looked for a replication area. They considered a few areas. Bill H. and Bob B. asked Briscoe and Bill B. if they would consider an alternative site. They walked the Upper Carpenter Dam project and also looked at the plan by GZA and agreed that they would do the work at Upper Carpenter Dam for their restoration project. The dam is in the same watershed as 1000 Washington Street. The Commission agreed that this would a more meaningful replication.

7:15 p.m. Hearing Request for Determination of Applicability 7 Cutler Lane – Al Curtis read the hearing notice. The purpose of the hearing is to clear trees between the house and the 25 foot no disturb zone line.

Jason Onysko, owner of 7 Cutler Lane was present to show the plan. Jason said that he would like to extend his lawn in his backyard to the 25 foot no disturb zone. He would remove the stumps. He is also proposing to build a boulder retaining wall along the no disturb zone line and construct an easement line. He would fill and grade the area between the house and the boulder wall to level grade. This would be slightly pitched to direct rainwater away from the house. He would seed the area with grass and also install a 4 foot high fence along the perimeter on both sides of the house to create an enclosed area.

Bill H. said he looked at the site and viewed the staked line and saw no problems with the removal of trees. Bill H. said nothing is taking place in the 25 foot no disturb zone.

Motion by Doug Davis was made that the area shown on the plan is subject to the Act but the proposed work is not dredging, filling, removing or altering and therefore a Notice of Intent is not required. Seconded by Harold Blomberg. **Vote: 4:0:0 in favor.**

7:30 p.m. Hearing Notice of Intent 17-24 Summerville Road DEP File #157-482 – Al Curtis read the hearing notice. The purpose of the hearing is for septic system repairs.

John Rhoads was not present. **Motion** by Doug Davis was made to table this hearing to later this evening. Seconded by Judi Johnson. **Vote: 4:0:0.**

7:40 p.m. Motion by Doug Davis was made to take the motion off the table. Seconded by Judi Johnson. **Vote: 4:0:0.**

John Rhoads, Norwood Engineering Company, Inc. apologized for being late. John said that he is representing the applicant Cocasset Park Condominium Trust. He said that Martine Taylor, 3 Summerville Road and Mary-Ann Boaz, 10 Summerville Road both Trustees of Cocasset Park Condominium Trust were present. He gave the Commission a check for the Foxboro Reporter and the green cards for the notification of the abutters. John showed the plan and explained the location of the site. John explained that they are proposing to repair septic systems under Title V repair provisions for 3 different buildings. John explained that activity will take place within 200 feet of the Riverfront area of the Robinson Brook and within 100 feet of the wetland buffer zone. John showed the wetlands areas on the plan. He said that John Rockwood, EcoTec did the wetland delineation on June 25, 2009 as shown on the plan. John said that he dug the test pits based on Title V requirements. He said that they are proposing to build the septic system into the slope so that it would not be an elevated system. It would be a 3 to 1 grade. John showed the limit of work line on the plan and explained that hay bales and a siltation fence will be placed.

John said that they are exempt from the Riverfront Protection Act under 10:58 (6) (c) August 7, 1996. He said that they will go before the Board of Health on August 21, 2009 to ask for variances.

The Commission reviewed the plan. Doug asked if they considered an enhanced oxygen system. John said that he discussed the Crosby system with Pauline Clifford. John said that it would be more vertical. Judi asked John to explain the variances that they were seeking from BOH. Bill H. said he visited the site a few times. Bill H. said if they owned the area off site, this could be easily accommodated some other place. Doug and Judi said they would like them to consider a FAST type system. Doug is concerned that the runoff will go into the Robinson Brook and that the soil absorption system will be 71 feet from the bordering vegetated wetlands and 156 feet from the bank of the Robinson Brook.

John said that the Town Bylaw states that the system has to be 150 feet away from the wetlands for new construction, but the Bylaw does not speak to repairs.

Kevin Weinfeld, 43 Granite Street was present and said that he is a direct abutter at Hillcrest Villages. He said the project abuts the tennis courts and said that he walked the site with John and was shown the limit of clearing. He said that that Trust agreed to put up a green fence. Kevin said that he has no objects to the repairs.

The Commission would like to hear the comments from the Board of Health. Jane said that the BOH usually likes to know if the Conservation Commission agrees with the wetland line. Bill H. said that wetland line that he observed is accurate. This meeting will be continued on September 28, 2009, same time.

8:00 p.m. Hearing Request for Determination of Applicability 39 Shoreline Dr. – Al Curtis read the hearing notice. The purpose of the hearing is to install an artesian well.

Buddy Bracket, Brackett Nursery & Landscaping Co., Inc. was present to represent the applicant Larry Harrington. Buddy explained that they would like to install an artesian well and that there is not a lot of room on the property. Bill H. said he looked at the property and spoke with the company that would be installing the well. Bill H. said that the company installing the well said that the proposed spot is the only place that they can set up their machinery. Bill H. agreed that this is the only spot. Bill H. said he was at the site today with Jane and that Jane is concerned about the landscaping. She would like something installed to stop the erosion and get some kind of growth as soon as possible. Buddy said that he didn't have anything to do with removing the sod. Buddy said that he would put up hay bales and that they will be putting the sod back in.

The Commission would like hay bales placed before any work starts.

Motion by Doug Davis was made that the area shown on the plan is subject to the Act but the proposed work is not dredging, filling, removing or altering and therefore a Notice of Intent is not required. Seconded by Harold Blomberg. **Vote: 4:0:0 in favor.**

8:15 p.m. Certificate of Compliance DEP File #SE 157-460 Cranberry Bog Restoration – Amy Green, Amy Green Environmental Consulting, Dan Krantz, The Kraft Group and John Twohig, Goulston & Storrs were present to represent the applicant Foxboro Realty Associates LLC. Amy said that all the work pursuant to the Order has been completed. She said the boardwalk looks great. Amy showed the plan. Bill H. said he looked at the site and that it looks

good. He said that there is good signage and there were lots of people using the trails. **Motion** by Doug Davis was made to issue a Certificate of Compliance for DEP File #SE 157-460. Seconded by Harold Blomberg. **Vote: 4:0:0.**

Dan K. said that they have been working with Ocean Spray to get the cranberry bogs back in production. They are planning on making the bogs interactive and use them for education with school children.

8:25 p.m. Chris Kelm, Eagle Scout Project @Greeley Pond – Chris Kelm, 8 Milton Lane was present to discuss his eagle scout project at Greeley Pond. He said that he would like to clean up the two existing camp sites. Chris showed the Commission pictures of the sites. He said that Jane walked the site with him and that she explained the conservation aspects and that he has considered all of them. He said fixing the boardwalk/bridge across the dam will be a separate project.

Bill H. said that Norfolk County Commissioners owns Greeley Pond and that he should contact them about his project.

8:30 p.m. Lycott to informally talk about treating Lakeview Pond – Jeff Castellani, Lycott Environmental was present represent Lake View Pavilion. Jeff said that Lake View Pavilion would like to submit a Notice of Intent for treating Lakeview Pond for white and yellow water lilies and milfoils. He said that it is a 60 acre pond and they are proposing to treat $\frac{3}{4}$ of an acre mostly for aesthesis. Jeff said that the Town of Foxborough owns the pond and that the NOI would be signed by the Commission as owners. He said the herbicide that is proposed would be a topical Roundup. It would be sprayed on the leaves on a calm day. The leaves would explode the cells and routes. The treatment would take an hour. The treatment would last 5-6 years.

The Commission asked if they have considered other forms of management such as a harvester. Judi said she had suggested putting down a weed barrier as an alternative to using herbicides. The Commission discussed the issue. The Commission said that Lake View Pavilion should look into a more environmentally friendly way of treating the pond.

Neponset Reservoir Dam Construction – Jane P. said that she met with Bill H., Judi J., Bob Kimball and the contractor at the site on September 3, 2009. Jane showed a schedule of work from JH Lynch & Sons for the Dam repairs. Boards were taken out starting on September 7th to lower the water level. Tree clearing will start on September 21st. Jane P. said she will meet with the contractor Tuesday, September 15, 2009 at the site at 1 p.m.

Bill H. said he took “before” pictures of the dam and checked the limit of clearing stakes on both sides of the dam. Bill H. said the water level is going down.

Write and Sign Orders of Conditions DEP File #SE 157-480 – 16 Old Colony Road – The “Sewage Disposal Plan on Old Colony Road in Foxborough, MA” was referred to. No cutting of mature trees beyond the 280 foot contour line was added to the conditions. **Motion** by Doug Davis was made to issue an Order of Conditions for DEP File #SE 157-480. Seconded by Judi

Johnson. Harold Blomberg was not at the hearing on August 17, 2009, but has read the meeting minutes. **Vote: 4:0:0.**

Extension Permits – DEP File #SE157-449 – Neponset Reservoir Company Dam repairs. **Motion** by Doug Davis was made to issue an Extension Permit for DEP File #SE 157-449 pending receipt of \$100 check made out to the Town of Foxborough. Seconded Harold Blomberg. **Vote: 4:0:0.**

DEP File #SE 157-411 – Demetrios Panagopoulos, 30 Panas Road. **Motion** by Doug Davis was made to issue an Extension Permit for DEP File #SE 157-411. Seconded Harold Blomberg. **Vote: 4:0:0.**

2 Alex Lane – Cease & Desist – Bill H. visited the site on August 31, 2009 and spoke to Dr. Mufti several times. Bill H. said that Dr. Mufti removed most of the material that was in the bottom of the detention basin. Bill H. also said that Dr. Mufti has placed a tarp which is placed over the grass and other plants on the top eastern slope by stones. Dr. Mufti told Bill H. that he placed the tarp as a weed barrier. Bill H. checked the tarp and said that the tarp was pervious and that the only place the weeds weren't growing is where the rocks are holding the tarp in place. Doug said that he would like the area restored to its original state. The memo that Bill H. wrote to the Commission dated September 1, 2009 will be sent to Dr. Mufti and told that if he doesn't return the site to its original state he should come to the next meeting and explained why.

Photos by Amy McGillicuddy – The Commission looked at pictures that Amy McGillicuddy took of conservation land to be used in the Open Space and Recreation Plan and also to be put on the conservation webpage. The properties included: Kersey Point, Glue Factory Pond/Bleachery, Governors Meadow, Sallie Property, Heresy Farm Meadow and the Wilderness Area, Willow Street. Amy said that she would continue to take pictures of conservation properties during the fall and winter.

Thank you to Peter Fleming, Forrest Road for donating laminating sheets for 'No Motorized Vehicles' signs and also for hanging them in the Harold B. Clark Town Forest.

Open Space & Recreation Plan Update – Jane said that she has been working on the open space plan and sent the revised copy to Heather H., Judi Johnson Bill H. and Val B. for their comments. She said she rearranged the plan to fit into the State-required/suggested table of contents. Judi said that she made some notes and would like to meet with Jane. Judi said that she has done several maps for the open space plan and would like to overlay them on the GIS. Jane will set up a time to meet with Judi.

Conservation Manger Priorities – Jane asked the Commission what direction they want her to go in and what her priorities should be. The Commission would like her to continue to work on the open space plan.

Alternate member – Judi showed Section 2.4.1 Associate Members and Unpaid Consultants taken from the Massachusetts Association of Conservation Commissioner handbook. The

Commission would like a copy of this section given to Andy Gala and the Board of Selectmen for them to consider.

Sign Vouchers and Accept Minutes – One voucher was signed. **Motion** by Doug Davis was made to accept August 10, 2009 minutes. **Vote 3:0:1.** Harold Blomberg abstained as he was not at that meeting. The August 17, 2009 minutes will be on the agenda for acceptance at the October 5, 2009 when Bob Boette returns.

9:45 p.m. Motion by Doug Davis was made to adjourn. Seconded by Harold Blomberg. **Vote: 4:0:0.**

The next meeting will be on September 28, 2009.