

**Town of Foxborough
Conservation Commission Minutes
March 7, 2016**

Members Present: Robert Boette (Chair), Judith Johnson (Vice Chair), Eric Nelson (Clerk), Valerie Marshall, Michael Kelleher and James Marsh

Members Absent: None

Staff Present: Jane Sears Pierce, Conservation Manager, Diana Gray, Land Use Administrator

Others Present: See attached sign-in sheet

Meeting Opened

Bob Boette opened the meeting, held in the Boyden Library, at 7:00 p.m.

26 County Street RFD

Mr. Boette opened the meeting by reading the legal notice, posted in The Foxboro Reporter. Ms. The applicant, Cynthia Denekamp, was not present so Ms. Pierce explained the application. The homeowner will be connecting to the sewer line and would like to fill in the existing septic system; there will be minimal work in the buffer zone. Ms. Pierce recommends a negative determination.

Motion was made by Ms. Johnson to close the meeting for 26 County Street; seconded by Mr. Nelson. **Vote: 6-0-0**

Motion was made by Ms. Johnson to issue a Negative Determination for 26 County Street; seconded by Ms. Marshall. **Vote 6-0-0**

Minutes

The Commission reviewed the minutes of January 11, 2016.

Motion was made by Mr. Nelson to approve the minutes of January 11, 2016 as presented; seconded by Ms. Marshall. **Vote: 6-0-0**

40 Neponset Heights Avenue RFD

Mr. Boette opened the meeting by reading the legal notice, posted in The Foxboro Reporter.

The applicants, William and Tara Ivatts, their three young children and their representative, Engineer Bill Buckley, attended the meeting. Mr. Buckley explained that the Ivatts would like to demolish their existing home on Neponset Reservoir and rebuild the home with an accessory apartment. He said that the house now site in the floodplain, adding that Ms. Pierce had warned him that she would recommend a positive determination for the proposed project.

Mr. Buckley thinks this project will be a significant improvement over the existing home as the house will be moved away from the lake and all activity will be out of the buffer zone and the floodplain. The accessory apartment won't be added until phase two of the project. As mitigation for the proposed home's additional impervious coverage, the roof runoff will be directed to infiltration chambers. They are also proposing to widen the driveway and relocate the septic system. The new basement will not be a full walkout but will have a knee wall in the rear.

Mr. Boette stated that the removal of the existing house would require a great deal of work close to the water, stating that he would like to see them file a NOI. Mr. Buckley stated that an NOI would have the same plan; he is willing to work with Ms. Pierce on this project as a RFD. If the Commission feels that the work creates wetland violations, they can issue a cease and desist order. The homeowners are trying to avoid the significant costs of a NOI.

Ms. Pierce noted that recently, two other similar projects in the immediate vicinity were required to file NOIs for the work. Mr. Boette added that the former long-time Chairman Bill Hocking used to

say “paint everyone with the same paint brush.” Mr. Buckley feels this one is unique as the home is being moved away from the water.

Ms. Johnson would also like to see an NOI filed. Ms. Marshall asked if there could be controls for the demolition. Mr. Buckley stated that they will use silt socks and orange construction fencing around the demolition area and Ms. Pierce can inspect the erosion control line once it is staked. Mr. Buckley feels that the roof runoff is a big concession; it will result in clean runoff.

Ms. Johnson stated that the demolition will be in the floodplain which could have potential impacts to the reservoir. Mr. Buckley stated that he could coordinate everything with Ms. Pierce.

Mr. Boette asked if fill would be used for the back of the new house. Mr. Buckley stated that the current home’s location would become the back yard, and no materials would be added to the site.

Ms. Pierce noted that an Order of Conditions would be recorded against the property’s deed, but a Determination would not. Mr. Marsh added that a Determination would be more difficult to enforce than an Order of Conditions, if something went wrong. Mr. Nelson also wanted a NOI.

Dennis Callahan of 40 Ridge Road spoke in favor of the project, noting the historically low flood risk in the area.

Debbie Stewart of 44 Neponset Heights Ave. stated that there is a lot of space between the house and the water. She feels that there must be a way to prevent materials from getting into the water. The plan would improve the property and all the direct neighbors are in favor of the project.

Andy McDonald of 61 Ridge Road stated that the homeowners have great character and they need to be able to grow their home with their family.

Jim Robblee of 36 Neponset Heights Ave., who has lived in the neighborhood for 50 years, stated that there has been no problem with runoff from the property until the last few years when the dam wasn’t controlled properly. He feels that street runoff is a bigger problem. He is in favor of a new home on the property as it will be an improvement.

Mr. Boette agrees that it will be an improvement but the question is the best way to get there.

Motion was made by Ms. Johnson to close the hearing for 40 Neponset Heights Avenue; seconded by Mr. Nelson. **Vote: 6-0-0**

Motion was made by Ms. Johnson to issue a Positive Determination for 40 Neponset Heights Avenue; seconded by Mr. Nelson. **Vote 4-2-0**

48 East Street, Continued Hearing, DEP #157-550

50 East Street, Continued Hearing, DEP #157-551

Atty. Frank Spillane and Bill Buckley were present, representing the Estate of Audrey Greeley.

48 East Street - Mr. Buckley explained that Ms. Pierce and Lauren Gluck of PARE Corp had visited the site after a rainstorm had flooded the river to modify the river’s mean annual high water line; the revised line had been added to the plan. An enlarged restoration area had also been added, with an increase in area from 3,000 sq. ft. to 3,570 sq. ft. In addition, the house has been offset forward, to move the back corner of the building out of the 100 foot inner riparian zone and farther away from the river. Mr. Buckley opined that the proposed plan would result in an overall improvement of the existing conditions.

Mr. Buckley spoke to the Regulations’ Riverfront Redevelopment requirements, stating that more degraded area is proposed, but they will be restoring the buffer zone at a rate of 5.8 to 1. He then compared pre-existing conditions to proposed conditions. He stated that the existing cesspool is at the edge of the wetland; the new Title 5 compliant FAST system will be farther away from the wetland. The existing house is close to the bordering vegetated wetland and the river; the proposed

house will be farther away from both of these resource areas. They will be capturing the roof runoff and discharging it into the ground and will be seeking a waiver from the Board of Health to place the septic system farther away from the wetlands.

The degraded area comparison was reviewed, per Ms. Pierce's request, which resulted in an increase in the total degraded area from 5,175 sq. ft. to 5,795 sq. ft., but the proposed restoration area will be at a rate of 5.8 to 1, which is a larger restoration area than required. They are asking to go over the allowed impervious area and will prohibit any additional impervious areas on the lot.

Mr. Buckley tried to find the history of the land, stating that an 1850 map showed the area as having a cording mill. He had not received any response from FEMA or the NHESP yet, so asked to continue the Public Hearing.

Ms. Pierce and Briscoe Lang of PARE Corp. discussed the proposed riverfront restoration area.

Ms. Johnson asked whether they had considered installing a pervious driveway to reduce the lot's impervious areas. Atty. Spillane was hesitant to do so.

Ms. Marshall asked whether there would be tree cutting. Mr. Buckley stated that they can save the trees in the restoration area, but the one near the house will have to come down. Ms. Marshall asked how many bedrooms the new house would have. Mr. Buckley stated that the FAST septic system was designed for five bedrooms. They will probably clear around 25 feet to the left of the house.

50 East Street – Mr. Buckley explained that there had been no changes to the plan, adding that the lot had less riverfront area than #48, no work is proposed in the 100 foot inner riparian area and very little work is proposed in the 100 to 200 foot outer riparian area. The restoration area has been increased by 50% at the base of the retaining wall.

Abutter Michelle Petrosky had questions about the location of the rebuilt homes, which Mr. Buckley addressed.

Motion was made by Ms. Johnson to continue the hearing for 48 and 50 East Street to April 11, 2016 at 7:15 and 7:20 p.m.; seconded by Ms. Marshall. **Vote: 6-0-0**

Neponset Reservoir, DEP #157-479, Weed Treatment Update

Members of the NRRC and their representatives Dr. Ken Wagner, WRS, and Keith Gazaille, Solitude Lake Management (used to be ACT), attended the meeting to update the Commission about the Reservoir's weed controls. Last year, no treatments were applied, which resulted in an increase in native weeds. In the past, Sonar Floridone was used for fanwort (there was very little fanwort in fall, 2015) and Diaquot were used. Sonar requires long contact time, so a new herbicide called "Clipper" (Flumioxazin) is being proposed.

Dr. Wagner reviewed a map of the reservoir showing the areas that they are proposing to treat. The primary change in aquatic weeds is to the native large leaf pondweed, which is in the eastern section and around 50 acres in size. They want to make a pathway for boats through the pondweed with a contact herbicide, which may need to be applied annually depending on the regrowth. Crescent Island, to the east, is also choked with weeds, and there is a dense growth of weeds in the southeast area which wouldn't be treated since there a lot of stumps.

Ms. Marshall wanted to know if the herbicides caused any adverse impacts on aquatic life and was told no; it had gone through EPA requirements.

They did a survey on May 2015 and no invasive plants were found. This year's survey will be in late May or early June, after which time they will assess what needs to be done and create a new treatment plan. They will need to file for an amendment for their Order of Conditions once the new treatment plan is finalized.

The annual report has been submitted and water levels for the past three years are noted in the back.

242-246 Main Street, DEP #157-546, ORAD

The Commission reviewed the draft Order of Resource Area Delineation, prepared by Ms. Pierce

Motion was made by Ms. Marshall to endorse the amended ORAD for 242-246 Main Street; seconded by Ms. Johnson. **Vote: 6-0-0**

New Commissioner Interviews

The Commission has received three applications so far for the one open seat on the Commission from Jeffrey Ambs, Colin Browning and James Renni. Mr. Renni was not able to attend this evening, but will attend a future meeting to meet the Commission. The Commission interviewed each candidate separately. Mr. Boette explained to all the candidates that the Commission will make a recommendation of an appointee to the Board of Selectmen as they are the appointing authority.

The Commission first met with Colin Browning. He has a Bachelor's Degree as well as an MBA and is an Army Veteran. While living in Westport, he served on the Westport River Watershed Alliance monitoring the Westport River and leading educational programs for children and adults. He has attended Conservation meetings as well as read up on the Commission's laws and regulations. He has a life-long interest in the environment and is a member of the Audubon Society and the Nature Conservancy. He is retired and feels he has the time to serve the Commission and the Town; he has lived in Foxborough for the past five years. He would like to learn more about the wetlands regulations and laws. He also has experience in Public Relations as he did ad work for a firm in New York City. He emphasized his writing skills and noted that he has a number of published articles in the financial industry.

The Commission then met with Jeff Ambs, a Mechanical Engineer, specializing in air pollution monitoring instrumentation. He enjoys going to the State Forest and has lived in town for seven years. His work involves air monitoring of underground diesel engines, but he does not have very much experience with water pollution. He does know how to read plans and drawings, is interested in serving the town, and likes to be outdoors. He studied vernal pools as a scout and has volunteered at Moose Hill Audubon Sanctuary. He feels his asset is his background; he has experience with regulatory requirements and can read plans and surveys. He enjoys the Canoe River Wilderness Area and would like to see an inventory of that area and the walking trails. He is also interested in the education of the young people of Foxborough. He has flexible hours at his job and has experience writing applications for approvals and some marketing experience. He is eager to learn and contribute.

Interviews will continue during the next meeting.

Regulations for Foxborough's Wetlands Protection Bylaw, Chapter 267

The subcommittee has completed their review of the Regulations and the Commission reviewed the remaining edits they distributed. A new section dealing with alternatives analysis was added to Section 8. The Regulations will be sent to Town Counsel for review.

Motion was made by Ms. Marshall to accept the revisions to Section 8 and the Wetlands Protection Regulations as reviewed this evening; seconded by Ms. Johnson. **Vote 6-0-0**

Motion was made by Mr. Nelson to continue the hearing for Regulations to Foxborough's Wetlands Protection Bylaw, Chapter 267 to March 21, 2016; seconded by Mr. Marsh. **Vote 6-0-0**

Meeting Adjourned

Motion was made by Mr. Nelson to adjourn the meeting; seconded by Ms. Johnson. **Vote: 6-0-0**

The meeting was adjourned at 9:30 p.m.

Respectfully submitted,

Eric Nelson, Clerk

Draft minutes submitted by Diana Gray: 3/25/16

Approved by Commission: 7/25/16

Documents, Not Referenced Above

Attached Documents

1. Agenda, March 7, 2016
2. Meeting Sign In Sheet

Location of Other Documents

3. Manager's Report, filed in Manager's Report binder in the Conservation Office.
4. Referenced projects' documents: please see Conservation Commission's project file