

**Town of Foxborough  
Conservation Commission Minutes  
August 8, 2016**

**Members Present:** Robert Boette (Chair), Judith Johnson (Vice Chair), Eric Nelson (Clerk), Rich Golemme, Jeff Ambs,

**Members Absent:** James Marsh, Michael Kelleher

**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.

**15 Bragg Road, DEP #157-553, NOI**

The DEP file number has been assigned so the Public Hearing can be closed.

**Motion** was made by Ms. Johnson to close the Public Hearing for 15 Bragg Road; seconded by Mr. Nelson. **Vote: 5-0-0**

**Motion** was made by Mr. Nelson to sign the Order of Conditions for 15 Bragg Road with a condition requiring restoration native plantings along the shore; seconded by Ms. Johnson. **Vote: 5-0-0**

**Minutes**

The Commission reviewed the minutes of July 11, 2016.

**Motion** was made by Mr. Nelson to approve the minutes of July 11, 2016 as amended; seconded by Mr. Ambs. **Vote: 5-0-0**

**Pumping Station Road off Chestnut Street, RFD**

No one from the Water Department was present, so Ms. Pierce reviewed her discussion with Roger Hill about the filing, which was for replacing three existing water wells at Station No. 1, which is near the Neponset Reservoir. Mr. Hill had explained that the filing and plan were for the DPW's bid process for future work. A detailed final plan will be drafted at a later date, but most of the proposed work is outside of the 100 foot buffer. For areas that are within the buffer, they install erosion controls. Ms. Pierce recommended a Negative Determination for this filing.

**Motion** was made by Ms. Johnson to close the Public Meeting for the Pumping Station Road Request for Determination application; seconded by Mr. Ambs. **Vote: 5-0-0**

The Commission will review the draft Determination later this evening.

**242-246 Main Street, NOI Hearing, DEP #157-554**

**Information Reviewed:** Special Permit and Definitive Plan of Land, Lawson Farm, Foxborough, dated June 6, 2016

Mr. Boette opened the hearing by reading the legal notice, posted in The Foxboro Reporter. Applicant, Paul Folkman of Lawson Farm LLC, and his representatives, Atty. Frank Spillane, Engineer Bill Buckley of Bay Colony and Julie Lisk of Goddard Consulting, were present to review the proposed project which includes the construction of 3,963+/- of roadway, four detention basins and associated utilities to serve 30 single family homes. They will file separate Notices of Intent for any house lots that are in the 100' buffer zone.

Mr. Folkman explained that he had worked with the current landowners to get all unused areas of the property donated to the Town for open space. He stated that the Planning Board had requested a dedicated trail for public access to open space, but he would prefer access to be for the subdivision's homeowners, only. They don't want a homeowner's association for the subdivision.

Mr. Buckley distributed a three page color rendering of the proposed plan dated June 6, 2016 and explained that they were relatively finished with Planning Board review and had also held a meeting with neighbors. The land consists of 79.5 acres and is commonly known as the Judge Brown land. There are three existing homes on the property, two will remain and one will be torn down and rebuilt. They are proposing 3,963 feet of roadway for the new subdivision, portions of which will be in the buffer for the bordering vegetated wetland (BVW) and intermittent stream. A perennial stream runs through the property to Lakeview Pond. There will be four stormwater basins spread throughout the property. They will deed 44 acres to the Town for open space, which includes a trail running through the property that will serve to reconnect two disjointed pieces of the Harold Clark Town Forest conservation area.

Mr. Buckley explained that the current driveway has a crushed 12" pipe under it for the intermittent stream that does not meet the current MA River and Stream Crossing Standards. They will replace the crushed pipe with a four foot high by 12 foot wide open bottom box culvert, lined with river rocks (plan sheets 5.5 and 5.6), that complies with Stream Crossing Standards. The stormwater basins are all dry basins with a shallow 3:1 slope, so no fencing is required. All future homes' roof drains will be infiltrated to handle up to two inches of runoff. Mr. Buckley explained that one of the detention basins had been moved out of the proposed open space and lot lines had been moved to keep stormwater basins out of the future Town open space. Lot lines for lots 14 and 15 were also changed to keep the current trail on the future open space land. The lateral extent of a potential vernal pool, surveyed in May 2016, was added to the plan even though no work is proposed near it.

The DEP commented that there was work near bordering land subject to flooding (BLSF). Mr. Buckley stated that the FEMA maps may have made it look like they were near the BLSF but in reality it is not. Revised FEMA flood zones need to be calculated, but he had calculated the BLSF elevations to be approximately 274' at Main Street to 273' at Lakeview Road. They are proposing a restoration area of over one acre including the BVW and Buffer Zone as well as the banks of the stream and wetlands.

The Fire Department has not submitted written comments but has commented verbally that they will not need access to the trails, the fire vehicles are too big to get on the trails, only hoses will be able to get out to the conservation areas, if necessary.

Ms. Pierce would like to see boundary markers for the future lots' abutting conservation land that are similar to what the state forest uses. Mr. Buckley stated that Plan sheet 5.5 includes details of four foot high, 6 x 6 fence posts with signage to delineate the conservation land that will be installed. He indicated that he would give a disc with the boundary location to the Town's GIS staff.

Ms. Johnson asked if a Corp. of Engineers permit would be necessary, speaking to their vernal pool requirements. Mr. Folkman replied that they will be getting a water quality certification from the State. Ms. Johnson asked that the boundaries of the restoration areas and the 25' No Activity Zones be demarcated with fencing.

Ms. Lisk reviewed the restoration plan, explaining that they are proposing shrubs with berries and different bloom times for pollinators and a tree canopy that would include gray and black birches.

Ms. Johnson had questions about the plant species selections. She thought that a better, long term solution for Zone I would include larger growing trees, rather than gray birches, since they would provide shade for the stream. Ms. Lisk felt that the tree canopy would develop over time, but indicated that she would substitute red maples for gray birches. In the Zone II, Ms. Johnson felt

that river birches or swamp white oaks would be a better choice for the restored wetland. She would also like invasive plant monitoring to occur for two growing seasons.

Ms. Pierce asked when the restoration area would be planted and was told that it would be done in either the spring or the fall, depending upon when construction was completed.

Ms. Johnson asked about replacing any plants that did not survive. Ms. Lisk suggested creating a monitoring plan with details including a 75% survival rate for new plantings after two years and a monitoring period.

Mr. Folkman indicated that he would like the hearing to be closed during this hearing if at all possible. He suggested that the discussed plan changes would be made and submitted to the Commission and they could work with Ms. Pierce on a draft Order of Conditions for the next meeting. Ms. Pierce stated that she would prefer that the hearing be left open, since nothing new could be submitted if it was closed. She said that she would work on the draft Order of Conditions and could include the date of the revised plans, when received, and would give Atty. Spillane a copy of the draft to review before the next meeting. The hearing could then be closed and the Order issued during the following meeting.

There are some new Commissioners since the last site visit who would like to see the property. The applicants will set up a site walk for Wednesday.

Mr. Buckley then summarized the changes to be made, as discussed, which included:

- the bounds will be changed,
- the fence on lot 30 will be extended to the 25' No Activity Zone,
- river birch and swamp white oaks will be added,
- performance standards regarding two year survivorship of plantings will be added,
- the NOI application will be updated to include the BVW restoration square footage,
- the phasing of the plantings, regarding completion time, will be worked on, and
- the restoration area and construction phasing will be added.

The restoration plantings deadline was discussed. It was decided that the restoration area, to be completed during the first phase of construction, would have all plantings completed prior to the earlier of two periods, either by June 2018, or upon the pulling of the 7<sup>th</sup> building permit.

A site visit for new Commission members was scheduled for Wednesday, August 10, at 5:00.

**Motion** was made by Mr. Nelson to continue the hearing for 242-246 Main Street DEP #157-554 to August 22, 2016 at 7:10 p.m.; seconded by Mr. Ambs. **Vote: 5-0-0**

### **Pumping Station Road off Chestnut Street, RFD**

The Commission reviewed the draft Determination prepared by Ms. Pierce.

**Motion** was made by Ms. Johnson to endorse the Negative Determination (#3, 6, 6a) for Pumping Station Road off Chestnut Street.; seconded by Mr. Ambs. **Vote: 5-0-0**

### **Forbes Crossing, DEP#157-537 Enforcement and Restoration Order**

The applicant has requested a continuance to August 22, 2016. Ms. Pierce read the applicant's representative Eric Prive's (DiPrete Engineering) August 8, 2016 emailed update on the progress of the restoration and eradication plan and request to continue discussions to September 12. The Commission would like more details than just a summary.

**Motion** was made by Ms. Johnson to continue the hearing for Forbes Crossing Enforcement Order to August 22, 2016 at 7:20 p.m.; seconded by Mr. Nelson. **Vote: 5-0-0**

### 120 Spring Street

Ms. Pierce explained that she had spoken to Town Manager Bill Keegan about the sale of this property and discussed having two town parcels behind the capped landfill transferred to the Commission under Chapter 40, Section 8C to comply with the EOEA's No Net Loss Policy. The old TM vote to sell the property still stands, since it was never amended or removed. Mr. Keegan told Ms. Pierce to ask Town Counsel Kate Connolly to write a bill for the Legislature, since this will be required to be able to sell this property, but the State Legislature was not currently in session.

The Commissioners indicated that they would like the sale of the property's proceeds to go to the Conservation Fund, so that they would have funding for conservation land management needs including Lincoln Hill area cleanup, trail maintenance, mowing, etc.

### Lane Property – Dave Risch Memorial Garden

The Friends of Conservation will be applying for the Lane Property restoration project.

### Conservation Commission Intern

Ms. Pierce reported that Intern Ryan Clapp is working on a Guide to Open Space booklet and hopes to have it completed to present to the Commission soon.

### Meeting Adjourned

**Motion** was made by Mr. Nelson to adjourn the meeting; seconded by Ms. Johnson. **Vote: 5-0-0**

The meeting was adjourned at 9:20 p.m.

Respectfully submitted,

Eric Nelson, Clerk

Draft minutes submitted by Diana Gray: 8/23/16  
Approved by Commission:

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### Documents, Not Referenced Above

#### Attached Documents

1. Agenda, August 8, 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