

**Town of Foxborough  
Conservation Commission Minutes  
September 12, 2016**

**Members Present:** Robert Boette (Chair), Judith Johnson (Vice Chair), Rich Golemme, Jeff Ambs,  
James Marsh

**Members Absent:** Michael Kelleher, Eric Nelson

**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.

**Lane Homestead, North Street and Laprelot Road, Notice of Intent, DEP #157-555**

Jim DeVellis, representing the Friends of Foxborough Conservation (many of whom were also present) attended the meeting to review the proposed project. The project is for site improvements at the Lane Homestead property, which will be funded by a Schneider Electric Company grant. Representatives from Schneider Electric Company also attended the hearing.

Mr. DeVellis explained that the Lane Homestead conservation property's 80 acres were under the care and control of the Conservation Commission.

Mr. DeVellis reviewed the plans for the property, explaining the proposed improvements. These plans were revised to include the Bylaw's 25' No Activity Zone and were submitted on September 9, 2016. The Friends Group met with the Commission last July to review their proposed concept and have also met with the Board of Selectmen and neighbors to the property to explain their plan.

The plan includes the repair of Laprelot Road; garage repairs, including a new barn-type door; new siding; and a new roof. The garage will become an indoor/outdoor/three season classroom. The parking areas (small area next to garage and upper parking lot) will include handicapped accessible parking spaces. An interpretive/educational walking trail will be installed between the upper parking area and the new classroom. Also included is a picnic area, an upland overlook deck on Crack Rock Pond, significant landscape cleanup and native landscaping improvements and the Dave Risch Memorial Garden.

Mr. Golemme noted that he has attended the project's site meetings as the Commission's liaison.

Mr. Ambs inquired about maintenance and security. The building's maintenance will fall under the Town's maintenance plan, Laprelot Road (a Town right of way) will be maintained by the DPW, and a security gate will be installed at the crest of the hill on Laprelot Road. It is hoped that, with more groups using the area, the property's upkeep will be minimal. Security cameras and security lighting will also be installed on the garage.

Ms. Johnson commended the use of native plantings. Ms. Pierce agreed, stating that she was excited that she will be able to refer residents to the Lane Homestead's native landscaping (rather than Framingham's Garden in the Woods) for inspiration and ideas for their own properties.

Mr. Marsh wanted to know if the dam area would be included in the renovation. Mr. DeVellis stated that the dam was too far away from the project area, but reiterated that more people using the area and a better security gate may help with current littering issues.

Mr. Boette told Dave Risch's widow, Roberta (Bert) Risch, about the project and she was overjoyed.

Mr. DeVellis informed the audience that there would be groundbreaking ceremony on the following day, Tuesday, September 13<sup>th</sup> at 1:00 p.m.; Mrs. Risch had been invited to attend.

Karen Turner of Schneider Electric stated that many of their longtime employees are excited to begin this project to help bring the employees into the community.

Resident Rosemary Smith stated that she envisioned summer recreation programs being held there, as well as a family area for members of the community to come together.

**Motion** was made by Ms. Johnson to close the Public Hearing for North Street and Laprelot Road, DEP #157-555; seconded by Mr. Ambs. **Vote: 5-0-0**

**Motion** was made by Mr. Marsh to endorse the Order of Conditions for DEP #157-555; seconded by Mr. Ambs. **Vote: 5-0-0**

**Motion** was made by Ms. Johnson to approve the proposed work outside of the 100 foot buffer zone on this property, owned by the town and managed by the Conservation Commission; seconded by Mr. Marsh. **Vote 5-0-0**

### **Forbes Boulevard, Foxborough Boulevard and Copeland Drive, Request for Determination**

Mr. Boette opened the meeting by reading the legal notice, posted in The Foxboro Reporter. The Applicant's representative, Eric Prive of DiPrete Engineering, was present to review the proposed project for the construction of a roundabout at the entrance to the Forbes Crossing development. Mr. Prive explained that the Planning Board had issued, as a condition of their approval, that a roundabout at the intersection of Copeland Drive, Forbes Boulevard and Foxborough Boulevard be pursued with MassDOT to replace the current blinking light and dangerous intersection. They are working on the roundabout design, but it will go out to bid if approved; they will not be building it.

Forbes Crossing's Applicant has spent \$100,000 for engineering work so far, and will contribute \$75,000 towards the roundabout's construction, which is currently estimated at \$650,000. The Planning Director has applied for a MassWorks grant to help fund the cost of construction.

Mr. Prive explained that all of the construction work for the roundabout will occur in previously disturbed areas and will have a net reduction of 7,000 sq. ft. in impervious areas than currently exists. There will be one new catch basin, to tie into an existing catch basin on Forbes Boulevard, but there will be less runoff. The roundabout will be domed; the inside round will be concrete and the outside round will be asphalt.

Mr. Ambs asked about the phasing of the project. Mr. Prive explained that is still being worked out; but it would either be done in quarters or detoured.

**Motion** was made by Ms. Johnson to close the public meeting for Forbes Boulevard, Foxborough Boulevard and Copeland Drive; seconded by Mr. Ambs. **Vote: 5-0-0**

**Motion** was made by Ms. Johnson to issue a Negative Determination for Forbes Boulevard, Foxborough Boulevard and Copeland Drive; seconded by Mr. Marsh. **Vote: 5-0-0**

### **108 Belcher Road, Notice of Intent, DEP #157-TBD**

Mr. Boette opened the hearing by reading the legal notice, posted in The Foxboro Reporter. The Applicant's representative, Bill Buckley of Bay Colony Group, was not present, but had submitted a formal request for continuance to October 3, 2016 for this application.

**Motion** was made by Ms. Johnson to continue the Public Hearing for the 108 Belcher Road NOI to October 3, 2016 at 7:15 p.m.; seconded by Mr. Marsh. **Vote: 5-0-0**

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

Applicant's representative, Eric Prive of DiPrete Engineering, was present to give the Commission and update. He explained that they were in the process of getting a qualified wetland scientist on board. They have a landscaper in place, but are waiting for a wetland scientist to start. They expect to begin the invasive plant eradication project this month.

They have started working on the water quality basin; they have a second row of erosion controls in place and have removed tree stumps. They have “moved it to the front burner” to get it done, but still need DEP coordination for stormwater tie-ins from Rt. 140. The bank restoration is scheduled for the fall, when the weather gets cooler.

In regards to the offsite “green” water quality basin, they have been running into roadblocks and are having trouble getting copies of the original plans. They just received plans from when Foxborough Boulevard was moved, which shows a small drainage ditch across the street, which empties into the basin, but this still does not explain the basin’s green water. There may be a private plan for the lot that currently contains Jake n Joes, so they will try to look for that one.

**Motion** was made by Ms. Johnson to continue the enforcement and restoration order discussion for Forbes Crossing, DEP #157-537, to October 3, 2016 at 7:20 p.m.; seconded by Mr. Marsh.

**Vote: 5-0-0**

### **Neponset Reservoir, DEP #157-479, Request for Order of Conditions Amendment**

The Applicants had submitted a request to continue discussions to September 26, 2016.

**Motion** was made by Mr. Ambs to continue the discussion for Neponset Reservoir, DEP #157-479, to September 26, 2016 at 7:25 p.m.; seconded by Ms. Johnson. **Vote: 5-0-0**

### **Nadia Estates, off Mechanic and Morris Streets, DEP #157-493**

The Commission met with developer Mohamed Itani and his representative Jim Pavlik of Outback Engineering in regards to the 40B project for three townhome buildings and a septic system, which was issued an Order of Conditions in 2011. The project site contains a Certified Vernal Pool, with Bordering Vegetative Wetlands to the rear of the property. Due to economic conditions, no work was ever started, but they would now like to begin construction.

A pre-construction meeting with Town departments was held in August, at which time Ms. Pierce reviewed the Order of Conditions’ pre-construction requirements with the applicant and his representatives, who then signed a copy of the Order to acknowledge that they had read and understood its requirements.

Mr. Pavlik explained that there were changes to the plans in 2012 and 2014; the 2012 changes had to do with the buffer to the neighboring property as a result of litigation and the 2014 changes were to the septic system, as the equipment had changed since the project was approved. There were no changes to the layout of the buildings.

One of the Order’s pre-construction requirements was to take water quality samples from the vernal pool before any work started. Since the area has been experiencing drought conditions this year, the pool is currently dry. The project’s phasing plan would be to construct the septic system, followed by buildings 1, 2 then 3.

Mr. Pavlik indicated that they would like to begin clearing trees and installing the silt fencing, even though no water quality testing could be done. He explained that they would monitor the area over the coming months and get the samples as soon as rain fills the vernal pool.

Ms. Johnson stated there could be a nexus between the vernal pool and wetlands that would trip an Army Corp. of Engineers (ACOE) permit, adding that the Applicant’s Goddard Consulting letter to the ACOE included a plan showing the vernal pool’s limits as much smaller than approved, which is incorrect. She did not feel comfortable allowing the applicant to cut any trees without an ACOE determination, stating that the issue needed to be resolved first. The Applicant indicated that they would wait until they heard from ACOE to begin the project.

Since some new Commissioners were not familiar with the project, a site walk was scheduled for September 17, 2016 at 9:00 a.m.

In summary, the water quality testing issues need to be resolved and the plan changes need to be determined to be significant or insignificant changes. The discussion was continued to September 26, 2016.

### **35-45 Panas Road, DEP #157-515**

Dave Welch came before the Commission to address the project's construction that began a few weeks before, without notifying the Commission as required in the Order of Conditions.

Mr. Welch stated that he had read the Order a bit late and that his company had come into the project after the trees had been cleared by another company. He was told that all notifications to the town had been done; they are currently constructing the wetlands crossing's retaining walls.

Mr. Boette had visited the site during the previous weekend, but couldn't tell where anything was. He was concerned about the wetlands to the north of the crossing, adding that there was a likely wetland violation.

Mr. Welch stated that the Storm Water Pollution Prevention (SWPP) work had been done, that Bay Colony had staked out where the erosion controls should go and the silt fencing had been installed right up to the stakes. He said that the retaining wall details had been delivered to the Building Department. His company does the excavation, site work and cement foundations and explained that the box culvert is complete, as well as the retaining walls on either side.

Ms. Pierce stated that this meeting could be considered the pre-construction meeting (required by the Order of Conditions), and said that she would visit the site.

### **120 Spring Street Conservation Property**

A vote is needed in regards to the sale of this property. Town Counsel is working on language for the land swap for the land behind the landfill. The Commissioners would like to be sure there is a commitment from the town that the Commission will be receiving two parcels of town-owned land behind the capped landfill by making the sale contingent upon the receipt of the two parcels.

**Motion** was made by Mr. Marsh that the 60,000 square foot Property at 120 Spring Street (title reference: Book 5955, Page 693), Foxborough, is surplus property and no longer needed by the Town for conservation purposes. This vote replaces a unanimous vote to convey 40,000 square feet at its November 3, 1997 meeting. This vote is contingent upon the Town of Foxborough conveying the management and control of the Town Property identified as Foxborough Assessor's Map 109, Lot 2850 (Norfolk Registry of Deeds Book 2298, Page 168), containing 13 acres of land more or less and the Town Property identified as Map 109, Lot 2851 (Norfolk Registry of Deeds, Book 2353, Page 58), containing 36 acres of land more or less with concurrence of its Board of Selectmen in accordance with General Laws Chapter 40, Section 8C; seconded by Ms. Johnson. **Vote: 5-0-0**

### **61 Lakeview Road, DEP #157-539, Request for Certificate of Compliance**

Applicant Greg Spier had requested a Certificate of Compliance for the new home at this location.

**Motion** was made by Ms. Johnson to sign the Certificate of Compliance for DEP #157-539, 61 Lakeview Road; seconded by Mr. Amb. **Vote: 5-0-0**

### **27 Lakeview Road, Conservation Land Acceptance**

The Commission needed to vote to accept the land adjacent to other conservation property at Lakeview Pond, located behind the two new lots created at 27 Lakeview Road. The rear of the parcel was to be donated to the Commission, as required by the Planning Board's Open Space and Recreation Development permit.

**Motion** was made by Mr. Marsh to accept the land conveyance at 27 Lakeview Road from the Sidney F. Loder Trust; seconded by Ms. Johnson. **Vote: 5-0-0**

### **Guide to Foxborough Open Spaces**

The draft guide is ready for print, if the Commission has no further changes. The Commissioners would like the date to be added to the first page. Ms. Pierce will look into getting the guide printed and distributed to various places around town including the Library, Board of Selectmen, Senior Center, Lane Homestead, and the Commission's website.

### **Meeting Adjourned**

**Motion** was made by Ms. Johnson to adjourn the meeting; seconded by Mr. Golemme.

**Vote: 5-0-0**

The meeting was adjourned at 9:35 p.m.

Respectfully submitted,

Eric Nelson, Clerk

Draft minutes submitted by Diana Gray: 9/29/16

Approved by Commission: 11/21/16

---

### **Documents, Not Referenced Above**

#### Attached Documents

1. Agenda, September 12, 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