

**Town of Foxborough  
Conservation Commission Minutes  
March 24, 2014**

**Members Present:** Robert Boette (Chair), Allan Curtis (Vice Chair), Judith Johnson, James Marsh and Valerie Marshall  
**Members Absent:** Eric Nelson (Clerk), Douglas Davis  
**Staff Present:** Jane Sears Pierce, Conservation Manager, and Lee Ann Tavares, Secretary  
**Others Present:** See attached sign-in sheet

**Meeting Opened**

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

**10 Kersey Road, Request for Determination**

Information Reviewed: RFD received 2/27/14

Bob opened the meeting by reading the legal notice, as posted in the Sun Chronicle and the Foxboro Reporter. The Applicant, Phillippe Levesque was present to review the proposed project. Mr. Levesque proposes to extend his yard by removing dead and leaning trees and small brush. He stated that he did not plan to extend the lawn at this time. He also wants to level out the area. One tree that had fallen on his fence has already been cut up. Mr. Levesque stated that the work will be done by hand; heavy equipment will not be used. Mr. Levesque stated that he planned to remove dead trees and some smaller ones. He plans on keeping the two to three large trees.

Judi stated that she was not in favor of cutting live healthy trees. Jane added that she had reviewed the Commission's file for this site (DEP #157-301 "lot 3"), which showed that the site's 25 foot NDZ was where the back yard's boulder retaining wall is located. Val recommended limiting the activity to removing dead trees only and noted concern about the effect on water quality and loss of habitat. Mr. Levesque added that the area is dense and he will need to remove some smaller trees to reach the trees that need to be cut. Val asked that the trees to be cut be tagged in the field. Jane and Bob can then go out and check the area.

Based on the project description in the RFD which includes earthwork to level area and the removal of all dead and small trees Jane noted that a Notice of Intent would be required.

**Motion** was made by Jim Marsh to close the meeting and issue a Positive Determination for the RFD for 10 Kersey Road; seconded by Allan Curtis. **Vote: 4-0-1** with Valerie Marshall abstaining.

**73 Spring Street, Administrative Hearing for Possible Wetland Violation**

Jane issued a Cease and Desist (form letter) for ongoing work on 3/11/14, asking the property owner to attend the meeting. Property owner, Mr. Jeff Cook, presented hand drawn plans showing the work that was already done, per the C&D letter. He stated that he had removed a fence and railroad ties in the area that used to be a garden. He purchased the property in February 2014 and stated that the previous owner had allowed the dumping of landscape debris on the property. The dumping area had leaves with trash mixed in. Jane had visited the site and found the work to be within 200 feet of a wetland. Street drainage is also being dumped onto the property. Mr. Cook stated that he wanted to clean up the area and return it to a natural field. He also stated that the street drainage is bringing oils and contaminates to the former garden area. A swale would help and Jane recommended issuing a Restoration Order, which she had drafted for the Commission's review, rather than an Enforcement Order. Judi suggests planting native grasses.

**Motion** was made by Valerie Marshall to approve the Restoration Order presented; seconded by Judi Johnson. **Vote: 5-0-0**

The Commission lifted the Cease and Desist order. The area will be restored to a field and there will be no work within 25 feet of the wetland area. Mr. Cook noted concern about meeting deadlines as he has been doing the work for fun. The Commission will revisit the discussion the end of May.

### **Conservation Properties Updates**

#### **87 North Street**

Jane received an email from Bill Casbarra, stating that the oil and propane tanks and the electric service had been removed, but an asbestos analysis revealed asbestos in the floor tiles. The cost for removal was estimated at \$1,500. Val was concerned about the cost, asking if this included removal and disposal of the asbestos. Jane will check to see if this included disposal. She reported that Jack Authelet had asked that the burn date be moved as it was the same date as the Town's Arms Service Day and a Town cleanup day. Until the material has been removed the burn training will have to be placed on hold.

#### **89 North Street**

An Energy Audit was scheduled for the property, which Bob B. attended, but the auditor was only able to replace light bulbs, since the Groves have a "low income" rate from National Grid. Bob was told to contact "Cold Relief" (Mass Department of Housing & Community Development [DHCD]) for insulation/heating. Lee Ann will follow up with DHCD.

Mrs. Groves sent a letter to the Water Department regarding their bill. In the letter, she stated that the "masslegalhelp.org" website explains that tenants cannot be required to pay water bills if certain requirements have not been met (listing the six requirements). In addition, the landlord must file a certification that all of the requirements have been met, which had not been done. Based on the requirements, Darlene requested "(1) no future billing for water and (2) a refund of the \$649.20" (the amount of the previous water that they paid).

Jane stated that she discussed the letter with Bob Cutler, who told her to credit \$650 for the Groves' next rental payment. Mr. Cutler told Jane he would contact Bill Casbarra regarding obtaining the required certification.

#### **West Street Dam**

Jane reported that she had received an email from Roger Hill on 3/19/14 regarding the West Street Dam. His email explained that road and dam are beyond the point of performing low level maintenance, so full reconstruction will be necessary. After a ground topographic survey of the dam has been completed in the spring, he "will begin a design process which will include a full depth excavation of the entire dam portion of the roadway embankment and replacement with a new mechanically supported earth dam of proper design, together with a new control structure on the upstream side of the embankment and a new discharge system." "It will also include removal and replacement of the water main and gas main plus any other underground utilities."

The work will require a full Notice of Intent and an Army Corps permit; he plans to use some of the Commission's CIP Dam funds for the work.

#### **Eagle Scout Ceremony**

Thomas Donnelly's Eagle Scout Court of honor Ceremony will be May 29, 2014 at 7 p.m. at Bethany Church. A draft Certificate of Approval was submitted to the Commission for their approval. Bob will attend the Ceremony.

#### **Continued Hearing – Regulations for Foxborough's Wetland Bylaw (Article IX)**

The Commission discussed the statement of jurisdiction. Section 4 to be discussed at the next hearing; Jim Marsh said that he would check the definitions.

**Motion** was made by Jim Marsh to continue the hearing for the Regulations for Foxborough's Wetland Bylaw (Article IX) seconded by Allan Curtis. **Vote: 5-0-0**

**Other**

Alan asked about trapping on conservation lands and noted he concerns about trapping fishers. He will contact the Board of Selectmen.

**New Filings Distributed to Commissioners**

RFD, 186 Beach Street

**Meeting Adjourned**

**Motion** was made by Valerie Marshall to adjourn; seconded by Judi Johnson. **Vote: 5-0-0**

The meeting adjourned at 9:14 p.m.

Respectfully submitted,

Eric Nelson, Clerk

Draft minutes submitted by Lee Ann Tavares: 4/24/14

Reviewed by Jane Sears Pierce: 6/24/14

Approved by Commission: 9/29/2014

**Documents, Not Referenced Above**

**Attached Documents:**

1. Agenda, March 24, 2014
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