

**Town of Foxborough
Conservation Commission Minutes
June 23, 2014**

Members Present: Robert Boette (Chair), Allan Curtis (Vice Chair), Eric Nelson (Clerk) and Judith Johnson
Members Absent: Douglas Davis, James Marsh and Valerie Marshall
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.

East Belcher Road, DEP #157-518, Continued NOI Hearing

The Applicant, Town Engineer Chris Gallagher, was present. Since the DEP number had been received, the hearing could now be closed.

Motion was made by Judi Johnson to close the hearing for DEP #157-518; seconded by Eric Nelson. **Vote: 4-0-0**

Motion was made by Allan Curtis to issue the Order of Conditions for DEP #157-518; seconded by Judi Johnson. **Vote: 4-0-0**

May 19, 2014 Minutes

Motion was made by Eric Nelson to accept the May 19, 2014 meeting minutes as drafted; seconded by Allan Curtis. **Vote: 4-0-0.**

April 20, 2014 Minutes

Motion was made by Eric Nelson to accept the April 20, 2014 meeting minutes as amended; seconded by Allan Curtis. **Vote: 4-0-0**

204 East Street, Proposed Forge Estates Subdivision, filed with Planning Board

Judi Johnson attended the Planning Board's meeting's initial review of the proposed subdivision and outlined what had happened. She was concerned about the major wildlife corridor along the Canoe River in this location that could be made worse by a development at this site. Judi explained that she had observed many dead animals in this location/crossing on East Street.

Judi explained that there was a lot of discussion concerning the subdivisions' conventional plan, which proposed to span all wetlands and the Canoe River. The plan included a loop road, with an entrance and exit from the development that tied into East Street; one intersection was north of the Canoe River and one intersection was south the Canoe River (in the location of the "cart path"). She noted that the developer was aware of the Commission's concerns about the plan's lack of detail; the Planning Board expressed similar reservations.

There was some skepticism voiced about the buildability of the conventional plan from the audience (and at least one member of the Planning Board candidly). The approval of a buildable conventional plan is a very important prerequisite to the development of the open space plan.

Judi cited the following additional issues with the conventional plan that she discovered after doing more research after the meeting:

1. The conventional plan includes two access roads. The Environmental Handbook for Massachusetts Conservation Commissioners states in Section 12.4.4.2 "The DEP policy states that a Commission is not obliged to allow multiple wetland crossing in order to let a landowner develop every corner of the property." Judi indicated that this is an important consideration, since the entire development is in an Area of Critical Environmental Concern (ACEC).

2. An abutter submitted a comment letter from the Canoe River Aquifer Advisory Committee (CRAAC) about a previously proposed project from a few decades ago, to the Planning Board. In the letter, the CRAAC expressed concern about the proposed development's impact on the culvert under East Street, recommending that the developer should be required to rebuild the culvert as part of the (previous) project.

Judi cited the Environmental Handbook for Massachusetts Conservation Commissioners' Section 16.2.2.2, which describes some basic policy objectives approved by the court with regard to the development of floodplain. One policy objective approved by the court is "Protection of the entire community from unwise choices of land development that may require public expenditure for public works or disaster relief." She believed that this would suggest that the Planning Board has some authority to determine whether the culvert under East Street could potentially be compromised by the project, requiring public expenditure to repair.

3. The proposed conventional plan ties into East Street, north and south of the Canoe River. Based on comments that were made during the Planning Board meeting, it was Judi's understanding that the developer needed to construct roads above the 100 year flood elevation. The FEMA flood maps show that the 100 year flood flows over East Street in the area of the Canoe River. Large span bridges should be proposed to avoid wetland impacts (as required in the ACEC), which must have a substantial support infrastructure (steel beams). It was unclear how the developer would be able to tie into East Street above the 100 year flood elevation. The footings required to support a bridge structure were also of concern.

Judi reminded the Commission that the entire development is located within the Canoe River ACEC. Jane was asked to check with Town Planner Sharon Wason to see if she would like the Commission to attend the Planning Board's next meeting on July 10, which would continue their review of the project.

16 Brookside Drive, Request for Determination

The Applicant Erin Healy-Botelho agreed to waive the reading of the legal notice, as posted in the Sun Chronicle and the Foxboro Reporter. This proposed project is for the installation of a fence in the backyard, by new owners of the property. Bob and Jane visited the site and believed that the wetlands directly abutted the current lawn area, since elderberry bushes, spicebushes and jewelweed were growing along the perimeter of the grassed area.

Jane recommended that the fencing should be allowed, but only along the boundary of the lawn and no further (i.e. towards the wetland area), as long as it did not create a barrier to wildlife movement. Jane also informed the applicant that yard waste could not be dumped into the wetland area, explaining the importance of the Town's 25 foot no disturb zone and the habitat and plant values of the area. It would be okay to carefully remove one (invasive) barberry bush and the broken upper branches of several trees. She was asked to visit the site with the property owner to discuss the details of the permitted work.

Motion was made by Eric Nelson to close the meeting and to issue a Negative Determination (#3 and #6) for the RFD for 16 Brookside Drive; seconded by Allan Curtis. **Vote: 4-0-0**

Rock Hill Cemetery, South Street, Draft Restoration Order

Restoration Order will be sent with a cover note to Mr. Dick Davis' home. Eric asked about the enforcement process and Jane reviewed the Enforcement Section (7) of the Wetlands Regulations. The Commission reviewed and approved the Draft Restoration Order. Jane noted that she frequently walks through the cemetery and will keep an eye on their progress.

Motion was made by Eric Nelson to approve the Restoration Order, as drafted; seconded by Allan Curtis. **Vote: 4-0-0**

Conservation Rental Properties - Update

The Commission will be receiving the approved CIP funds on July 1, 2014 to repair 89 North Street. Al stated he would like to see the Fairbanks property's teak ceiling, which came from a ship, used.

Bob suggested that the Land Management Committee should meet with Mr. Bill Keegan to review the Committee's Land Management Report and to discuss how to proceed with 89 North Street. Lowering the monthly rent for 89 North Street was discussed. It was noted that currently, there are too many tenants (six) living in the house; currently, the dining room is being used as a bedroom. Judi would like the house to remain, to be made into an interpretive center.

In summary:

- 87 North Street house will be burned down;
- 89 North Street house has one more year on the lease and then it can be torn down;
- 10 Fairbanks Road house is hard to get to, but should be torn down if possible;
- 120 Spring Street house can be sold, since the larger conservation lot was subdivided to create one, one acre house lot.

Judi stressed that if any property is sold, the property behind the landfill should be used to replace such loss of Article 97 land (in this case, a one acre parcel) and money from the sale should be put into the Conservation Fund. She suggested that the Commission should work towards getting the Community Preservation Act passed, so that funding could be available if needed in the future.

Willow Street Conservation Area; Boy Scout Camporee

Judi stated that she had some questions and concerns about the upcoming Camporee event. She noted safety traffic concerns about dropping off and picking up the children from the site, since she had estimated that 275 cars could be involved. She wanted to make sure that the Willow Street residents were notified of the event (in the mailboxes). Jane was asked to call Paul Civitarese, the Scout Master organizing the event, to let him know about the Commission's traffic safety concerns.

Regulations for Foxborough's Wetland Bylaw (Article IX), Continued Hearing

Motion was made by Eric Nelson to continue the hearing for the Regulation for Foxborough's Wetland Bylaw (Article IX) to July 14, 2014; seconded by Judi Johnson. **Vote: 4-0-0**

Meeting Adjourned

Motion was made by Eric Nelson to adjourn; seconded by Allan Curtis. **Vote: 4-0-0**

The meeting adjourned at 8:38 p.m.

Respectfully submitted,

Eric Nelson, Clerk

Draft minutes submitted by Lee Ann Tavares: 6/30/14

Reviewed by Jane Sears Pierce: 12/17/14

Approved by Commission: 1/12/15

Documents, Not Referenced Above

Attached Documents:

1. Agenda, June 23, 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