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Mr. Robert W. Boette, Chairman
Foxborough Conservation Commission
40 South Street
Foxborough, MA 02035

RE: 31 WATER STREET FOXBOROUGH, MA (SE157-0610)

Dear Mr. Boette,

I am submitting herewith a revised site plan for the construction of a single-family home at 31 Water Street. The modifications to the plan are as a result of discussions with the Commission at the public hearing on November 29, 2021. We are also filing a Wildlife Habitat Evaluation prepared by Pare Corporation.

A wildlife evaluation is not required under the local bylaw or the Wetlands Protection Act (310 CMR 10.60) because no areas subject to protection; inland Bank, Land Under Water, Riverfront Area, or Land Subject to Flooding, are being altered by the project. Since the project does not alter those areas, it is deemed that the activity will not impair the capacity to provide important wildlife habitat functions (310 CMR 10.60(3)(d)). Though not required, several members expressed an interest in a more detailed review of wildlife impacts. Pare Corp prepared an evaluation that uses the DEP Wildlife Habitat Protection Guidance "Appendix B: Detailed Wildlife Habitat Evaluation". Their investigation determined that the proposed development will result in minimal impact to the important habitat features when compared with the overall site. They found that no significant wildlife habitat features are provided in the buffer zone in the limit of disturbance that are not provided in greater magnitude by the surrounding site outside the limit of disturbance. They also determined that the project does not include any impediments to wildlife migration within the wooded portions of the site and between surrounding properties.

There was discussion on whether an alternatives analysis is required since a portion of Lot 1 and the existing home was shown to be located in a Riverfront Area (RA). Upon further review, the Riverfront Area does not include any of the property because the river does not start until it exits the spillway under Water Street (310 CMR 10.58(2)1.h). The RA then is measured 200' from, and parallel to, the stream bank as flagged by Pare Corp. The RA has been removed from the latest plan.

I have investigated the pool and it will be a salt water pool. Salt water pools use salt and a salt water generator to create chlorine through electrolysis. The salt content

is 3,000-3,500 ppm, which is about 10% of the salt content in salt water that you would find in the ocean. The filter system involves a cartridge filter that does not require backwashing. The cartridge is removed and rinsed out and usually lasts 1-3 seasons, depending on conditions. In-ground pools are not drained every year other than dropping the water level below the skimmer level so that the skimmer isn't cracked by ice. Typically, the water level drop involves 2-3 inches. Therefore, dropping the water level once a year would be deminimis. There was also a question about a "catastrophic" event that would empty the pool into the lake. The pool is in-ground and I cannot envisage a catastrophic event that would empty an in-ground pool into the lake. If it cracked it would infiltrate into the ground since the soils are so porous.

There was a question about the fence around the proposed pool. The final design of the pool is not complete, but it must be enclosed by a barrier that is a minimum height of 4 feet above floor/ground level, the latch must be self-closing, and there can be no gaps wider than 3 inches in the fencing or gate area. Doors leading to the pool area must be self-closing and self-latching. None of these items will impact values of the Act and will be enclosed within the limit of work shown on the plan.

There appears to be continuing confusion about the location of the upper boundary of the Bank on the property. The Wetlands Protection Act is clear and defines Bank as "The upper boundary of a Bank is the first observable break in the slope or the mean annual flood level, whichever is lower." (310 CMR 15.54(2)(c)). This is the definition used by Pare in its delineation.

The following is a summary of the modifications to the plan:

- The house has been moved south by 10'
- A split rail fence has been added north and east of the house
- Higher plantings are proposed on the east side of the house
- The erosion control detail (Sheet 2) has been modified to include a construction fence with notations that the fence is to be installed prior to any clearing and the silt sock to be installed after clearing but before grubbing
- A note to the same effect has been added to Sheet 1
- Southeast of the house and north of the house the sections of the limit of work line has been moved further from the wetland

Thank you for your consideration and we look forward to meeting with you on January 10th.

Very truly yours,

BAY COLONY GROUP, INC.



William R. Buckley, Jr., P.E.
Project Manager

Encl.