

JUN 9 2005

BOARD OF APPEALS

**CONSERVATION COMMISSION**

Town of Hopkinton, Massachusetts 01748

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31 May 2005

Secretary Ellen Roy Herzfelder  
Executive Office of Environmental Affairs  
Attention: **MEPA Office**  
Briony Angus, EOE No. 13534  
100 Cambridge Street, Suite 900  
Boston, MA 02114

Re: E.L. Harvey & Sons, Inc., Proposed Landfill Improvements, Hopkinton and Westborough

Dear Secretary Herzfelder:

The Hopkinton Conservation Commission presents the following comments on the Environmental Notification Form (ENF) for the E.L. Harvey & Sons, Inc. Proposed Landfill Improvements in Hopkinton and Westborough as it relates to wetlands and water quality. The proposed project, located in the Old Westborough Landfill, the Westborough Burn Dump, and the Hopkinton Landfill at the E.L. Harvey & Sons, Inc. (ELH) solid waste facility in Westborough, includes clearing of woody vegetation, re-grading, and re-vegetation of the landfill side slopes and stormwater management improvements at the present construction and demolition recycling facility. It is our understanding that, while the stormwater management improvements are not subject to the ENF requirement, they have been included in the project description for information purposes.

1. The ELH facility is located on a site containing numerous wetland resource areas including bordering vegetated wetland, intermittent streams, a perennial stream (Picadilly Brook), and a vernal pool. The site is also directly adjacent to the Cedar Swamp Area of Critical Environmental Concern (ACEC). The proposed landfill improvements are located directly adjacent to a bordering vegetated wetland (part of the Cedar Swamp complex) and an intermittent stream and within the ACEC.
2. The Commission looks favorably on proposals that will result in improved "housekeeping" practices and remedial efforts that will result in improvements relative to wetlands and water quality (surface water and groundwater). Both the stormwater management improvements adjacent to the construction and demolition facility and the landfill improvements in the three, existing landfill areas will result in water quality improvement by increasing stormwater treatment and reducing infiltration of stormwater through the landfills, respectively. The Commission has met several times with ELH representatives to discuss housekeeping on the site, and notes that increased attention to housekeeping is still required.

3. ELH has received approval for the removal of woody vegetation and cap repair at the Old Westborough Landfill and for *Phragmites* control in a negative Determination of Applicability issued by the Commission on 5 April 2004 with a project change approval issued on 9 August 2004. ELH has received approval for debris removal and removal of woody vegetation from the side slopes of the Hopkinton Landfill and for *Phragmites* control in a negative Determination of Applicability issued by the Commission on 26 October 2001 with project change approvals issued on 7 April 2004 and 9 August 2004. ELH has filed a Notice of Intent (NOI) with the Hopkinton Conservation Commission for landfill improvements on the portion of the Westborough Burn Dump that lies within Hopkinton. The hearing for that NOI has been scheduled for 6 June 2005. The Commission's Conservation Scientist has reviewed the proposal in the field with Gerald Cushing of Brown and Caldwell, and the Commission has reviewed plans for the proposal at an informal meeting held on 28 March 2005 during a regular public meeting of the Commission.
4. While the proposed landfill improvements will occur within an ACEC and within the 100-foot buffer zone of a bordering vegetated wetland and an intermittent stream, the Commission is of the opinion that any potential adverse impact from the work (e.g. potential erosion into the wetland) can be controlled through effective site management, and will be outweighed by the resultant water quality improvement. Adverse impacts are also mitigated by the fact that the work will set the stage for future regular maintenance activities that will help to perpetuate these benefits.
5. While the Commission reserves the right to raise additional concerns and questions during the course of the NOI hearing process for the landfill improvements within its jurisdiction, the following concerns are raised during the ENF review process:
  - The letter from the Massachusetts Natural Heritage and Endangered Species Program (MNHESP), dated 11 June 1999, appears to be a response to an ELH request for information relative to priority and estimated habitats of rare species. The MNHESP letter does not provide a statement as to whether or not the proposed project will affect priority and estimated habitat of rare species. The Commission is of the understanding that the NOI filed with the Commission for the proposed landfill improvements at the Westborough Burn Dump has been filed with MNHESP and that a letter will be forthcoming.
  - Maintenance of adequate erosion control, coupled with maintenance of on-site emergency supplies in the event of an unexpected rain event, during the proposed site work will be of great importance during re-grading and slope stabilization.
  - As part of the landfill improvement, new areas of wetland may be created in areas where fill has been excavated at the wetland edge. It will be important to control invasive species in these disturbed areas during the establishment period and into the future. Significant populations of *Phragmites* have colonized the existing toe of slope and adjacent wetlands in each of the three landfills due to the previous disturbance. The Commission has requested that ELH work to eradicate these populations via hand cutting and daubing with an herbicide such as Roundup or Rodeo. As mentioned previously, ELH has received approval from the Commission for *Phragmites* control at the Old Westborough and Hopkinton Landfills. The Commission will request

*Phragmites* control at the Westborough Burn Dump, if necessary, during the NOI process and conditions for the control will be included in any eventual Order of Conditions issued for the site.

If you have any questions regarding these comments, please contact me (508 435-9740) or Ellen Chagnon, the Commission's Conservation Scientist (508 497-9757).

Sincerely,



Brian D. Morrison, Chairman  
for the Hopkinton Conservation Commission

cc: Hopkinton Board of Selectmen, Planning Board, Board of Health, and Board of Appeals  
Westborough Board of Selectmen, Planning Board, Board of Health and Conservation  
Commission  
Elizabeth Sorenson, ACEC Program, Department of Conservation and Recreation  
MEPA Reviewer, Division of Fisheries and Wildlife, MNHESP  
MEPA Reviewer, Department of Environmental Protection, Central Region  
Gerald Cushing, Brown and Caldwell  
James Harvey, E.L. Harvey, Inc.