



**Town of Hopkinton
Conservation Commission
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Memorandum

Date: 26 January 2004

To: Board of Appeals

From: Brian D. Morrison, Chairman
Ellen M. Chagnon, Conservation Scientist

Re: Stagecoach Heights Comprehensive Permit
DEP File No. 188-1148

Copies:

The purpose of the memorandum is to update the Zoning Board of Appeals relative to the status of the Stagecoach Heights comprehensive permit filings with the Conservation Commission.

As described in our 22 May 2003 and 23 September 20003 memorandums to the Board, the project was denied under the Act by the Commission. Following an appeal to DEP for a Superceding Order of Conditions by the applicant, DEP held a site meeting and issued a letter stating that DEP could uphold the Commission's denial or the applicant could submit an amended Notice of Intent to the Commission with a revised roadway alignment, keeping it out of the vernal pool buffer zone.

The applicant recently has made significant revisions to the proposed site plan, eliminating the northern access road through the vernal pool buffer zone and moving the detention basin away from the wetland system. Following her review of that plan, Mary Ann DiPinto of DEP Central Region notified the applicant that DEP will not issue a Superceding Order of Conditions. By declining to supercede, DEP has upheld the Commission's denial for the plan as submitted under the Act. She stated that the applicant should pursue an Amended Order from the Conservation Commission for the revised plan.

The Applicant has since filed an Amended Notice of Intent with the Commission under both the State Wetlands Protection Act and the Town of Hopkinton Wetlands Protection Bylaw on 17 October 2003. An initial public hearing was held on 17 November 2003. This hearing was continued to 8 December 2003 to allow the applicant time to respond to Commission comments and to issues addressed in Ms. Chagnon's 15 November 2003 review memorandum. The applicant was instructed to submit new information to the Commission a minimum of two weeks before the next hearing. The applicant failed to submit new information by that date. New information was submitted as late as 8 December 2003. Due to the lack of time for the Commission's review, the hearing was continued to 12 January 2004. Ms. Chagnon reviewed the new information and met informally with the applicant on 18 December 2003 to review her comments. The applicant was requested to submit a response not later than 29 December 2003 so that the Commission would have time to review it prior to the 12 January 2004 meeting. New information was not submitted by the deadline and at the 12 January meeting, the applicant requested a continuation. The Commission scheduled the continuation to 22 March 2004, with new information to be submitted for the Commission's review not later than 23 February 2004 due to the applicant's repeated history of failing to submit information by the required deadlines.

Ms. Chagnon's review memoranda, dated 15 November 2003 and 15 December 2003, are attached.