

MINUTES: 09 January 2006
Hopkinton Town Hall, Room 216

Called to Order: 7:30 PM
Adjourned: 10:00 PM

Members Present: Brian Morrison, Jack Speranza, David Teitelman, Jeffrey Barnes, Robert Murphy, Ellen Chagnon: Conservation Scientist, Don MacAdam: Conservation Administrator

Members Absent: Steven Radel

7:30 PM Rudden, 44 Front Street
Informal

Karen Rudden, owner

Mr. MacAdam stated that Mr. Francis Rudden contacted the Conservation Office and reported that after the garage was razed on his property the site contractor noticed blue flagging adjacent to the site work. Mr. MacAdam stated that the plans on file with the Commission for DEP File No. 188-1042 indicate the garage had been within 100 feet of an isolated wetland. Mr. MacAdam stated that Mr. Rudden agreed to stop all site work and install adequate erosion control to stabilize the area. Ms. Rudden stated that erosion controls have been installed and submitted sketch plans identifying the removal of the detached garage, a proposed septic system upgrade, and the construction of an attached garage and outbuilding. Ms. Chagnon stated that the isolated wetland was identified during a previous filing as a potential vernal pool. The Commission determined that the submittal of an after-the-fact Request for Determination of Applicability is required for the razing of the garage and the proposed site work.

7:40 PM Commission Business

- The Commission signed the following documents:
 - Daniels, 35 Woody Island Rd. – Certificate of Compliance (188-461)
 - Rudden, 44 Front St. – Certificate of Compliance (invalid Order, 188-704)
 - Markarian, 8 Stagecoach Way – Certificate of Compliance (188-720).
- Mr. Barnes made a motion to approve and submit the Conservation Commission Annual Report for Year 2005 to the Board of Selectman's Office. The motion was seconded by Mr. Murphy and it passed unanimously.

7:45 PM Brogioli, 302 West Main Street
Notice of Intent- continuation

DEP File No. 188-1336

Stacy Carpenter, Guerriere & Halnon, Inc.

Ms. Carpenter stated that she performed a site walk with Ms. Chagnon and found no evidence of any vernal pools within the area. Ms. Chagnon stated that she is in agreement with Ms.

Carpenter's assessment and that she does not think the proposed site work will create drainage problems on the abutting property at 300 West Main Street due to the fact that the subject property slopes away from the abutting property.

Mr. Joe Hall, 300 West Main Street, stated that the area has a high water table and that he believes the proposed amount of fill will affect ground water levels and have a negative affect on the drainage of his property. Mr. Morrison stated that Mr. Hall should submit baseline data relative to groundwater elevations on his property so that they can be added to the file. The Commission determined that if Mr. Hall can document any changes to his property during the period the Order of Conditions is valid the Commission will be able to review any information that Mr. Hall submits.

Mr. Speranza made a motion to close the hearing and issue an Order of Conditions with the standard conditions and the following special conditions: permanent, immovable barrier to be constructed along the location of the erosion control barrier and drywells for roof runoff. The motion was seconded by Mr. Teitelman and it passed unanimously.

**8:00 PM NSTAR, 0 South Mill Street
Informal**

DEP File No. 188-1340

John Thomas, Beals & Thomas, Inc.

Mr. Thomas requested that the Commission waive the requirement for two-foot topographic contours and allow ten-foot contours instead on site plans for an Abbreviated Notice of Resource Area Delineation (ANORAD) submitted by NSTAR. Mr. Speranza asked Ms. Chagnon for her opinion regarding the request. Ms. Chagnon stated that two-foot contours allow the reviewer to more easily identify potential wetland resource areas based on topography. Ms. Chagnon stated that all previous ANORAD filings have complied with the two-foot contour requirement.

Ms. Chagnon stated that the plans note that the wetlands were flagged in the field and were located on the plans by GPS with an accuracy of plus or minus 10 feet. Mr. Thomas stated that the note on the plans is incorrect and that the GPS locations have a sub-meter accuracy. Mr. Morrison stated that a higher level of accuracy is required and that the proposed level of accuracy is not something that should be approved by the Commission for the next three years, which would be the case if the current plans were approved.

Mr. Morrison asked what intended use of the land is. Mr. Thomas stated that NSTAR is not a developer and may explore disposing of valuable property along the Route 495 corridor. Mr. Morrison stated that he believes the current plans, without approval from the Commission, may be useful to NSTAR for planning purposes but that they do not meet the level of detail required for an ANORAD. Mr. Speranza asked if an ORAD can be qualified. Ms. Chagnon stated that she believes there is no place on the form to qualify the ORAD.

A discussion was held regarding the difference between survey locating and GPS locating the wetland flags in the field. Mr. Thomas suggested that an alternative to approval of the plans under an ORAD would be an informal site walk with Ms. Chagnon for review of the flagging. The Commission determined that this would be acceptable as long as the applicant pays the associated consultant fees.

8:15 PM
(8:20 PM)

Tedstone, 45 Pleasant Street
Abbreviated Notice of Resource Area Delineation

DEP File No. 188-1341

Kevin O'Leary, The Jillson Company, Inc.; Brendan Tedstone, applicant/owner

Mr. O'Leary presented a proposed Abbreviated Notice of Resource Area Delineation (ANORAD) plan. Ms. Chagnon stated that she has reviewed the delineation and that is correct and complete as shown. Mr. William Camillucci, 41 Pleasant Street, stated that he believes the delineation was performed in the summer and that the wetland is larger than what is shown on the plan. Mr. Camillucci stated that he has standing water in his yard during the winter and spring. Ms. Chagnon provided an overview of the criteria for a wetland delineation based on vegetation and soil analysis and stated that a delineation does not change seasonally. Mr. Morrison provided an overview of the ANORAD and Notice of Intent process.

Mr. Barnes made a motion to close the hearing and issue an Order of Resource Area Delineation. The motion was seconded by Mr. Murphy and it passed unanimously.

8:30 PM

Bogart, 35 Woody Island Road
Notice of Intent

DEP File No. 188-1339

Michael Bogart, applicant/owner; Mark Stiles, Stiles & Associates, LLC

Ms. Chagnon stated that the Commission held a previous discussion regarding the construction of the deck and the requirement to submit an after-the-fact Notice of Intent to properly document the deck and to condition any future maintenance. The Commission determined that the deck cannot be enlarged, replacement of the deck shall be with arsenic-free lumber, the property owner shall notify the Commission at least seven days in advance of any proposed maintenance work, and a new filing will be required if the existing deck footings are to be replaced. The Commission determined that a finding of fact is required.

Mr. Murphy made a motion to close the hearing and issue an Order of Conditions with a finding of fact and the standard conditions and special conditions noted above. The motion was seconded by Mr. Teitelman and it passed unanimously.

8:40 PM

Commission Business

- A discussion was held regarding the eligibility of well drilling to be performed as a minor project exemption at 27 West Elm Street. The Commission determined that the work can be performed as a minor project with conditions requiring notification of the start of work and preconstruction erosion control inspection by Conservation staff.
- Mr. Murphy made a motion to cancel the meeting scheduled for 30 January 2006. The motion was seconded by Mr. Barnes and it passed unanimously.
- Mr. Murphy made a motion to approve the minutes of 05 December 2005. The motion was seconded by Mr. Barnes and it was passed by everyone except Mr. Teitelman who abstained.
- Mr. Murphy made a motion to approve the minutes of 19 December 2005. The motion was seconded by Mr. Barnes and it passed unanimously.

- Mr. Murphy made a motion to amend the FY07 budget from \$70,038.48 to \$70,050.00. The motion was seconded by Mr. Teitelman and it passed unanimously.
- The Commission decided to send a letter to Mr. Sokol, 6 Huckleberry Road, requiring the submittal of the restoration plan within thirty days.

**9:00 PM McDonald, 12 Fruit Street
Enforcement Hearing**

DEP File No. 188-1269

Stephen McDonald, builder

Mr. McDonald stated that he has contacted the previous site excavator and is in the process of installing the drywells for the roof drains and that he expects to have a drywell operating within the next couple of weeks.

9:05 PM Commission Business

- The Commission decided to send a violation letter to Issadore Associates/Cedar Realty Trust regarding violations that occurred during the installation of a test/water supply well for Hopkinton Highlands III.
- Mr. Murphy made a motion to send a letter to Exxon Mobil requiring that a new Notice of Intent (NOI) be submitted not later than 30 January 2006 for remediation work at 92 West Main Street. The original NOI expired in June 2005. The motion was seconded by Mr. Speranza and it passed unanimously.
- Mr. Speranza made a motion to approve the revised plan for installation of a stone retaining wall at Stagecoach Heights (DEP File No. 188-1148) no closer to the wetland resource area than the originally proposed concrete retaining wall. The motion was seconded by Mr. Teitelman and it passed unanimously.
- Mr. Murphy made a motion to have Mr. Morrison, as chairman, sign a contract amendment for the services of EMC Environmental Services, Inc. The motion was seconded by Mr. Barnes and it passed unanimously.

**9:15 PM K.S.S. Realty, Maspenock Woods
Informal**

John Sawyer, K.S.S. Realty; Robert Poxon, Guerriere & Halnon

Mr. Poxon presented a Planning Board-approved concept plan for Maspenock Woods garden apartments. Mr. Poxon stated that the Planning Board asked that K.S.S. Realty show an alternative concept plan to the Commission for review. Mr. Poxon presented an alternative concept plan with an access road located within 75 feet of a potential vernal pool. Mr. Morrison asked Ms. Chagnon if a comment letter had been forwarded from the Commission to the Planning Board during their review of the filing. Ms. Chagnon stated that the Commission sent a comment letter to the Planning Board that was based on the concept plan that was approved. Ms. Chagnon stated that the letter noted that minimal review was required by the Commission due to the proposed layout and that the Commission was concerned with issues such as the utilization of erosion controls, total suspended solids removal, and nitrogen loading.

A discussion was held regarding a potential vernal pool on an abutting property. Mr. Poxon stated that the potential vernal pool was overlooked during the Abbreviated Notice of Resource Area Delineation review but that the abutting property owner forwarded relevant information to the Planning Board during their review. Mr. Poxon stated that he performed additional research and discovered that the potential vernal pool was identified as an isolated wetland on a septic upgrade plan for an abutting property. Mr. Sawyer asked if the installation of the proposed water line within the potential vernal pool buffer zone will be an issue. The Commission thought the disturbance would be temporary and insignificant if performed at the most opportune time of year.

Mr. Sawyer asked whether the proposed boathouse, which will be constructed on the existing foundation of an old camp, will be a problem. The Commission felt that if it is constructed on the existing foundation that there should not be a problem.

Ms. Mary Pratt, 102 Fruit Street, asked if K.S.S. Realty had received a water permit. Mr. Sawyer stated they have not, but have had an informal discussion with the town. A discussion was held regarding the refurbishing and razing of the existing structures on site.

9:45 PM Commission Business

A discussion was held regarding the length of time it can take to identify a potential vernal pool under the bylaw. Mr. Speranza expressed concern that the requirement for a spring determination can require an applicant to wait almost an entire year for an approval.

Minutes Approved: 23 January 2006