

**MINUTES- 27 February 2006
Hopkinton Town Hall, Room 216**

**Called to Order: 7:30 PM
Adjourned: 9:45 PM**

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

7:30 PM Commission Business

- Mr. Speranza made a motion to approve two Requests for Payment, one from the Wetlands Protection Act fund and one from the Commission's 53E1/2 account, both dated 27 February 2006. The motion was seconded by Mr. Barnes and it passed unanimously.
- A discussion was held regarding the current finances of the Commission.
- The Commission signed the following documents:
 - Exxon Mobil, 92 West Main St. – Certificate of Compliance (188-1195)
 - Bogart, 35 Woody Island Rd. – Certificate of Compliance (188-1339)
- Mr. Barnes made a motion to approve the minutes of 06 February 2006. The motion was seconded by Mr. Teitelman and it was passed by everyone except Mr. Speranza who abstained.
- Mr. Barnes made a motion to approve the minutes of 02 August 2004. The motion was seconded by Mr. Speranza and it passed unanimously.
- Mr. Barnes made a motion to cancel the meeting scheduled for 27 March 2006. The motion was seconded by Mr. Radel and it passed unanimously.
- Mr. Speranza made a motion to set the spending limit of the Commission's Fiscal Year 2006 53E ½ account at \$115,000.00. The motion was seconded by Mr. Barnes and it passed unanimously.
- A discussion was held regarding an email message from Mr. Brian Morrison who reported that various gravel roadways adjacent to wetlands are being maintained without a permit from the Commission. Mr. Speranza stated that he believes that the Commission should not act until work is proposed regarding the maintenance of existing gravel roadways.
- A discussion was held regarding potential wetland violations at the DPW garage, the town snow dump off Cedar Street, and alleged placement of asphalt into Lake Whitehall adjacent to Pond Street. The Commission determined that letters requesting information on the current status of these sites must be sent to the DPW.

- The Commission determined that Attorney George Hall must be contacted regarding the appeal of an Order of Conditions-Denial for Trudeau, 16 Falcon Ridge Drive (DEP File No. 188-1311) to Middlesex Superior Court.

8:15 PM Four Zero One Realty Trust, 17 Oak Street DEP File No. 188-1187
2nd Extension Permit

Chris Nation, Four Zero One Realty Trust

Ms. Chagnon stated Mr. Nation had related to her in a recent telephone conversation that the septic system has been installed, the site has been graded and the house has been framed. Mr. Nation requested a 12-month extension to complete construction of the house.

Mr. Teitelman made a motion to close the hearing and issue a 12-month Extension Permit. The motion was seconded by Mr. Radel and it passed unanimously.

8:30 PM E.L. Harvey, Wood Street DEP File No. 188-1328
Informal

Gerry Cushing, Brown and Caldwell

Mr. Cushing presented a proposed plan for the post closure use of the Old Westborough Landfill that was filed with Department of Environmental Protection (DEP). Mr. Cushing stated that the current plan includes changes to the grading from the plan Commission approved under the Order of Conditions. Mr. Cushing stated that approximately 7,500-8,000 cubic yards of a mix of construction and demolition fine waste material and clean fill is proposed to be deposited in order to create a container storage area that is two to three feet higher in elevation than the original plan. Mr. Cushing stated that the work footprint, the slope, and the drainage will remain the same and the surface area will be reduced by ten percent from the approved plan. Mr. Cushing stated that when DEP approves the permit, which he expects will occur within the next couple of weeks, he will submit a request for an insignificant project change.

8:35 PM Commission Business

- Mr. Teitelman left the meeting (8:35 PM).
- Mr. Barnes made a motion to approve the installation of a fence and plantings as identified in the letter dated 14 November 2005 and the sketch plan titled "Environmental Mitigation & Enhancement Plan" for Petrozzi, 3 Colella Farm Road (DEP File No. 188-1245) as an insignificant project change. The motion was seconded by Mr. Radel and it passed unanimously.

8:45 PM Blanchard, 276 Pond Street RDA 2006-4
Request for Determination of Applicability

Daniel McIntyre, M.E.S.S. Inc.

Mr. McIntyre presented proposed plans to replace a failed septic system with a new Title V system. Mr. McIntyre stated that the new system will be located in the same location as the

existing system but will be built at a higher elevation than the original system. Mr. McIntyre stated that the system is located within the 100-foot buffer zone but is outside the 50-foot setback.

Mr. Barnes made a motion to close the hearing and issue a negative Determination of Applicability with the standard conditions. The motion was seconded by Mr. Speranza and it passed unanimously.

8:55 PM Commission Business

- The Commission determined that the written proposal from R.C. Searles Contractor, Inc. for site work at 6 College Street does not qualify as a minor project exemption because the proposed work is within the 50-foot buffer zone and that a Request for Determination of Applicability is required.
- The Commission determined that Mr. MacAdam will attend the DEP site meeting for Morrison, Piazza Lane (RDA 2005-26) scheduled for 09 March 2006 at 10:00 AM.

**9:00 PM Maillet & Son, Hopkinton Highlands III DEP File No. 188-1179
Informal**

Tom DiPersio, Thomas Land Surveyors

Mr. DiPersio stated that the septic system designed by Allen & Major cannot be built as shown on the approved plan due to the presence of bedrock. Mr. DiPersio stated that the entire site was reviewed for an alternative septic location and none was found suitable. Mr. DiPersio presented an amended plan that realigns the septic field to avoid the bedrock but results in the disturbance of 800 square feet of the 100-foot buffer of the bordering vegetated wetland. Mr. DiPersio stated that there will be no impact to the adjacent 100-foot vernal pool setback and that he is quite confident that the design will work with these revisions. Ms. Chagnon stated that the vernal pool setback at the time of the Notice of Intent filing was 100 feet and that the site grading within the buffer zone appears to be minimal. Mr. DiPersio stated that he will submit the proposed plan to the Board of Health (BOH) for their approval and will submit a request for a project change to the Commission after it is approved by the BOH.

9:05 PM Commission Business

A discussion was held regarding the request for comments from the Planning Board (PB) for Major Project Site Plan Review of Golden Pond, West Main Street. Mr. Speranza made a motion to have Ms. Chagnon issue a comment letter to the PB for the Golden Pond project. The motion was seconded by Mr. Barnes and it passed unanimously.

**9:15 PM Issadore & Arons, LLP, Hopkinton Highlands III DEP File No. 188-1179
Enforcement Hearing**

Michael R. Guilmet, P.E., Allen & Major Associates, Inc.

Mr. Guilmet stated that soil stockpiles and site disturbance beyond the approved limit of work were a result of creating access for soil testing. Mr. Guilmet stated that a site walk was performed with Ms. Chagnon and that a proposed restoration letter and site plan, dated 17 February 2006, was submitted to the Commission for approval. Mr. Guilmet stated that the site work can be arranged to be performed by Maillet & Son's contractor when they perform the

finish grading for the site. Ms. Chagnon stated that the stockpiles are stable and the Commission can issue an Enforcement and Restoration Order to condition the restoration.

Mr. Radel made a motion to issue an Enforcement and Restoration Order with a completion date in the spring of 2007 and the standard conditions. The motion was seconded by Mr. Barnes and it passed unanimously.

9:20 PM Commission Business

- Mr. Speranza made a motion to recommend that Mr. Radel serve on the Land Use Study committee as the Commission's representative. The motion was seconded by Mr. Barnes and it passed unanimously.
- A discussion was held regarding drafting an informal policy for Commission members relative to the conduct of personal business that may involve review by the Commission.
- A discussion was held regarding drafting an informal policy for rotating the position of Chairman on a regular basis.
- A discussion was held relative to Mikulis, 14 North Mill Street. A Certificate of Compliance application has been filed for the site and the plan shows a deck that was never approved by the Commission and the required drywells were not identified on the plan. The Commission determined that they will wait for the relevant information that will be obtained from a site inspection before determining if a Certificate of Compliance can be issued.

Minutes Approved: 20 March 2006