

MINUTES- 05 June 2006
Hopkinton Town Hall, Room 216

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

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

7:30 PM Commission Business

- The Commission signed the following documents:
 - Summit R.T., 10 South Mill St. - negative Determination of Applicability (RDA 2006-15)
 - Capital Group Properties, 124 Lumber St. (lot 4) – Enforcement and Restoration Order (188-1295)
 - Kennelly, 8 Oak Dr. – Certificate of Compliance (188-1264).
 - Emergency Certification – MA Turnpike (I-90), DEP IRA Release Tracking No. 2-16244
- Mr. Teitelman made a motion to cancel the 26 June 2006 Commission meeting. The motion was seconded by Mr. Carmody and it passed unanimously.
- Mr. Carmody made a motion to approve the minutes of 22 May 2006. The motion was seconded by Mr. Radel and it was passed by everyone except Mr. Barnes and Mr. Speranza who abstained.
- Mr. Speranza made a motion to approve the Request for Payment under the Wetlands Protection Fund dated 05 June 2006. The motion was seconded by Mr. Barnes and it passed unanimously.
- Mr. Speranza made a motion to approve the Request for Payment under the 53 E ½ Account dated 05 June 2006. The motion was seconded by Mr. Barnes and it passed unanimously.

7:45 PM Capital Group Properties, Deerfield Estates DEP File No. 188-1220
Enforcement and Fines Hearing – continuation

William Depietri, Capital Group Properties

Mr. MacAdam stated that Enforcement and Restoration Orders (ERO) have been issued for two distinct violations at Deerfield Estates located at the well site and at the vernal pool. Mr. MacAdam stated that the Commission had continued the Enforcement and Fines Hearing to this date because the restoration work for both EROs was required to be completed and the Commission wanted to review the status of the restoration. Mr. MacAdam stated that the

required Request for Certificate of Compliance applications have not been submitted to date in violation of the EROs. Mr. Depietri stated that he is waiting to submit the Request for Certificate of Compliance applications until after his meeting with the Commission at tonight's hearing. Ms. Chagnon stated that she performed a site inspection with Mr. Glenn Krevosky, wetland consultant to Capital Group Properties, relative to the vernal pool violation and that the cleanup of deposited silt has been completed. The Commission determined to review the violation again after the Request for Certificate of Compliance applications have been submitted. Mr. MacAdam will send a letter to Capital Group Properties requesting that a representative attend a meeting on 21 August 2006 to discuss fines.

**8:00 PM Siebert, 223 Hayden Rowe Street
Enforcement and Fines Hearing**

Roy Siebert, owner

Mr. Speranza stated that he will voluntarily abstain from the hearing because he was a former neighbor and previously has provided legal counsel to Mr. Siebert.

Mr. Siebert presented a wetland delineation report and surveyed site plan prepared by Savello Associates. Ms. Chagnon stated that fill from the sewer line installation project along Hayden Rowe Street was placed to the rear of Mr. Siebert's existing home approximately eight years ago. Ms. Chagnon stated that the plans indicate that the limits of the wetlands on the property are located at the toe of fill. Ms. Chagnon stated that the plans indicate that some wetland was filled but that the extent of fill is unknown. Ms. Chagnon stated that the fill is stable and the area has re-vegetated. Mr. Siebert stated that when the abutting playing fields and access roadway were constructed it changed the drainage pattern of the area and made his property wetter. Mr. Siebert stated that there are oak trees still growing where the fill was placed. Ms. Chagnon stated that the Commission could issue an Enforcement and Restoration Order (ERO) with a finding of fact and requiring the recording of the site plan at the Registry of Deeds. Ms. Chagnon stated that a Certificate of Compliance can be issued at the same time as the ERO.

Mr. Carmody made a motion to issue an ERO including a finding of fact and requiring the recording the survey plan as well as a Certificate of Compliance to clear title. The motion was seconded by Mr. Teitelman and it was passed by everyone except Mr. Speranza who abstained.

8:15 PM Commission Business

- Mr. Murphy informed the Commission that the Board of Selectmen (BOS) is no longer requiring the Commission chair to attend a BOS meeting for the approval of expenditures under the Wetlands Protection Act Fund and that the Commission needs only to submit a memorandum requesting expenditure approval to the BOS on a quarterly basis.
- The Commission signed the following signature pages:
 - Siebert, 223 Hayden Rowe St.- Enforcement and Restoration Order
 - Siebert, 223 Hayden Rowe St.- Certificate of Compliance for Enforcement and Restoration Order
- A discussion was held regarding a request for comments from the Planning Board (PB) relative to the major site plan review for Golden Pond, 58-60 West Main Street. Mr. Speranza made a motion to have Ms. Chagnon draft a comment letter to submit to the PB for their review. The motion was seconded by Mr. Barnes and it passed unanimously.

- A discussion was held regarding a request for comments from the Planning Board relative to the proposed exterior renovations to Strata Bank at 59 Main Street. The Commission determined that it has no comments on the proposal due to the fact that the proposed work is outside its jurisdiction. Ms. Chagnon will send an e-mail to Elaine Lazarus, Town Planner, to that effect.
- A discussion was held regarding a Request for Minor Project Exemption for Robson, 11 West Main Street. The Commission determined that the proposed pool construction can be considered to be a minor project with the requirement that the Robsons not expand the lawn area adjacent to the building foundation.

**8:30 PM Becker, 27 West Elm Street
Request for Determination of Applicability**

RDA 2006-16

Chuck Joseph, Remax Executive Realty

Mr. Speranza stated that he is on the Board of Directors for the Chamber of Commerce with Mr. Joseph but that his relationship will not affect his ability to judge the filing before the Commission.

Mr. Joseph submitted a revised survey plan of the existing well. Mr. MacAdam stated that the well and water service line have already been installed under an Emergency Certificate following the declaration by the Board of Health that the replacement of the previous well with a new well in compliance with Title V was an emergency.

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

8:40 PM Commission Business

- A discussion was held regarding the revised Yearly Operational Plan for Vegetation Management of I-495 by Mass Highway.
- Mr. Carmody made a motion to recommend Mr. Speranza to the Board of Selectmen as the Commission's representative on the Community Preservation Committee. The motion was seconded by Mr. Radel and it passed unanimously.
- A discussion was held regarding the Commission's FY 06 accomplishments and FY 07 goals/objectives. Mr. Murphy will prepare that Commission's FY 07 goals for their endorsement at the next meeting.

**9:15 PM Mercer/Drowne Family Trust, 0 Saddle Hill Road DEP File No. 188-1346
Abbreviated Notice of Resource Area Delineation**

E.A. Wells, Sanford Ecological Services, Inc.

Mr. Murphy stated that he is acquainted with Mr. Dan and Ms. Nancy Mercer but that it will not affect his judgment of the filing before the Commission.

Mr. Wells submitted a revised wetland delineation plan, stamped and signed by a professional land surveyor. Ms. Chagnon stated that she is in agreement with the delineation for Bordering Vegetated Wetland but noted that the delineation of Bank and Riverfront is only approximate and should not be approved as part of the Order of Resource Area Delineation. The Commission determined that if any future site work is proposed in the area of the Riverfront then a more definitive riverfront delineation will be required.

Mr. Speranza made a motion to close the hearing and issue an Order of Resource Area Delineation for the Bordering Vegetated Wetland and Bordering Land Subject to Flooding, but not for the Bank or Riverfront. The motion was seconded by Mr. Teitelman and it passed unanimously.

Minutes Approved: 19 June 2006