

**MINUTES- 24 July 2006**  
**Hopkinton Town Hall, Room 216**

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

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

**7:30 PM          Commission Business**

- The Commission signed the following documents:
  - Weston Nurseries, East Main St – Certificate of Compliance (188-1209)
  - Advocates, Inc., 166 Ash St – Enforcement Order, after-the-fact NOI filing not submitted
  - Elder, 35 Wood St. – Certificate of Compliance (188-506)
  - Higgins Farm, Lumber St. – Certificate of Compliance (188-845) signature page for Land Court
  - Stockwell, 30 Pond St. – Certificate of Compliance (188-1108) replacement signature page
- Mr. Barnes made a motion to approve the Request for Payment dated 24 July 2006 under the 53E ½ account. The motion was seconded by Mr. Teitelman and it passed unanimously.
- A discussion was held regarding the application for a MA Self-Help grant for the Whitehall property. The Commission signed an original signature page for the grant applicant, to be forwarded to Elaine Lazarus at the planning office. Mr. MacAdam will prepare a cover letter for the grant, to be signed by Chairman Murphy.

**7:45 PM          Elder, 11 Wild Road**  
**Enforcement Hearing**

**DEP File No. 188-1135**

Nobody representing Mr. Paul Elder attended the hearing. The Commission decided to have the Conservation Staff attempt to contact Mr. Elder by telephone.

**7:46 PM          Commission Business**

- A discussion was held regarding Capital Group Properties, Deerfield Estates (188-1220) request for project change that was last discussed on 06 March 2006. Ms. Chagnon stated that she has reviewed the information from Fay, Spofford and Thorndike and Provencher Engineering regarding the project change for Phase IV and has found it to be adequate to address potential changes in groundwater recharge, which are very small. Mr. Speranza made a motion to approve the addition of one housing unit and foundation drains for all the units within Phase IV as identified in the CFS Engineering letter dated 06 March 2006,

Provencher Engineering calculations report received on 13 July 2006, and site plans received on 06 March 2006. The motion was seconded by Mr. Teitelman and it passed unanimously.

- A discussion was held regarding the Notice of Project Change submitted to MEPA for the proposed wastewater treatment facility at the Fruit Street property. Mr. Carmody made a motion to send a comment letter to the MEPA office in response to the Notice of Project Change. The motion was seconded by Mr. Speranza and it passed unanimously.
- A discussion was held regarding the Notice of Project change submitted to MEPA for the proposed H-2 well site at the Fruit Street property. Mr. Speranza made a motion to send a comment letter to the MEPA office in response to the Notice of Project Change. The motion was seconded by Mr. Radel and it passed unanimously.

**8:00 PM**      **Leal, 9 Kerry Lane**  
**Informal**

Robert Leal, owner

Mr. MacAdam stated that Mr. Leal submitted a request for a minor project exemption to cut down seven trees on his property. Mr. MacAdam stated that he performed a site inspection and that the work did not qualify as a minor project exemption and will require the filing of an application. A discussion was held regarding the previous construction of a pool, shed, and attached garage without a permit from the Conservation Commission. The Commission informed Mr. Leal that any future site work proposed within the Commission's jurisdiction on his property will require either written permission or a permit from the Commission before any site work is performed. Mr. MacAdam stated that the Order of Conditions for the construction of Mr. Leal's house was recorded at the Registry of Deeds and that a Certificate of Compliance has not been issued to date for Mr. Leal's lot. The Commission notified Mr. Leal that the lack of a Certificate of Compliance may be an issue regarding any future sale of the property. The Commission told Mr. Leal that the Conservation Staff is available during business hours to answer any questions he may have regarding the issues discussed during the hearing.

**8:15 PM**      **MA Laborer's Training, 37 East Street**      **DEP File No. 188-1342**  
**Notice of Intent- continuation**

Mark Houle, Connorstone Engineering, Inc.

Mr. Houle presented an amended plan that identified the location of additional erosion controls as recommended by Ms. Chagnon during their site meeting. Mr. MacAdam stated that Mr. Houle has submitted Requests for Certificates of Compliance for the outstanding Orders of Conditions currently on the property. Mr. MacAdam reviewed the information that is outstanding for the following Requests for Certificates of Compliance: 188-480, 188-646, 188-774, and 188-1121.

Ms. Chagnon stated that the only filing of concern appears to be DEP File Number 188-774. The Order of Conditions required restoration work for Cold Spring Brook and the man-made pond as approved by the Army Corps of Engineers. Ms. Chagnon stated that she did not recall seeing any of the restoration measures implemented on the site. The Commission determined that a site inspection is required to determine whether the restoration work was performed. The Commission determined that if the restoration work has not been performed then the Commission will issue an Enforcement and Restoration Order to require the restoration work to be completed. The Commission determined that the proposed irrigation line is approvable and that it can be

installed in concert with any required restoration work after the submittal of the outstanding Request for Certificate of Compliance information and positive site inspections.

The hearing was continued to 25 September 2006 at 9:00 PM.

**8:30 PM Cueroni, Lot 7, Clinton Street  
Notice of Intent- continuation**

**DEP File No.188-1334**

Joyce Hastings, GLM Engineering, Inc.; Carl Cueroni, applicant/owner

Ms. Hastings provided an overview of the lot history. Ms. Hastings stated that the Zoning Board of Appeals denied the plan previously approved by the Commission. Ms. Hastings stated that the abutting property owner, New England Laborers Training Facility, has refused to agree to a land swap or to sell any portion of their property as a relief to Mr. Cueroni. Ms. Hastings provided an overview of the study of the isolated wetland as a potential vernal pool, prepared by Matthew W. Long, PWS, Brown and Caldwell, and dated 30 April 2006. Ms. Hastings stated that their consultant concluded that the isolated wetland is not a vernal pool.

Ms. Hastings provided an overview of the proposed design measures to protect the interests of the Wetlands Protection Act and the Hopkinton Wetlands Protection Bylaw and stated that the current wetland setback shown on the plan is 25 feet from the wetland edge. Ms. Chagnon stated that the vernal pool report identifies that the isolated wetland was observed in April of 2006 which was an extremely dry month. Ms. Chagnon stated that when she inspected the area during the previous filing (188-1247) she did not observe any obligate vernal pool species and agreed that the smaller wetland is most likely not a vernal pool. Ms. Chagnon asked if the old cart road separating the smaller wetland from the adjacent bordering vegetated wetland and the existing culvert connection can be shown on the plan. Ms. Hastings stated that she will revise the plans to identify those features.

A discussion was held regarding the Commission meeting informally with the Zoning Board of Appeals to discuss the filing and similar filings.

Mr. Speranza stated that it will be incumbent upon the applicant to provide the scientific data that overcomes the Bylaw presumption that work proposed within the setbacks will adversely affect the adjacent resource areas and the interests of the Bylaw.

The hearing was continued to 21 August 2006 at 7:45 PM.

**8:45 PM McKinnon, 8 Glen Road  
Extension Permit**

**DEP File No. 188-1215**

Bob McKinnon, owner

Mr. McKinnon stated that the house and retaining walls are constructed and that he needs more time to finish the installation of a fence and lawn. Mr. Speranza made a motion to issue a nine-month Extension Permit. The motion was seconded by Mr. Radel and it passed unanimously.

**8:50 PM          Commission Business**

- Mr. Speranza made a motion to nominate Mr. Nation to the Ad-hoc Committee for updating the Open Space and Recreation Plan for 2006. The motion was seconded by Mr. Carmody and it was passed by everyone except Mr. Nation who abstained.
- The Commission determined to send a copy of the letter requiring the submittal of a revised Certificate of Compliance as-built plan and dated 14 March 2006 to the new owners of 7 Lyford Road and to copy the realtor and the previous owner.
- Mr. Radel made a motion to apply for EOEA-ESRI Arc View 9.1 software and training discount program subject to the capability for the current Conservation Office computers to operate the software program. The motion was seconded by Mr. Carmody and it passed unanimously.

**Minutes Approved:** 07 August 2006