

**MINUTES- 2 October 2006
Hopkinton Town Hall, Room 216**

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

Members Present: Jeffrey Barnes, Robert Murphy, Michael Carmody, Jack Speranza, Ellen Chagnon: Conservation Scientist, Don MacAdam: Conservation Administrator

Members Absent: Craig Nation, Steven Radel, David Teitelman

7:30 PM Commission Business

- A discussion was held regarding a minor project exemption request for tree pruning at McCarthy, 128 Clinton Street. The Commission determined that the proposed pruning qualified as a minor project.
- Mr. Barnes made a motion to approve the minutes of 21 August 2006. The motion was seconded by Mr. Speranza and it was passed by everyone except Mr. Carmody who abstained.
- Mr. Carmody made a motion to encumber \$10, 969.67 from the FY 2006 53E ½ account into the FY 2007 account.
- Mr. Speranza made a motion to approve additional access for site testing under the Determination of Applicability for Abbott, 97 Ash Street (RDA 2005-12) as an insignificant project change subject to advanced notice for all future testing and no further testing after 31 January 2007. The motion was seconded by Mr. Barnes and it passed unanimously.

**7:45 PM NSTAR, Lot 5, South Mill Street
Notice of Intent**

DEP File No. 188-_____

Wayne Chouinard, Thaddeus Soule, Beals and Thomas, Inc.; Joseph Simonelli, NSTAR

Mr. Chouinard presented a lotting plan showing all frontage lots and provided an overview for the proposed subdivision of the 48-acre parcel in Hopkinton, 12 acres of which are wetland. Mr. Chouinard presented a proposed plan and provided an overview of the work associated with the construction of a single family home on lot 5. Mr. Chouinard stated that the current plan requires a buffer zone impact of 12,679 square feet. Mr. Murphy asked how far the well was from the wetland and Mr. Chouinard stated 32 feet. Mr. Murphy stated that he is concerned about the amount of proposed disturbance within the 100-foot buffer zone and beyond the 50-foot setback for such a large parcel of land. A discussion was held regarding the size of the house and the amount of proposed impervious surface area. Mr. Speranza stated that it is incumbent upon the applicant to submit scientific data that overcomes the assumption that disturbance within the setbacks will have an adverse impact to the resource areas. Mr. Chouinard stated that he is

seeking to disturb 15 feet into the setback area. Ms. Chagnon stated that the Commission's position for the development of a new parcel has been to require as much site development as possible outside the 100-foot buffer zone resource area under the Bylaw. Ms. Chagnon stated that the overall property has significant constraints.

The hearing was continued to 16 October 2006 at 9:15 PM.

8:00 PM NSTAR, Lot 6, South Mill Street DEP File No. 188-____
(8:12 PM) Notice of Intent

Wayne Chouinard, Thaddeus Soule, Beals and Thomas, Inc.; Joseph Simonelli, NSTAR

Mr. Chouinard presented a proposed plan and provided an overview for the construction of a portion of a driveway within the Commission's jurisdiction. Mr. Chouinard stated that 15,500 square feet of disturbance is proposed within the buffer zone.

Mr. Speranza made a motion to close the hearing and issue an Order of Conditions subject to the issuance of a DEP File number with the standard conditions. The motion was seconded by Mr. Carmody and it passed unanimously.

8:15 PM NSTAR, Lot 9, South Mill Street DEP File No. 188-____
(8:25 PM) Notice of Intent

Wayne Chouinard, Thaddeus Soule, Beals and Thomas, Inc.; Joseph Simonelli, NSTAR

Mr. Chouinard presented a proposed plan and provided an overview for site work associated with the construction of a single family home. Mr. Chouinard stated that 2,300 square feet of disturbance is proposed within the buffer zone and that the proposed impervious surfaces are located outside the buffer zone. Ms. Chagnon stated that a permanent immovable barrier will be critical on the lot.

Mr. Speranza made a motion to close the hearing and issue an Order of Conditions subject to the issuance of a DEP File number with the standard and noted special conditions. The motion was seconded by Mr. Carmody and it passed unanimously.

8:30 PM NSTAR, Lot 11, South Mill Street HCC No. 0023
Notice of Intent

Wayne Chouinard, Thaddeus Soule, Beals and Thomas, Inc.; Joseph Simonelli, NSTAR

Mr. Chouinard presented a proposed plan and provided an overview for the construction of a portion of the driveway within the Commission's jurisdiction. Mr. Chouinard stated that 4,200 square feet of disturbance is proposed within the buffer zone and that the proposed impervious surfaces are located outside the buffer zone.

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

**8:45 PM West Elm Street Acquisition,
5 & 11 West Elm Street (Maspenock Woods)
Notice of Intent - continuation**

DEP File No. 188-1351

Ted Tobin, K.S.S. Realty Partners, Inc.; Robert Poxon, Guerriere & Halnon, Inc.; Tim Briggs, GZA

Mr. Poxon presented amended plans and provided an overview of the plan changes and of his response to Ms. Chagnon's comments dated 25 September 2006. Mr. Briggs provided an overview of his geohydrologic review. Ms. Chagnon stated that she is satisfied with the geohydrologic report. Mr. Poxon stated that the proposal is still under review with the Planning Board (PB) and the Board of Health (BOH) but he believes that there will not be any changes that will require the applicant to come back and meet with the Commission further. Ms. Chagnon stated that she has received answers satisfactory to her memo and that she spoke with Mr. Poxon earlier regarding the concurrent review with the PB and the BOH. Ms. Chagnon stated that she believes that mitigation for the buffer zone disturbance can be conditioned under the Order of Conditions. Mr. Poxon stated that mitigation measures will be identified on the final design plans for the PB.

Mr. Peter Oram, 38 Lake Shore Drive, Vice President for the Lake Maspenock Preservation Association, asked for a description of the proposed septic system. Mr. Poxon provided an overview of the Presby Environmental Septic System. Mr. Poxon stated that sewage will also be planned for and if capacity becomes available in the future the septic system will be abandoned at such time.

Mr. Speranza made a motion to close the hearing and issue an Order of Conditions with the standard and special conditions to be drafted by Ms. Chagnon. The motion was seconded by Mr. Barnes and it passed unanimously.

9:00 PM Commission Business

- The Commission determined to submit an estimated WPA Fund expenditure for the second quarter of FY 2007 to the Board of Selectmen for review.
- A discussion was held regarding the Stipulation of Dismissal for Murphy, 215 Ash Street (188-1021).
- A discussion was held regarding an anonymous call about the installation of a floating dock at Spindel Island on Lake Maspenock. The Commission determined that the floating dock does not require the review of the Commission under the Wetlands Protection Act or the Hopkinton Wetlands Protection Bylaw but may come under the jurisdiction of the Public Waterways Act (MGL Chapter 91).

**9:15 PM Connelly, 6 College Street
Notice of Intent**

DEP File No. 188-1358

Joseph and Janus Connelly, applicants/owners; David Marquedant, J.D. Marquedant & Associates, Inc.

Mr. Speranza stated that he is acquainted with the applicants but he believes that it will not affect his ability to review the filing impartially.

Mr. Marquedant presented a proposed plan and provided an overview of the proposed renovations to the garage. Mr. Speranza asked if the proposed work within the 50-foot setback is previously disturbed and Mr. Marquedant stated that it is. Mr. Marquedant stated that the proposed renovated garage will be located further away from the wetland than the existing garage. Mr. Murphy asked if the impervious area will increase with the proposed driveway expansion and Mr. Marquedant stated that it will. Mr. Marquedant stated that the square footage of the structure will remain essentially the same. A discussion regarding the installation of a dry well for roof runoff infiltration for mitigation of the proposed driveway was held.

Mr. Speranza made a motion to close the hearing and issue an Order of Conditions, subject to the submittal of an amended plan within 14 days or else a denial order subject to the lack of information will be issued, with the standard and noted special conditions. The motion was seconded by Mr. Barnes and it passed unanimously.

**9:30 PM Toll Brothers, Inc., Lot 17, Overlook Road DEP File No. 188-1260
Extension Permit**

Bryan Weiner, Toll Brothers, Inc.

Mr. Weiner provided an overview of the current status of the construction on the lot to date and requested a one-year Extension Permit. Mr. Speranza made a motion to issue a one-year Extension Permit. The motion was seconded by Mr. Barnes and it passed unanimously.

Mr. Weiner submitted a letter and sketch plan, dated 2 October 2006, and requested that the retaining wall proposed and approved under the Order of Conditions not be built and that the area be graded as identified on the sketch plan as an insignificant project change.

Mr. Speranza made a motion to approve the grading changes identified in the letter and on the sketch plan dated 2 October 2006 as an insignificant project change. The motion was seconded by Mr. Barnes and it passed unanimously.

Minutes Approved: 6 November 2006