

**MINUTES- 16 October 2006**  
**Hopkinton Town Hall, Room 216**

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

**Members Present:** Michael Carmody, Robert Murphy, Craig Nation, David Teitelman, Ellen Chagnon: Conservation Scientist, Don MacAdam: Conservation Administrator

**Members Absent:** Jeffrey Barnes, Steven Radel, Jack Speranza

**7:30 PM          Commission Business**

Mr. MacAdam presented a minor project exemption request from Roosevelt Farms Association (RFA) to remove 14 of 19 trees located within the town right of way along The Colonnade. Mr. MacAdam stated that the request included a report from an arborist identifying that three of the trees are dead and an additional four trees are recommended for removal. Mr. MacAdam stated that the report also recommended increasing the maintenance on nine of the trees.

A discussion was held regarding the request to remove the fourteen trees identified. The Commission determined that the three dead trees can be removed and replaced under a minor project exemption and that the removal of the eleven remaining trees will require the submittal of a Request for Determination of Applicability. Mr. Thomas Smart, 1 Bull Moose Run, asked whether the RFA will be able to remove the trees if the Commission approves the issuance of a minor project exemption and a Determination of Applicability. Mr. MacAdam stated that the Commission's written permission will not supercede any other applicable laws.

**7:45 PM          Hopkinton DPW, 66 Fruit Street (H-2 Well)          DEP File No. 188-1357**  
**Notice of Intent**

Robert Bell, Rosemary Blacquier, Michael Wierbonics, Earth Tech, Inc.; J.T. Gaucher, Hopkinton DPW Director

Mr. Gaucher submitted a revised plan for a proposed H-2 well pumping station. Mr. Bell stated that 30,000 square feet of buffer zone is proposed to be disturbed and that 40% of the proposed buffer zone disturbance is currently undisturbed. Mr. Bell stated that the well already exists and provided an overview of alternatives for the location of the water service line. A discussion was held regarding the proposed swales. A discussion was held regarding the potential future need for paving the gravel access to the well.

The hearing was continued to 06 November 2006 at 8:30 PM.

**8:00 PM Cueroni, Lot 7, Clinton Street  
Notice of Intent – continuation**

**DEP File No. 188-1334**

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

Ms. Hastings presented amended plans and a narrative for the proposed construction of a single-family home. Ms. Chagnon stated that the narrative was based on the approved narrative for Petrozzi, 3 Colella Farm Road (DEP File No. 188-1247) and that the proposed mitigation will minimize the impacts to the buffer zone and adjacent wetland. A discussion was held regarding the proposed mitigation measures.

Mr. Carmody made a motion to close the hearing and issue an Order of Conditions with the standard conditions. Mr. Nation seconded the motion. Ms. Chagnon stated that the Commission may wish to include the following special conditions in the motion: permanent immovable barrier, driveway run-off directed toward Clinton Street, no future development to the side and rear of the house, the prohibition of a lawn to the rear of the house, and roof runoff to drywells. Mr. Carmody made a motion to amend the previous motion to include the noted special conditions. The motion was seconded by Mr. Nation and it passed unanimously.

**8:15 PM P.M. Realty Trust, off Ridge Road and Appaloosa Circle  
Informal**

Charles Scott, CFS Engineering; Glenn Krevosky, EBT Engineering

Mr. Scott presented a plan for the construction of a roadway and eight single-family homes off Ridge Road and Appaloosa Circle. An informal discussion regarding the proposal was held. Mr. Murphy stated that the Commission typically expects that all proposed site development will occur outside the Commission's jurisdiction on a currently undeveloped parcel of land. Mr. Krevosky reviewed the existing wetland resources and stated that an Abbreviated Notice of Resource Area Delineation will be filed with the Commission in the near future.

**8:30 PM Esthimer/Whittemore, 118 Hayward Street  
Request of Determination of Applicability**

**RDA 2006-20**

Cynthia Esthimer, Elizabeth Whittemore, applicants/owners; Jon Word, Gentry Remodeling

Mr. Word presented a proposed plan for the construction of a detached barn. Mr. Word stated that the barn is proposed 51 feet from the bordering vegetated wetland and will require a variance to the required front yard setback from the Board of Appeals (BOA). Ms. Chagnon stated that in the past the Commission has allowed new structures along lakefront property to be located no closer than the existing main structure on the lot. Mr. Word stated that they were hoping to keep the structure close to the road due to the slope toward the lake.

The applicants requested to continue the hearing to 06 November 2006 at 8:45 PM in order to allow the BOA hearing to take place.

Arthur Allen, EcoTec, Inc.; David White, applicant

Mr. Allen presented a proposed plan for the construction of a single family home. Mr. Allen stated that the proposed house is 49 to 50 feet from the wetland edge and that the closest part of the proposed driveway is 40 feet from the wetland. Ms. Chagnon stated that she is in agreement with the wetland delineation and noted that the installation of a driveway will be a challenge due to the steep slope in that location. A discussion was held regarding the feasibility of constructing and maintaining a house located at the 50-foot setback and not creating disturbance within the setback area.

Mr. Glen Layton, 22 Duffield Road, stated that back taxes are owed on each of the four individual parcels and requested that the Commission condition compliance with all applicable zoning laws under an Order of Conditions. The Commission noted that zoning issues are not under its jurisdiction. Mr. Dighton stated that the gradient for the proposed driveway is 17% and that the footings and foundation for the house will require work to be performed within the 50-foot setback. Ms. Susan Layton, 22 Duffield Road, stated that she is concerned as to whether Mr. White will transfer any Order of Conditions he receives to Belle Contracting, who currently has outstanding enforcement issues with the Commission for two properties in the Lake Maspenock neighborhood. Mr. James Hoyt, 14 Knoll Road, stated that the intermittent stream adjacent to the proposed work has caused flooding to properties on Knoll Road in the past and is concerned that the proposed site disturbance on the lots may exacerbate existing flooding conditions. Ms. Paula Toomey, 16 Duffield Road, stated that she believes the wetlands are protected because of the presence of spotted salamanders. Mr. James Murphy, 18 Duffield Road, was concerned that if he is not allowed to rake and remove leaves along the front of the proposed parcel in the future then it will lead to the flooding of his property.

Ms. Chagnon stated that the steep slope will require more erosion control measures than currently proposed. She requested that the applicant provide additional erosion control and a written rationale for how the buffer zone and wetland resource area will not be impacted during and after construction. The Commission requested a larger scale plan to show the proposed work in greater detail.

The hearing was continued to 06 November 2006 at 9:15 PM.

Steve McCarthy, applicant/owner

Mr. MacAdam stated that this filing is exempt under the Bylaw and has been filed under the Act only.

Mr. McCarthy presented a proposed plan to replace a failed septic system with a Title V compliant system, to replace or refurbish existing out buildings on the property and to install a new well for water service to the existing home. Mr. MacAdam stated that the septic system is proposed to be constructed within a previously disturbed area and further away from the wetland resource areas than the current system. Mr. McCarthy stated that he wants to move the well closer to the house than identified on the plan, which will move it further away from the resource

areas. Mr. McCarthy stated that the existing well will be disconnected from the house but will remain in place for potential use as an irrigation well. Mr. McCarthy stated that he wants to reduce the length of the proposed erosion controls identified on the plan. Mr. McCarthy stated that he wants to relocate erosion controls closer to the proposed septic location and to directly behind the existing out buildings. Ms. Chagnon stated that the installation of the erosion controls behind the outbuildings should be required only when work on the structures is proposed to begin.

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

**9:15 PM NSTAR, Lot 5, South Mill Street DEP File No. 188-1360**  
**(9:25 PM) Notice of Intent- continuation**

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

Mr. Chouinard submitted an amended plan and provided an overview of the proposed changes from the previously submitted plan. He stated that the house is now located 62 feet from the wetland and that all work except for the well will be located outside of the 50-foot setback. A discussion was held regarding the temporary disturbance of the buffer zone for the installation of the well. A discussion was held regarding the location of a permanent immovable barrier.

Mr. Nation stated that he must recuse himself from the matter due to the fact that his father's development company is an abutter to lot 5. The hearing was continued to 06 November 2006 at 9:30 PM because there was not a quorum to vote on the filing.

**9:50 PM Commission Business**

- The Commission signed the following documents:
  - NSTAR, Lot 6, South Mill St – Order of Conditions (188-1361) (3 signatures)
  - NSTAR, Lot 9, South Mill St – Order of Conditions (188-1362) (3 signatures)
  - NSTAR, Lot 11, South Mill St – Order of Conditions (HCC-0023) (3 signatures)
  - Maspenock Woods, W. Elm St – Order of Conditions (188-1351)
  - Connelly, 6 College St – Order of Conditions (188-1358)
  - Eagle Farm L.P., Lot 17, Overlook Rd. – Extension Permit (188-1260)
  - Town of Hopkinton DPW, town-wide drainage – Extension Permit (RDA 2003-20)
  - Wyckoff, 0 Granite St – Extension Permit (RDA 2002-17)
  - McCarthy, 128 Clinton St- Determination of Applicability (sig. page) (RDA 2006-21)
- A discussion was held regarding the Hopkinton Licenses and Permits Bylaw. The Commission requested that the Conservation Staff contact the Tax Collector for details regarding recent requests for permits.
- Mr. Carmody made a motion to cancel the meeting scheduled for 23 October 2006. The motion was seconded by Mr. Teitelman and it passed unanimously.
- Mr. Carmody made a motion to approve the minutes of 11 September 2006. The motion was seconded by Mr. Teitelman and it passed unanimously.

- Mr. Carmody made a motion to approve the minutes of 18 September 2006. The motion was seconded by Mr. Teitelman and it passed unanimously.
- Mr. Carmody made a motion to approve the minutes of 25 September 2006. The motion was seconded by Mr. Teitelman and it passed unanimously.
- Mr. Carmody made a motion to approve the 53E ½ Request for Payment dated 16 October 2006. The motion was seconded by Mr. Nation and it passed unanimously.
- Mr. Carmody made a motion to approve the WPA Request for Payment dated 16 October 2006. The motion was seconded by Mr. Nation and it passed unanimously.
- Mr. Teitelman made a motion to approve the revised wetland replication as identified in the letter dated 11 October 2006 and plan dated 10 October 2006 for Capital Group Properties, Lot 3, 128 Lumber Street (188-1294) as an insignificant project change. The motion was seconded by Mr. Teitelman and it passed unanimously.

**Minutes Approved:** 20 November 2006