

**MINUTES- 6 November 2006
Hopkinton Town Hall, Room 216**

**Called to Order: 7:30 PM
Adjourned: 10:20 PM**

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

Member Absent: David Teitelman

7:30 PM Commission Business

- Mr. Nation made a motion to approve the Wetland Protection Fund Request for Payment dated 6 November 2006. The motion was seconded by Mr. Radel and it passed unanimously.
- Mr. Barnes made a motion to approve the 53E ½ Request for Payment dated 6 November 2006. The motion was seconded by Mr. Speranza and it passed unanimously.
- Mr. Barnes made a motion to cancel the meeting scheduled for 27 November 2006. The motion was seconded by Mr. Speranza and it passed unanimously.
- Mr. Nation made a motion to approve the 25 September 2006 Joint Meeting minutes. The motion was seconded by Mr. Speranza and was passed by everyone except Mr. Barnes and Mr. Radel who abstained.
- Mr. Barnes made a motion to approve the minutes of 2 October 2006. The motion was seconded by Mr. Carmody and it was passed by everyone except Mr. Nation and Mr. Radel who abstained.
- Mr. Speranza made a motion to approve the proposed stormwater management changes by Capital Group, Deerfield Estates (188-1220) as described in the plans entitled “Deerfield Estates, Phase IV Senior Housing Site Plan Approval in Hopkinton, MA” prepared by CFS Engineering and dated 17 February 2006 with a latest revision date of 22 May 2006, and in the report entitled “Drainage Calculations Addendum, Deerfield Estates – Phase IV, 148 Lumber Street, Hopkinton, MA” prepared by CFS Engineering and dated 17 May 2006.
- Mr. Speranza made a motion to approve the proposed concrete patios by Ida Pappas, 58 Cedar Street Extension (188-1279) as identified in the letter dated 19 October 2006 and the plan dated 16 October 2006 as an insignificant project change. The motion was seconded by Mr. Carmody and it passed unanimously.

**7:45 PM 5860 Realty Trust, 58 & 60 West Main Street
Notice of Intent**

DEP File No. 188-1363

Joseph P. Marquedant, J.D. Marquedant & Associates, Inc.

Mr. Marquedant presented proposed plans for the construction of a commercial building. Mr. Marquedant stated that the site will receive a town sewer connection and the proposed septic system will be removed from the plan. Mr. Marquedant provided an overview of the proposed stormwater management system. Mr. Marquedant stated that there will be no net change in flow to the existing wet detention basin. Ms. Chagnon stated that she is concerned with the proximity of the groundwater infiltrators to the proposed structure and whether they meet the Stormwater Management Guidelines. Mr. Marquedant stated that they have been discussing the proposal with the Planning Board's engineering consultant.

The hearing was continued to 4 December 2006 at 7:45 PM.

7:57 PM Commission Business

A discussion was held regarding the stream restoration at the N.E. Laborers Training Center on East Street.

**8:00 PM Gusha, 0 North Street
Notice of Intent - continuation**

DEP File No. 188-1330

Mark Houle, Connorstone Engineering; Jeffrey Gusha, Gloria Winn, applicants/owners

Mr. Houle presented revised plans and provided an overview of the proposed wetland replication. Ms. Chagnon stated that all the requests for information listed on her review memo have been fulfilled. Ms. Chagnon stated that the project will require careful site work and management.

A discussion was held regarding the location and construction of the driveway. Ms. Kathleen Gemma, 5 North Street, asked how eroded sediments and stormwater will not runoff into the pond after the driveway is installed. Mr. Houle stated that a stone retaining wall will be installed where the driveway is close to the pond and that the length of the driveway will pitch runoff towards the vegetated buffer zone to collect the runoff. Mr. Murphy stated that the Commission can condition "environmentally friendly" de-icing compounds for use on the driveway and that erosion controls will be utilized during construction. Ms. Jeanette Thomson, 55 Fruit Street, stated that she does not see how the proposed cuts to the driveway and resulting turning radius to the roadway can be safely accessed.

Ms. Gemma asked if the Commission will have supervisors on site during construction to make sure that work does not occur on her property. Ms. Chagnon stated that property lines are not within the Commission's jurisdiction. Ms. Chagnon stated that an on-site pre-construction meeting will be held, erosion control reports will be required on a weekly and before and after storm events, and that a wetland scientist will be required to monitor the wetland replication site work.

Mr. Tony Marolda, 59 Fruit Street, asked about the proposed utilities. Mr. Houle stated that the utilities are proposed to be installed underground. Ms. Thomson asked if a vegetation barrier can be required to be installed on the lot to screen her property. The Commission noted that the location she identified is outside their jurisdiction.

A discussion regarding the appeal process was held. Mr. Speranza stated that the abutters can explore pooling their money and making an offer to the property owners to purchase the parcel if they want it to remain undeveloped.

Mr. Nation made a motion to close the hearing and issue an Order of Conditions with the standard and all the noted special conditions throughout the hearing process. The motion was seconded by Mr. Radel and it passed unanimously.

8:15 PM Laborers Training Center, 37 East Street, Irrigation DEP File No. 188-1342
(8:20 PM) Notice of Intent - continuation

Mark Houle, Connorstone Engineering

The Commission determined that it will keep approval on the water line project until the Certificate of Compliance and Enforcement and Restoration Issues have been addressed.

Mr. Houle stated that a site walk to inspect the stream was held by George Connors and Ellen Chagnon. He submitted and reviewed a proposed planting plan for naturalizing the stream channel. The Commission determined that, following Ms. Chagnon's review of the planting plan and *Phragmites* control plan, they will issue an Enforcement and Restoration Order to condition the work.

Mr. MacAdam stated that Mr. Houle has submitted previously requested Certificate of Compliance information for the outstanding Orders of Conditions on the property.

The hearing was continued to 20 November 2006 at 7:30 PM.

8:30 PM Hopkinton DPW, 66 Fruit Street, H-2 Well DEP File No. 188-1357
Notice of Intent - continuation

J.T. Gaucher, DPW Director; Bob Bell and Rosemary Blacquier, Earth Tech, Inc.

Mr. Speranza made a motion to waive the Hopkinton Wetland Protection Bylaw filing fee but not to waive consultant fees under the Bylaw. The motion was seconded by Mr. Barnes and it passed unanimously.

Ms. Blacquier presented revised plans and a memo dated 1 November 2006 with photographs and provided an overview of the proposed site work. Ms Blacquier and Mr. Bell reviewed the proposed buffer zone disturbance, stating that there will be 12,000 s.f. of new disturbance with a total buffer zone disturbance of 29,000 s.f. Mr. Murphy asked why the driveway turnaround was necessary. Mr. Bell stated that it is designed to allow a tractor trailer truck an area to turn around when delivering chemicals. Mr. Murphy stated that the Commission must be notified if any chemicals are spilled on-site in the future. Ms. Chagnon stated that all the requests for information listed on her review memo have been fulfilled.

Mr. Barnes made a motion to close the hearing and issue an Order of Conditions with the standard and noted special condition requiring that the Commission be notified within 24 hours of any chemical spill. The motion was seconded by Mr. Speranza and it passed unanimously.

**8:45 PM Esthimer/Whittemore, 118 Hayward Street
Request for Determination of Applicability- continuation**

RDA 2006-20

Cynthia Esthimer, applicant/owner; Jon Word, Gentry Remodeling

Mr. Word submitted revised plans and provided an overview of the proposed site work. Mr. Word stated that the Board of Appeals will vote at their next meeting relative to reducing the front yard setback and requested to continue the hearing to the next Commission meeting.

The hearing was continued to 4 December 2006 at 8:00 PM.

8:55 PM Commission Business

- The Commission determined to notify the Planning Board that the proposed site work for Honey Hill Farms, 89 Hayden Rowe Street is outside the Commission's jurisdiction and that the Commission has no concerns relative to the proposal. Ms. Chagnon will communicate this information to Elaine Lazarus via e-mail.
- A discussion was held regarding an informal proposal from Andrew Boyce, 281 Cedar Street, to install a garage on the property.

**9:00 PM Capital Group Properties, 148 Lumber Street
Deerfield Estates
Enforcement & Fines- continuation**

DEP File No. 188-1220

William DePietri, Martin Loiselle, Capital Group Properties

A discussion was held regarding the fine that was issued and held in abeyance on 24 May 2004. Mr. Speranza made a motion to waive the fine. The motion was seconded by Mr. Barnes and it passed unanimously.

A discussion was held regarding the disturbance to the vernal pool and whether to issue a fine for the violation. Mr. Speranza stated that the second fine was never determined or levied and that he is concerned that the second violation was on the heels of the first.

Mr. Radel made a motion to waive the portion of the fine calculation based on total number of days per violation and to issue a fine of \$2,400.00 for the portion of the fine calculation based on the total number of conditions violated under the Order of Conditions. The motion was seconded by Mr. Barnes and it passed unanimously.

**9:15 PM White, 0 Duffield Rd./0 Beach St.
Notice of Intent - continuation**

DEP File No. 188-1359

David White, applicant/owner

Mr. White presented revised plans and a memo from his consultant and provided an overview of the proposed changes to the house footprint and the drainage of the driveway. He stated that there will now be four feet between the erosion control barrier and the house corner.

A discussion was held regarding drainage calculations for the driveway and the proposed drywells to infiltrate the driveway and roof run-off.

Mr. Glen Layton, 22 Duffield Road, stated that he is concerned with the past performance of site work on 110 Hayward Street under a permit issued to Mr. White and that the current project proposes a 17% driveway grade into the garage. Mr. White stated that Belle Contracting will not be involved with the construction of the proposed project. Mr. Craig Mickanin, 7 Duffield Road, stated that he is concerned that, if the site is developed, it may cause flooding to his basement. Mr. James Hoyt, 14 Knoll Road, stated that he is concerned that an Order of Conditions will not protect abutting properties based on past development history.

A discussion was held regarding the depth of the proposed cultec drywells, the height of the groundwater table and the percolation rates for the roof and driveway infiltration. The Commission requested engineered drainage calculations for the roof and driveway infiltration.

Mr. Hoyt stated that he believes that there is a discrepancy in the property lines between the town assessors map and maps on record with the Registry of Deeds.

The hearing was continued to 4 December 2006 at 8:15 PM.

9:30 PM NSTAR, Lot 5, South Mill Street DEP File No. 188-1360
(9:45 PM) Notice of Intent- continuation

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

Mr. Nation recused himself from the hearing due to the fact that this property abuts property owned by his father.

Mr. Chouinard presented a revised plan and provided an overview of the proposed changes and the mitigation for the installation of the well within the 50-foot setback.

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

Mr. Nation rejoined the meeting.

9:55 PM Commission Business

- A discussion was held regarding a request from Mr. Michael Schwartz, the property owner at 16 Wedgewood Drive to remove a live tree that is threatening to the neighboring property. The Commission determined that the tree can be removed and replaced as a minor project exception.
- A discussion was held regarding a request by McCarthy Pools to install a pool at 25 Huckleberry Road as a minor project exemption. The Commission determined that the pool can be installed as a minor project exemption.
- Mr. Nation made a motion to dismiss the fine that was issued and held in abeyance to Meyer Homes, Inc., Whisperwood Preserve (188-1227) on 03 November 2003. The motion was seconded by Mr. Radel and it passed unanimously.

- A discussion was held regarding a request from KSS Development for the Commission to send a comment letter to the Planning Board regarding DEP File Number 188-1351.
- The Commission determined not to send a comment letter to MEPA regarding the ENF for the MA Turnpike due to the fact that a Request for Determination of Applicability has been submitted to the Commission for a portion of the project.
- Mr. Speranza made a motion to recommend that Mr. Barnes be appointed to the Zoning Advisory Board as a Commission representative. The motion was seconded by Mr. Radel and it passed unanimously.

Minutes Approved: 22 January 2007