

**MINUTES- 20 November 2006**  
**Hopkinton Town Hall, Room 216**

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

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

**Members Absent:** Craig Nation, David Teitelman

**7:30 PM Laborers Training Center, 37 East Street**  
**Notice of Intent – continuation**

**DEP File No. 188-1342**

Mark Houle, Connorstone Engineering

Ms. Chagnon stated that a revised planting plan is required before the Enforcement and Restoration Order (ERO) can be issued for the stream channel restoration but that the Notice of Intent for the irrigation line is ready for a vote. Mr. MacAdam stated that Requests for Certificate of Compliance and letters of withdrawal have been submitted for the outstanding filings and a revised as-built plan is required for DEP File No. 188-1121.

Mr. Speranza made a motion to close the hearing for the irrigation line and issue and Order of Conditions with the standard and noted special conditions,, subject to the submittal of a revised ERO planting plan by 1 December 2006 and a revised as-built plan for DEP File No. 188-1121 by 15 January 2007. The motion was seconded by Mr. Barnes and it passed unanimously.

**7:35 PM Commission Business**

- The Commission signed the following documents:
  - Hollinger, 3 Trailside Ln – Certificate of Compliance (188-1011)
  - MA Laborers Training Center, 37 East St – Invalid Certificate of Compliance (188-440)
  - MA Laborers Training Center, 37 East St – Signature Page for Order of Conditions (188-480)
  - MA Laborers Training Center, 37 East St – Signature Page for Order of Conditions (188-646)
  - Mainini, 5 Carriage Hill Rd – Signature Page for Certificate of Compliance (188-383)
  - MA Laborers Training Center, 37 East St – Signature Page for Order of Conditions (188-774)
- Mr. Barnes made a motion to approve the 53E ½ Request for Payment dated 20 November 2006. The motion was seconded by Mr. Radel and it passed unanimously.
- Mr. Speranza made a motion to approve the revised minutes dated 18 September 2006. The motion was seconded by Mr. Barnes and it was passed by everyone except Mr. Carmody who abstained.

- Mr. Speranza made a motion to approve the draft minutes dated 16 October 2006. The motion was seconded by Mr. Barnes and it was passed by everyone except Mr. Radel who abstained.
- A discussion was held regarding a Planning Board request for comments for Comeau, Extension of Benson Road. Mr. Carmody made a motion for Ms. Chagnon to prepare a comment letter for the Planning Board. The motion was seconded by Mr. Barnes and it passed unanimously.
- A discussion was held regarding the Notice of Intent filing from MassHighway, Facility No. 33, Elm Street. The Commission determined that MassHighway must notify any abutters within 1,000 feet of the proposed site work.
- Ms. Chagnon informed the Commission that she had approved the lowering of Ice House Pond for culvert repair under the existing Determination of Applicability for town-wide drainage (RDA 2003-20).

**7:45 PM          McKinnon, 8 Glen Road  
                         Informal**

**DEP File No. 188-1215**

No representative attended the hearing.

**8:00 PM          E.W. Tarca Construction, 16 Wescott Drive  
                         Enforcement Hearing**

Ed Tarca, E.W. Tarca Construction

Mr. MacAdam stated that the Commission received an anonymous report that site clearing within 100 feet of Lake Whitehall had occurred to the rear of 16 Wescott Drive. Mr. MacAdam stated that he has visited the state property and observed that the understory has been cleared. Mr. MacAdam stated that he contacted the State Park representative and was informed that Mr. Tarca's company had performed the vegetation cutting without permission from any State Park staff.

Mr. Tarca stated that he performed the vegetation thinning this past summer upon the request of the property owner at 16 Wescott Drive. Mr. Tarca stated that approximately ten years ago he received permission from the State Park staff to perform similar vegetation thinning on state land adjacent to Lake Whitehall and assumed that it would be all right to do it again. Mr. Tarca stated that he believed that he did not need a permit from the Conservation Commission as long as he didn't disturb and expose any soil and cut anything greater than four inches in diameter. Mr. Tarca presented two photographs of the area: one before the vegetation thinning and one after. Mr. MacAdam presented photographs that he had taken during his site visit. Mr. Speranza stated that he wants to allow the State Park the opportunity to comment on the matter before proceeding.

The hearing was continued to 18 December 2006 at 7:45 PM.

**8:15 PM Hollinger, 3 Trailside Lane  
Notice of Intent**

**DEP File No. 188-1364**

The Commission opened the hearing and continued it tot 4 December 2006 at 8:45 PM in response to a prior the written request by the applicant.

**8:30 PM Hopkinton Campus, LLC, 0 Lumber Street,  
0 Chamberlain Street, 0 West Main Street  
Request for Determination of Applicability**

**RDA 2006-22**

Dennis Lowry, ENSR; Doug Resnick, attorney

Mr. Lowry presented a plan showing the existing site conditions and provided an overview of the three proposed wetland crossings to allow access soil testing areas outside the Commission's jurisdiction. He stated that the site will be tested in 15 locations. Mr. Lowry submitted a revised plan. Mr. Lowry stated that monitoring wells will be installed to monitor the site groundwater elevations.

Ms. Chagnon stated that she did not review the wetland delineation as part of the filing. Ms. Chagnon stated that the applicant will require more than one testing date and that each testing event will require prior notice to the Commission and approval by the Conservation staff. Ms. Chagnon stated that the Determination should state that the wetland delineation is not approved as part of that decision.

Mr. Carmody asked if the test pits will be back-filled at the end of the day and Mr. Resnick affirmed that they will.

Mr. Speranza made a motion to close the hearing and issue a negative Determination of Applicability with the standard conditions and the following special conditions: Determination does not approve wetland delineation, single trip in and out for each testing event, prior permission from Commission staff for additional testing events, no trees over four inches in diameter to be cut without prior permission, erosion control as needed, and test holes to be backfilled in the same day. The motion was seconded by Mr. Barnes and it passed unanimously.

**8:45 PM MA Turnpike Authority, I-90 East and West  
Request for Determination of Applicability**

**RDA 2006-23**

Karen Christie, MA Turnpike Authority

Ms. Christie presented proposed plans to remove the existing guardrails and vegetated median strip and to replace them with jersey barriers on a concrete base. Ms. Christie stated that an erosion control barrier and floc logs will be installed to control any potential erosion from the median strip.

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. Barnes and it passed unanimously.

**9:00 PM          Hopkinton DPW, 66 Fruit Street  
Notice of Intent (WWTF)**

**DEP File No. 188-\_\_\_\_\_**

J.T. Gaucher, Hopkinton DPW; Rosemary Blacquier, Tom Parece, Michael Wierbonics, Earth Tech

Mr. Gaucher presented proposed plans and an overview for the installation of a sewer force main, waste water treatment facility, roadway improvements, and a permanent stream crossing. Mr. Murphy requested that alternative crossing locations for the WWTF access roads be provided.

Ms. Chagnon provided an overview of her review memo dated 17 November 2006. Ms. Chagnon stated that the 100-scale plans do not show the entire stormwater detention basin. Ms. Chagnon stated that a buffer zone disturbance with a breakdown of undisturbed (wooded) versus previously-disturbed must be submitted. A discussion was held regarding quantifying the overlap of the different resource area buffer zones. Mr. Speranza requested a breakdown of the proposed disturbance to the 100-foot as well as the 125-foot vernal pool buffer zone.

Ms. Chagnon stated that alternate locations of the WWTF roadway crossing must be submitted. Ms. Chagnon stated that significant roadway improvements are proposed in association with the proposed box culvert. Ms. Chagnon stated that the soil calculations were based on the NRCS information but that much of those soils have been removed due to previous gravel operations and that calculations for the detention basin should be reviewed based on current soil conditions. Ms. Chagnon stated that the sewage disposal beds for the entire build-out must be identified. Mr. Parece stated that he can provide that information. Ms. Chagnon stated that the project will require either minor or major site plan review by the Planning Board and that the Commission may wish to retain the Planning Board's engineering consultant for an engineering review of the proposal. Ms. Chagnon stated that the Commission may wish to request other relevant Town Boards to review and comment on the proposed site work.

Mr. Murphy asked for audience comments and none was offered. Mr. Murphy stated that any interested parties should provide written comments for the record.

The hearing was continued to 18 December 2006 at 8:00 PM.

**9:15 PM          Abbott Realty Trust, 97 Ash Street  
Abbreviated Notice of Resource Area Delineation**

**DEP File No. 188-\_\_\_\_\_**

Jerome Carr, Carr Research Laboratory, Inc.

Dr. Carr presented a wetland delineation plan and provided an overview of the site. Dr. Carr stated that the pond was man made, is currently leaking and is utilized for irrigation purposes.

Mr. David Chandler, 125 Ash Street, stated that the wetland to the rear of his property is not identified on the current plan and that recent site testing was performed in the area. Ms. Chagnon stated that the approximate location of the wetland on abutting properties should be shown so the buffer zone on the subject parcel can be shown. Dr. Carr stated that he will have Guerriere & Halnon locate the property line in the field in that area.

A discussion was held regarding the location of any potential vernal pools. Ms. Chagnon stated that the center lines of all intermittent or perennial streams must be identified on the plans. A

discussion regarding the reasons why a wetland delineation was performed during the summer months was held with the assembled abutters.

The hearing was continued to 18 December 2006 at 8:30 PM.

**9:30 PM McDonald Construction, 12 Fruit Street  
Enforcement Hearing**

**DEP File No. 188-1269**

No representative of McDonald Construction attended the hearing.

Mr. Carmody made a motion to issue an Enforcement Order regarding the outstanding requirements under the Order of Conditions. The motion was seconded by Mr. Barnes and it passed unanimously.

**9:35 PM Commission Business**

- The Commission signed the following documents:
  - MA Laborers Training Center, 37 East St – Signature Page for Order of Conditions (188-1342)
  - Mass Turnpike, I-90 East and West – Signature Page for Determination of Applicability (RDA 2006-23)
- Mr. Speranza made a motion to retain Fay, Spofford and Thorndike for engineering review of the Town of Hopkinton DPW waste water treatment facility Notice of Intent filing. The motion was seconded by Mr. Radel and it passed unanimously.
- Mr. Speranza made a motion to authorize Mr. Murphy to sign a Fay, Spofford and Thorndike proposal on behalf of the Commission. The motion was seconded by Mr. Radel and it passed unanimously.

**Minutes Approved:** 22 January 2007