



Mr. Speranza made a motion to close the hearing and to issue an Order of Conditions with a finding of fact and with the standard and following special conditions: roof runoff to be directed to drywells and permanent immovable barrier, subject to the submittal of an amended plan to the satisfaction of the Conservation Scientist no later than 23 January 2007 or subject to the issuance of a Denial Order of Conditions. The motion was seconded by Mr. Radel and it passed unanimously.

**8:15 PM Commission Business**

- The Commission signed the following documents:
  - Scarlata, 73 Oakhurst Rd. – Order of Conditions (188-1368)
  - Gasset, 4 Front St. – Certificate of Compliance (188-1282)
  - Gasset, 6 Front St. – Certificate of Compliance (188-1283)
  - Pellegrini, 11 Clinton St. – Certificate of Compliance (188-1059)
- Mr. Speranza made a motion to ratify the Conservation Scientist's approval to extend the contract with Fay, Spofford & Thorndike for the review of the Town of Hopkinton's proposed waste water treatment facility at 66 Fruit Street (188-1365) up to \$500.00. The motion was seconded by Mr. Carmody and it passed unanimously.
- Mr. Speranza made a motion to submit a budget of \$70,791.99 for fiscal year 2008. The motion was seconded by Mr. Carmody and it passed unanimously. Mr. Murphy will prepare a cover letter to submit with the proposed budget.

**8:30 PM Abbott Realty Trust, 97 Ash Street DEP File No. 188-1366  
Abbreviated Notice of Resource Area Delineation – continuation**

Jerome Carr, Carr Research Laboratory, Inc.

Dr. Carr presented an amended wetland resource plan and reviewed the information that the Commission requested at the previous hearing. A discussion was held regarding an isolated wetland that has formed in a disturbed area, which may be a potential vernal pool. Dr. Carr stated that he delineated the wetlands on the abutting properties in order to indicate the extent of buffer zone on the subject property as the Commission requested. Ms. Chagnon clarified that the Commission requested an estimate of the wetland on abutting properties and did not require an actual delineation. Dr. Carr requested the Commission to close the hearing and recognize the isolated wetland under the Bylaw only and to determine the characteristics of the isolated wetland as a potential vernal pool at a later date. Dr. Carr stated that he concurs that a potential vernal pool will be located within the boundary of the identified isolated wetland.

Mr. Speranza made a motion to close the hearing and issue an Order of Resource Area Delineation as discussed. The motion was seconded by Mr. Barnes and it passed unanimously.

**8:40 PM Commission Business**

- The Commission reviewed a request for a one-year Extension Permit from Toll Brothers for Hopkinton Highlands II (188-1112). Mr. Speranza made a motion to issue a one-year Extension Permit for the Hopkinton Highlands II (188-1112) Order of Conditions. The motion was seconded by Mr. Barnes and it passed unanimously.

**8:45 PM MacDonald Construction, 12 Fruit Street  
Enforcement Hearing**

**DEP File No. 188-1269**

Stephen MacDonald, MacDonald Construction

Mr. MacDonald stated that there was some miscommunication with his subcontractor but that he will be able to install the drywell and connect the roof drainage no later than 15 February 2007. The Commission determined to review the matter after the 15 February 2007 deadline.

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

**DEP File No. 188-1365**

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

Mr. Gaucher presented and reviewed the amended plans. A discussion was held regarding the detention basin (basin) for stormwater management. Mr. Gaucher stated that the basin has been downsized and the associated grading has been reduced. Mr. Wierbonics stated that the basin was relocated further from the wetland and is now proposed outside the 50-foot setback. Mr. Gaucher stated that the treated effluent discharge bed is proposed in a previously disturbed area and extends 30 feet into the 200-foot riverfront zone. A discussion was held regarding the proposed box culvert stream crossing and the replication area. Mr. Gaucher stated that the box culvert will be embedded 30 inches into the ground, which will provide an 18-inch opening that will handle all of the flow from a 100-year storm event. Ms. Chagnon stated that revised plans for the basin and the culvert crossing must be submitted.

Mr. Murphy asked if the Notice of Intent (NOI) was filed as a limited project and how much wetland disturbance is proposed for the culvert crossing. Mr. Wierbonics stated the NOI was filed as a limited project and that 2,400 square feet of wetland disturbance is proposed for the crossing.

Ms. Chagnon stated that Fay, Spofford & Thorndike notified the Commission by e-mail that Earth Tech had addressed all their concerns.

A discussion was held regarding how much site work was proposed in previously-disturbed areas and how much was proposed in wooded (undisturbed) areas. Mr. Wierbonics stated that area for the WWTF project site is approximately five acres. Mr. Radel stated that he estimates that approximately 5% of the five acres is proposed to be newly disturbed.

Mr. Murphy stated that the Commission is in support of the Conservation Restriction (CR) being finalized and requested that the Commission vote to draft a letter to the Board of Selectmen urging them to move forward with finalizing the CR. Mr. Carmody made a motion to draft a letter to the Board of Selectmen regarding finalizing the CR for 66 Fruit Street. The motion was seconded by Mr. Speranza and it passed unanimously.

Mr. Murphy stated that the Commission has received a number of submissions from interested parties regarding the filing and that the Commission has reviewed the submissions. Mr. Murphy stated that all of the submissions are part of the official record and available for review as public documents.

Ms. Jennifer Marchesi, 131 Fruit Street, stated that they have a shallow well approximately twenty feet from the roadway and that they are concerned that the quantity or quality of their

water may be affected from associated site construction or impact to the brook. Mr. Gaucher explained to Ms. Marchesi that the force main will be installed via directional drilling under Whitehall Brook and that no blasting is expected. He stated that the construction and materials of the force main are such that there is minimal chance of breakage.

Christa Collins, Sudbury Valley Trustees (SVT), stated that she was pleased the Conservation Commission urges the Board of Selectmen to move quickly in putting the conservation restriction in place. She noted, however, that SVT was concerned with the integrity of the CR area being compromised with the construction of the sewage leaching beds and welcomed the Commission's support in getting the CR finalized to avoid any further compromise. A brief discussion regarding the CR was held.

John Craycroft, Cedar Swamp Trust, stated that Whitehall Brook and the bordering wetland resources are classified as Outstanding Resource Waters (ORW). Mr. Murphy stated that the Commission is aware of the ORW status and that the applicant has addressed the appropriate stormwater regulations under the Act and that DEP will review the regulations for treated effluent disposal relative to the ORW. Mr. Craycroft stated that he believes the EPA will be responsible for review of the effluent disposal relative to the ORW.

David Goldman, 20 Fruit Street, stated that the treated effluent disposal beds are proposed 30 feet into the 200-foot riverfront buffer zone but that associated site work will require an additional 30 feet of disturbance. Ms. Blacquier stated that approximately 4,000 square feet of disturbance is proposed within the 200-foot riverfront buffer zone.

Tom Pratt, 102 Fruit Street, asked if any pump stations will be required along Fruit Street. Mr. Gaucher stated that pump stations will not be required between Saddle Hill Road and Fruit Street but that pumping facilities may be proposed on the 66 Fruit Street property in the future.

Ms. Chagnon stated that a draft list of special conditions will be prepared for the Commission's review prior to the issuance of an Order of Conditions.

Mr. Carmody made a motion to close the hearing and to approve the issuance of an Order of Conditions with a finding of fact and with the standard and noted special conditions, subject to the submittal of amended plans to the satisfaction to the Conservation Scientist no later than 23 January 2007 or subject to the issuance of a Denial Order of Conditions. The motion was seconded by Mr. Radel and it passed unanimously.

**Minutes Approved:** 22 January 2007