

**MINUTES- 12 March 2007
Hopkinton Town Hall, Room 216**

**Called to Order: 7:30 PM
Adjourned: 9:50 PM**

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

7:30 PM Commission Business

- The Commission signed the following documents:
 - Boyce, 281 Cedar St – Certificate of Compliance (188-615)
 - Rosenfeld, 32 Wilson St – Certificate of Compliance (188-1203)
 - Davenport, 199 Wood St – Certificate of Compliance (188-1232)
- Mr. Barnes made a motion to sign the agreement from Fay, Spofford & Thorndike to provide an engineering review of the E.L. Harvey, Padik Circle, Notice of Intent filing (188-1367). The motion was seconded by Mr. Carmody and it passed unanimously.
- Mr. Barnes made a motion to approve the 53E ½ Request for Payment dated 12 March 2007. The motion was seconded by Mr. Teitelman and it passed unanimously.
- Mr. Barnes made a motion to approve the Minutes of 22 January 2007. The motion was seconded by Mr. Radel and it passed by everyone except Mr. Nation and Mr. Speranza who abstained.
- Mr. Carmody made a motion to approve the Joint Minutes of 29 January 2007. The motion was seconded by Mr. Teitelman and it was passed by everyone except Mr. Murphy, Mr. Nation, and Mr. Speranza who abstained.
- Mr. Barnes made a motion to approve the Minutes of 5 February 2007. The motion was seconded by Mr. Carmody and it was passed by everyone except Mr. Nation, Mr. Speranza, and Mr. Teitelman who abstained.
- Mr. Carmody made a motion to issue a three year Extension Permit to Maillet & Sons, Maillet Woods/Hopkinton Highlands III (188-1179). The motion was seconded by Mr. Speranza and it passed unanimously.
- Mr. Speranza made a motion to issue a three year Extension Permit to Pappas, 58 Cedar Street Ext. (188-1279). The motion was seconded by Mr. Nation and it passed unanimously.

- Mr. Teitelman made a motion to deny the request from the Senior Center Building Committee to waive the Request for Certificate of Compliance application fees for DEP File No. 188-1300. The motion was seconded by Mr. Barnes and it passed unanimously.

**7:45 PM Gilbert, 75 West Elm Street
Request for Determination of Applicability**

RDA 2007-1

Stephen Gilbert, applicant/owner

Mr. Gilbert presented proposed plans to install a crushed stone driveway off the existing paved driveway and through the existing lawn. Mr. Gilbert stated that the stone driveway will be approximately forty feet from the wetland.

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. Carmody and it passed unanimously.

7:55 PM Commission Business

- Mr. Speranza made a motion to have Ms. Chagnon draft a comment letter for the Drowne Family Subdivision, Saddle Hill Road, in response to the Planning Board's request. The motion was seconded by Mr. Barnes and it passed unanimously.
- Mr. Barnes made a motion to have Ms. Chagnon draft a comment letter for MacConnell, 6 Downey Street, in response to the Board of Appeals request. The motion was seconded by Mr. Carmody and it passed unanimously.

**8:00 PM Kane, 1 Cold Spring Brook Road
Violation Hearing**

Charles Kane, owner

Mr. MacAdam stated that he observed an existing dock, a fence, and the removal of the shrub canopy and ground cover layers along the bank of Cold Spring Brook Pond to the rear of 1 Cold Spring Brook Road. Mr. Kane stated that he installed the dock and cleared the vegetation along the bank but was unaware that he needed a permit from the Commission for the site work.

Mr. Speranza made a motion to issue an Enforcement Order to Mr. Kane requiring the submittal of an after-the-fact Notice of Intent for the structures and an access path by 30 April 2007. The motion was seconded by Mr. Carmody and it passed unanimously.

8:12 PM Commission Business

A discussion was held regarding the Parks & Recreation Commission request for an informal hearing on the Whitehall Property. The Commission determined to schedule a hearing for 7:00 PM on 26 March 2007.

**8:15 PM Brennan, 151 Spring Street
Request for Determination of Applicability**

RDA 2007-2

Timothy Brennan, applicant/owner

Mr. Brennan presented plans to extend his existing lawn to 50 feet of the adjacent wetland. Mr. Brennan stated that he will install a stone wall at the limit of work to act as a permanent immovable barrier. Ms. Chagnon stated that a restriction on lawn fertilizers and chemicals should be included under any issued permit as special conditions.

Mr. Speranza 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.

**8:30 PM E.L. Harvey, 1, 2, 4, 6, 8 Padik Circle
Notice of Intent - continuation**

DEP File No. 188-1367

Gerald Cushing, J.R. Frey, Brown & Caldwell

Mr. Cushing submitted revised site plans based on comments received by the Commission's engineering consultant, David Glenn of Fay, Spofford & Thorndike. Mr. Cushing provided an overview of the site plans and responses to Mr. Glenn's comment letter of 12 March 2007.

A discussion was held regarding the proposed wet detention basin (Basin No. 3). Mr. Frey stated that Basin No. 3 will maintain standing water or wet ground because the basin floor will be within six inches of the ground water table. Mr. Cushing stated that the basin floor will be lined with six to eight inches of compost to aid with water retention as well.

Mr. Murphy reviewed the letter that was submitted by the Cedar Swamp Conservation Trust (CSCT) earlier today. A discussion was held regarding CSCT's concern with stormwater being discharged to an Outstanding Resource Water (ORW). Mr. Murphy stated that it is the Commission's understanding that when discharge is to an ORW the stormwater management standards under the Wetlands Protection Act require that the first inch of runoff and not the standard first half inch be treated.

A discussion was held regarding CSCT's concern for any negative affects to the existing vernal pool from stormwater runoff. Ms. Chagnon stated that peak rates runoff to the vernal pool will remain equal under pre- and post-development conditions, but that runoff volume will increase. Mr. Cushing stated that the volume will increase but that excess volume to the vernal pool will be passed through the proposed channel.

A discussion was held regarding the CSCT's concern over increased dioxane levels in the monitoring test wells. Mr. Cushing provided an overview of the 2006 parameter changes the state has imposed for dioxane and other volatile organic contaminates (VOC) and how those changes may affect the interpretation of the well monitoring data.

A discussion was held regarding Detention Basin No. 1 and any potential impacts to the landfill. Mr. Cushing stated that the Basin No. 1 will be lined with clay to minimize concerns with the stormwater interacting negatively with the landfill. Mr. Murphy asked if the proposed site work will create changes to dioxane dispersal. Mr. Cushing stated that keeping water away from the existing landfill and recapping the landfill will help decrease contamination.

Mr. John Craycroft, CSCT, provided an overview of letters submitted by CSCT on 07 March 2007 and on 12 March 2007 and the associated attachments. Mr. Craycroft stated that there are regulations that don't allow any discharge to an Outstanding Resource Waters (ORW) and that the DEP Stormwater Policy is of less magnitude than the regulation. Mr. Craycroft stated that any discharge to an ORW must benefit the resource area. Mr. Cushing stated that stormwater is actively reaching the ORW and that the ORW still has to receive stormwater. Mr. Cushing stated that the proposed work will improve point source discharge. Mr. Speranza stated that he wanted clarification of the concerns raised by Mr. Craycroft regarding discharge to an ORW under the regulations and the DEP Stormwater Policy and if they warrant a second look. It was noted that the Commission's regulatory purview for discharge to an ORW is limited to the Wetlands Protection Act and the only reference under the Act for discharge to an ORW is found under the DEP Stormwater Policy.

A discussion was held regarding the levels of dioxane. Mr. Craycroft noted DEP's PowerPoint presentation that construction activity will increase the migration of contaminants. Mr. Craycroft stated that he believes the site work in Westborough has increased the migration of dioxane.

A discussion was held regarding the direction of the groundwater flow and the recent well testing results. Mr. Cushing stated that Mr. Craycroft is suggesting a cause and effect to the test results but that he believes the site is consistent with that of other similar landfills. Mr. Craycroft submitted a plan of the E.L. Harvey test well locations. Mr. Cushing stated that permitted solid waste facilities are rigorously regulated locally and by the state. Mr. Craycroft stated that historically that has not been the case. Mr. Craycroft stated that the bi-annual monitoring on the Harvey site stopped in 1986 and that testing may be forgotten in the future as well.

Mr. Paul Graham, CSCT, provided an overview of his letter dated 12 March 2007. Mr. Graham referenced test results from well #5 and expressed concern that increased groundwater flow in the area may exacerbate existing conditions. Mr. Cushing stated that it is not surprising to find contamination that close to the landfill toe of the slope.

Mr. Murphy stated that the Commission has received the comments from their engineering consultant, Fay, Spofford and Thorndike, and that the applicant has made a good case on how the landfill capping and groundwater recharging will not impact the landfill leachate.

Mr. Speranza also stated that any short term impact from site construction may lead to long term protection to the environment from a more stabilized land fill.

A discussion was held regarding the review of the project by DEP Solid Waste.

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

8:45 PM **Garlisi, 2 Aikens Road**
(9:30 PM) **Violation Hearing**

DEP File No. 188-1237

Jean Garlisi, owner

Mr. MacAdam stated that he observed a stock pile of mixed gravel and snow on Aikens Road, adjacent to the gravel driveway at 2 Aikens Road, which has eroded into the Sudbury River. Mr.

MacAdam also stated that the lower portion of the driveway and portions of Route 85 have eroded gravel and road sand into an intermittent stream channel on Ms. Garlisi's property.

Ms. Garlisi stated that her plow operator had inadvertently plowed up a portion of her gravel driveway. Ms. Garlisi stated that she would like to have the disturbed and stockpiled gravel placed back on the driveway. Ms. Garlisi stated that in the future the driveway will not be plowed out into Aikens Road or towards the intermittent stream on her property.

Mr. Speranza made a motion to issue Ms. Garlisi a letter noting the agreed conditions to rectify the problem. The motion was seconded by Mr. Carmody and it passed unanimously.

Minutes Approved: June 25, 2007