

**MINUTES- 26 March 2007**  
**Hopkinton Town Hall, Room 216**

**Called to Order: 7:05 PM**  
**Adjourned: 8:45 PM**

**Members Present:** Robert Murphy, Jack Speranza, Jeffrey Barnes, Michael Carmody, Craig Nation, Steven Radel, David Teitelman, Ellen Chagnon: Conservation Scientist, Anna Rafuse: Conservation Secretary

**Absent:** Don MacAdam: Conservation Administrator

(7:05 PM) Mr. Nation recused himself from the Commission in preparation for the Whitehall discussion.

**7:00 PM          Hopkinton Parks & Recreation**  
**(7:05 PM)        Whitehall Land**

Michelle Gates, Brendan Doyle and Al Rogers, Parks and Recreation Commission

A discussion was held regarding the draft Conservation Restriction (CR) on the Whitehall property. Ms. Gates stated it was the understanding of Parks and Recreation Commission that the CR will allow for passive as well as active recreation on the property. Ms. Gates stated the current draft CR only allows for passive use. Ms. Gates asked who holds the property. Mr. Murphy stated that the Commission does not hold the title to the property, that the Open Space Commission currently holds the property with the CR to be held by a private entity.

A discussion was held regarding which board can legally hold the deed for the property and whether or not there is a conflict. Mr. Speranza stated that it is up to Town Counsel to evaluate this and that the Board of Selectmen should make a determination. Ms. Gates asked how active the Commission has been in the CR process. Mr. Murphy stated that the Commission has not had an active role in the process, that the Town must determine the correct process, and that outstanding issues must be resolved before a CR is placed on the property.

Ron Nation, 43 Smith Road, stated that he deeded the land to the Town of Hopkinton and that according to the Mass General Law (Ch. 40, s 8C and Ch. 19 of the Acts of 1999), the Conservation Commission should hold the title and if that isn't the case then Town Counsel needs to look at it.

Mary Pratt, 102 Fruit Street, stated the land was bought with open space funds through the Community Preservation Commission and that there have been too many legal fees spent already.

Ms. Gates stated that the Parks and Recreation Commission would like to have the Commission's support to allow some active uses on the property. Ms. Gates stated there are traffic issues and they would like to be able to access Reed Park by way of Wood Street. Ms. Gates stated the

hiking trails they are proposing will need some minor clearing of brush and small trees and even that is prohibited under the CR. Ms. Gates stated the CR restricts even passive recreational activities. Mr. Murphy stated he would like to see the legal questions regarding the CR resolved before any tweaking of the CR happens.

Mr. Doyle stated that Parks and Recreation has had no involvement with the CR and that they had assumed that there would be an allowance for active recreation. Mr. Murphy stated that the legal issues must be answered before the CR is put in place.

Mr. Rogers stated that Parks and Recreation does have a plan for what it would like to do on the property, which does not include clear cutting, but includes expansion of the field, and addition of tennis courts, parking, and site access. Mr. Rogers stated that he would like to set up a meeting with the Open Space Preservation Commission (OSPC) and clarify some of the issues. Mr. Rogers stated that police and fire officials would like to be able to access Reed Park from either Wood Street or Parker Point Road.

(7:40 PM) Mr. Nation returned to the Commission.

**7:40 PM Commission Business**

- The Commission signed the following documents:
  - E.L. Harvey & Sons, Padik Circle – Order of Conditions (188-1367)
  - Gilbert, 75 West Elm St. – negative Determination with conditions (2007-01)
  - Brennan, 151 Spring St. – negative Determination with conditions (2007-02)
  - Circa 1700 Estates, Old Farm Rd. (drainage culvert) – Certificate of Compliance (188-132)
- A discussion regarding the Draft Conservation Restriction on the Whitehall property was held and the Commission felt as though problems must be sorted out before the Town accrues more legal expenses.
- Mr. Carmody made a motion to approve the WPA Request for Payment dated 26 March 2007. The motion was seconded by Mr. Teitelman and it passed unanimously.
- Mr. Speranza made a motion to approve the 53E ½ Request for Payment dated 26 March 2007. The motion was seconded by Mr. Carmody and it passed unanimously.
- A discussion was held regarding Desilets, 233 West Main Street. The Commission determined that the proposed razing and replacing of a single family home within a previously disturbed area will require the filing of a Request for Determination of Applicability under the Wetlands Protection Act only.

**7:45 PM Carlson, 111 Pond Street  
Request for Determination of Applicability**

**RDA 2007-3**

Kevin O'Leary, The Jillson Company; Dennis Carlson, owner/applicant

Mr. O'Leary presented proposed plans to construct an addition to a single family home and to replace a barn. Mr. O'Leary stated that the proposed disturbance is less than 10,000 square feet, all within existing lawn, and that they are proposing to install a recharge basin and connect it to

the roof drains. Ms. Chagnon stated the wetland delineation is correct and the applicant is proposing appropriate erosion controls.

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

**7:50 PM Commission Business**

- A discussion was held regarding the appeal to Superior Court under the Wetlands Protection Bylaw for 66 Fruit Street (WWTF) (188-1365). The Commission determined that Mr. Speranza will request an extension of time to file a response while the Commission seeks counsel. The Commission determined that the DPW and the Commission should use the same legal counsel if possible to reduce the cost to the town since both entities are listed on the appeal.
- Mr. Murphy stated he has spoken with Mr. Martin Jalonski, DEP Central Region, regarding the appeal under the Wetlands Protection Act for 66 Fruit Street (WWTF) (188-1365) and has clarified some issues regarding the Enforcement Order on the property. He said that Mr. Jalonski told him that there will be a site meeting on 11 April regarding the Water Quality Certification on the site.

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

Ed Tarca, E.W. Tarca Construction

Mr. Tarca submitted a revised planting plan and stated that the State Park has approved the plan. Mr. Tarca stated the location of some of the plantings will be mandated by the site conditions. Ms. Chagnon asked Mr. Tarca what type and size the trees were. Mr. Tarca stated that six red maple and six oak trees, each 6 to 7 feet tall, will be planted. Mr. Tarca stated the State Park has requested that a split rail fence be placed along the cart path but he stated the homeowner will speak with the State Park regarding that request. Mr. Murphy stated the Commission usually requires sign medallions to be placed along the edge of the disturbance but that a fence could be an option as well as the medallions.

Mr. Speranza made a motion to close the hearing and issue an Enforcement and Restoration Order with the standard and noted special conditions, including a 30 June 2007 deadline for the installation of the plantings and monitoring for two growing seasons before the issuance of a Certificate of Compliance. The motion was seconded by Mr. Carmody and it passed unanimously.

**8:15 PM Hunt, 223 Hayden Rowe Street  
(8:10 PM) Informal**

Daniel Hunt, owner

Mr. Hunt presented existing and proposed plans for 223 Hayden Rowe Street. Mr. Hunt stated the back yard consists of large mounds of fill that he would like to grade down and thereby expand his existing lawn. Mr. Hunt stated that he would also like to install an overhang off the

