



CONSERVATION COMMISSION

Town of Hopkinton, Massachusetts 01748

MINUTES- 10 September 2007
Hopkinton Town Hall, Lower Level

Called to Order: 7:30 PM
Adjourned: 9:57 PM

Members Present: Robert Murphy, David Teitelman, Craig Nation, Steven Radel, Michael Carmody, Ellen Chagnon: Conservation Scientist

Members Absent: Jeffrey Barnes, Andre Griben, Don MacAdam: Conservation Administrator

7:30 PM Commission Business

- The Commission signed the following documents:
 - Fromer, 29 Huckleberry Rd. – negative Determination of Applicability (2007-14)
 - 90 Elm LLC, 86-90 Elm St. – negative Determination of Applicability (2007-13)
 - DelGaudio, 3 Cranberry Ln. – Certificate of Compliance (188-116)
 - Mezitt Agricultural Corp., 44 Wilson St. – Certificate of Compliance (188-357)
 - Calheta Construction, 2 McKay Rd. – Certificate of Compliance (188-1354).

- A discussion was held regarding having Mr. MacAdam give the Commission a description of his current job duties for the Commission's use in discussing the position with the Personnel Committee.

- A discussion was held regarding upcoming meeting dates and the Commission decided to meet the 1st and 3rd Mondays of October, November and December.

- Mr. Teitelman made a motion to approve the minutes of 9 July 2007. The motion was seconded by Mr. Carmody and it passed unanimously.

- Mr. Carmody made a motion to approve a request by the Hopkinton DPW for a three-year extension of the negative Determination for 0 Clinton Street (RDA 2004-11). The motion was seconded by Mr. Nation and it passed unanimously.

- Mr. Nation made a motion to lift the Enforcement Order for MacDonald, 12 Fruit Street (DEP File No. 188-1269). The motion was seconded by Mr. Carmody and it passed unanimously.

- Mr. Teitelman made a motion to encumber the balance of \$22,210.79 in the Commission's 53E1/2 account from FY 2007 for use in FY2008. The motion was seconded by Mr. Carmody and it passed unanimously.

- Mr. Teitelman made a motion to request the Board of Selectmen to authorize the Town Accountant to transfer \$462.80 from the WPA fund to line item 171-5422-12. The motion was seconded by Mr. Carmody and it passed unanimously.

- Mr. Carmody made a motion to approve, as an insignificant project change, the replacement of a proposed 12 x 12 deck with a 12 x 20 patio for Pickens, 12 Oliver Lane (HCC File No. 0022) as requested in the letter dated 31 August 2007 and shown on the undated sketch received in the Conservation Office on 5 September 2007. The motion was seconded by Mr. Nation and it passed unanimously.
- Mr. Carmody made a motion to have Ms. Chagnon review the proposed Definitive Subdivision Plan for the Drowne Family Subdivision and provide comments to the Planning Board. The motion was seconded by Mr. Nation and it passed unanimously.

**7:45 PM CB Richard Ellis, 82 South Street
 Notice of Intent Hearing**

DEP File No. 188-1392

William Bergeron, Hayes Engineering

Mr. Bergeron gave an overview of the proposed plan for a sewer connection and septic system abandonment, with all work being performed in previously disturbed areas. He stated that, during the performance of a wetland review, a problem was found with the concrete apron at the culvert, which they are proposing to repair with machine-placed riprap. He stated they have had some significant problems with the detention basin and will be doing some repair work on the breached berm and will add a control structure outlet. He stated the breach was probably caused by the clogging of the six-inch discharge and they will be adding an emergency outfall as part of the repairs in order to prevent a recurrence in the future.

Mr. Bergeron stated that the disturbed wetland areas will be hand raked and reseeded. He stated Hayes Engineering's botanist reviewed the stream and found no significant area of deposition. Mr. Murphy asked for documentation regarding a stream survey. Mr. Bergeron stated the botanist is away for two weeks. He stated he will provide the Commission with the written protocol for inspections.

Ms. Chagnon stated that Mr. Bergeron must submit a stormwater management system operation and maintenance protocol that CB Richard Ellis can follow in the future to prevent additional problems. Mr. Bergeron agreed to provide this document.

Mr. Bergeron stated the check for the correct amount for the filing of the Notice of Intent (NOI) should arrive in a day or two for exchange with the original check filed with the NOI.

Mr. Carmody made a motion to close the hearing and approve issuing an Order of Conditions subject to the receipt of the check and maintenance protocol. The motion was seconded by Mr. Nation and it was passed unanimously.

**8:00 PM Lippman, 32 North Mill Street
 Notice of Intent Hearing**

DEP File No. 188-1393

Tim Nealon, attorney; Robert Drake, Drake Associates, Inc.

Mr. Nealon gave a brief overview of the project and requested that the driveway be reviewed as a limited project. Mr. Nealon reminded the Commission that he had submitted a request to the Commission last year asking for a legal evaluation of the project relative to whether Mr. Lippman had created his own hardship in subdividing a lot that now requires wetland fill for lot access. He stated that the Commission had received an opinion from its attorney, George Hall, which stated

that Mr. Lippman had not created his own hardship. The Commission requested Ms. Chagnon to e-mail copies of both of those letters to Commission members.

Mr. Drake reviewed the existing site conditions and stated the work will be in the outer riparian zone with work for the driveway inside the 50-foot no disturb zone. He stated soil testing was done in 1984 and they will not do more until the driveway has been constructed.

Ms. Chagnon stated she has reviewed the wetland delineation during a site walk with Mr. Drake and has requested that the wetland scientist, Mr. Bill Kuriger, to reevaluate several flag locations.

Mr. Drake stated that they are avoiding any point discharge from the driveway to the wetland and will use an infiltration swale with overflow to energy dissipation area to manage stormwater. He stated there is sufficient storage capacity in the swale to match the increase in peak rate of runoff.

Mr. Murphy asked for the history of the lot. Mr. Drake stated that lots 2B and 2C were originally one lot, which was subdivided under ANR plan approved by the Planning Board. He stated the driveway is 12 feet wide with a five-foot tall retaining wall. Mr. Murphy stated the original intent was to use a shared driveway to access the lot and maybe there were other ways to subdivide the property. He stated there may have been a better way in the past to access the lot. Mr. Nealon stated that Mr. Lippman originally owned the property. He stated lot 2B has an easement for lot 2C to provide a shared driveway access. He stated in 1995 the Town prohibited shared driveways but at the time the lot was created, such driveway access was allowed. He stated the easement has been maintained at the Registry but a variance request was made to the Zoning Board of Appeals in 1997 and withdrawn when it was clear that a variance would not be granted.

Keith Pomeroy, 4 Cold Spring Brook Road, stated he is concerned with the extensive wetland disturbance, particularly for access to a relatively small developable area. He stated that a well on his property adjacent to Lot 2C has not been abandoned. He stated he is concerned with the driveway being a runoff barrier.

Eric Jonassen, 3 Cold Spring Brook Road, stated his driveway is not shown on the site plan and he is concerned with turtle migration.

Margaret Cowart, 34 North Mill Street, stated that the land is very wet and there is much wildlife on it. She stated the site drains into Laborers Training Center which is also very wet. She stated she is concerned with the project, it is a massive undertaking, and the turtles can't cross a five foot wall.

Stuart Cowart, 34 North Mill Street, stated he is concerned with water and ice formation on North Mill Street. He stated this is a self-created problem by the original developer, who still owns the lot. He stated the lot is a major ecosystem.

Lyman Chapin, 7 Cold Spring Brook Road, stated he is concerned with the impact on the whole wetland system. He stated that even if this is just a limited project, it isn't necessarily a good idea.

Mr. Murphy stated that Mr. Lippman has overdue taxes owed to the Town.

Ms. Chagnon stated that a buffer zone rationale, discussing buffer zone impacts and mitigative measures proposed, must be submitted as part of the filing.

The Commission set a site walk for September 29, 2007 at 9:00 AM. The hearing was continued to October 1, 2007 at 8:30 PM.

**8:45 PM Legacy Farms LLC, 0 & 26 Clinton Street
Request for Determination of Applicability Hearing**

RDA 2007-15

Dave Pickart, Vanasse Hangen Brustlin, Inc.

Mr. Pickart reviewed the proposed site testing. He stated test pits will be backfilled the same day and will be reseeded and mulched. Mr. Pickart reviewed the dry conditions in the supposed perennial streams.

The Commission discussed the abutter notifications to Ashland residents.

Mr. Teitelman made a motion to close the hearing and issue a negative Determination of Applicability with the standard testing conditions and with a notation that the Determination doesn't approve any wetland delineations. The motion was seconded by Mr. Nation and it passed unanimously.

**9:00 PM Poillucci, 27 Lake Shore Drive
Request for Determination of Applicability Hearing**

RDA 2007-16

Bill Poillucci, Proficient Remodeling, Inc.

Mr. Radel and Mr. Murphy stated that they both know Mr. Poillucci but it will not affect their ability to review the filing.

Mr. Poillucci reviewed the proposed garage, portico, and deck to be constructed within previously disturbed areas. He stated the garage is 51.5 feet from the wetland/intermittent stream. He stated there will be a concrete backwash into the garage excavation.

Mr. Teitelman 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.

**9:07 PM SMOC, 44 Wilson Street
Notice of Intent Hearing – continuation**

DEP File No. 188-1391

John Finnegan, Metrowest Engineering

Mr. Finnegan stated the Board of Health review required a single change: a notation relative to the grease trap.

Ms. Chagnon requested that the site plan be amended to specify both silt fence and haybales.

Mr. Teitelman made a motion to close the hearing and approve issuing an Order of Conditions pending receipt of plans showing the haybales and silt fence. The motion was seconded by Mr. Nation and it passed unanimously.

**9:12 PM Toll Brothers, Inc., Overlook Road
Hopkinton Highlands II
Project Change/Informal Hearing**

DEP File No. 188-1112

Bryan Weiner, Toll Brothers, Inc.

Mr. Weiner stated they have a current Extension Permit good through March of 2008. He stated the three existing bedrock wells are having a drawdown problem. He stated they are proposing testing downhill of the existing wells. The Commission determined to have Toll Brothers file a separate Notice of Intent for testing and allowing a future amendment for permanent wells. Ms. Chagnon stated she is concerned with erosion control and the extent of the slope grading.

**9:30 PM Petrozzi, 3 Colella Farm Road
Project Change/Informal Hearing**

DEP File No. 188-1245

Lou Petrozzi, Gerry Brisson, Wall Street Development Corporation

Mr. Petrozzi submitted a revised plan and revised construction sequence for the project. The Commission discussed using the existing water service at the street at the center of the front lot line. Mr. Petrozzi stated use of the existing water service will involve a ten-foot wide swath of buffer zone clearing.

Mr. Petrozzi requested that he be allowed to replace the proposed dry laid wall with Versalock wall.

Mr. Carmody made a motion to approve the project changes including: reseeding the water line clearing with conservation mix, relocating the water line to the existing service, trimming the vegetation closer to the wetland and installing Versalock wall throughout the site. The motion was seconded by Mr. Nation and is passed unanimously.

9:50 PM Commission Business

- Mr. Murphy reviewed his points for a roundtable discussion with the Board of Selectmen regarding the town-owned Fruit Street property. Those points were as follows:
 - Recommendation that the BOS work with Sudbury Valley Trustees on the Conservation Restriction for the property
 - Encouragement that the DPW be prepared to move forward expeditiously with the wastewater treatment facility, pending the resolution of the appeals.
 - Concern with the siting of a DPW facility on the Fruit Street property due to the likelihood of the requirement for a salt storage facility at a different location
 - Review the possibility of selling the parcel of land (30-plus acres) designated for “market rate” housing to a developer, but postpone sale until market conditions improve
 - Careful consideration of the option-value of current ownership of a potential school site

The Commission agreed with those points. Mr. Murphy will incorporate them into a memorandum for Commission review and subsequent submittal to the Board of Selectmen.

- The Commission discussed the Zoning Advisory Committee meeting scheduled for September 11 2007 and suggested that shared driveways be a topic of discussion.

Minutes Approved: 1 October 2007