

**MINUTES- 15 October 2007
Hopkinton Town Hall, Room 216**

**Called to Order: 7:30 PM
Adjourned: 9:45 PM**

Members Present: Robert Murphy, David Teitelman, Michael Carmody, Craig Nation, Andre Griben, Jeffrey Barnes, Ellen Chagnon: Conservation Scientist, Don MacAdam: Conservation Administrator

Member Absent: Steven Radel

7:30 PM Commission Business

- The Commission signed the following documents:
 - Lesuer, 23 College St – Order of Conditions (188-1394)
 - MassHighway, Elm St – Certificate of Compliance (188-772)
 - Capital Group, 124 Lumber St – Certificate of Compliance (188-1295)
 - Sokol, 6 Huckleberry Road – Certificate of Compliance (ERO).
- Mr. Barnes made a motion to approve the Request for Payment dated 15 October 2007. The motion was seconded by Mr. Carmody and it passed unanimously.
- Mr. Teitelman made a motion to approve the minutes of 24 September 2007. The motion was seconded by Mr. Carmody and it passed unanimously.
- Mr. Carmody made a motion to approve, as an insignificant project change, the proposed construction of an earth berm to stabilize a concrete retaining wall for Pappas, 58 Cedar Street Extension (188-1279), as identified in the letter and sketch plan from Childs Engineering Corporation both dated 10 September 2007 and the survey plan prepared by J.D. Marquedant & Associates, Inc. with the latest revision dated of 21 September 2007.
- The Commission determined that the Town of Hopkinton is required, as property owner of the Lake Maspenock Dam, to submit a Notice of Intent to draw down the water level of the lake. Mr. MacAdam will discuss this with Anthony Troiano, Town Manager.
- A discussion was held regarding the proposal, dated 03 October 2007, from the Drowne Family Trust to donate approximately 11 acres of land to the Town upon the approval of the Drowne Family Subdivision.

**7:45 PM DelGaudio, 3 Cranberry Lane
Request for Determination of Applicability**

RDA 2007-18

Robert DelGaudio, applicant/owner

Mr. DelGaudio presented a proposed sketch plan for construction of an addition to a single-family home within the existing lawn. Ms. Chagnon stated that the work will occur within the buffer zone of the wet detention basin located on the property. Mr. Murphy observed that the proposed addition will be no closer to the basin than the existing house.

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. Barnes and it passed unanimously.

7:50 PM Commission Business

- A discussion was held regarding the Certificate of Compliance site inspection for Fredette, 15 Priscilla Road (188-1318). Mr. MacAdam stated that the applicant had originally proposed a permanent immovable barrier within the existing lawn to mitigate for the site work proposed within the lawn. Mr. MacAdam stated that the site had an existing lawn up to the edge of the lake. Ms. Chagnon stated that the PIB has not been installed. A discussion was held regarding the necessity of the PIB, which was proposed by the applicant at the time of filing.

Mr. Nation made a motion to waive the requirement for the PIB and issue a Certificate of Compliance. The motion was seconded by Mr. Carmody and it passed unanimously.

- A discussion was held regarding the request from Mr. Stephen Hogue, property owner at 42 Cedar Street, if the proposed demolition of the existing single family home and the construction of a new single family home, as identified on the proposed plan dated 10 October 2007, is exempt the requirement for a permit application under the Hopkinton Wetlands Protection Bylaw, Chapter 206-4 G.. The Commission determined that the proposed site work does not qualify for an exemption and will require a Notice of Intent filing under the Bylaw.
- A discussion was held regarding the request for clarification from the Massachusetts Turnpike Authority relative to the NOI filing fees under the Bylaw. The Commission determined to provide information to the MTA's consultant on the previous MTA NOI filing (188-1150), where filing fees were waived and consultant fees were paid.

**8:00 PM Terry, 0 Maple Street
Notice of Intent**

DEP File No. 188-1396

Tom & Elaine Terry, applicants/owners; David Marquedant, JD Marquedant & Associates, Inc.

Mr. Marquedant presented a proposed plan for construction of a single-family home. Mr. Marquedant stated that the house will be constructed on the portion of the property that is existing lawn. Ms. Chagnon stated that the wetland delineation on the lot is accurate.

Ms. Jean Madigan, 9 Maple Street, asked if any of the proposed site work will cause flooding onto her property or cause the wetlands to dry out. Mr. Marquedant stated that Ms. Madigan's

property is up-gradient from the proposed site work and the impervious driveway will be pitched towards the wetlands.

A discussion was held regarding the installation of drywells to infiltrate roof runoff and a permanent immovable barrier (PIB) along the existing area of high grass. The Commission determined that both drywells and a PIB will be required.

Mr. Carmody made a motion to close the hearing and issue an Order of Conditions subject to the submittal of an amended plan with the standard and above-noted special conditions. The motion was seconded by Mr. Nation and it passed unanimously.

**8:15 PM Beattie, 47 Proctor Street
Violation Hearing**

DEP File No. 188-1257

Michael and Jessica Beattie, owners

Ms. Chagnon stated that, during a Certificate of Compliance site inspection, she observed that the area beyond the PIB and within the vernal pool buffer zone is being maintained as lawn. Mr. Beattie stated that the retaining wall for the septic system was backfilled during construction and removal the fill will not allow for emergency access to the front of the home. A discussion was held regarding allowing a mown path for allow access to the front of the home and allowing the rest of the area beyond the PIB to re-vegetate.

Mr. Carmody made a motion to send Mr. Beattie a letter documenting the acceptable emergency access within the PIB area. The motion was seconded by Mr. Barnes and it passed unanimously.

**8:30 PM Fowler, 5 Deneen Road
Violation Hearing**

DEP File No. 188-1302

Larry Fowler, owner

Ms. Chagnon stated that, during a Certificate of Compliance site inspection, she observed that the approved limit of work had been violated along a portion of the driveway. Mr. Fowler stated that a wider work area was required to install the driveway, but that he is not maintaining and has been replanting the area. The Commission determined that Mr. Fowler must allow the area to re-vegetate and that Conservation staff will re-inspect the area in a year.

Mr. Carmody made a motion to send Mr. Fowler a letter documenting the resolution for the disturbance and granting permission for the removal of the erosion control barrier on site. The motion was seconded by Mr. Barnes and it passed unanimously.

**8:45 PM Rebel Hill, LLC, 0 Huckleberry Road
Violation Hearing**

DEP File No. 188-1180

Tim Gordon, Rebel Hill, LLC; Don Provencher, Provencher Engineering

Mr. MacAdam stated that the information required under condition numbers 63 and 64 of the Order of Conditions has not been submitted and the applicant was notified relative to this deficiency. Mr. Gordon stated that the required precipitation data have now been submitted and that a staff gauge has been installed in Whitehall Brook, as required. Mr. Provencher described his plans to install an electronic transducer to monitor the stream gauge on an hourly basis.

Mr. Gordon stated that they have notified the Commission relative to the existence of drought conditions, based upon their precipitation data. He requested permission to notify the Commission of future drought conditions only during the irrigation season. Mr. Murphy stated that that would be acceptable to the Commission.

The Commission determined that a Certificate of Compliance can be issued after the transducer has been installed.

9:00 PM Legacy Farms LLC, East Main Street DEP File No. 188-1390
Abbreviated Notice of Resource Area Delineation Hearing – continuation

Roy MacDowell, Legacy Farms LLC; David Pickart, VHB, Inc.

Mr. Pickart submitted revised wetland resource plans, a memo response (dated 15 October 2007) to Ms. Chagnon's review memo, and a report from Geosphere Environmental Management, Inc. (dated 12 October 2007).

A discussion was held regarding the perennial stream areas observed on the site walk. Mr. Pickart provided an overview of the EOEEA notice of drought conditions, issued on 11 October 2007.

Mr. Pickart provided an overview of the Geosphere report. Mr. Pickart stated that the regulations note that the status of a stream cannot be changed if it is subject to water withdrawal, but that he believes it is not relevant to this situation because the water is being returned to the stream channels via surface flow. Ms. Chagnon stated that the Commission should require a peer review of the Geosphere report, at the applicant's expense. Ms. Chagnon stated that Weston Nurseries' water use for irrigation is a missing piece of the water budget for the site. She stated that that data must be included in the geohydrologic report before the report is forwarded to the commission's consultant for a peer review.

Mr. MacDowell provided an overview of his knowledge of the Weston Nurseries' irrigation practices and stated that he will forward the water use data.

A discussion was held regarding the potential vernal pool in Wetland WS, which is not on the wetland resource plan. Mr. Pickart agreed to include that area as a vernal pool on the plans.

Mr. MacDowell stated that Legacy Farms will agree to a peer review of the Geosphere report by the Commission's consultant, at Legacy's expense, following the incorporation of Weston Nurseries' irrigation data into that report.

The hearing was continued to 19 November 2007.

9:15 PM Capital Group Properties, 132 Lumber Street DEP File No. 188-1293
Certificate of Compliance Hearing

Michael Cremin, Capital Group Properties; Don Provencher, Provencher Engineering; Ed Johnson, owner

A discussion was held regarding the dimensions of the existing driveway and the emergency access concerns of the Fire Department. Mr. Murphy noted that the proposed driveway meets the Bylaw regulations and that the Commission can only uphold the conditions set forth in the Order

of Conditions. Mr. Cremin asked if the Commission would be amenable to allowing a widening of the culvert crossing to increase the vehicle turning radius in that location. The Commission determined that it would be amenable to reviewing a project change that has been identified on a sketch plan.

9:40 PM Commission Business

Mr. Teitelman made a motion to nominate Mr. Barnes as Vice Chairman. The motion was seconded by Mr. Carmody and it was passed by everyone except Mr. Barnes who abstained.

Minutes Approved: 19 November 2007