

**MINUTES- 3 December 2007  
Hopkinton Town Hall, Room 216**

**Called to Order: 7:30 PM  
Adjourned: 9:00 PM**

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

**Member Absent:** Steven Radel

**7:30 PM Commission Business**

- The Commission signed the following documents:
  - Hogue, 42 Cedar St – Order of Conditions (188-1398)
  - French, 71 Clinton St – Certificate of Compliance (188-1261)
  - Goodman, 25 Tammer Ln – Certificate of Compliance (188-793).
- Mr. Carmody made a motion to approve the Request for Payment dated 3 December 2007. The motion was seconded by Mr. Barnes and it passed unanimously.
- A discussion was held regarding potential revisions to the Bylaw.

**7:45 PM Toll Brothers, Inc., 0 & 18 Overlook Road DEP File No. 188-1395  
Amended Notice of Intent**

Bryan Weiner, Toll Brothers, Inc.

Mr. Weiner presented a proposed plan to install utility service lines to the public supply well. Mr. Weiner stated that Toll Brothers is no longer proposing to pave the gravel access road because they wish to retain the character of the open space area. A discussion was held on how Toll Brothers will stabilize the gravel road. Mr. Weiner stated that Toll Brothers will regrade the area adjacent to the roadway in the spring, to direct water flow away from the roadway surface so that it will not receive any surface sheet flow and will only receive direct rainfall. Ms. Chagnon requested that Toll keep a close eye on potential soil erosion over the course of the winter.

Mr. David Goldman of HALT stated that HALT is seeking not to pave the gravel access road in order to stay consistent with standard open space values but is willing to discuss the matter further with the Commission if they are concerned with the stability of the gravel surface.

Mr. Weiner stated that he could submit an amended plan with a revised roadway notation. Ms. Chagnon stated that the Order of Conditions could be conditioned to allow for the paving of the roadway but not require it.

Mr. Carmody made a motion to close the hearing and issue an Amended Order of Conditions, subject to the submittal of an amended plan, and with the standard and special conditions discussed. The motion was seconded by Mr. Barnes and it passed unanimously.

**8:00 PM          Fischer, 12 Fruit Street  
Request for Determination of Applicability**

**RDA 2007-20**

Joseph P. Marquedant, JD Marquedant & Associates; Philip Fischer, applicant/owner

Mr. Marquedant presented a proposed plan to expand the capacity of the existing Title V approved septic system in order to accommodate the reclassification of the four bedroom home into a five bedroom home. Mr. Marquedant stated that the work will be located in the previously disturbed area and will not go beyond the existing septic retaining wall.

Philip Restifo, 11 Fruit Street, stated that he lives across the street and has been experiencing stormwater issues from neighboring property owners who have altered the grading of their property. Mr. Restifo stated that he is concerned with any negative consequences that this project may have to his flooding problems. Mr. Murphy asked if the proposed project will change the existing grading of the subject property. Mr. Marquedant stated that the existing grading will not be changed.

Mr. Nation 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.

**8:15 PM          David Goldman, Hopkinton Area Land Trust (HALT)  
Informal Hearing**

Mr. Goldman provided an overview of a report on stewardship and Conservation Restrictions (CR) that he submitted to the Commission. He stated that the Commission is required by law to perform baseline documentation and yearly assessments for the land on which the Commission holds CRs. Mr. Goldman stated that the Commission is not required by law to perform baseline documentation or yearly assessments on land that it manages on behalf of the Town but that the proper stewardship assessment should be performed on behalf of the Town.

Mr. Goldman stated that the CR for Hopkinton Highlands II was proposed to be held by the Commission. He asked the Commission if it will consider allowing the Friends of Whitehall, a local non-profit licensed organization, to hold the CR and relieve the Commission of the legal stewardship responsibilities. Mr. Bryan Weiner, Toll Brothers, stated that Toll Brothers will support issuing a CR to Friends of Whitehall for the Hopkinton Highlands II subdivision if the Commission no longer wishes to be the holder of the CR.

Mr. Murphy stated that the Commission has initiated a review of its properties and is interested in further communications with HALT and Friends of Whitehall regarding stewardship. The Commission determined to continue a working discussion on stewardship to the 28 January 2008 meeting.

**8:30 PM          Hopkinton Housing Authority  
Informal Hearing**

Linda Donahue, Hopkinton Housing Authority

Ms. Donahue and the Hopkinton Housing Authority's (HHA) consultants, JRP Environmental Consultants, presented a proposed 40B housing project plan for the parcel of land abutting the Senior Center. A discussion was held regarding the placement of a portion of the roadway and sidewalk within the isolated wetland. Mr. Griben asked if the HHA could consider moving a unit further away from the isolated wetland and relocating the roadway and sidewalk out of the isolated wetland and into the buffer zone. Ms. Donahue stated that a previous design with a longer roadway that did not go through the isolated wetland was deemed too expensive to consider. Mr. Murphy stated that he understands the shorter roadway design presented is more feasible for the HHA to construct but that the longer roadway located outside the isolated wetland would be the preferred by the Commission.

A discussion was held regarding the bifurcated wetland review process for a Chapter 40B proposal by the Commission and the Board of Appeals under the Wetlands Protection Act and the Hopkinton Wetlands Protection Bylaw.

**8:45 PM          Commission Business**

- Mr. Murphy provided an update to the Commission relative to the appeal of the DEP Superceding Order of Conditions for the Fruit Street wastewater treatment facility.
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- The Commission determined to send a thank you letter to Eagle Scout Nick Cholakis for his leadership on the Berry Acres trail maintenance project.
- A discussion was held regarding the proposal from Rockwood Meadows for the Commission to hold a Conservation Restriction on the portion of open space located in Hopkinton. The Commission is inclined to allow HALT or Friends of Whitehall to hold the CR.

**Minutes Approved:** 28 January 2008