

**MINUTES- 28 January 2008
Hopkinton Town Hall, Room 216**

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

Members Present: Robert Murphy, Jeffrey Barnes, Andre Griben, Craig Nation, David Teitelman, Steven Radel, Ellen Chagnon: Conservation Scientist, Anna Rogers: Conservation Secretary

Members Absent: Michael Carmody, Don MacAdam: Conservation Administrator

7:30 PM Commission Business

- The Commission signed the following documents:
 - Hopkinton Country Club, 204 Saddle Hill Rd., 0 Huckleberry Rd. – Certificate of Compliance (188-1180)
 - Prime Properties, off Wedgewood Dr – Certificate of Compliance (188-1137)
 - Town of Hopkinton, 0 Carriage Hill Rd. – Certificate of Compliance (188-503)
- Mr. Teitelman made a motion to approve the Request for Payment dated 28 January 2008. The motion was seconded by Mr. Nation and it passed unanimously.
- The Commission set meeting dates for February 11 and 25 and March 10 and 24 2008. Mr. Nation stated he might not be able to attend the 10 March 2008 meeting.
- Mr. Barnes made a motion to approve the minutes of 3 December 2007. The motion was seconded by Mr. Teitelman and was passed by everyone except Mr. Radel who abstained.
- Mr. Barnes made a motion to approve the request by J.T. Gaucher, DPW Director, to extend the deadline for submittal a Notice of Intent for the Town snow dump from 1 March 2008 to 30 April 2008. The motion was seconded by Mr. Radel and it passed unanimously.
- Mr. Barnes made a motion to have Ms. Chagnon review the ENF for Rockwood Meadows and submit comments to the State on behalf of the Commission. The motion was seconded by Mr. Nation and it passed unanimously.
- Mr. Barnes made a motion to have Ms. Chagnon send her Notice of Intent review comments to the Planning Board in response to their request for comments regarding Mastroianni, 77 West Main Street. The motion was seconded by Mr. Nation and it was passed by everyone except Mr. Teitelman who abstained.
- Mr. Barnes made a motion to have Ms. Chagnon send the same comments as previously submitted to the Planning Board in response to their request for comments regarding

Hopkinton Village, 25 and 35 Main Street. The motion was seconded by Mr. Radel and it passed unanimously.

- A discussion was held regarding the MAPC Stormwater/Low Impact Development Project. The Commission determined to have Mr. Murphy attend the meetings and have Mr. Griben as an alternate.

**7:45 PM Town of Hopkinton DPW, 66 Fruit Street (WWTF) DEP File No. 188-1365
Project Change Discussion**

Dan McIntyre, Chairman of DPW Board

Mr. McIntyre gave a brief overview of the project the Commission originally permitted in 2007. He stated that, due to an appeal of the permit, the Department of Environmental Protection (DEP) issued a Superseding Order of Conditions under the Act. He stated that the culvert that was originally permitted as a wetlands crossing on the property has now been approved by DEP as a bridge crossing. He stated that he is now asking the Commission consider the change from a culvert to a bridge as an insignificant project change under the Bylaw. He stated there will be 2,100 square feet of temporary disturbance for the removal of the culvert and 1,200 square feet of permanent disturbance that will result from the shading effects of the bridge. He stated they will restore the wetlands disturbance and will construct the 4,000 square foot restoration area, as proposed originally.

Mr. Murphy stated that the work is proposed in the same location as originally permitted, there now will be no permanent soil disturbance, and there will be a net reduction in the total wetlands impact. Mr. Griben asked if the DPW Advisory Board had voted to approve this project change and if MEPA will require a Notice of Project Change. Mr. McIntyre stated that the Board did not take a vote and that he doesn't believe this will require a Notice of Project Change under the EIR. Ms. Chagnon stated the plans submitted with the EIR plans were significantly less detailed than the plans submitted with the NOI, therefore a Notice of Project Changes isn't likely to be necessary.

Mary Pratt, 102 Fruit Street, asked if cost increase for the bridge will have to be addressed. Mr. McIntyre stated that cost changes are not related to wetlands but he will check into it.

John Craycroft, Cedar Swamp Conservation Trust, stated that at the last meeting he had submitted some documents and wanted to make sure they were on record. Mr. Murphy assured Mr. Craycroft that these documents had been entered into the record. Mr. Craycroft stated that the Executive Office of Environmental Affairs has declared that shading of wetlands is considered to be a wetlands impact. He stated that when the project was originally permitted, the stormwater calculations didn't consider that storm flow was entering into a critical area. Ms. Chagnon stated she believes the stormwater calculations were based on one inch of runoff, as required for critical areas and not the ½ inch for non-critical areas.

Mr. Griben asked what other options DEP had looked into. Mr. McIntyre stated there were five options including some variations of the existing crossing, a bridge, or new wetlands disturbance in another location.

Mr. Nation made a motion to approve the bridge as an insignificant project change under the Bylaw, as described in the letter from Earth Tech dated 26 September 2007 and the attached site plan entitled "Hopkinton, MA, NOI – Fruit Street Force Main, WWTF and Subsurface Disposal

Beds” (Sheets ENV-7, 8, 12, and 13) and dated October 2006 with a latest revision date of 21 September 2007. The motion was seconded by Mr. Barnes and passed by a vote of 5 to 1, with Mr. Griben opposed.

8:00 PM T. Wilson Properties, LLC, 144 Spring Street DEP File No. 188-1401
Notice of Intent Hearing

Joseph D. Marquedant, J.D. Marquedant & Associates, Inc.

Mr. Marquedant gave a brief overview of the proposed septic replacement. He stated that currently part of the septic system is located on the abutting property and they will be putting the entire new system on their own property.

Ms. Chagnon stated the wetlands delineation is correct and the proposed work will be in a previously disturbed area.

Michael O’Brian, 140 Spring Street, stated that his septic system is right on the abutting property line and he is concerned that his leach field not get disturbed. Mr. Marquedant stated the limit of work is away from the property lines but he will make sure the contractors are aware of the proximity to Mr. O’Brian’s leach field. Mr. O’Brian stated that he wants to make sure that if something happens to it, it will be fixed. Mr. Murphy stated if the work goes outside the approved limit of work, the contractor will be in violation of the Order of Conditions and the Commission will be able to take action.

Mr. Barnes made a motion to closed the hearing and approve issuing an Order of Conditions with the standard conditions. The motion was seconded by Mr. Griben and was passed unanimously.

8:10 PM Commission Business

- The Commission discussed the upcoming Student Government Breakfast in March. Mr. Murphy stated he will be attending and Mr. Barnes stated he will try to attend.
- The Commission discussed the upcoming MACC conference. Mr. Griben stated he is interested in attending and taking some more classes.

8:15 PM Bethoney & Burton Builders, 182 & 184 Fruit Street
(8:12 PM) Enforcement Hearing

Christopher Bethoney, owner; Bill Woodward, wetland consultant

Ms. Chagnon stated there is an Enforcement and Restoration Order on the property with an approved plan. She stated she inspected the property and the restoration work hasn’t been completed, the erosion control barrier (ECB) has not been maintained, and during a storm event on 11 January 2008 silt was observed coming off the lot onto the roadway. She stated that she met with Mr. Bethoney on the site this morning and the swale has been recently upgraded but, since grass won’t grow this time of year, it has been lined with fabric and six-inch stone. She stated that the swales on 184 Fruit Street haven’t been constructed and both lots need ECB improvements and stabilization. Mr. Murphy stated that it seems as though things are under control now, but they need to stay that way.

Mrs. Pratt stated that there is greater runoff now that the lots have been cleared. She stated the water needs to be taken care of. Mr. Bethoney stated that the hold-up and the reason why the work wasn't done on time is because they have had problems with the Planning Board and the DPW. Mr. Murphy stated that he understands the problems with finishing the work, but the lots need to be stabilized and have proper ECBs. Ms. Chagnon stated the Commission does not have jurisdiction regarding the volume of runoff coming off the property, because single lots aren't subject to the DEP Stormwater Regulations. Mrs. Pratt stated the culvert in the street needs to be repaired so that the water can enter the culvert and not run down the street. Ms. Chagnon stated that she advised Mr. Bethoney at this morning's site meeting that he will have to work with the DPW regarding water leaving the site and entering street drainage and with the Planning Board relative to any cutting of trees or moving of stone walls, because Fruit Street is a scenic road.

Ms. Chagnon stated the ECBs must be repaired and the lots hydroseeded as soon as conditions allow. Mr. Murphy stated the Commission will not assess fines at this time pending correction of the problems.

Mr. Barnes made a motion to send Mr. Bethoney a letter summarizing tonight's discussion, outlining the outstanding work that needs to be done, and providing deadlines for ECB repair as soon as ground conditions allow and for hydroseeding not later than 15 May 2008. The motion was seconded by Mr. Nation and it passed unanimously.

8:30 PM Burns, 119 Ash Street
(8:25 PM) Notice of Intent Hearing

DEP File No. 188-1400

Stephen Burns, Jr.

Mr. Burns gave a brief overview of his well replacement, which was conducted this summer. He stated he received an Emergency Certificate to install a new well after his ran dry with the drought over the summer. He stated the well is 40 feet from the wetlands, on the edge of his lawn and the woods. He stated that he will seed the disturbed area in the spring.

Mr. Barnes made a motion to close the hearing and approve issuing an after-the-fact Order of Conditions with the standard conditions. The motion was seconded by Mr. Radel and it passed unanimously.

8:45 PM MA Turnpike Authority, I-90
(8:30 PM) Notice of Intent Hearing- continuation

DEP File No. 188-1399

Eric Olson, Tetra Tech Rizzo; Peter Cavicchi and Rick McCullough, MA Turnpike Authority

Mr. Olson reviewed Ms. Chagnon's memo dated 7 January 2008 and offered the following responses. He stated that the Turnpike has concluded that they are doing all they can with stormwater, to the maximum extent practicable due to space constraints, project costs, and a tight right-of-way. He stated that they are putting a very minimal amount of water into the total watershed relative to what is going there now. He stated that they can't build structures for infiltration on site due to space constraints, but are putting in 15 riprap dissipaters at each outfall. He stated that they are also going to be using deep sump catch basins and the TSS removal rates will be 25% for catch basins alone and 44% for catch basin and riprap dissipaters in combination. Mr. Murphy asked if the TSS rates were high or low for a highway project. Mr. Olson stated that they are low, but the Turnpike doesn't use sand, only salt.

Mr. Olson stated they are adding or replacing drop inlets with a total of 22 deep sump catch basins. He stated they will have erosion control in place during construction, but no outfall maintenance post-construction. He stated they will inspect the brook post-construction to make sure no silt gets into it.

Mr. Murphy asked what part of the Turnpike was widened in the past. Mr. Cavicchi stated that the eastbound off ramp was widened last time and that the westbound on ramps are being widened this time. Mr. Murphy stated that he is concerned with the continued, incremental widening of the highway over time.

Ms. Chagnon asked if the drop inlets will be cleaned as needed to maintain the TSS removal rates. She stated that she would like to see a little more information on the inspection and cleaning timelines. Mr. Cavicchi stated the highway is generally inspected once a year. Ms. Chagnon stated they need to be inspected at least twice a year and cleaned as needed. She stated the Commission will need to see a report or letter documenting each time the drop inlets are inspected and that this should be a condition in the Order. Mr. Cavicchi stated that silt sacks will be placed in the catch basins at the low points in the road, but that they will not be required in other catch basins, because the grates will remain above grade until the final pavement is placed.

Muriel Kramer, 39 North Street, asked what the timing of the project is. Mr. Cavicchi stated that they are looking to start in April and be finished by November. Mrs. Pratt stated that there have been problems in the past with tanker trucks tipping over on the ramps and asked if they are trying to fix that. Mr. Cavicchi stated they are just widening the ramps.

Ms. Chagnon stated that, prior to the start of construction, she would like to see a detailed construction sequence provided by the contractor, have a pre-construction conference, and be able to review the final version of the plan. Ms. Chagnon recommended that these items be included as conditions in the Order.

Mr. McCullough asked how much consulting time Ms. Chagnon thinks she will need for this project. Ms. Chagnon stated the pre-construction conference should be a couple of hours and she would do one post-construction visit as well. She also requested biweekly erosion control inspection reports be submitted to the Commission.

Mr. Griben made a motion to close the hearing and approve issuing an Order of Conditions with the noted special conditions and final approval of the plan by Ms. Chagnon. The motion was seconded by Mr. Teitelman and it passed unanimously.

**9:00 PM Boulder Capital, Legacy Farms
 Informal Meeting**

Steven Zieff and Roy MacDowell, Jr., Boulder Capital; David Pickart, VHB, Inc.

Mr. Zieff stated that Boulder Capital has recently finished working with the Zoning Advisory Committee and is moving forward to the Planning Board with their OSMUD zoning district for Legacy Farms. He stated that there will be significant restoration on the disturbed land as part of their project and that they will be enhancing the trail network and also providing stewardship for field maintenance. He stated that, by using low impact development techniques, they are hoping to be granted some Planning Board waivers for their subdivisions and site plan review. He stated that the majority of the site will have private ways and has been designed outside the wetland buffer zones. He stated that, at this point, they are proposing 8,000 square feet of wetlands

disturbance for two roadway crossings. Mr. Pickart stated they have overestimated a small amount and are actually hoping for lesser disturbance if Planning Board waivers are granted. Mr. Murphy asked if they are using existing cart paths for the spine road. Mr. Radel asked if the cart paths are culverted at the wetland crossings. Mr. Pickart stated that the spine road will use existing cart paths where possible and that the culverts exist, but are in very poor shape and at some places the wetlands have migrated over the roadway.

Ms. Chagnon stated she requested an overview plan showing the wetlands and the proposed development master plan together. Mr. MacDowell stated he will provide those plans.

Mr. Zieff stated there is still more work to be done on the plan, including some rearrangement of the proposed sewage disposal area due to load testing they performed recently. He stated after the OSMUD goes to Town Meeting the Master Plan will go to the Planning Board, where they will begin the Site Plan Review process.

9:30 PM Commission Business

The Commission discussed potential Bylaw changes for the Annual Town Meeting in May. They discussed some minor language changes to ease the burden of notifying other Town departments of filings. They discussed some changes to the Minor Project section to bring it in compliance with the State Act, because currently it is less restrictive than the Act. They discussed Emergency Certificates for tree removal and the requirements for an after-the-fact filing. They discussed possibly changing the number of copies an applicant must submit for a filing and in what formats.

The Commission determined to continue their discussion at the 11 February 2008 meeting and to obtain more information about the changes before the meeting.

Minutes Approved: 25 February 2008