

**MINUTES- 25 February 2008  
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, Andre Griben, Steven Radel, Ellen Chagnon: Conservation Scientist, Don MacAdam: Conservation Administrator

**Member Absent:** Michael Carmody

**7:30 PM          Commission Business**

- The Commission signed the following documents:
  - Creative Home Solutions, 214 Winter St – Order of Conditions (188-1404)
  - Creative Home Solutions, 214 Winter St – Invalid Certificate of Compliance (188-1298).
- Mr. Teitelman made a motion to approve the Request for Payment dated 25 February 2008. The motion was seconded by Mr. Griben and it passed unanimously.
- Mr. Barnes made a motion to approve the Minutes of 28 January 2008. The motion was seconded by Mr. Radel and it passed unanimously.
- Mr. Barnes made a motion to approve the Minutes of 11 February 2008. The motion was seconded by Mr. Griben and it was passed by everyone except Mr. Nation and Mr. Radel who abstained.
- Mr. Barnes made a motion to issue a 12 month Extension Permit for Pellegrini, 11 Clinton Street (DEP File No. 188-1278). The motion was seconded by Mr. Radel and it passed unanimously.
- The Commission determined to sponsor Mr. Griben to attend the Keystone Land Stewardship Project Program on behalf of the Commission.

**7:45 PM          Riley, 201 West Main Street  
Notice of Intent**

**DEP File No. 188-\_\_\_\_\_**

Michael and Yvonne Riley, applicants/owners

Mr. Riley provided an overview of the technique for splitting rocks with a hand-held power drill followed by hammering in wedges. Mr. Riley stated that he wants to split two large boulders that pose a hazard to people using the adjacent dock. Mr. Riley stated that, when the lake water is up, the boulders are covered by a shallow depth of water and are a hazard for diving and docking a

power boat. Mr. Riley stated that he will perform the rock splitting when the lake level is low due to drawdown.

Mr. MacAdam stated that the remaining activities, installation of a dock, installation of an 8 by 8-foot shed, vegetation removal, removal of accumulated yard waste and refuse, and the placement of new beach sand were filed after the fact. Ms. Chagnon stated for the record that she walked the property in 2004 at Mr. Riley's request in response to his informal inquiry regarding cutting a walking path through the existing sapling thicket to the lake. Ms. Chagnon stated that the current clearing within the buffer zone is far more extensive than that required for a path and that the installation of the other items goes beyond what was discussed originally.

Mr. Murphy stated that the Commission had informed Mr. Riley during the informal discussion on 19 November 2007 that the site work appeared to be at a scale that could have been permitted but is concerned to learn that Mr. Riley was aware enough of the wetland laws to consult with the Conservation Commission in 2004 but not to consult with the Commission prior to installing a dock, shed and clearing vegetation within the Commission's jurisdiction. Mr. Riley stated that the dock installer said he would take care of getting the necessary permission to install the dock. Mr. Riley stated that he is present now to take full responsibility for the site work that was performed in violation of the wetland laws and that he is in the process of filing for a Chapter 91 Waterways License.

Ms. Bea McMullen, 8 Lake Shore Drive, asked if the rock splitting activity has any chance of damaging the dam and Mr. Riley stated that the work will be done by hand and at a great distance from the dam.

Mr. MacAdam stated that DEP has not issued a file number to date. Mr. Barnes made a motion to close the hearing and issue an Order of Conditions subject to the issuance of a DEP File Number and with the standard and noted special conditions. The motion was seconded by Mr. Radel and it passed unanimously.

**8:00 PM Kane, 1 Cold Spring Brook Road  
Enforcement Discussion**

No representative attended the scheduled meeting.

**8:15 PM Town of Hopkinton DPW, Cedar Street Snow Dump  
Informal Discussion**

Daniel McIntyre, DPW Advisory Committee

A discussion was held regarding the erosion issues on the existing snow dump site and the requirement for the submittal of a Notice of Intent to allow the Commission to condition the use of the site within the Commission's jurisdiction.

**8:25 PM Commission Business**

A discussion was held regarding the condition of the wetlands at 77 West Main Street. Ms. Chagnon stated that there is much trash and refuse in the buffer zone and adjacent wetland and that snow is being plowed from the parking lot into the wetland. Mr. Griben made a motion to issue a violation letter to the property owner. The motion was seconded by Mr. Teitelman and it passed unanimously.

**8:30 PM Weston Nurseries, E. Main Street/Frankland Road DEP File No. 188-1403  
Abbreviated Notice of Resource Area Delineation**

David Pickart, VHB, Inc.

Mr. Pickart provided an overview of the wetland delineation for the property. Mr. Pickart stated that the irrigation pond in the western portion of the site has been pumped dry on occasion during the irrigation season. Mr. Pickart stated that he has received Ms. Chagnon's review memo and will work with her to address her comments.

Ms. Chagnon stated that the surface in Wetland A appears to have been recently disturbed with shrub stock plantings that may have required the filing of a permit application with the Commission. Ms. Chagnon stated that recent site disturbance has occurred within the vernal pool buffer zone and at a second location directly adjacent to the wetland.

Mr. Pickart stated that the applicant will be seeking to close the hearing at the next scheduled meeting and leave the review of the potential vernal pools until a later date.

The hearing was continued to 10 March 2008 at 8:15 PM.

**8:50 PM Commission Business**

- A discussion was held regarding possible submittal of an article for Town Meeting to amend the Bylaw by removing the requirement that the applicant submit copies of permit applications directly to certain Town Boards due to the fact that the Commission submits written notice of new permit applications to the Boards. Mr. Radel made a motion to submit such an article to the Board of Selectmen. The motion was seconded by Mr. Barnes and it passed unanimously.
- A discussion was held regarding possible submittal of an article for Town Meeting to amend the Bylaw's Minor Project Exemption language to conform to the legal requirement of Home Rule in as much that the Hopkinton Wetlands Protection Bylaw must be at least as restrictive as the provisions of the Wetlands Protection Act. Mr. Barnes made a motion to submit such an article to the Board of Selectmen. The motion was seconded by Mr. Radel and it passed unanimously.
- A discussion was held regarding possible submittal of an article for Town Meeting to amend the Bylaw for the purpose of reducing the number of paper copies required for a Notice of Intent filing and for requiring electron copies of permit applications and plans. Mr. Barnes made a motion to submit such an article to the Board of Selectmen. The motion was seconded by Mr. Radel and it passed unanimously.

**Minutes Approved:** 24 March 2008