



Commonwealth of Massachusetts
Executive Office of Energy & Environmental Affairs

Department of Environmental Protection

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Matthew A. Beaton
Secretary

Martin Suuberg
Commissioner

September 16, 2015

In the Matter of
Ron Nation and Ravenwood, LLC

OADR Docket No. WET-2015-013
DEP File No. 188-1572
Hopkinton, MA

FINAL DECISION

In June 2015, 12 Twelve Residents of the Town of Hopkinton, Massachusetts (collectively “the Petitioners”) brought this appeal challenging a Superseding Order of Conditions (“SOC”) that the Central Regional Office (“CERO Office”) of the Massachusetts Department of Environmental Protection (“MassDEP” or “the Department”) issued to Ron Nation and Ravenwood, LLC (collectively “the Applicants”) on June 9, 2015, pursuant to the Massachusetts Wetlands Protection Act, G.L. c. 131, § 40 (“MWPA”), and the Wetlands Regulations, 310 CMR 10.00 et seq. (“the Wetlands Regulations”). The SOC affirmed the Town of Hopkinton Conservation Commission’s (“the HCC”) approval of the Applicants’ proposed construction of a single-family home (“the proposed Project”) within 100 feet of a Bordering Vegetated Wetland (“BVW”) at 0 Tammer Lane (a/k/a Lot 1 Penny Meadow Lane) in Hopkinton, Massachusetts (“the Property”).

Recently, the Petitioners, the HCC, and the Department (collectively “the parties”) filed a proposed Settlement Agreement for my review and approval pursuant to 310 CMR 1.01(8)(c) to

resolve the Petitioners' appeal of the SOC. See [Department's] Motion to Approve Settlement (August 21, 2015). The proposed Settlement Agreement, which has been signed by the Petitioners' legal counsel, the HCC's legal counsel, and the CERO Office's Regional Director, calls for the Department's issuance of a Final Order of Conditions ("FOC") pursuant to the MWPA and the Wetlands Regulations that affirms the HCC's prior approval of the proposed Project and adds a screening requirement.¹ The screening requirement is set forth in Section B.1.g of the SOC and provides as follows:

The Project will include the planting of ten (10) white pine trees of not less than five to six feet in height. They shall be planted in the area between the 50 foot no-disturb zone and the Permanent Immovable Barrier (or split rail fence) which is shown in the final plans. The white pine trees shall be separated from each other by at least (10) feet. The white pine trees shall be planted no more than twenty-five (25) feet from the Permanent Immovable Barrier, or split rail fence. The trees will be allowed to grow both vertically and horizontally and, for a period of two years after the trees are planted any that have not survived shall be replaced. The trees will not be removed other than with the approval of the Hopkinton Conservation Commission ("HCC") as work within buffer zone to BVW.

According to the Department, the proposed Project as approved and conditioned by the FOC, satisfies all Performance Standards in the Wetlands Regulations for activities in protected wetlands areas² and is the public interest.

After reviewing the parties' Settlement Agreement and the FOC, I find that the parties' settlement of this appeal is reasonable and consistent with furthering the statutory and regulatory interests of the MWPA and the Wetlands Regulations. Accordingly, I issue this Final Decision

¹ The proposed FOC, which incorporates the HCC's prior Order of Conditions approving the proposed Project, is attached to the Settlement Agreement.

² "Performance Standards" are "th[e] requirements established by [the Wetlands Regulations] for activities in or affecting [specific wetlands areas protected by MWPA]." 310 CMR 10.04. The Performance Standards appear at 310 CMR 10.25 through 10.35 and 10.37, and 310 CMR 10.54 through 10.60. Id.

approving and incorporating both the Settlement Agreement and FOC. The FOC shall be issued concurrently with this Final Decision.

In accordance with the parties' Settlement Agreement and 310 CMR 1.01(8)(c), this appeal is dismissed with the parties waiving whatever rights they may have to further administrative review before the Department as well as any appeal to court.



Martin Suuberg
Commissioner

SERVICE LIST

- Petitioners:**
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 - (2) Paul Silva
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Hopkinton, MA;
 - (3) Steven Donoian
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Hopkinton, MA;
 - (4) Taleen Donoian
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 - (5) Alexander Keeler
11 Tammer Lane
Hopkinton, MA;
 - (6) Jennifer Keeler
11 Tammer Lane
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 - (7) Andrea Chesmore
13 Tammer Lane
Hopkinton, MA;
 - (8) Keefe Chesmore
13 Tammer Lane
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