



*Town of Tyngsborough
Conservation Commission*

25 Bryants Lane
Tyngsborough, Massachusetts 01879-1003
Office: (978) 649-2300 ext 116
Fax: (978) 649-2301

Minutes

February 26, 2008

Present:

ES: Ed Smith, Chairman

LG: Lucy Gertz

RS: Robert Sherburne

MM: Matt Marro, Conservation Director

HJ: Henry Jungmann, Vice-Chairman

WL: William Look

Absent:

JK: Jeff Kablick

PB: Paul Barker

7:00 Meeting opened by Ed Smith

7:05 18 Bridle Path Way (M27, P64, L0) – Request to withdraw the **Superseding Order of Conditions DEP 309-0752** filed in June 2006, the appeal be voided and the original Order of Conditions will stand as is. The applicant has requested that the **Amended Order of Conditions DEP 309-0752** that was issued 4/26/06 be negated and the site plan for **7 Bridle Path Way** with the final revision dated 5/7/05 be approved as the final plan. **MM** has spoken with DEP and the applicant concerning this issue and recommends the Commission affirm this change. **MM** will also write a letter to the applicant advising that this Order of Conditions will expire in October.

HJ: Motion to allow the applicant at **18 Bridle Path Way** to withdraw the **Amended Order of Conditions DEP 309-0752** dated 4/26/06 and reinstate **Order of Conditions DEP 309-0752** dated 11/9/05.

WL: 2nd the motion

Unanimous 5-0

7: 15 265 Pawtucket Blvd. (M34, P18, L0) – Request to modify **Extended Order of Conditions DEP #309-0722** (continuance from 12/11/07)

HJ recused himself from this hearing as an acquaintance of the applicant. **Steve Erickson** appeared before the Commission and the applicant's representative regarding the removal of the approx 891 s.f. of pavement within the Route 13 right of way. After numerous letters and emails with MassHighway, the applicant is requesting the elimination this portion from the Order of Conditions. MassHighway is requiring significant survey work and engineering be done before they make a decision on allowing the removal of this impervious area and replacing it with green space. All the added MassHighway requirements will make this portion of the Order of Conditions too costly and impractical and the applicant would like to close out the filing now as is. **MM** asked why MassHighway would not even look at the property. **Steve Erickson** said they gave no reason. He also stated that due to architectural error, this section was not noted as MassHighway property at the time of the original filing.

LG suggested that the Commission do a site visit to revisit this issue in fairness to the previous objections from the abutters and to see the landscaping and any additional mitigation that has been done. A site visit would also give **JK**, who has been involved in this project from the beginning, a chance to also review the area. A site visit was scheduled for 9:00 AM on Saturday, March 8, 2008.

Director's Determinations and Report:

- A Directors Determination for a site visit to **30 Progress Road (Map 30, P40, L0)** for a proposed addition to the existing building. The proposed addition would not be in wetlands, wildlife habitat or the buffer zone.
 - HJ:** Motion to approve the Directors Determination for **30 Progress Road (Map 30, P40, L41)**
 - RS:** 2nd the motion
 - Unanimous 5-0**
- A Directors Determination for a site visit to **94 Middlesex Road (Map 27, P8, L2)** for a proposed professional building. This would not be in wetlands, wildlife habitat or the buffer zone.
 - HJ:** Motion to approve the Directors Determination for **94 Middlesex Road (Map 27, P8, L2)**
 - RS:** 2nd the motion
 - Unanimous 5-0**
- Part of the Storm Water Management will involve additional water quality management by the Director. This could include volunteer stream clean up days and some cable programming by the Director on this and other Conservation issues.

Other Business:

❖ Signed Forms/Invoices:

- Department and Sherburne House invoices signed
- **HJ** requested that **Matt Marro, Conservation Director** be allowed to sign off on Department and Sherburne House invoiced to avoid delay when Conservation meetings are postponed.
 - HJ:** Motion that **Matt Marro, Conservation Director** is allowed to sign off on Department and Sherburne House invoices.
 - RS:** 2nd the motion
 - Unanimous 5-0**
- Sign forms for the following Requests for Certificates of Compliance
 - **18 Willowdale Road (M27, 30, L0)** – Request for **Certificate of Compliance DEP 309-745**
 - **6 Parker Lane (M20, P89, L0)** – Request for **Certificate of Compliance DEP 309-700**
 - **48 Chestnut Road (M8, P8, L0)** – Request for **Certificate of Compliance DEP 309-579**
 - **31 Mascuppic Trail (M26A, P54, L0)** – Request for **Certificate of Compliance DEP 309-680**
 - **Alden and Autumn Streets (M30, P12 & 62)** – Request for **Certificate of Compliance DEP 309-614**
 - **35 Davis Street (M26A, P158, L0)** – Request for **Certificate of Compliance DEP 309-527**
 - **35 Davis Street (M26A, P158, L0)** – Request for **Certificate of Compliance DEP 309-637**
 - HJ:** Motion issues Certificates of Compliance for:
 - 18 Willowdale Road (M27, 30, L0) DEP 309-745**
 - 6 Parker Lane (M20, P89, L0) DEP 309-700**
 - 48 Chestnut Road (M8, P8, L0) DEP 309-579**
 - 31 Mascuppic Trail (M26A, P54, L0) DEP 309-680**
 - Alden and Autumn Streets (M30, P12 & 62) DEP 309-614**
 - 35 Davis Street (M26A, P158, L0) DEP 309-527**
 - 35 Davis Street (M26A, P158, L0) DEP 309-637**
 - WL:** 2nd the motion
 - Vote 4-0 (LG-abstain as the property owner of one of the above)**

- ❖ The Commission discussed the enforcement order fee of \$50.00 that has not been paid by **John Smith, 29 Pleasant Street**, for the clearing of Bordering Vegetative Wetlands, creating a beach and the set up of a dock at **71 Mascuppic Trail**.

WL: Motion to suspend the fine pending further action but leave the file open.

HJ: 2nd the motion

Unanimous 5-0

- ❖ **Minutes/Other Business**

- Minutes from 1/8/08 meeting

LG: Motion to accept the minutes from 1/8/08 with correction to be made to typo **HK** to **HJ** in the motion of the 7:00 hearing.

WL: 2nd the motion

Unanimous 5-0

Meeting adjourned at 8:15 PM

HJ: Motion to adjourn

RS: 2nd the motion

Unanimous 5-0

Respectfully submitted

Karen Steeves, Conservation Clerk