



*Town of Tyngsborough
Conservation Commission*

25 Bryants Lane
Tyngsborough, Massachusetts 01879-1003
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Minutes

March 11, 2008

Present:

ES: Ed Smith, Chairman
LG: Lucy Gertz
RS: Robert Sherburne
PB: Paul Barker

HJ: Henry Jungmann, Vice-Chairman
WL: William Look
JK: Jeff Kablick

Absent:

MM: Matt Marro, Conservation Director

7:00 Meeting opened by Ed Smith

7: 05 Robert Maciel - 265 Pawtucket Blvd. (M34, P18, L0) – Request to modify **Extended Order of Conditions DEP #309-0722** (continuance from 12/11/07 and 2/26/08)

HJ recused himself from this hearing as an acquaintance of the applicant. On March 8, 2008, a site visit was done at **265 Pawtucket Blvd.** to review the work that has been done and to better determine the impact of the remaining approx. 891 s.f. of pavement within the Route 13 right of way that is owned by **MassHighway**. **LG** conferred with **MM** at this site visit and he did not feel the removal of the pavement in this area would change much. The Commission was satisfied with the restoration that has already been done and also felt the removal of this area would have no real conservation effect on the rest of the property. **JK** asked if things changed as far as flow direction with this area remaining paved. **ES** did not see how this would affect the flow onto other property. **Steve Erickson**, representative for the applicant, said the rain water in this area flows either into the street or toward the river and there was very little environmental effect compared to the additional cost of the **MassHighway** engineering requirements.

In place of removing this pavement, the applicant has volunteered mitigation as allowed under the **River Protection Act** to make a contribution to a conservation/environmental program. The **National Heritage and Endangered Species Program** was suggested since the riverfront is an endangered species habitat and this program is very under funded. **LG** asked to have **MM** would work with the applicant to arrive at an appropriate amount.

JK: Motion to close the hearing.

LG: 2nd the motion

Vote 6-0 (HJ abstained as an acquaintance of the applicant)

PB: Motion to modify the original Order of Conditions DEP #309-0722 to not require the removal of the remaining approx. 891 s.f. of pavement within the Route 13 right of way that is owned by **MassHighway** with the stipulation that a mitigation figure be set and proof of payment to **The National Heritage and Endangered Species Program** be shown before the Certificate of Compliance is issued.

WL: 2nd the motion

Vote 5-0 (HJ abstained as an acquaintance of the applicant and JK abstained because he was unable to attend the site visit)

7:15 Stephen Tymon - 157 Scribner Road (M8, P27, L0) - Request for Determination of Applicability for the installation of a well.

HJ: Motion waive the reading of the legal notice

WL: 2nd the motion

Unanimous 7-0

HJ: Motion to waive the reading of the abutters list

WL: 2nd the motion

Unanimous 7-0

This hearing is the result of an enforcement action brought by the Director after the well had already been installed. A portion of the well was within the no touch zone but, in order to meet title V there was no alternatives available. There has been no impact to the wetland to date and the Director recommended a negative determination. **Mr. Tymon** apologized that he thought that his well company took care of any regulations. The Commission reviewed the files and agreed with the Director.

HJ: Motion to close the hearing.

WL: 2nd the motion

Unanimous 7-0

HJ: Motion to issue a **Negative Determination** for **157 Scribner Road**.

WL: 2nd the motion

Unanimous 7-0

Director's Determinations and Report:

Director absent from this meeting

Other Business:

❖ Signed Forms/Invoices:

- Department and Sherburne House invoices signed

❖ Minutes/Other Business

- Minutes from 2/26/08 meeting
 - LG:** Motion to accept the minutes from 2/26/08.
 - WL:** 2nd the motion
 - Vote 5-0 (PB and JK abstain due to absence at that meeting)**

Meeting adjourned at 7:45 PM

HJ: Motion to adjourn

RS: 2nd the motion

Unanimous 7-0

Respectfully submitted

Karen Steeves, Conservation Clerk