

**MINUTES OF THE TYNGSBOROUGH CONSERVATION COMMISSION MEETING
TOWN OFFICES COMMUNITY ROOM
February 22, 2005**

Present

Jeff Kablik, Chairperson	JZ: Jeanne Zarba	Lori Capone, Director
RS: Robert Sherburne	HJ: Henry Jungmann	Gloria Clancy, Clerk
LB: Laura Bride, Associate Member		

Absent

LG: Lucy Gertz, Vice Chair	BL: Brian Logue	CH: Cynthia Hanna
FZ: Frank Zarba, Associate Member		

7:00 Meeting opened by Jeff Kablik, Chairperson

7:02 Blair J. Finnegan, Tyngsboro Partners LLC – 169 Westford Road – Notice of Intent: (Map 15, Parcels 13 and 8) (Continued from 11/9 & 12/28/04, 1/25 & 2/8/05) Construction of 92 detached condominiums with associated driveways, roadway and utilities some of which is within the 100 buffer zone and riverfront area. Joe Peznola of Hancock Associates, representing the applicant, distributed copies of the most recently revised *Site Plan* sheets (dated 2/15/05), *Stormwater Management Report* (2/5), *Pollution Prevention Plan*, *Flood Plain Study* (1/27), and a *Phasing Plan* (2/15). He also passed around copies of his *Letter of Response* (dated 2/22/05) to comments from our engineering consultant, David Sanderson, P.E., of Edwards & Kelcey (Letter dated 2/18/05). Mr. Sanderson was also present. Each of the 16 comments were explained and discussed in detail, along with the changes to the plans, and the items of significance in all of the handouts. The chairman asked for comments from Mr. Sanderson. His comments were mostly positive, although, he was concerned with the impact to the Riverfront Area. There was much discussion regarding the required alternatives analysis requisite under the Wetlands Protection Act. Mr. Peznola stated that there is an economically feasible alternative but the Commission could not consider this plan because members of the Board of Selectmen and the Tyngsborough Housing Partnership have negotiated against that plan resulting in the plan currently in front of the Commission. The second alternative presented to the Commission was a reduction in the number of units to minimize impacts to the Riverfront Area to the maximum economically feasible extent. Mr. Peznola declared that through negotiations made by the Town for a Senior Center, donations to the Water District and other mitigating factors, the project has reached its financial limitation. The Commission requested the applicant provide financial calculations to substantiate that the loss of additional units is not economically feasible. The Commission requested that the Director research the financial statements presented to the ZBA and any other authorities. In addition, the Commission requested that the Director contact the ZBA financial consultant to obtain their input as to the percent profit that would make this project economically feasible. The Director informed Mr. Peznola that, per ZBA decision, the applicant would be responsible for paying Bylaw fees. The Director also questions impacts to the Riverfront Area which were not previously calculated and units which do not meet the required setbacks. Our consultant will need sufficient time to review the changes.

HJ: Motion to continue this hearing to 3/8/05 at 7:02 PM.

RS: 2nd.

Unanimous 4-0.

7:10 (8:45) Linnette Rivera – Lot 12 River Bend Road – Notice of Intent: (Map 20B, Parcel 29, Lot 12) Installation of a dock along the Merrimack River, and proposed clearing of 25'x25'

area for parking within the 200' Riverfront Area.

HJ: Motion to waive the reading of the Abutter List.

JZ: 2nd.

Unanimous 4-0.

HJ: Motion to waive the reading of the Legal Notice.

JZ: 2nd.

Unanimous 4-0.

The Director explained that the engineer that did the Plan for the applicant did not include important features like flood plain elevations and delineation of the BVW. It is difficult to determine the impacts associated with this project without a more detailed plan. The applicant requests a continuance so the engineer can complete a topographic plan.

HJ: Motion to continue this hearing until 3/8/05 at 7:15 PM.

JZ: 2nd.

Unanimous 4-0.

Other Business:

❖ **The Director** distributed copies of a **letter to the Selectmen** from the Commission regarding the potential sale of a portion of the recently acquired **Green Property**. It requests that in the event of such a sale, that the remainder of the property has a **Conservation Restriction** placed on it. If they would read it over and make suggestions and/or sign it at the next meeting.

❖ **The Director** passed around a **letter to the Town Accountant** from the Commission requesting corrections be made for heating oil bills that were paid out of the *Sherburne House* budget and should have been paid out of the *Town Buildings* account. The members signed the letter.

❖ **Director's Determination for Lot 6 Waterway Place.** The owner has requested permission to drill three additional test wells. The Director pointed out where the wells are planned on an aerial photo of the area. She said some brush may need to be cleared in order to get the equipment in.

HJ: Motion to approve the Director's Determination for Lot 6 Waterway Place.

JZ: 2nd.

Unanimous 4-0.

❖ **Director's Determination for 16 Flint Road.** We previously approved the removal of two trees from the area. The applicant requests permission to remove one more dying Red Maple that threatens to shed branches onto people who stand under it to fish in the pond. The stump will remain.

HJ: Motion to approve the Director's Determination for 16 Flint Road.

RS: 2nd.

Unanimous 4-0.

❖ Request for a **Certificate of Compliance** for **42 Riverbend Road**. The Director did a site visit on 2/17/05 and the work is complete and the area stabilized.

JZ: Motion to issue a Certificate of Compliance for 42 Riverbend Road.

Minutes 2/22/05 continued

RS: 2nd.

Unanimous 4-0.

- ❖ **The Director** showed locus maps and pointed out several parcels of land that Granite Hill Estates left as *open space* as required by the Planning Board at the time. The parcels are not buildable and mostly wetland, some with detention basins. It was agreed that the Commission would not want to be responsible for these parcels.

JZ: Motion to Not Accept the Granite Hill Open Space Parcels.

RS: 2nd.

Unanimous 4-0.

HJ: Motion to approve the Minutes of the Forest & Trails meeting of 2/2/05.

JZ: 2nd.

Unanimous 4-0.

HJ: Motion to approve the Conservation Commission Meeting Minutes of 2/8/05.

RS: 2nd.

Unanimous 4-0.

- ❖ The members signed DEP Forms that had been voted on including the following: Certificate of Compliance for 42 Riverbend Road.

HJ: Motion to adjourn.

JZ: 2nd

Unanimous 4-0.

Meeting adjourned at 9:15 P.M.

Respectfully submitted by Gloria Clancy, Clerk