

**MINUTES OF THE TYNGSBOROUGH CONSERVATION COMMISSION MEETING
TOWN HALL COMMUNITY ROOM
June 28, 2005**

Present

HJ: Henry Jungmann, Chairperson	BL: Brian Logue	LC: Lori Capone, Director
RS: Robert Sherburne, Vice Chair	CH: Cynthia Hanna	GC: Gloria Clancy, Clerk
LG: Lucy Gertz	JZ: Jeanne Zarba	

Absent

JK: Jeff Kablik FZ: Frank Zarba, Associate Member LB: Laura Bride, Associate Member

7:00 Meeting opened by Henry Jungmann, 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, 2/22, 3/22, 4/12 & 4/26/05, 5/24) Construction of 92 detached condominiums with associated driveways, roadway and utilities some of which is within the 100 buffer zone and riverfront area. LC told the members that the applicant has requested another continuance. We are awaiting verification of Riverfront impacts and our financial analyst's report.

JZ: Motion to continue this hearing to 7/12/05 at 7:02 P.M.

RS: 2nd.

Unanimous (6-0)

7:05 Missick Realty Trust – 100 Massapoag Road – Notice of Intent: (Map 3, Parcel 4) (Continued from 5/25, 6/8, 7/27, 9/28, 10/26, 11/9/04 and 1/25, 3/22 & 4/26/05, 5/24, 6/14) Proposed five (5) lot residential subdivision with driveways, grading, grass swale and associated utilities within the buffer zone. LC told the members that we have a letter from our consultant stating that all issues have been resolved.

LG: Motion to close this hearing.

RS: 2nd.

Unanimous (6-0)

JZ: Motion to issue an OOC permitting the 5-lot subdivision at 100 Massapoag Road per plan dated 6/16/05.

LG: 2nd.

Unanimous (6-0)

Other Business:

Director's Determination for Mark Parlee – Parlee Farms – off River Road. Mr. Parlee was present and explained his plan to pump water from the Merrimack River for irrigation of his fields and the one that he rents from the Town. He passed out photos of the area where the pump will be placed, around 17' from the bank. There is already a path down to the water, so he will not have to do any clearing at all. He will only use the system during drought conditions. There was discussion. The members did not see a problem with his plan.

JZ: Motion to approve the Director's Determination for pumping water from the river for emergency irrigation of Mark Parlee's farmland.

RS: 2nd.

Unanimous. (6-0)

Minutes 6/28/05 continued.

7:10 (7:15) Missick Realty Trust - Massapoag Roadway – Notice of Intent: (Map 3, Parcels 2,3,4,4-4,4-5,4-6 & 4-7) (continued from 3/22 & 4/26/05, 5/24, 6/14) Proposed roadway improvement, parking, drainage, grading, and associated utilities within the buffer zone of Lake Massapoag and the 200' riverfront area of a perennial stream. Our consultant, Jeff Rider has sent us a letter of approval of the final plan. All issues have been resolved.

RS: Motion to close the hearing.

BL: 2nd.

Unanimous. (6-0)

JZ: Motion to issue an OOC for Missick Realty Trust for the Massapoag Road/Wilson Way roadway project, per plan dated 6/16/05.

LG: 2nd.

Unanimous. (6-0)

7:15 (7:20) Linnette Rivera – Lot 12 River Bend Road – Notice of Intent: (Map 20B, Parcel 29, Lot 12) (Continued from 2/22, 3/8, 3/22, 4/12 & 4/26/05, 5/24, 6/14) Installation of a dock along the Merrimack River, and proposed clearing for parking, within the 200' Riverfront Area. LC reminded the members that they had requested more detail on the material to be used for the parking area. The applicant has submitted a letter stating that it will be made of 6" or less of crushed stone. LC said it would have no impact to the floodplain. LC also referred to correspondence from Ms. Jane Pirkle, who addressed the members at prior meetings with several items of concern. HJ opened the hearing to abutters. Mr. Jay Lee of Gallant & Ervin, LLC, representing the abutters, came forward with a revision of the letter dated 4/12/05, outlining the abutter's concerns. In answer to the accusation that the board does not adhere to its own Bylaws (in relation to our 50' and 30' setback requirements), LC referred to a letter from Town Counsel dated 6/24/05 in which he explains that these setbacks are at present only "policies" not Bylaws. Therefore, the Commission need not strictly adhere to said policies. Caryn Decarteret, 56 Frost Road, pointed out on the plan what she feels is an error. She said she measured distances and came out with less footage than the plan shows. There was discussion. LC said that the Board of Health (BOH) would rule whether or not the parking area will have any impact on the abutter's septic system, after reviewing the final plan approved by Conservation. The members did not have any further concerns regarding the parking area. HJ turned the discussion to the proposed dock. Ms. Rivera reminded the board that the top of the dock will be made of pressure-treated wood. The wood will not be submerged. It will be a floating dock supported by plastic drums. Juli Rogers, 29 Riverbend Road, asked what size the dock will be. Linnette said it is planned to be 24' x 16' at most. It may be smaller. HJ asked about access to the dock. Linnette said there would be a ramp, planks, nothing permanent.

BL: Motion to close the hearing.

CH: 2nd.

Unanimous (6-0)

BL: Motion to issue an OOC permitting the project at Lot 12 Riverbend Road per plan and discussion, contingent on decision by the BOH that the parking area does not impact the abutter's septic system.

JZ: 2nd.

5 Yeas, 1 Abstain (RS)

Motion Carried.

7:30 (7:56) Aline Roy – 18 Bridle Path Way – Notice of Intent: (Map 27, Parcel 64) (Continued from 6/14/05) Proposed construction of a single family home, driveway, retaining walls, septic system and associated utilities within the buffer zone. The applicant has requested a continuance until July 12th to assemble the requested information for the Building Commissioner.

JZ: Motion to continue this hearing to 7/12/05 at 7:10 P.M.

LG: 2nd.

Unanimous. (6-0)

Other Business:

- ❖ LC told the members that the money from the Vesper Development Impact Fee Fund that was used for the purchase of the *Green Property*, has been replenished. The Recreation Department has informed us that they have requested \$4188 of their 50% be used for town water hookup at their facility on Westford Road.
- ❖ The contract between the Town and Howe Surveying will expire June 30th. However, we are still at liberty to use any consultant of our choosing.
- ❖ Update on *Shyjan vs. Tinnerella*: Town Counsel is going to speak to the parties involved to see if he can get this resolved without us having to have the hearing as explained at the last meeting.
- ❖ LC referred to the latest review of the Wynbrook project. The members should review it before the next meeting.
- ❖ **Director's Determination for Paul Vigeant – 47 Scribner Road:** Request to place a prefab shed on blocks 40' from the BVW. No clearing will be necessary.
RS: Motion to approve the Director's Determination for 47 Scribner Road to place a prefab shed on blocks no closer than 40' from the BVW.
JZ: 2nd.
Unanimous (6-0)
- ❖ **Richard Singleton – Pawtucket Boulevard:** Seeking permission to have test pits for septic systems done on the vacant land within the floodplain. There was discussion, and the members feel that a ***Request for Determination*** should be filed. No vote was taken.
- ❖ Request for a **Certificate of Compliance for 82 Chestnut Road.** This was the recent emergency septic repair. The work is complete.
JZ: Motion to issue a CC for 82 Chestnut Road.
RS: 2nd
Unanimous (6-0)
- ❖ Request for a **Partial Certificate of Compliance for 5 Bridgeview Circle, Unit #15.** The OOC was for the whole condo complex.
JZ: Motion to issue a Partial CC for 5 Bridgeview Circle, Unit #15.
LG: 2nd
Unanimous (6-0)
- ❖ The members signed off on OOCs for 11 Buckhill Road, 100 Massapoag Road, and Massapoag Roadway, and the two CCs voted above. They did not sign the OOC for 75 Lakeview Avenue, as it was contingent on receipt of a revised plan that showed the grading be towards the rear of the property. There was a notation regarding such, but no grading lines on the plan. They requested a corrected plan.

Minutes 6/28/05 continued

JZ: Motion to accept the minutes of the Forest & Trail meeting of April 6, 2005.

RS: 2nd.

5 Yeas. 1 Abstained (BL)

CH: Motion to accept the minutes of the Conservation meeting of May 24, 2005.

RS: 2nd.

4 Yeas. 2 Abstained (JZ & LG)

RS: Motion to accept the minutes of the Conservation meeting of June 14, 2005.

JZ: 2nd.

5 Yeas. 1 Abstained (CH)

JZ: Motion to adjourn.

RS: 2nd.

Unanimous (6-0)

Meeting adjourned at 8:38 P.M.

Minutes taken and respectfully submitted by Gloria Clancy, Clerk