

MINUTES OF THE TYNGSBOROUGH CONSERVATION COMMISSION MEETING

June 27, 2006

Present

HJ: Henry Jungmann, Chairperson CH: Cynthia Hanna LC: Lori Capone, Director
RS: Robert Sherburne, Vice Chair JK: Jeffery Kablik GC: Gloria Clancy, Clerk
JZ: Jeanne Zarba

Absent

LG: Lucy Gertz FZ: Frank Zarba

7:00 Meeting opened by Henry Jungmann, Chairperson. HJ introduced the members and staff.

7:02 Ted Flanders - 2 Upton Drive – Request for Determination of Applicability: (Map 20A, Parcel 37) Work within the buffer zone including removal of 8 trees that pose a safety hazard, and replacement of 13’x17’ shed that has been damaged by falling limbs.

JZ: Motion to waive the reading of the legal notice for 2 Upton Drive.

RS: 2nd.

Unanimous. (5-0)

JK: Motion to waive the reading of the abutter’s list for 2 Upton Drive

RS: 2nd.

Unanimous. (5-0)

Mr. Flanders explained that the trees are located near the house and shed and he feels they are a safety hazard to children and structures. LC showed an aerial photo of the area and pointed out the trees. The closest is 30’ from the pond. They are at minimum 2-3 feet in diameter. The stumps will be ground down below grade level. HJ asked if he would consider replacement plantings to compensate for the removal of these trees. LC will give him a list of native species. HJ asked for abutters. There were none.

RS: Motion to close the hearing.

CH: 2nd.

Unanimous (5-0).

RS: Motion to issue a Negative Determination with the condition that the applicant plant 8 native trees of at least 2” caliper.

JZ: 2nd.

Unanimous (5-0).

7:05 Thomas Campbell – 434 Dunstable Road – Notice of Intent: (Map 15, Parcel 61) Proposed 30’ x 32’ addition and 10’x10’ deck within the 100’ buffer zone.

CH: Motion to waive the reading of the legal notice for 434 Dunstable Rd.

RS: 2nd.

Unanimous. (5-0)

CH: Motion to waive the reading of the abutter’s list for 434 Dunstable Rd.

JZ: 2nd.

Unanimous. (5-0)

LC said that the applicant needs to have the riverfront area delineated, so we should continue.

CH: Motion to continue the hearing for 434 Dunstable Road to July 11 at 7:45 P.M.

JK: 2nd.

Unanimous (5-0).

7:10 Two Tyng LLC- 104 Coburn Road – Notice of Intent: (Map 25, Parcel 43) (Continued from 4/25, 5/9 & 6/13/06) Proposed construction of a single family dwelling, porch, garage, and driveway with grading and associated utilities; all within the buffer zone. Steve Ericksen of Norse Environmental Services Inc. and the applicant, Don Crowell, was present. Steve passed out copies of the revised plan and pointed out the changes made to minimize the impacts to wetland. The house will be positioned as far away as possible, but will still infringe on our setback requirements. A fence will be installed to discourage future encroachment. And a walkout back entrance will minimize grading in the buffer zone. HJ asked for member comments. Every one of the members felt that allowing this project would set a precedent of waiving our setback requirements. Steve explained grandfathering and hardship waivers again. The Chairman cited Mr. Crowell’s previously held position of Building Commissioner, which gave Mr. Crowell an intricate working knowledge of the Commission’s policies and procedures, including setbacks. It was noted that Mr., Crowell purchased the parcel after the Commission had adopted it’s Rules and Regulations. There was much discussion. HJ asked for any abutter questions. There were none.

CH: Motion to close the hearing.

RS: 2nd.

Unanimous (5-0).

RS: Motion to deny the Order of Conditions for 104 Coburn Road due to the fact that the project proposes extensive work within the inner buffer zone that is likely to adversely impact the resource area, as well as, the fact that the project violates the Commission’s Regulations regarding new construction in the buffer zone.

CH: 2nd.

4 Yeas, 1 Abstain (JK had not been present had previous hearing.)

Motion passed-Order is Denied.

7:20 (7:30) Richard Bergskaug – 68 Mascuppic Trail - Notice of Intent: (Map 32B, Parcel 30)) (Continued from 5/9 & 6/13/06) Demolition of an existing and construction of a new single family dwelling within the floodplain and buffer zone. The applicant is still working with DEP on their review of the filing. He has requested a continuance.

JZ: Motion to continue the hearing for 68 Mascuppic Trail to July 11 at 8:00 P.M.

CH: 2nd.

Unanimous (5-0)

7:25 (7:31) Boston & Maine Corporation – B & M Rights of Way – Request for Determination of Applicability: (Continued from 5/9 & 6/13/06) Verification of sensitive areas. They still have not marked the tracks so we need to continue this again.

JZ: Motion to continue this hearing to July 11 at 8:05 P.M.

JK: 2nd.

Unanimous (5-0)

7:30 Frederick Macleod - 2 Nevada Road – Notice of Intent: (Map 2, Parcel 160) (Continued from 6/13/06) Proposed 28’x28’ garage and associated grading and utilities within the buffer zone. Mr. Macleod was present. LC showed a plot plan and aerial photo. HJ commented that this project would require the Commission to waive its setback requirements. He explained his proposed placement for the garage. LC told the members that DEP is leaving it up to them to decide if they want to require an “alternatives analysis”. There was discussion. CH asked if Mr. Macleod would write up an “alternatives analysis” to have on file.

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JZ: Motion to continue this hearing to July 11 at 8:10 P.M.

RS: 2nd.

Unanimous (5-0).

Other Business:

HJ suggested we hold an election for a new Chair and Co-chair.

RS: Nominates JK.

JZ: 2nd.

Unanimous (5-0)

JK: Nominates CH.

JZ: 2nd.

Unanimous (5-0)

- ❖ George Goyette owns property on Phalanx. He's looking for guidance. He has a lawyer and has had his land surveyed.
- ❖ HJ read from a letter from William Harvey requesting a "Topo Map" be done on Mr. Maciel's property.
- ❖ Mr. Tocci is in the hospital. The clean-up will be delayed. HJ said we should let Town Counsel handle it.
- ❖ **Director Determination** for David Seltz - **20 Wyoming Road** - a small pool deck to be installed on an above ground pool. It just attaches, with no footings.
JZ: Motion to approve the Director Determination for a pool deck at 20 Wyoming Road.
RS: 2nd.
Unanimous (5-0).
- ❖ **Director Determination** for **33 Alpine Way** - a 12' x 24' above ground pool @ 75' from isolated land subject to flooding. However, there is an existing house between. LC needs to sign off on the building permit. Should they file of can she sign? The members said no signing until a filing is in hand.
- ❖ Request for an **Emergency Permit** to lower a beaver dam to alleviate flooding at **20 Jacques Road**.
JZ: Motion to issue an **Emergency Permit** to lower a beaver dam to alleviate flooding at **20 Jacques Road**.
RS: 2nd.
Unanimous (5-0).
- ❖ **Director Determination** for Paul Monleon – **25 Riverbend Road** – Damage from the recent flooding includes hollowing out of a large tree. It is destroyed and needs to be removed. And large pot holes in his yard that he would like to fill in.
JK: Motion to approve the Director Determination for 25 Riverbend Road.
JZ: 2nd.
Unanimous (5-0).
- ❖ **Director Determination** for Brian Magnan – **10 Worden Road** – Request for tear down of existing house, located 80 feet from an intermittent stream, and construction of a new house 95' from an intermittent stream. LC showed a plot plan and an aerial photo. There was discussion. The members decided to allow the demo under the DD, but the applicant will have to file at least an RDA for construction.
JZ: Motion to approve the Director Determination for demo of existing house at 10 Worden Road with the condition of silt fencing and hay bales; and to require an RDA for construction of new

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house in the buffer zone.

JK: 2nd.

Unanimous (5-0).

- ❖ Request for a **Partial Certificate of Compliance for 59 Emerald Street**. The OOC was for the subdivision. LC said 59 Emerald is complete.

JZ: Motion to issue a partial C.C. for 59 Emerald Street.

CH: 2nd.

Unanimous (5-0).

- ❖ Request for a **Certificate of Compliance for 33 Norris Road**.

JZ: Motion to issue a C.C. for 33 Norris Road.

JK: 2nd.

Unanimous (5-0).

- ❖ The members signed DEP forms: OOC for Parlee Farms, Extension for Beaver Run, Negative Determination for J & K Realty Trust, and CCs for 59 Emerald and 33 Norris Rd.
- ❖ Update on the DEP site visit for appeal of 18 Bridle Path Way. The DEP representative will render a decision by mail.
- ❖ HJ said the Sherburne House roof is leaking. He is asking that we encumber the remainder of the Sherburne Account to get that repaired and the window replacements. HJ will request CPC funds to replace the windows as a historical structure.

JZ: Motion to adjourn.

JK: 2nd.

Unanimous (5-0).

Meeting adjourned at 8:30 P.M.

Respectfully submitted by Gloria Clancy, Conservation Clerk