



*Town of Tyngsborough
Conservation Commission*

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

Minutes

June 10, 2008

Present:

ES: Ed Smith, Chairman

RS: Robert Sherburne

MM: Matt Marro, Conservation Director

LG: Lucy Gertz

PB: Paul Barker

Absent:

WL: William Look

JK: Jeff Kablick

HJ: Henry Jungmann, Vice-Chairman

7:00 Meeting opened by Ed Smith

7:00 Dracut Water Supply District – 170 Frost Road (M18, P7, L0) DEP 309-0814 – Notice of Intent for proposing to raise an existing meter house, construct an addition to the corrosion facility building, retaining wall, construct (2) well buildings and associated gravel drive, construct wing retaining walls and associated riprap, construct a flood wall to water pump house No. 1, provide compensatory flood storage, grading and associated utilities.

LG: Motion waive the reading of the legal notice

PB: 2nd the motion

Unanimous 4-0

LG: Motion to waive the reading of the abutters list

PB: 2nd the motion

Unanimous 4-0

Steve Erickson appeared as the representative for the applicant. The work is being done primarily in the riverfront and flood plain. During last year's flooding, the water levels came 5' above the roadway. Dracut Water Supply District is required to test these wells daily and needed a boat to access the wells during this flooding. They propose to build concrete water proof walls that would seal off the wells from the flooding and still have access and to protect from the 100 year flood plain. New wing walls would be build on the road and the existing riprap would be replaced. The building where the antioxidants are stored and added to the water system will have a loading dock added. They may abandon another well site and replace it with a proposed well out side of the flood plain. The gravel driveway will be extended to reach this well. Neither DEP nor MESA have an issues with these plans. National Heritage has not yet given their comments.

PB: Motion to continue this hearing to June 24, 2008 at 7:15P.M. to wait until we hear from National Heritage.

RS: 2nd the motion

Unanimous 4-0

7:15 Makepiece Road, LLC – Dunstable Road (M22, P24, L0) DEP 309-0812 – Abbreviated Notice of Reasource Area Delineation for the determination of wetlands.

LG: Motion waive the reading of the legal notice

PB: 2nd the motion

Unanimous 4-0

LG: Motion to waive the reading of the abutters list

PB: 2nd the motion

Unanimous 4-0

Steve Erickson appeared as the representative for the applicant. This is a small area located between Chelmsford and Westford, just after the Route 3 bridge on Dunstable Road. There is an obvious drop-off to the wetlands. **MM** has walked this site and agrees with flagging.

PB: Motion to close the hearing for **Dunstable Road (M22, P24, L0) DEP 309-0812**

LG: 2nd the motion

Unanimous 4-0

PB: Motion to approve the Abbreviated Notice of Resource Area Delineation for **Dunstable Road (M22, P24, L0) DEP 309-0812** per plan titled Existing Conditions Plan in Tyngsborough, Massachusetts dated April 7, 2008

LG: 2nd the motion

Unanimous 4-0

7:30 George Garmon – 20 Upton Road (Lot #7) (M20A, P33, L0) DEP 309-0813 – Notice of Intent for proposed construction of a single family dwelling, deck, driveway, roof infiltrator, subsurface sewage disposal system, retaining wall, grading and associated utilities.

LG: Motion waive the reading of the legal notice

PB: 2nd the motion

Unanimous 4-0

LG: Motion to waive the reading of the abutters list

RS: 2nd the motion

Unanimous 4-0

Steve Erickson appeared as the representative for the applicant. The applicant is proposing to build on this lightly wooded lot adjacent to Flint Pond which was originally part of a larger lot. **MM** has walked this parcel and feels the biggest threat is from erosion. Silt barriers will be required. The septic system will be located out of the buffer zone. Septic plans are waiting for approval by the Board of Health. Abutters questioned the safety of some of the large pines currently on the property and would like to have them considered for removal when the lot is cleared.

PB: Motion to close the hearing for **20 Upton Road (Lot #7) (M20A, P33, L0) DEP 309-0813**

LG: 2nd the motion

Unanimous 4-0

PB: Motion to issue a standard **Order of Condition** for **20 Upton Road (Lot #7) (M20A, P33, L0) DEP 309-0813** per plan titled Subsurface Sewage Disposal System in Tyngsborough, Massachusetts dated April 23, 2008

RS: 2nd the motion

Unanimous 4-0

7:45 William Harvey – 267 Pawtucket Blvd. (M34, P17, L0) DEP 309-0809 – Notice of Intent for the proposed installation and maintenance of a small residential dock in the Merrimack River. (continued from 5/27/08)

A continuance was requested on this hearing when an abutter questioned the use of a permanent dock as opposed to a floating dock on the Merrimack River. **Leah Basbanes**, the applicant's representative, presented an email from **Elizabeth Sabounjian, Environmental Analyst** with **DEP**, showing that they have no problem with a permanent dock being installed.

PB: Motion to close the hearing for **267 Pawtucket Blvd. (M34, P17, L0) DEP 309-0809**

LG: 2nd the motion

Unanimous 4-0

PB: Motion to issue a standard **Order of Condition** for **267 Pawtucket Blvd. (M34, P17, L0) DEP 309-0809** per plan titled Wetland Resource Area Field Delineation Plan, 267 Pawtucket Boulevard, Tyngsborough, Massachusetts dated February 14, 2008

RS: 2nd the motion

Unanimous 4-0

8:00 Thomas Fitzgerald - 54 Pawtucket Blvd. (M20, P73, L0) – Abbreviated Notice of Intent for the application of approximately 3,600 pounds of a chemical product (RegenOx) into the subsurface to remediate contaminants. (continued from 5/27/08)

A continuance was requested on this hearing when an abutter to this property was never notified of the contamination even though borehole sites that were drilled along the river were on their property and their drinking water well was never tested. **Glen Cote**, from **Coler & Colantonio**, appeared as the representative for the applicant. He has met with the **Carol** and **Shannon Clohesy**, the abutters in question, and their well has been tested

MM has no issue with the use of RegenOx at this site. He stressed permission must be granted from the home owners before any work is done. An Order of Conditions does not give the right to trespass and written notice must be given before proceeding.

Informational sheets on the chemicals being used were presented by Glen Cote. These chemicals have been approved by DEP and they required a status report every 6 months.

PB: Motion to close the hearing for **54 Pawtucket Blvd. (M20, P73, L0)**

RS: 2nd the motion

Unanimous 4-0

PB: Motion to issue a standard **Order of Condition** for **54 Pawtucket Blvd. (M20, P73, L0)**

LG: 2nd the motion

Unanimous 4-0

8:15 Mark Goodwin - 24 Chestnut Road (M8, P2A, L0) – Request for Determination of Applicability for the proposed 24' x 24' and 14' x 16' additions on the right side of the existing house. (continued from 5/27/08)

Applicant did not appear for this hearing either.

PB: Motion to continue the hearing for **24 Chestnut Road (M8, P2A, L0)** to a time and date to be determined after the home owned is contacted.

RS: 2nd the motion

Unanimous 4-0

Director's Determinations and Report:

Other Business

- ❖ **PB** suggested the Commission look into possibly offering a scholarship to a graduating senior entering the field of Conservation or Environmental Sciences.
- ❖ **Sign Forms/Invoices/Minutes:**
 - Sign forms for the following Requests for Certificates of Compliance
 - **20 Jasper Lane (M25, P159)** – Request for a **Certificate of Compliance for DEP 309-0791** for clearing land.
 - **Derby Lane (M27, P56A & 56B)** – Request for **Certificate of Compliance**
 - **Derby Lane (M27, P56A & 56B)** – Request for **Certificate of Compliance**
 - PB:** Motion to issue Certificates of Compliance for:
 - 20 Jasper Lane (M25, P159) DEP 309-0791**
 - Derby Lane (M27, P56A & 56B) DEP 309-538**
 - Derby Lane (M27, P56A & 56B) DEP 309-538**
 - LG:** 2nd the motion
 - Unanimous 4-0**
- Sign the following forms voted on May 27th :
 - **7 Old Hickory Road (M8, P41, L5)** – **Negative Determination of Applicability**
 - **14 Anderson Drive (M8, P63, L2)** – **Negative Determination of Applicability**
 - **194 Massapoag Road (M2, P25, L0)** – **Negative Determination of Applicability**
 - **105 Chestnut Road (M8, P24A, L0)** – **Negative Determination of Applicability**
 - **34 & 32 Groton Road, Ingalls Road (M3 & 9, P14, 14-2 & 15)** – **Order of Resource Area Delineation**
 - **Mascuppic Trail (M32B, P28A, 29, 31, 33, 56, 61 & 61A)** – **Order of Conditions 309-0811**
- Minutes from 5/27/08 meeting could not be approved due to lack of quorum of members who attended that meeting.

Meeting adjourned at 9:00 PM

LG: Motion to adjourn

RS: 2nd the motion

Unanimous 4-0

Respectfully submitted

Karen Steeves, Conservation Clerk