



**Town of Tyngsborough
Conservation Commission**

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

Minutes
August 10, 2010
APPROVED

Present:

ES: Ed Smith **JK:** Jeff Kablik **JN:** John Nappi **BM:** Brian Martin **LB:** Linda Bown
JE: Jerry Earl **MM:** Matt Marro, Conservation Director **Pam Berman:** Admin. Assistant

Absent:

LG: Lucy Gertz

7:00pm Meeting opened by Ed Smith

7:00pm 50 Westford Road (M21, P23-1) – Notice of Intent, DEP# 309-0838 with Stormwater Management Run-off analysis for the proposed installation of solar modules to develop a 37± acre solar energy generation facility within a bordering vegetated wetland involving the following: concrete pads, retaining walls, clearing trees, culvert, 1244 s.f. alteration, 2205 s.f. replication, and (2) limited project crossings as defined in 310 CMR 10.53(3)(e), with erosion controls. Continued from July 27, 2010.

MM reported that there remain several issues pending regarding stormwater management. Therefore, the applicant submitted a letter requesting a continuance in order to address those issues.

JK: Motion to continue the hearing for 50 Westford Rd. until August 24, 2010 at 7:05pm

BM: 2nd the motion

In Favor: 6 Opposed: 0 Absent: 1

Passes: 6-0-1

7:15pm 41 Phalanx Street (M19, P88, L0) – Request for Determination of Applicability for the proposed construction of a 10' x 12' shed within the buffer zone.

JK: Motion to waive the reading of the legal ad and abutters list

JE: 2nd the motion

In Favor: 6 Opposed: 0 Absent: 1

Passes: 6-0-1

Applicant and homeowner Christopher Black appeared before the Commission regarding the construction of a shed on his property. The shed will be approximately 50 feet from the edge of the Merrimack River which drops off in back of his property. MM reported that the shed would be in the buffer zone but would not impact the wetlands. Mr. Black added that the shed's foundation would be of the floating variety and be placed on cinder blocks thereby avoiding any digging of holes for footings. There were no abutters present.

JK: Motion to close the public portion of the hearing.

JE: 2nd the motion

In Favor: 6 Opposed: 0 Absent: 1

Passes: 6-0-1

JK: Motion to issue a Negative Determination for the construction of a 10' x 12' shed at 41 Phalanx Street.

JE: 2nd the motion

In Favor: 6 Opposed: 0 Absent: 1

Passes: 6-0-1

7:20pm Town of Tyngsborough & Dracut, MA and Pelham, NH (Long Pond) – Notice of Intent DEP 309-0839 for the continued management of excessive vegetation with U.S. EPA & MADEP registered and approved herbicides.

JK: Motion to waive the reading of the legal ad and abutters list

JE: 2nd the motion

In Favor: 6 Opposed: 0 Absent: 1

Passes: 6-0-1

Commission member Brian Martin recused himself from this hearing as he is an abutter of Long Pond. In addition, he will be representing the Long Pond Committee regarding this application. This application is a re-filing of an old NOI that has been in effect for several years and been extended twice thus far under DEP# 309-600. Since the Commission cannot extend the permit a third time, a new filing was recommended. The existing Order of Conditions expired July 25, 2010.

JK: Motion to continue the hearing until August 24, 2010 in order to obtain more data.

JE: 2nd the motion

In Favor: 6 Opposed: 0 Absent: 1

Passes: 6-0-1

7:30pm Pawtucket Blvd. (Route 113), Frost Rd.(Route 3A), and Sherburne Ave. – Massachusetts Department of Transportation Highway Division Notice of Intent, DEP# 309-0825 for the Relocation and Reconstruction of a section of Pawtucket Blvd. and Frost Rd. Continued from April 28, 2009.

Dave Patnaude from Parsons Transportation appeared before the Commission for the applicant, Mass DOT concerning this project. FEMA's mapping of the 100 Year Flood Zone for this project delayed Mass DOT from presenting this filing in April 2009. However, since then, a Letter of Map Revision has been requested from FEMA since Mass DOT believes that the 100 Year Flood Zone is inaccurately mapped and does not extend in to the subject project location. MM reported that the Commission needs additional time to review with the applicant the update of the Flood Plain issues and DEP's concerns with Mass DOT to see how they have been addressed. MM went on to say that the project's landscape plans need to be reviewed as well.

JK: Motion to continue the hearing until August 24, 2010 in order to wait for FEMA and DEP responses.

JE: 2nd the motion

In Favor: 6 Opposed: 0 Absent: 1

Passes: 6-0-1

Discussion

Ed Himlan: Massachusetts Watershed Coalition – Tyngsborough’s Stormwater Regulation By-Law.

Mr. Himlan returned with additional information and discussion concerning the new Stormwater By-Law currently being developed for the Town of Tyngsborough. The Commission discussed the remaining sections being developed and proposed a fee structure be incorporated into the by-law. Mr. Himlan will return on September 28, 2010 to review the Final Draft By-Law.

Minutes/Sign Forms/Other Business

1. Director’s Determination and Report

- **12 Scribner Road** – Modification to an existing foundation.

MM reported that this is an existing home that has a garage under that is deteriorating. There would be no impact to any resource areas with this work.

JK: Motion to approve the Director’s Determination for 12 Scribner Road

BM; 2nd the motion

In Favor: 6 Opposed: 0 Absent: 1

Passes: 6-0-1

2. Minutes

BM: Motion to approve the minutes as written for July 27, 2010

JK: 2nd the motion

In Favor: 5 Opposed: 0 Abstain: 1 Absent: 1

Passes: 5-0-1-1

9:50pm

JE: Motion to adjourn

LB: 2nd the motion

In Favor: 6 Opposed: 0 Absent: 1

Passes: 6-0-1

Respectfully submitted
Pamela Berman, Administrative Assistant