



**Town of Tyngsborough
Conservation Commission**

25 Bryants Lane
Tyngsborough, Massachusetts 01879-1003
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Minutes
August 24, 2010
APPROVED

Present:

ES: Ed Smith **JK:** Jeff Kablik **JN:** John Nappi **LB:** Linda Bown **LG:** Lucy Gertz
MM: Matt Marro, Conservation Director

Absent:

JE: Jerry Earl **BM:** Brian Martin **Pam Berman:** Admin. Assistant

7:00pm Meeting opened by Ed Smith

7:00pm 93 Chestnut Road (M8, P66, L0) – Request for Determination of Applicability for the proposed installation of a 15' x 25' above ground swimming pool.

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

JN: 2nd the motion

In Favor: 5 Opposed: 0 Absent: 2

Passes: 5-0-2

Homeowner Judy Mendes appeared before the Commission regarding the above project. MM reported that this project would not impact the wetlands and recommended a Negative Determination. There were no abutters present.

JK: Motion to issue a Negative Determination for 93 Chestnut Road for the installation of a 15' x 25' above ground swimming pool.

JN: 2nd the motion

In Favor: 5 Opposed: 0 Absent: 2

Passes: 5-0-2

7:10pm 4 Nevada Road (M2, P158, L0) – Notice of Intent DEP# 309-0840 for the proposed upgrade and construction of a subsurface sewage disposal system.

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

JN: 2nd the motion

In Favor: 5 Opposed: 0 Absent: 2

Passes: 5-0-2

Jeff Hannaford of Norse Design representing the homeowner appeared before the Commission regarding this project. Mr. Hannaford explained the upgrade, and showed where the existing system is and where the proposed system will go. MM felt that the location was optimal for the system and recommended a Standard

Order of Conditions. JK voiced concerns over the system's filtration backwash. Mr. Hannaford noted that it's a standard note on his plans. MM noted that the filtration system is a small volume of water. JN inquired why the plans indicated that the septic tank is planned to be pumped out once every two years. Mr. Hannaford noted that it's a Title 5 standard. JN asked whether the breakout requirements have been met with this plan. Mr. Hannaford replied that they have and an additional poly barrier will be used as an extra precaution. There were no abutters present.

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

JN: 2nd the motion

In Favor: 5 Opposed: 0 Absent: 2

Passes: 5-0-2

JK: Motion to issue a Standard Order of Conditions for 4 Nevada Rd., DEP# 309-0840 for the upgrade and construction of a subsurface disposal system.

LG: 2nd the motion

In Favor: 5 Opposed: 0 Absent: 2

Passes: 5-0-2

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. Continued from August 10, 2010.

JK: Motion to continue the hearing until September 28, 2010

LB: 2nd the motion

In Favor: 5 Opposed: 0 Absent: 2

Passes: 5-0-2

7:25pm 50 Westford Rd. (M21, P23-1) – Notice on Intent, DEP# 309-0838 with Stormwater 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 August 10, 2010.

JK noted that the engineering calculations for stormwater are not finished under the review process.

JK: Motion to continue the hearing until September 28, 2010.

LG: 2nd the motion

In Favor: 5 Opposed: 0 Absent: 2

Passes: 5-0-2

7:35pm 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 August 10, 2010.

Dave Patenaud and Tim Dexter appeared before the Commission for the applicant, Mass DOT. ES questioned why it was stated by Mass DOT at the Board of Selectmen meeting that it would take 18 months for the phone lines to be moved, and three years for the project to be completed. When, at the last Conservation Commission meeting it was stated that it would be 12 months and two years for construction. Mr. Patenaud noted that the 12 months is the correct timeline and had verified that with Verizon. ES wanted to know why Comcast is not moving their lines. Mr. Patenaud did not have an answer due to the fact that it was a different contract.

MM noted that he did sign off on DOT's Letter of Map Revision (LOMR) and has an email from FEMA stating that there they will approve it. DOT is concerned that DEP will not approve it and wait for FEMA's ruling and then appeal it.

Mr. Dexter noted that the updated landscape plans addressed the Commission's concerns. DOT will look into bass wood plantings.

MM inquired if DOT wants the Order of Conditions now knowing that DEP may appeal. DOT noted that the Order can be made so that the LOMR is the requirement.

JK: Motion to issue a Standard Order of Conditions for the Pawtucket Blvd. Relocation and Reconstruction project, DEP# 309-0825 with the condition that the LOMR must be received before construction, filling and grading can commence, and that the landscape plans must be updated.

LB: 2nd the motion

In Favor: 5 Opposed: 0 Absent: 2

Passes

Discussion

Minutes/Sign Forms/Other Business

8:00pm

JK: Motion to adjourn

LG: 2nd the motion

In Favor: 5 Opposed: 0 Absent: 2

Passes: 5-0-2

Respectfully submitted
Pamela Berman, Administrative Assistant