



**Town of Tyngsborough
Conservation Commission**

25 Bryants Lane
Tyngsborough, Massachusetts 01879-1003
Office: (978) 649-2300 ext 116
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Minutes
January 25, 2011
APPROVED

Present:

ES: Ed Smith **JN:** John Nappi **LG:** Lucy Gertz **JE:** Jerry Earl **BM:** Brian Martin
JK: Jeff Kablik **LB:** Linda Bown **MM:** Matt Marro, Conservation Director

Absent:

7:00pm Meeting opened by Ed Smith

7:02pm 4 Chard Rd. (M31, P1, L16) – Notice of Intent for a stacked stone wall, the proposed installation/construction of an in-ground pool and a 12' x 20' shed.

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

JE: 2nd the motion

In Favor: 7 Opposed: 0

Passes: 7-0

Property owner Leonardo Sousa was present for the meeting. MM reminded the Commission that this was an Enforcement Action. MM went on to say that he did not have an issue with the wall, even though it is in the "No Touch" zone due to the fact that no vegetation was removed, and because the wall was placed by hand and does make a good demarcation for the edge of the wetland.

Mr. Sousa indicated that a pool is proposed in the future which would be placed 60 feet away from the wall. Additionally, he plans to allow the area behind the wall to totally grow in. JK said that he does not want the pool to go any closer than the 60 feet proposed. LG and MM recommended that the use of a cartridge type filtration system be used for the pool where it is so close to the wetland. MM noted that there are many branches piled up, and the owner noted that they will be removed when the weather breaks. Those conditions will be noted in the Order of Conditions. There were no abutters present to comment on this hearing.

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

JE: 2nd the motion

In Favor: 7 Opposed: 0

Passes: 7-0

JK: Motion to approve the Order of Conditions for 4 Chard Road with the added condition that a filter cartridge system be used for the in-ground pool.

JE: 2nd the motion

In Favor: 7 Opposed: 0

Passes: 7-0

7:15pm **15 Alden St. (M30, P60< L0) – Request for Determination of Applicability** for the proposed construction of a 12' x 12' storage shed, and a 20' x20' roof overhang.

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

JE: 2nd the motion

In Favor: 7 Opposed: 0

Passes: 7-0

Homeowner Mark Pekkala appeared before the Commission and outlined the project. Mr. Pekkala noted that the pool is not going to be on the plan anymore as they have decided against it. Mr. Pekkala went on the say that the shed is going to be the same size based on the insistence of MM. MM will be there at the applicant's request to help decide on the placement of the dumpster. He also recommended a negative determination but noted that there is riverfront involved but it will not be affecting this area. There were no abutters present to comment on this hearing.

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

JE: 2nd the motion

In Favor: 7 Opposed: 0

Passes: 7-0

JK: Motion to issue a negative determination for a carport and shed at 15 Alden St.

JE: 2nd the motion

In Favor: 7 Opposed: 0

Passes: 7-0

Minutes/Sign Forms/Other Business

The minutes from December 14, 2010 meeting were not ready for approval

7:35pm

ES: Motion to adjourn

JE: 2nd the motion

In Favor: 7 Opposed: 0

Passes: 7-0

Respectfully submitted
Pamela Berman, Administrative Assistant