



**Town of Tyngsborough
Conservation Commission**

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Minutes
May 24, 2011

APPROVED

Present:

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

7:00pm Meeting opened by Ed Smith

7:02pm 7 Palomino Drive (M15, P1, L25) – Request for Determination of Applicability for the construction of a 398 sq. ft. covered screen porch within the buffer zone.

JK: Motion to waive the reading of the legal ad

JE: 2nd the motion

In Favor: 7 Opposed: 0

Passes: 7-0

JK: Motion to waive the reading of the abutters list

JE: 2nd the motion

In Favor: 7 Opposed: 0

Passes: 7-0

MM reported that this project is just within the buffer zone, however, it is not in the “no structure zone” and it will not impact any of the resource areas. Therefore, he recommends a Negative Determination.

BM: Motion to approve a Negative Determination for the construction of a 398 sq. ft. covered screen porch.

JN: 2nd the motion

In Favor: 7 Opposed: 0

Passes: 7-0

7:10pm 68 Jacques Road (M8, P7, L27) – Request for a Partial Certificate of Compliance, DEP# 309-294. Order of Conditions issued on 8/24/1994.

MM reported that the request is for this address only. The whole subdivision project was completed many years ago.

JK: Motion to approve a Partial Certificate of Compliance for 68 Jacques Road, DEP# 309-294.

JE: 2nd the motion

In Favor: 7 Opposed: 0

Passes: 7-0

7:15pm 135 Middlesex Rd. (M21, P14) - Enforcement Order

MM reported to the Commission that the Order was issued on April 26, 2011 for grading and spoils stockpiling within the riverfront without filing a Notice of Intent. The responsible party responded quickly to the order and has removed the offending debris.

Director's Determinations

25 Morgan Way – Removal of 5 trees just outside the resource area.

MM inspected this property and reported that the area of trees abuts the wetland and is also close to the house. He went on to say that these trees are diseased and would damage the home if they fell. The removal would not disturb the resource area.

LB: Motion to issue a Director's Determination for the removal of 5 trees.

LG: 2nd the motion

In Favor: 7 Opposed: 0

Passes: 7-0

170 Frost Road – Pump house construction

MM reported that this project falls just outside of the resource area and the flood plain, therefore, no filing additional filing was required.

LB: Motion to issue a Director's Determination for the removal of 5 trees.

LG: 2nd the motion

In Favor: 7 Opposed: 0

Passes: 7-0

Discussion

68 Willowdale Ave. (M32, P60, L0) – Request for Determination of Applicability hearing

Homeowner, Michael Howell was present at tonight's meeting for his RDA hearing. However, due to a miscommunication the hearing was never posted in the newspaper. Mr. Howell indicated that his job prohibits him from meeting at night and that he had taken time off from work to come to tonight's meeting. Therefore, due to the hardship, MM requested that the Commission look at the application and ask any questions of Mr. Howell tonight in preparation for the public hearing to be held at the next Conservation Commission meeting on June 14, 2011. The Commission agreed with the hardship and reviewed the application. The Commission indicated that the application and drawings for the project look fine and they had no questions for Mr. Howell. An abutter was present in support of the project.

Effective Enforcement of Municipal Ordinances Act Legislation

LB highlighted an article in the most recent MACC newsletter that reports on the pending State legislation known as, *An Act Relative to the Effective Enforcement of Municipal Ordinances and Bylaws* (“local enforcement bill”). In short, the legislation would seek to raise the maximum penalty that municipalities may seek for violations of local laws from the current \$300 to \$1,000. LB felt that this legislation would be beneficial to Tyngsborough and suggested that the Commission send a letter of support to Representative Colleen Garry, and Senator Eileen Donoghue.

LB: Motion to send a letter of support for the “local enforcement bill legislation” to Representative Colleen Garry, and Senator Eileen Donoghue.

BM: 2nd the motion

In Favor: 7 Opposed: 0

Passes: 7-0

Minutes/Sign Forms/Other Business

New Business

18 Jamie Way (M16, P51, L0) – Request for Partial Certificates of Compliance for:

DEP# 309-350 – Order of Conditions issued 11/8/95

DEP# 309-350 – Order of Conditions issued 5/7/96

DEP# 309-408 – Order of Conditions issued 3/12/97

DEP# 309-439 – Order of Conditions issued 12/11/97

JK recused himself from this item as he is an abutter of Jamie Way.

MM reported that this request came in earlier today and therefore could not be posted on the agenda. Since it is an unforeseen last minute notification it is allowed to be discussed according to the Open Meeting Law. He went on to say that this home is being sold in the next couple of days and the original Orders of Conditions from the whole subdivision still remain open. The partial Certificate of Compliance would be for the 18 Jamie Way lot only. In addition, MM noted that the project was satisfactorily completed to all Conservation Commission specifications.

JE: Motion to issue a Partial Certificate of Compliance for 18 Jamie Way, DEP#s 309-350 (OOC 11/8/95), 309-350 (OOC 5/7/96), 309-408, and 309-439.

BM: 2nd the motion

In Favor: 6 Opposed: 0 Abstain: 1

Passes: 6-0-1

18 Jamie Way (M16, P51, L0) – Request for Certificate of Compliance, DEP# 309-630. Order of Conditions issued 7/10/02.

MM reported that this request came in earlier today and therefore could not be posted on the agenda. Since it is an unforeseen last minute notification it is allowed to be discussed according to the Open Meeting Law. He went on to say that this home is being sold in the next couple of days and the original Order of Conditions remains open. This Certificate of Compliance would apply to the actual house itself as opposed to the lot in the subdivision under the previous DEP numbers. In addition, MM noted that the project was satisfactorily completed to all Conservation Commission specifications.

JE: Motion to issue a Certificate of Compliance for 18 Jamie Way, DEP# 309-630.

BM: 2nd the motion

In Favor: 6 Opposed: 0 Abstain: 1

Passes: 6-0-1

Minutes

BM: Motion to approve the regular session minutes as written from April 12, 2011.

JE: 2nd the motion

In Favor: 6 Opposed: 0 Absent: 1

Passes: 6-0-1

8:10pm

LB: Motion to adjourn

LG: 2nd the motion

In Favor: 7 Opposed: 0

Passes: 7-0

Respectfully submitted
Pamela Berman, Administrative Assistant