



***Town of Tyngsborough
Conservation Commission***

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

Minutes
March 27, 2012
APPROVED

Present:

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

Attachments:

1. Agenda
2. 422 Middlesex Rd. Enforcement Order – 3/19/12
3. Board of Health Correspondence regarding 422 Middlesex Rd. – 3/21/12
4. 72 Tyng Rd. Stormwater Management System Filing – 12/9/2011

7:00pm BM opened meeting

7:02pm **422 Middlesex Rd. d.b.a. Olive Garden Restaurant (M11, P3, L0) – Enforcement Order** for the sewage overflow stemming from a septic system breakout.

MM reported that during a property inspection for an abutting property, he discovered sewage spilling out from a septic system breakout. Olive Garden Regional Manager Geoffrey Robillard was present at the meeting and reported that they have been and will continue to pump out the septic system until the system is repaired. Dale MacKinnon, engineer from Tilton Associates appeared before the Commission representing Olive Garden. Mr. MacKinnon reported that his crew is working on determining where the breakout occurred in order to repair it. Currently they are excavating starting at the retaining wall and working back towards the restaurant. He went to say that it appears that there was no impervious barrier installed at the time of the system installation, which was not a requirement of the Title 5 regulations at the time. At this time it appears that both of the leach fields are in failure. Olive Garden is proactively addressing the problems and is pumping out the grease traps and septic tanks on a weekly basis. MM indicated that the action Olive Garden is taking is an acceptable remedy for the short-term, but stressed that they need to aggressively work on a permanent solution. Mr. MacKinnon said that they are working on re-designing the whole septic system now, and have applied the lime to the sewage leak area per conservation's instructions. The Commission was confident that further danger from the leaking system has been averted and that the proposed remedies are satisfactory. MM will continue to monitor the situation and report to the Commission on a regular basis.

Commission member ES was concerned that this leak had been going on for a while with no mention of it to the Commission. Mr. MacKinnon and MM said that the Board of Health was notified and their engineer Matt Waterman was working with Olive Garden on a remedy. That leak had not encroached on the wetlands, but this most recent leak was more extensive than what was previously reported to the Board of Health, and was encroaching on the wetlands, but no one is certain for how long it was happening.

7:15pm **72 Tyng Rd. – Innovation Academy Charter School (M28, P63, L0) – Stormwater Management Permit Application** for the installation of a stormwater pollution prevention system relative to the proposed construction of a track and field complex.

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

ES: 2nd the motion

In Favor: 7 Opposed: 0

Passes: 7-0

Engineers John Perry and Sean Boyd and Innovation Academy Director Walter Landberg were present to present the stormwater management plan for a proposed track and field project at Innovation Academy School. The track will be a 6 lane synthetic track with approximately 4.5 acres of synthetic turf field. A total of 9 acres will be disturbed and approximately 6 acres of trees will be removed. The engineers performed 11 soil test pits and discovered a sandy soil with no ledge. Most of the site drains towards Tyng Rd. but is retained on site and does not spill on to Tyng Rd. In order to minimize the flow, a diversion swale was designed, and under-drains will carry the flow and dissipate it. There will be no outlet toward the pond at the back of the property, and no net change of flow. MM inspected the site, and reviewed the drainage calculations. He reported that the calculations are good and he supports the design. The Commission indicated that they would prefer straw wattles for erosion control instead of hay bales.

JN: Motion to close the hearing.

JE: 2nd the motion

In Favor: 7 Opposed: 0

Passes: 7-0

7:30pm **25 Parham Road/6 Woodlawn St., d.b.a. Thirsty's Pub (M31A, P113/P114) – Notice of Intent, DEP# 309-0847** for the proposed construction of a parking area with associated grading & drainage improvements. Continued from 1/24/12.

Applicant engineer Ken Lania appeared before the Commission to explain that he is still working with Conservation engineer Brian Milisci regarding the entire drainage issue which includes Thirsty's Pub. In addition, the proposed retaining wall along the adjacent property to the north and east, and the completion of the re-grading of the remainder of the existing parking lot still needs to be completed. LB asked why they hadn't moved forward with that project. MM reported that the building inspector at the time, Mark Dupell, stopped the work on the site and nothing has moved forward since. There was discussion whether this work can move forward which will help remedy the issue at Mr. Roy's property. Mr. Lania said that he would talk to his client and report back at the April 10, 2012 meeting.

LB: Motion to continue the hearing until April 10, 2012

JE: 2nd the motion

In Favor: 7 Opposed: 0

Passes: 7-0

Director's Determinations

25 Maplewood Ave. – Tree removal

MM reported that the homeowner wants to remove five pine trees that were damaged in the October 2011 storm. They are about 85 feet from the wetland and will not be stumped.

JK: Motion to approve the Director's Determination for 25 Maplewood Ave.

LB: 2nd the motion

In Favor: 7 Opposed: 0

Passes: 7-0

Director's Reports

MassDOT Pawtucket Blvd. Re-alignment project update.

MM reported that the project is about 85% complete and looks good. They still need to work on the stormwater contingents and the landscaping plantings that are proposed in the plans.

Allied Waste leach water reports.

MM reported that Allied Waste had submitted monthly leach water reports with pH levels that were too high. MM asked them for an explanation regarding the elevated levels. Allied Waste responded that they believe that groundwater and surface water run-off caused the elevated pH levels. They are addressing the situation which includes increased EPA monitoring, and will keep Conservation updated.

Discussion

Sherburne Nature Center Boardwalk Project Update

MM said that the Town Administrator is still working on the bid package.

Caitlin Looney & Kyle Fraser-Mines (Girl Scout Troop 60916)

The girls met with Conservation to ask if they could perhaps do a service project at the Sherburne Nature Center. Concom member Lucy Gertz indicated that the Trails Committee has already met with the girls and would work with them to come up with a service project that would benefit everyone.

Administrative:

The minutes for the March 13, 2012 meeting were not ready for approval.

8:35pm

ES: Motion to adjourn

JE: 2nd the motion

In Favor: 7 Opposed: 0

Passes: 7-0

Respectfully for the Conservation Commission,

Pamela Berman
Administrative Assistant