



**Town of Tyngsborough
Conservation Commission**

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

Minutes
May 22, 2012
APPROVED

Present:

BM: Brian Martin **JE:** Jerry Earl **LG:** Lucy Gertz **ES:** Ed Smith **JN:** John Nappi
LB: Linda Bown **MM:** Matt Marro

Absent:

JK: Jeff Kablik **PB:** Pamela Berman

Attachments:

1. Agenda
2. 25 Bowers Ave. RDA Application – 4/21/12
3. 104 Chestnut Rd. Director's Determination – 4/24/12
4. 315 Westford Rd. Director's Determination – 5/16/12
5. 30 Kendall Rd. Director's Determination – 5/21/12
6. 81 Westford Rd. Site Inspection Checklist – 4/25/12
7. Whitman & Bingham Associates Report for 15 Steinbeck St. – 5/18/12
8. Cedar St. Boat Ramp Site Inspection Checklist – 5/10/12
9. Pawtucket Blvd. Realignment Landscape Plan - 2010

7:00pm BM opened meeting

7:02pm **25 Bowers Ave. (M32A, P46, L0) – Request for Determination of Applicability** for the proposed removal and restoration of an existing retaining wall, and 30' x 5' dock on Lake Mascuppic.

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

JE: 2nd the motion

In Favor: 6 Opposed: 0 Absent: 1

Passes: 6-0-1

Homeowner Alice King was present to explain that her intent was to simply remove the damaged sections of an existing retaining wall and rebuild it to its original state. In addition, she wanted to repair an existing dock. MM reported that all of the work would not dredge or fill any riverfront areas and recommended a negative determination. There were no abutters present to comment on this hearing.

ES: Motion to close the hearing.
JN: 2nd the motion
In Favor: 6 Opposed: 0 Absent: 1
Passes: 6-0-1

ES: Motion to issue a Negative Determination for 25 Bowers Ave.
JE: 2nd the motion
In Favor: 6 Opposed: 0 Absent: 1
Passes: 6-0-1

7:15pm **25 Parham Rd./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 4/10/12.

MM updated the Commission on the drainage investigation work that Brian Milisci had done. Applicant engineer Ken Lania appeared and outlined his reasons for another continuance. 10 Woodlawn St. resident Joe Paquette spoke about the proposed retaining wall and felt that it was not sufficiently long enough. ES asked whether the Commission should wait for the Planning Board to issue an opinion. MM noted that the Planning Board cannot act on anything regarding this project without the Commission's final plan. BM noted that because the applicant has filed with the Commission, we should continue to hold hearings until the issues have been resolved and we make a final ruling. LB noted that the applicant still needs to meet the criteria for the drainage in the area. The Commission discussed postponing further hearings until the applicant can produce more data; at which time the hearing will be re-advertised, and the abutters will be notified again.

JE: Motion to postpone further hearings until the applicant can produce more data, at which time the hearing will be re-advertised, and the abutters will be notified again.

ES: 2nd the motion
In Favor: 6 Opposed: 0 Absent: 1
Passes: 6-0-1

Director's Determinations:

104 Chestnut Rd. – 8' x 10' deck

MM reported that there would be no impact to the wetlands.

LB: Motion to approve the Director's Determination for 104 Chestnut Rd.

ES: 2nd the motion
In Favor: 6 Opposed: 0 Absent: 1
Passes: 6-0-1

315 Westford Rd. – 12' x 40' shed

MM reported that there would be no impact to the wetlands.

ES: Motion to approve the Director's Determination for 315 Westford Rd.

JE: 2nd the motion

In Favor: 6 Opposed: 0 Absent: 1

Passes: 6-0-1

30 Kendall Rd. – Removal of two trees

MM reported that this issue just came to light this morning. The homeowner has two trees that were damaged in a storm and are in danger of causing damage to his home. There would be no impact to the wetlands.

ES: Motion to approve the Director's Determination for 30 Kendall Rd.

JE: 2nd the motion

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

Passes: 5-0-1-1

Director's Reports

81 Westford Rd.

MM and engineer for the applicant Ken Lania reviewed the circumstances behind the report.

Discussion

Maple Ridge Stormwater Evaluation – Brian Milisci

MM briefed the Commission on the history of the site. The resulting engineering report indicates that more work still needs to be done on the site in order to rectify the drainage issues. MM went on to say that the builder (Walter Eriksen) should be requested to appear before the Commission in order to work out an equitable solution. LB inquired if there was an open Order of Conditions for the site, and if the problem is in the buffer zone. If so, can the work on the entire project be stopped? MM noted that he would check with Town Counsel on that issue as the work in progress is on in entirely different area. JN asked if the original plans were approved by Conservation. MM said that yes they were, and his opinion the work on the site would've have worked if it was performed correctly and not deviated from. William Marks from 15 Steinbeck St. spoke about the history of the issues and that they have been long standing with the builder. However, solutions have not been implemented by the builder. He also verified the problem with the existing drainage. He noted that there were no hoods in the catch basins, and they have not placed them in there, even after a ruling by the ZBA.

ES: Motion to request the builder (Walter Eriksen) to appear before the next Conservation Commission meeting On June 12, 2012 in order to discuss the issues relative to Steinbeck St.

JN: 2nd the motion

In Favor: 6 Opposed: 0 Absent: 1

Passes: 6-0-1

Cedar St. R.O.W. Boat Ramp Update

MM updated the Commission on the illegal privately owned signs that were recently removed by the Town since the owner of the Fleur de Lis would not remove them.

Wilson Way Update

MM reiterated the history of the area with regards to ATV activity and the moving of boulders. 10 Wilson Way resident Scott Landesteiner appeared before the Commission to state his concern over the process. BM said that the Highway department had gone down to the street by request of MM and performed the work. A site inspection was scheduled for June 3, 2012 at 8:30am.

Pawtucket Blvd. Realignment Project Landscaping Update

MM updated the Commission on the planting plan and that there has been some changes that are minor. The revised planting plan is on file with Conservation.

Sherburne Nature Center Boardwalk Project Update

LG reported that three contractors appeared for the bid opening, and that they all told the Town that the contract could not be done for less than \$50,000 due to the State's prevailing wages. Town Administrator Michael Gilleberto would be going back to the drawing board to see if there are other mechanisms that can be used in order to accomplish this project within the approved budget.

Administrative:

JE: Motion to approve the minutes from the March 27, 2012 meeting.

ES: 2nd the motion

In Favor: 6 Opposed: 0 Absent: 1

Passes: 6-0-1

JE: Motion to approve the minutes from the April 10, 2012 meeting.

LG: 2nd the motion

In Favor: 4 Opposed: 0 Absent: 1 Abstain: 2

Passes: 4-0-1-2

JE: Motion to approve the minutes from the April 24, 2012 meeting.

ES: 2nd the motion

In Favor: 4 Opposed: 0 Absent: 1 Abstain: 2

Passes: 4-0-1-2

8:30pm

JE: Motion to adjourn

ES: 2nd the motion

In Favor: 6 Opposed: 0 Absent: 1

Passes: 6-0-1

Respectfully for the Conservation Commission,

Pamela Berman
Administrative Assistant