



**Town of Tyngsborough
Conservation Commission**

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Minutes
October 8, 2013
APPROVED

Present:

BM: Brian Martin **PM:** Pat Mical **LG:** Lucy Gertz **JE:** Jerry Earl **LB:** Linda Bown
MM: Matt Marro

Absent:

JK: Jeff Kablik **ES:** Ed Smith

Attachments:

1. Agenda
2. Route 3 Mainline NB & SB Request for Determination Application – 8/28/13
3. 300 Westford Rd. Notice of Intent Plans – 9/8/13
4. 22 Westford Rd. Emergency Certification Form – 10/3/13
5. 250 Pawtucket Blvd. (GLTHS) Stormwater Management Permit Application – 9/20/13
6. D'Amore Associates Tyngsborough Commons Hydrologic Study Report – 10/8/13
7. 50 Westford Rd. Notice of Intent Application – 10/8/13
8. Tyngsborough High School Student Service Learning Project email – 10/2/13

7:00pm BM opened meeting

7:02pm **Route 3 Mainline Northbound & Southbound – Request for Determination of Applicability**
for the resurfacing of the existing State Highway layout starting at mile marker 88.5 and
proceeding northerly to mile marker 92.25.

LB: Motion to waive the reading of the legal notice

JE: 2nd the motion

In Favor: 5 Opposed: 0 Absent: 2

Passes: 5-0-2

Mass DOT representative Andrea Norton appeared before the Commission regarding this project. Ms. Norton explained that this is a road preservation project that will resurface the entire Route 3 corridor from Burlington to the State line. She went on to say that it is a basic resurfacing project that will not change or expand the roadway or alter the drainage. MM reported that this is a routine project in the buffer zone and would not impact the resource area. MM requested that the State notify the Town of Tyngsborough 48 hours before any work is started. There were no residents present to speak for or against this project.

JE: Motion to close the public portion of the hearing

PM: 2nd the motion

In Favor: 5 Opposed: 0 Absent: 2

Passes: 5-0-2

JE: Motion to issue a Negative Determination for the resurfacing of Route 3 NB & SB from mile marker 88.5 to mile marker 92.25 with the condition that the Town of Tyngsborough be notified 48 hours before any work is started.

PM: 2nd the motion

In Favor: 5 Opposed: 0 Absent: 2

Passes: 5-0-2

7:15pm **300 Westford Rd. (M16, P22, L0) – Notice of Intent, DEP# 309-0870** for the proposed replacement of a failed septic system located within the 100' buffer zone.

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

PM: 2nd the motion

In Favor: 5 Opposed: 0 Absent: 2

Passes: 5-0-2

Chairman BM stated for the record that he sits on the Sewer Commission with the applicant's engineer Jeff Hannaford.

Engineer Jeff Hannaford appeared before the Commission regarding this project. Mr. Hannaford explained that the existing septic system for this home failed the Title 5 Inspection and requires replacement in order for the home to be sold. The leach field is located 40' from the wetlands; however, the actual installation of the new tank will be in the buffer zone. He went on to say that the old tank will remain in the ground and not be removed at this time. In addition, the project is scheduled to be heard for permitting by the Board of Health on October 25, 2013. He went on to say that the preliminary review by the Board's engineer yielded positive feedback. MM reported that the resource area would not be significantly impacted, and therefore, recommended a Standard Order of Conditions. There were no abutters present to speak for or against this project.

JE: Motion to close the public portion of the hearing

PM: 2nd the motion

In Favor: 5 Opposed: 0 Absent: 2

Passes: 5-0-2

JE: Motion to issue a Standard Order of Conditions for 300 Westford Rd., DEP# 309-0870 for the replacement of a failed septic system.

PM: 2nd the motion

In Favor: 5 Opposed: 0 Absent: 2

Passes: 5-0-2

7:30pm **22 Westford Rd. (M21, P8, L0) – Emergency Certification** for the replacement of a failing septic system.

Engineer Jeff Hannaford explained that there was a major breakout from the failed septic system on October 2, 2013. The Board of Health was notified and they subsequently issued an emergency order to replace the system as soon as possible. Conservation was also notified since the buffer zone was affected. He went on to say that erosion controls were immediately installed prior to the work commencing. MM reported that he visited the site and issued the Emergency Certification and the Commission simply needs to ratify it tonight. In addition, MM is requiring that a retroactive Request for Determination application be filed with the Commission as soon as the as-built plan is completed.

JE: Motion to ratify the Emergency Certification issued to 22 Westford Rd. on October 3, 2013 for the replacement of a failed septic system.

PM: 2nd the motion

In Favor: 5 Opposed: 0 Absent: 2

Passes: 5-0-2

7:45pm **250 Pawtucket Blvd. – Greater Lowell Technical High School (M34, P6, L0) – Stormwater Management Permit application** for the construction of an 18,000s.f. building addition, staff parking lot reconstruction, and additional sewer, water, drainage, and electric utility improvements.

Engineer Dave Conway from Nitsch Engineering representing the applicant appeared before the Commission regarding this project. The proposed project includes the construction of a 18,500s.f. cafeteria addition and the reconstruction and expansion of the staff parking lot are. Sewer, water, drainage and electric utilities will be improved, and an existing greenhouse will be replaced with a new greenhouse at a different location on the school's campus. Mr. Conway emphasized that none of the work being done is within the wetland resource areas, riverfront or associated buffer zones. He went on to say that there would be an impervious area increase of approximately 41,000s.f. The underground infiltration system proposed would address all stormwater runoff, recharge, and collection. BM asked if there was any type of backflow preventer system proposed that would ensure that in the event of a major flood event, the school would be protected. MM added that a system like that would work out well and be very helpful. Mr. Conway agreed to add that into the design. There were no abutters present to speak for or against this project.

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

PM: 2nd the motion

In Favor: 5 Opposed: 0 Absent: 2

Passes: 5-0-2

JE: Motion to issue a Stormwater Management Permit for 250 Pawtucket Blvd. (GLTHS) with the following conditions: 1) After the foundation is excavated and the stone is set, a site inspection is required before backfilling. Please notify the Conservation Commission 48 hours in advance of backfilling to schedule the inspection. 2) A backflow preventer must be added to the system.

PM: 2nd the motion

In Favor: 5 Opposed: 0 Absent: 2

Passes: 5-0-2

8:15pm **50 Westford Rd. (a.k.a. Tyngsborough Commons, M21, P23, L1) – Notice of Intent, DEP# 309-0868** for the construction of a sewer line, and (1) condo building with parking, curbing, sidewalks, retaining walls, drainage, grading and associated utilities which is part of the mixed-use commercial and residential village known as Tyngsborough Commons. Continued from September 24, 2013.

Applicant engineer Steve Eriksen appeared before the Commission for this project. The Commission had hydrogeologist Denis D'Amore review the filing and address the concerns of the Tyngsborough Sportsmens Club located on Westford Rd. MM reported that after a site visit and meetings with Sportsmens Club representative Elizabeth Coughlin, the report adequately addressed the impacts on hydrology from any blasting, stormwater impacts and groundwater recharge deficits due to the creation of new impervious surfaces, groundwater withdrawal for irrigation, and the hydrology calculations. The conclusion is that there would be no impacts to the pond at the Sportsmens Club due to any activity at the Tyngsborough Commons site.

Ms. Coughlin conveyed her satisfaction with the review process and the results although she added her lingering concern about the withdrawal of groundwater from private wells. Mr. Eriksen added that the groundwater from the wells would only be used for irrigation. Ms. Coughlin went on to state that she was inclined to accept the study done by Mr. D'Amore and agreed that there appears to be no impact to the Sportsmens Club due to this project. There were no abutters present to speak for or against this project.

JE: Motion to close the public portion of the hearing

LG: 2nd the motion

In Favor: 5 Opposed: 0 Absent: 2

Passes: 5-0-2

JE: Motion to issue a Standard Order of Conditions for the construction of a sewer line, and (1) condo building with parking, curbing, sidewalks, retaining walls, drainage, grading and associated utilities which is part of the mixed-use commercial and residential village known as Tyngsborough Commons at 50 Westford Rd.

PM: 2nd the motion

In Favor: 5 Opposed: 0 Absent: 2

Passes: 5-0-2

8:45pm **Kendall Road Land Donation (M20A, P29A, L0) – J.O. Leonard**

MM reported that he is still researching the deed and Mr. Leonard's attorney is conducting a title search on the property. Once these issues are resolved the Commission will be able to vote on the matter.

Director's Reports

Stormwater Permit Fee Structure – MM reported that his research suggests that an additional fee of 15 cents per square foot for commercial, and 10 cents per square foot for residential could be imposed for a stormwater management permit. He will write up a recommendation and submit it to the Commission for approval.

Reports/Discussion:

- **Tyngsborough High School Service Learning Project** – Josh Wickens & Anthony Picca

Tyngsborough High School students Josh Wickens and Anthony Picca appeared before the Commission to request permission to conduct their service learning project which is a requirement of the Service Learning class they are taking. They propose to place bird houses with bird information at various locations at the Sherburne Nature Center property, as well as at the Shady Glade, Bell, and Hunter properties. In addition, they would do some trail cleanup as they go. MM said that he would be available to guide them through the process if they need help. The Commission and the Trails Committee supported the idea.

- **Sherburne Nature Center/Trails Committee Update** – LG reported that the activity schedule has been put together for the 2013/2014 period. In addition, the fields should be mowed this year after the first killing frost. MM will follow-up with the Highway Department on this.

Administrative:

1. Minutes:

JE: Motion to approve the minutes for September 24, 2013 as written.

LG: 2nd the motion

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

Passes: 4-0-2-1

9:15pm

LB: Motion to adjourn

PM: 2nd the motion

In Favor: 5 **Opposed:** 0 **Absent:** 2

Passes: 5-0-2

Respectfully for the Conservation Commission,

Pamela Berman
Administrative Assistant