



***Town of Tyngsborough
Conservation Commission***

25 Bryants Lane
Tyngsborough, Massachusetts 01879-1003
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Minutes
April 22, 2014
APPROVED

Present:

BM: Brian Martin **PM:** Pat Mical **JK:** Jeff Kablik **LG:** Lucy Gertz **JE:** Jerry Earl
ES: Ed Smith **MM:** Matt Marro

Absent:

LB: Linda Bown

Attachments:

1. Agenda
2. 20 Tyng Rd. Request for Determination Application
3. 20 Tyng Rd. Pictometry Photo
4. 41 Woodfern Ave. Request for Determination of Applicability
5. 4 Makepeace Rd. Westford, MA/Dunstable Rd. Tyngsborough Wetland Restoration & Mitigation Plan – 4/22/14
6. Coneco Letter regarding Centercrest Dr. Gas Line – 4/18/14

7:00pm BM opened meeting

7:02pm **20 Tyng Rd. (M28, P56, L0) – Request for Determination of Applicability** for the construction of a new driveway and retaining wall within the buffer zone.

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

LG: 2nd the motion

In Favor: 6 Opposed: 0 Absent: 1

Passes: 6-0-1

Homeowner's Enrica & Stephen DePascale appeared before the Commission regarding this project. They wish to re-locate the existing driveway from the front of the house to the left side because the existing driveway is on the main road and unsafe. They will also add a 12' x 12' paved area on the right side of the house for additional off street parking. In addition, a patio area will be extended off of the new driveway.

The abutter at 10 Tyng Rd. sent an email to MM asking about stormwater run-off. MM reported that the run-off would be the same as it is now as the grades will not be changed. He went on to say that there would be no impact to the resource area. The abutter at 22 Tyng Rd. submitted a letter in favor of the project. No other abutters were present to speak for or against the project.

JK: Motion to close the public portion of the hearing

JE: 2nd the motion

In Favor: 6 Opposed: 0 Absent: 1

Passes: 6-0-1

JK: Motion to issue a Negative Determination at 20 Tyng Rd. for a driveway and patio.

JE: 2nd the motion

In Favor: 6 Opposed: 0 Absent: 1

Passes: 6-0-1

7:15pm

41 Woodfern Ave. (M32A, P30, L1) – Request for a Request for Determination of Applicability for the construction of an 11' x 22' three-season porch within the buffer zone.

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

JK: 2nd the motion

In Favor: 6 Opposed: 0 Absent: 1

Passes: 6-0-1

Homeowners Kevin and Ann Menezes appeared before the Commission for this project. They plan to raze an existing porch and re-build it as it is unsafe. MM reported that the resource area would not be impacted as it on the other side of the house away from the work, but the small lot size puts the project in the buffer zone. The Commission stressed that any debris should not be stockpiled near the wetlands. There were no abutters present to speak for or against this project.

ES: Motion to close the public portion of the hearing

JK: 2nd the motion

In Favor: 6 Opposed: 0 Absent: 1

Passes: 6-0-1

ES: Motion to issue a Negative Determination at 41 Woodfern Ave. for a 3-season porch

JE: 2nd the motion

In Favor: 6 Opposed: 0 Absent: 1

Passes: 6-0-1

7:25pm

Dunstable Rd. (M22, P24, L0), Makepeace Rd., LLC – Enforcement Order & Draft Remediation Plan.

Engineers Steve Eriksen and Doug Lees appeared before the Commission regarding this issue. Westford's Conservation Director was notified of a violation at 4 Makepeace Rd. which also abuts Tyngsborough on Dunstable Rd. MM met with Mr. Eriksen and Mr. Lees on site to investigate the violation. It appears that a tree removal contractor cut down trees in the wetland area both in Westford and Tyngsborough. MM discussed a mitigation plan with the engineers and the Westford Conservation Director. Mr. Eriksen submitted a restoration and mitigation plan that will ensure full wetland restoration and replication in both towns. MM assured the Commission that this plan was sufficient to rectify the violation without having to file an enforcement order.

ES: Motion to accept the Wetland Restoration & Mitigation Plan for 4 Makepeace Rd. Westford, MA with a portion on Dunstable Rd. in Tyngsborough, MA dated 4/22/14

JE: 2nd the motion

In Favor: 6 Opposed: 0 Absent: 1

Passes: 6-0-1

Director's Determinations

Centercrest Dr. – National Grid Gas Line

MM reported that the proposed project is associated with the existing natural gas utility lines on Centercrest Dr. The intention is to repair groundbed anode cables within bordering vegetated wetlands. This project is exempt from the WPA and local bylaw as it is a utility maintenance project. MM reported that the work will not impact the resource area as the project engineers submitted a report that indicated that it will be done with hand tools, and no vehicles or power equipment will be utilized in the area. In addition, they said that the repairs are to be done above grade, therefore, no soil or vegetation will be disturbed. The Commission asked to be notified 48 hours in advance of work starting.

JK: Motion to approve the Director's Determination on Centercrest Dr. for the repair of an existing gas line with the condition that the Commission be notified 48 hours in advance of work commencing.

JE: 2nd the motion

In Favor: 6 Opposed: 0 Absent: 1

Passes: 6-0-1

Reports/Discussion:

- **Sherburne Nature Center/Trails Committee Update** – Earth Day was held on April 19, 2014 where the trails were cleaned up and new trail markers were installed by the Boy Scouts. In addition, the new Sherburne Nature Center trail map was unveiled. Thank you to all who volunteered; and special thanks to Alison Smith who designed the new trail map.

Administrative:

1. **Minutes:** The minutes from April 8th meeting were not ready for approval, and will be ready for the May 27th meeting.
2. **Old Business:**
 - Kendall Rd. Land Donation: BM reported that the Sewer Commission is considering a pump station as part of the sewer expansion project. MM reported that the area would be ideal and he'll do more research to be discussed at a future meeting.

7:45pm

ES: Motion to adjourn

JK: 2nd the motion

In Favor: 6 Opposed: 0 Absent: 1

Passes: 6-0-1

Respectfully for the Conservation Commission,

Pamela Berman
Administrative Assistant