



***Town of Tyngsborough  
Conservation Commission***

25 Bryants Lane  
Tyngsborough, Massachusetts 01879-1003  
Office: (978) 649-2300 ext. 116  
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Minutes  
June 24, 2014  
**APPROVED**

**Present:**

**BM:** Brian Martin      **PM:** Pat Mical      **ES:** Ed Smith      **LG:** Lucy Gertz      **LB:** Linda Bown  
**MM:** Matt Marro

**Absent:**

**JK:** Jeff Kablik      **JE:** Jerry Earl

**Attachments:**

1. Agenda
2. Pawtucket Blvd., Route 113 Req. for Determination – 5/19/14
3. 72 Tyng Rd. (Innovation Academy) Req. for Partial Certificate of Compliance for DEP# 309-0867 – 6/11/14
4. 10 Cedar Lane Photo Evidence – 6/24/14

**7:00pm**      BM opened meeting

**7:02pm**      **Pawtucket blvd., Route 113 (adjacent to 110 Pawtucket Blvd.) - Request for Determination of Applicability** for drainage improvements on the easterly road shoulder consisting of headwall reconstruction & culvert repairs.

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

**PM:** 2<sup>nd</sup> the motion

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

**Passes: 5-0-2**

Mass DOT project engineer Renata Welch appeared before the Commission regarding this project. Ms. Welch explained that the work will be done on an existing culvert crossing which is located adjacent to number 110 Pawtucket Blvd. within Mass DOT's right of way on Rt. 113. The work will encompass repair to the existing culvert, and headwall replacement. Ms. Welch went on to say that once they start the work they may discover further damage. If that happens, they will file a Notice of Intent for the extra work. MM noted that there is an existing Order of Conditions open for culvert repair work in that area, however, this particular culvert was omitted from that Order. This Determination will cover that work only. There were no abutters present to speak for or against this project.

**ES:** Motion to close the public portion of the hearing

**PM:** 2<sup>nd</sup> the motion

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

**Passes: 5-0-2**

**ES:** Motion to issue a Negative Determination for Pawtucket Blvd., Rt. 113 (adjacent to 110 Pawtucket Blvd.)

**PM:** 2<sup>nd</sup> the motion

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

**Passes: 5-0-2**

**7:15pm 72 Tyng Rd., Innovation Academy (M28, P63, L0) – Request for a partial Certificate of Compliance, DEP# 309-0867. Order of Conditions issued June 11, 2013.**

MM reported that this is for the restoration work. A full growing season is required for a full release, however, a partial is acceptable as the site looks very good and the vegetation is thriving.

**ES:** Motion to issue a Partial Certificate of Compliance for DEP# 306-0867 for 72 Tyng Rd.

**PM:** 2<sup>nd</sup> the motion

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

**Passes: 5-0-2**

#### **Discussion:**

- **Sherburne Nature Center/Trails Committee Update** – LG reported that the repairs to the vandalized boardwalk are being scheduled with the original builder, Richard Wolneiweiz. In addition, Richard said that he could repair the damaged property sign as well.
- ES reported that he is working on the Worden Rd. trailhead sign

#### **Administrative:**

##### **1. Minutes:**

**ES:** Motion to approve the minutes as written from the June 10, 2014 meeting

**PM:** 2<sup>nd</sup> the motion

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

**Passes: 5-0-2**

## **2. New Business:**

10 Cedar Lane Wetlands Violation – MM reported that over this past weekend a report came in to him that there was work being done in and around the waterfront at 10 Cedar Lane. MM was out of town and therefore, dispatched ES to investigate. ES reported that the homeowner was indeed cutting and dredging in and around the Lake Mascuppic lakefront on his property. ES issued a stop work order as this activity is in violation of the Wetlands Protection Act, and local bylaws. Mm inspected the property today and took photographic evidence of the work and requested the homeowner to appear before the Commission tonight. Homeowner, David Weir appeared before the Commission, and apologized for his indiscretion, and said that he will comply with the Commission's orders. MM indicated that a Notice of Intent filing would be required for this work and any other work he wishes to do on the property. The Commission allowed the homeowner to remove the existing debris from the water's edge only, and put up hay bales in order to prevent any debris to wash into the lake.

**7:45pm**

**ES:** Motion to adjourn

**PM:** 2<sup>nd</sup> the motion

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

**Passes:** 5-0-2

Respectfully for the Conservation Commission,

Pamela Berman  
Administrative Assistant