



**Town of Tyngsborough  
Conservation Commission**

25 Bryants Lane  
Tyngsborough, Massachusetts 01879-1003  
Office: (978) 649-2300 ext. 116  
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Minutes  
January 13, 2015  
**APPROVED**

**Present:**

**BM:** Brian Martin  
**MM:** Matt Marro

**LB:** Linda Bown

**ES:** Ed Smith

**JE:** Jerry Earl

**Absent:**

**LG:** Lucy Gertz

**JK:** Jeff Kablik

**PM:** Pat Mical

**Attachments:**

1. Agenda
2. 5 Riverbend Rd. Aerial Pictometry Photo – 4/19/14
3. 5 Riverbend Rd. Notice of Intent Application & Plans – 12/13/14
4. Heritage Hill Subdivision request for continuance – 1/13/15
5. Michael Budge email concerning Remote Control Aircraft – 1/13/15

**7:00pm** Chairman BM opened meeting

**7:02pm** **5 Riverbend Rd. (M20B, P13, L0) – Notice of Intent, DEP# 309-0882** for the proposed construction of 28' x 40' garage, repair existing steps, with a gravel driveway, retaining walls, drainage, and associated utilities within 200ft. Riverfront area (Merrimack River).

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

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

**In Favor: 4 Opposed: 0 Absent: 3**

**Passes: 4-0-3**

Engineer Steve Eriksen appeared before the Commission for the applicant. Mr. Eriksen explained that this project is proposed to be a 1,200 s.f. 28' x 40' garage with a storage room above. The project is 52' from the riverfront and is considered a re-development project. 1,200 s.f. of riverfront alteration is proposed and will include retaining walls and a patio. He went on to say that due to a Bald Eagle habitat, a Natural Heritage filing was submitted.

Abutter Justin Loder from 66 Frost Rd. spoke against this project citing serious concerns with the validity of the engineering of the plans submitted. In addition, he fears that this project will damage the soil and the environment and have a detrimental effect on his home. The Commission decided to have their engineer review the entire filing at the expense of the applicant, and report his findings at the next meeting.

**ES:** Motion to continue this hearing until January 27, 2015.

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

**In Favor: 4 Opposed: 0 Absent: 3**

**Passes: 4-0-3**

**7:30pm**      **34 Groton Rd. a.k.a. Heritage Hills Subdivision (M3, P14, L0) – Notice of Intent, DEP# 309-0881** for the proposed development of 33± acres of land for a 9 lot subdivision; including a limited roadway crossing, and wetland alteration and replication, with drainage and associated grading and utilities.

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

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

**In Favor: 4 Opposed: 0 Absent: 3**

**Passes: 4-0-3**

Engineer Steve Eriksen appeared before the Commission for the applicant. The DEP has issued comments regarding this project that need to be addressed. Therefore, he would like to request a continuance.

**ES:** Motion to continue this hearing until January 27, 2015.

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

**In Favor: 4 Opposed: 0 Absent: 3**

**Passes: 4-0-3**

#### **Discussion:**

- **Remote Control Aircraft:** MM reported that the proponents of this proposal would like to present their plan to the Commission; therefore, MM has invited them to appear at the January 27, 2015 meeting.
- **Proposed By-Laws Revisions:** MM reported that due to the revisions to MassDEP's Wetlands, Waterways, and Water Quality Certification Regulations, it is necessary for the Town of Tyngsborough to revise the Wetland Protection By-Laws. MM will work on drafting an article for Spring Town Meeting.
- **Sherburne Nature Center/Trails Committee Report:** Nothing new to report.

#### **Administrative:**

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

**ES:** Motion to approve the minutes from 10/28/14, 11/25/14, and 12/9/14 as written.

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

**In Favor: 4 Opposed: 0 Absent: 3**

**Passes: 4-0-3**

## 2. New Business

- **46 Davis St. Director's Determination:** MM reported that an unsafe accessory structure on the property needed immediate demolition. Therefore, MM issued a Director's Determination with the condition to file a retroactive RDA. There were no impacts to the resources area.

**JE:** Motion to issue a Director's Determination for the demolition of an unsafe structure at 46 Davis St. with the condition that the home owner file a Request for Determination of Applicability with the Conservation Commission.

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

**In Favor: 4 Opposed: 0 Absent: 3**

**Passes: 4-0-3**

- **Charles George Reclamation Trust:** MM reported that Town Counsel recommended that the Commission negotiate a Conservation Restriction on, rather than ownership of any parcel that is being "conveyed" to the Town as part of the legal settlement on this site. In addition, any conditions that the Commission is considering for the parcel should be negotiated as part of the Conservation Restriction. MM said that he would contact the trust attorney to have them return to the 2/24/15 meeting.

**7:50pm**

**ES:** Motion to adjourn

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

**In Favor: 4 Opposed: 0 Absent: 3**

**Passes: 4-0-3**

Respectfully for the Conservation Commission,

Pamela Berman  
Administrative Assistant