



**Town of Tyngsborough  
Conservation Commission**

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

Minutes  
March 24, 2015  
**APPROVED**

**Present:**

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

**ES:** Ed Smith

**JE:** Jerry Earl

**PM:** Pat Mical

**Absent:**

**LG:** Lucy Gertz

**LB:** Linda Bown

**JK:** Jeff Kablik

**Attachments:**

1. Agenda
2. Heritage Hill Subdivision Plan – Revised 1/19/15
3. Hunter/Norton Property Remote Control Fly Zone Picture
4. Remote Control Aircraft Launch Pad Picture – 12/2/14
5. MassGIS Map of Hunter/Norton Property – 3/23/15
6. Parlee Farm Letter regarding Model Airplane Club on Norton Field – 3/17/15
7. Parlee Farm Letter of Additional Questions regarding Model Airplane Club on Norton Field – 3/19/15
8. Ken Pappas River Bend Flyers Presentation – 3/24/15
  - Powerpoint presentation
  - AMA Sound/Noise Abatement Recommendations
  - FAA, Unmanned Aircraft Operations in National Airspace System
  - AMA Model Aircraft Safety Codes
  - Addressing Model Airplane Flying Safety Issues & Concerns
  - What is the Academy of Model Aeronautics (AMA)
  - Model Aircraft Flying & the Impact on the Ecology
  - River Bend Flyers By Laws & Safety
9. Nicoisa & Associates; Parlee Farms Opposition Memorandum – 3/24/15
10. Coneco Letter of Minor Modification for 156 Middlesex Rd. – 2/13/15
11. 39 Highland St. Pictometry – 4/20/14

**7:05pm** Chairman BM opened meeting

**7:07pm** **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. **Continued from 2/24/15.**

Engineer Steve Eriksen, and applicant Scott Connell and Mike Schena appeared before the Commission. Mr. Eriksen reported that they have resolved all pending EPA issues. ES & JK reviewed the plans and had no issues. 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: 4 Opposed: 0 Absent: 3**

**Passes: 4-0-3**

**ES:** Motion to issue a Standard Order of Conditions & Stormwater Permit for Heritage Hill Subdivision, DEP# 309-0881 per plans dated 11/28/14, and revised 1/19/15.

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

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

**Passes: 4-0-3**

**7:15pm Proposed Flying Site for Remote Control Aircraft (Hunter/Norton Properties) – Ken Pappas**

Remote control model aircraft enthusiast and resident Ken Pappas appeared before the Commission to continue discussion on the proposal of establishing a site for a remote control model aircraft airfield in Tyngsborough. Mr. Pappas reached out to Mark Parlee of Parlee Farms, and submitted additional information on the subject. Among the highlights of Mr. Pappas' presentation were the goals of the newly formed AMA sanctioned club named the River Bend Flyers; the proposed flying site and the flying operations and safety. Other flying hobbyists spoke in favor of the proposal and emphasized the safety protocol that all AMA flyers adhere to. Mr. Pappas added that the River Bend Flyers group would have strict guidelines with regards to flying times, no fly zones, and noise levels. He went on to say that most if not all of these guidelines are already practiced as part of the AMA organization, but he would ensure that additional guidelines specific to the Hunter/Norton field be implemented.

Several residents were in attendance and spoke in urgent opposition to this proposal citing serious concerns with public safety, noise, and the bald eagle habitat in the area. Mr. Pappas addressed the safety issue relative to flying over Parlee Farm land, and assured the Commission that the Parlee Farm fields would be a strict "No Fly Zone". The Commission addressed the noise issue and suggested that a noise study be conducted in order to obtain real sound data. Next, the Commission addressed the bald eagle issue. MM reported that he spoke with Natural Heritage and they indicated that they do not have any data that indicate bald eagle nesting within a 2 ½ mile radius of the property in question. MM went on to say that Natural Heritage said that they could perform another field study in order to determine the bald eagle habitat. The Commission requested MM to facilitate that with Natural Heritage.

Additional comments of opposition were voiced by residents of 47 & 51 River Rd., and 51 Farwell Rd. Further investigation of the pros and cons of this activity are necessary in order for the Commission to make a well informed decision. The additional time will allow for the Commission to do more research and work on scheduling a noise study and bald eagle field study.

**ES:** Motion to continue this discussion until April 28, 2015 at 7pm.

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

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

**Passes: 4-0-3**

## **Director's Determinations/Director's Reports**

### **156 Middlesex Rd. (National Grid Substation) – Minor field change to plans.**

MM reported that the plans had been modified to relocate the substation access driveway and associated drainage in order to capture stormwater which previously flowed on to Middlesex Rd. MM indicated that the modifications were minor and would not affect the original scope or intent of the project as approved by the Commission.

**JE:** Motion to approve the Director's Determination for a minor filed change to the plans for 156 Middlesex Rd. per letter dated 2/13/15.

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

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

**Passes: 4-0-3**

## **Certificates of Compliance**

1. **R.O.W. near Farwell Rd. & Middlesex Rd.** – Request for a Partial Certificate of Compliance for 39 Highland St., DEP# 309-430. Order of Conditions issued August 27, 1997.

MM reported that this is another house closing that was flagged during the title search with an open Order of Conditions for a larger subdivision project. The work was completed within all regulations.

**ES:** Motion to approve a Partial Certificate of Compliance for 39 Highland St., DEP# 309-430

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

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

**Passes: 4-0-3**

2. **315 Middlesex Rd.** – Request for a Partial Certificate of Compliance for 39 Highland St., DEP# 309-468. Order of Conditions issued August 12, 1998.

MM reported that this is another house closing that was flagged during the title search with an open Order of Conditions for a larger subdivision project. The work was completed within all regulations.

**ES:** Motion to approve a Partial Certificate of Compliance for 39 Highland St., DEP# 309-468

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

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

**Passes: 4-0-3**

## **Discussion:**

- **Sherburne Nature Center/Trails Committee Report:** Nothing new to report.

**Administrative:**

**1. Minutes**

**ES:** Motion to approve the minutes from 2/24/15 as written.

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

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

**Passes: 4-0-3**

**9:10pm**

**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