



***Town of Tyngsborough
Conservation Commission***

25 Bryants Lane
Tyngsborough, Massachusetts 01879-1003
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Minutes
May 10, 2016
APPROVED

Present:

BM: Brian Martin **JE:** Jerry Earl **JK:** Jeff Kablik **LB:** Linda Bown **ES:** Ed Smith
MM: Matt Marro

Absent:

PM: Pat Mical

Attachments:

1. Agenda
2. LandPlex Response to Comments for 324 Middlesex Rd. – 4/21/16
3. 324 Middlesex Rd. Permit Plan Set – 4/27/16
4. David E. Ross Associates Peer Rvw. for 324 Middlesex Rd. – 5/5/16
5. 370 Middlesex Rd. Rendering – 6/8/15
6. 370 Middlesex Rd. NOI Application – 4/12/16
7. 370 Middlesex Rd. Plan Set – 4/12/16
8. Flint Pond NOI Narrative
9. 26 Hillcrest Dr. Pictometry Photo
10. Phase 1 West Sewer Project Enforcement Order – 4/21/16
11. Phase 1 West Sewer Project Emergency Certification – 4/25/16

7:00pm Chairman BM opened meeting

7:03pm **324 Middlesex Rd. (M19, P5, L0) – Request for Determination of Applicability** and a Stormwater Management Permit for the proposed construction of a 2-story 40,000 s.f.± self storage building, and 12 separate self-storage units totaling 58,000 s.f.± including driveway access and utilities. **Continued from April 12, 2016.**

Engineer Matt Hamor, appeared before the Commission with a revised plan based on comments received from the Planning Board's engineer. MM added that all of the pertinent Conservation issues relative to stormwater have been adequately addressed, however, the Planning Board has not issued their decision. The Commission wished to wait to issue their ruling until the Planning Board has fully reviewed the project.

JE: Motion to continue this hearing until June 14, 2016.

ES: 2nd the motion

In Favor: 5 Opposed: 0 Absent: 1

Passes: 5-0-1

7:10pm **370 Middlesex Rd. (M12, P41, L0) – Notice of Intent/Stormwater Management Permit** for the proposed commercial redevelopment of an auto dealership by razing the existing structures and building a 28' x 40' 2-story office & showroom, and a 30' x 30' garage with associated grading and utilities. *Advertised in the Lowell Sun, Tuesday April 19, 2016.*

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

JE: 2nd the motion

In Favor: 5 Opposed: 0 Absent: 1

Passes: 5-0-1

Engineer Matt Hamor appeared before the Commission. Mr. Hamor explained that this is a complete site redevelopment project consisting of razing the existing structures and building two new buildings (a car dealership showroom and a garage to be used for light vehicle repairs). He went on to explain that the site slopes towards the wetland resource area, and they plan to re-grade the site in order to remove the slope, thereby protecting the resource area. In addition, they have filed with FEMA for a Letter of Map Revision (LOMR) based on an existing FEMA map amendment on the abutting property at 1-17 Pondview Place.

The Board of Health is reviewing the septic system upgrade design, and they plan to connect to the public water supply instead of utilizing the existing well. Erosion control will consist of straw wattles, catch basin protection, and a temporary sedimentation basin for dewatering purposes. It should also be noted that the work will be within the current footprint without any flood plain work and a reduction in impervious surfaces.

The applicant requested to continue the hearing since FEMA is currently reviewing the site.

LB: Motion to continue the hearing until May 24, 2016.

ES: 2nd the motion

In Favor: 5 Opposed: 0 Absent: 1

Passes: 5-0-1

8:00pm **Flint Pond – Notice of Intent** for the proposed ecological restoration of Flint Pond through the removal and subsequent management of invasive aquatic species by physical and chemical methods. *Advertised in the Lowell Sun, Tuesday May 3, 2016.*

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

JE: 2nd the motion

In Favor: 5 Opposed: 0 Absent: 1

Passes: 5-0-1

MM explained that he filed this Notice of Intent on behalf of the Conservation Commission and the Flint Pond Sub-Committee. This project encompasses a comprehensive invasive species management program that has been developed by the Town's consultant SÖLitude Lake Management. Flint Pond has been neglected for years and is being slowly destroyed by invasive weed species including water chestnut. This restoration project will revitalize the pond and restore it to a condition that can be enjoyed by residents and visitors. CPC funds are slated to pay for the project, but they must be approved by town meeting on May 17th. The Commission asked that once a treatment plan is developed, that the Flint Pond Sub-Committee return to the Commission with a presentation.

There were no abutters present to speak for or against this project.

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

JE: 2nd the motion

In Favor: 5 Opposed: 0 Absent: 1

Passes: 5-0-1

ES: Motion to approve a Standard Order of Conditions for DEP# 309-0897 at Flint Pond.

JE: 2nd the motion

In Favor: 5 Opposed: 0 Absent: 1

Passes: 5-0-1

Certificate of Compliance

1. 26 Hillcrest Dr. (M8, P36, L10) – Request for a Partial Certificate of Compliance, DEP# 309-93. Order of Conditions issued January 9, 1987.

MM reported that this is an old Order of Conditions for a development that has long since been constructed and stabilized and recommended approval.

ES: Motion to issue a Partial Certificate of Compliance for 26 Hillcrest Dr., DEP# 309-93.

JE: 2nd the motion

In Favor: 5 Opposed: 0 Absent: 1

Passes: 5-0-1

Director's Determination

Enforcement action updates:

Phase 1 Sewer Project – MM reported that the corrective measures needed were put in place and the site continues to be closely monitored by himself and DEP. In addition, a section of pipe connecting to a culvert within the paved way on Flint Rd. was compromised and needed an Emergency Certification to be replaced. No work was to be done in the bordering vegetated wetland.

77 Kendall Rd. – MM reported that he has received a planting plan for the site which will adequately address the infraction.

Director's Reports

1. Charles George Conservation Restriction Form for Signature: MM reported that this document needs to be signed by the Commission in order for the Conservation Restriction to move forward.

Discussion/Reports

1. Sherburne Nature Center/Trails Committee Report: Vandalism Repairs

MM reported that repairs to the house are being done by the Tyngsborough Highway Department.

2. **Open Space:** No Report

Administrative

1. **Minutes**

LB: Motion to approve the minutes from 4/121/16 as written

ES: 2nd the motion

In Favor: 5 Opposed: 0 Absent: 1

Passes: 5-0-1

8:25pm

LB: Motion to adjourn

PM: 2nd the motion

In Favor: 4 Opposed: 0 Absent: 2

Passes: 4-0-2

Respectfully for the Conservation Commission,

Pamela Berman
Administrative Assistant