

**City of Gardner
Conservation Commission**



**Minutes of the Meeting of
November 14, 2016, 6:00 p.m.
Second Floor Meeting Room, City Hall Annex**

Members present:

Chairman Greg Dumas, Norman Beauregard, David Beauregard, Duncan Burns, Jane Cullen, Donna Lehtinen, and David Orwig. Also present was Conservation Agent Jeff Legros.

Members absent:

None

Guests & Visitors

Tom Cook, Gardner Resident, Bridge Street (abutter); Tracy Pierce, Guest; Mark Dymek, Wilder Brook Development.

Meeting

6:00 Chairman Dumas opened the regular meeting of Monday, November 14, 2016.

Public Hearings

With the approval of the applicant the Gardner Conservation Commission elected not to open the joint Public Hearing under MGL, Ch. 131, § 40, Wetlands Protection Act and the City of Gardner Wetlands Protection Ordinance on the Notice of Intent filed by Robert Littleton, Criterion Child Enrichment, Inc., represented by Guerriere & Halnon, Inc. Engineering, for work within the buffer zone of a Bordering Vegetated Wetland on 1.85 Acres of land on Pearl Street (W32-24-17) consisting of clearing, pavement, landscaping, dumpster enclosure, and stormwater infrastructure associated with the construction of a new 5,000 sq. ft. building and associated parking area and access drive due to a clerical error which resulted in omission of the Hearing Notice on the official publically posted agenda.

The hearing was tabled until the meeting of November 28, 2016. Public notice of this change will be re-advertised and posted accordingly.

6:03 Chairman Dumas heard a request to move a presentation from Ms. Janet Morrison, Land Consultant, forward on the agenda. There were no objections from the Commission or meeting attendees.

6:25 The Gardner Conservation Commission resumed the joint Public Hearing under MGL, Ch. 131, § 40, Wetlands Protection Act and the City of Gardner Wetlands Protection Ordinance (City Code Chpt. 650) on the Notice of Intent filed by the City of Gardner, 95 Pleasant Street, for a city-wide trail enhancement project along trails within multiple open space and recreation areas. The proposed work will be funded by the Mass Department of Conservation and Recreation, Recreational Trails Program and will

include the construction and installation of trails signs, maps, kiosks, foot-bridges, and trails and parking area improvements. The project involves work within the Riverfront Area, Inland Banks, and within the 100-foot buffer zone of Bordering Vegetated Wetlands.

Agent Legros described the project on behalf of the City. He displayed maps and diagrams depicting the proposed trails improvements to include signs, kiosks, maps, trail bridges, parking area improvements, and trails and trail improvements. He described steps that will be taken to utilize the existing conditions to minimize or negate impacts to any wetland resource areas. No areas will be filled or altered under the proposal. The minimal impacts of the proposed trail bridges will be temporary in nature and will be conducted as a limited project. Any temporarily disturbed areas will be stabilized with native vegetation upon completion of the stream crossing structures.

Mr. Tom Cook, resident and project abutter expressed his support of the project and commented positively on the increased use of the Cummings Conservation Area and plans for the area. He asked if access through the public access easement nearest to his property on Bridge Street could be limited or eliminated.

Chairman Dumas and Agent Legros assured Mr. Cook that the easement adjacent to his property would not be promoted as an access point to the property but that it was unlikely that the easement could be eliminated due to public safety and emergency access needs.

6:37 A motion was made by D. Burns to close the hearing. The motion was seconded by N. Beauregard and voted unanimously all in favor.

Orders of Conditions

6:37 A motion was made by D. Burns to issue a standard Order of Conditions to the City of Gardner for the city-wide trail enhancement project. The motion was seconded by N. Beauregard and voted unanimously all in favor.

Minutes

6:38 A motion was made by D. Burns to approve the **Minutes of October 24, 2016**. The motion was seconded by N. Beauregard and voted unanimously, all in favor with Jane Cullen abstaining as she was not present at the meeting.

Request for Determination of Applicability

None

Request for Certificate of Compliance

Wilder Brook Development, LLC on the Order of Conditions issued to J.A.B. Realty Trust (DEP File #160-0261) for Brookside Drive and Leo Drive (request for partial certification for Lot 61 Brookside Drive).

6:42 A motion was made by D. Beauregard to issue a partial certificate of compliance for Lot 61 Brookside Drive. The motion was seconded by D. Burns and voted unanimously all

in favor.

Request for Extension

Wilder Brook Development, LLC for the Orders of Conditions issued to Saint Pauls Trust (DEP File #160-0560 [Lot 23]; #160-0561 [Lot 24]; #160-0563 [Lot 28]; #160-0566 [Lot 55]; and #160-0567 [Lot 61]).

6:48 A motion was made by D. Beauregard to issue extensions for the aforementioned File#'s for Lots 23, 24, 28, 55, and 61 Brookside Drive for a period of three years. The motion was seconded by N. Beauregard and voted unanimously all in favor.

Enforcement Order Continued

6:06 Sunshine Realty Trust, Conrad Donell Trustee, Sapphire Park at Pearl Street and Shawn Avenue (*Continued from Meeting of October 24, 2016*):

Agent Legros will coordinate the final peer review site visit for the 2nd week of December

Presentations

Janet Morrison, Land Conservation Consulting: Landscape Conservation Partnership Grant – Alisaukas parcel and general project status update:

Ms. Morrison updated the Commission on the LCP project including the Contract and Award letter and Alisaukas purchase. Ms. Morrison presented the Commission with an updated Budget and Timeline for the Alisaukas purchase and discussed the necessary steps for finalizing the Contract and Project Agreement received by the Commission. The Mayor's signature on these documents is required in addition to approval by City Council to allocate the full funds necessary for the purchase of the Alisaukas property as conservation land under the Landscape Partnership Grant program.

Agent Legros will prepare the necessary documents for the Mayor with the assistance of Ms. Morrison.

Ms. Morrison also presented the Commission with an updated Conservation Land Tax Credit Application from Mr. Omealia to participate in the state program for tax credit for donating additional portions of his lands for the purpose of Conservation. The new application specifically stated that City Council approval is required before any acquisition of this property can be made under the CLCT program.

Ms. Morrison also discussed the proposal for appraisal that was submitted to the Commission in the amount of \$3,000.

6:13 A motion was made by J. Cullen to allocate up to \$3,000 from the Conservation Trust account for the cost of appraisal of land for the Alisaukas property. The motion was seconded by D. Beauregard and voted unanimously all in favor.

6:24 A motion was made by D. Beauregard to sign the updated Omealia CLCT Application

The motion was seconded by D. Burns and voted unanimously, all in favor.

New Business

- **A report of work within the wetland buffer zone was reported at Olde English Village. Agent Legros found that a stormwater outfall was being updated without the necessary filing within the buffer zone of a bordering vegetated wetland and the riverfront area of Pond Brook. Temporary erosion control and stabilization measures are now in place and a filing is being prepared.**

Old Business

- **MACC Fall Conference report from Chairman and Agent**
Chairman Dumas and Agent Legros reported to the Commission on the conference.
- **421 Leo Drive wetlands violation status update**
Plans are in place for a Spring restoration with a local landscaper.
- **Forest Cutting Plans**
Agent Legros presented a cutting plan for review for the Gardner Fish and Gun club on Clark Street
- **Sludge Landfill Expansion Proposal Update**
The matter is still in review by the Committee of the Council of the whole

Adjournment

7:26 A motion to adjourn was made by N. Beauregard. The motion was seconded by D. Lehtinen and voted unanimously, all in favor.

Respectfully submitted,

Jeffrey D. Legros, Conservation Agent

All materials used at the meeting are available for viewing at the office of the Conservation Agent, Room 202 of the City Hall Annex.

Minutes are available as follows:

- Minutes are available on the City of Gardner website (www.gardner-ma.gov) under Conservation Commission.
- By appointment or request in Conservation Agent's office, Room 202 of the City Hall Annex
- Community Development & Planning office, Room 201 of the City Hall Annex