



**CITY OF GARDNER
CONSERVATION COMMISSION
Minutes of the Meeting of
February 11, 2019
Hubbard Conference Room
Gardner City Hall Annex Room 203**

Members Present:

Norman Beauregard, David Beauregard (Acting Chair), Duncan Burns, Michael Hermanson, Donna Lehtinen, and David Orwig. Also present was Conservation Agent Jeffrey Legros.

Members Absent:

Chairman Dumas

Guests & Visitors:

Jamie Potter, Mount Grace Land Trust; Kat Kowalkski, Mount Grace Land Trust; Martin Bowers, Resident and Volunteer Associate Member.

Public Hearings

6:30 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 on the Notice of Intent filed by Princeton Repower, LLC, 30 North Gould Street, Suite R, Sheridan WY, 82801, represented by Environmental Resources Management, for the construction of a 5.78 MW ground-mounted photovoltaic solar array to be constructed on 24 parcels totaling approximately 23-acres of land along Princeton Street and Keyes Road in Gardner on land currently owned by Cedar Hills, LLC, 52 Congress St., Boston, MA 02108. Work will include site preparation, including grading and clearing of vegetation, maintenance, construction, and extension of existing roads, construction of stormwater management infrastructure & Best Management Practices and installation of photovoltaic panels, mounting racks, and electrical utilities. Resource Area impacts will include work within the buffer zone of Bordering Vegetated Wetlands. No work will occur within the 100-foot Buffer Zone of a Potential Vernal Pool or the 30-foot 'No-Disturb' Zone of all Wetland Resource Areas. No structures will occur within the 60-foot 'No Build' Zone.

6:35 A motion was made by M. Hermanson to continue the hearing until February 25, 2019, at the applicants request pending the receipt of additional requested information and the results of the peer review to be conducted by Tighe & Bond

as required by the Planning Board and which is critical in the assessment of potential impacts of this project. The motion was seconded by D. Burns and voted unanimously, all in favor.

6:35 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 on the Notice of Intent filed by Redzico Dev, LLC, 1201 Orange Street, Suite 600, Wilmington, DE, 19801, represented by Environmental Resources Management, for the construction of a 6.42 MW ground-mounted photovoltaic solar array to be constructed on 18 parcels totaling approximately 24-acres of land along Princeton Street and Keyes Road in Gardner on land currently owned by Cedar Hills, LLC, 52 Congress St., Boston, MA 02108. Work will include site preparation, including grading and clearing of vegetation, maintenance, construction, and extension of existing roads, construction of stormwater management infrastructure & Best Management Practices and installation of photovoltaic panels, mounting racks, and electrical utilities. Resource Area impacts will include work within the buffer zone of Bordering Vegetated Wetlands. No work will occur within the 100-foot Buffer Zone of a Potential Vernal Pool or the 30-foot ‘No-Disturb’ Zone of all Wetland Resource Areas. No structures will occur within the 60-foot ‘No Build’ Zone.

6:36 A motion was made by M. Hermanson to continue the hearing until February 25, 2019, at the applicants request pending the receipt of additional requested information and the results of the peer review to be conducted by Tighe & Bond as required by the Planning Board and which is critical in the assessment of potential impacts of this project. The motion was seconded by D. Burns and voted unanimously, all in favor.

6:37 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 on the Notice of Intent filed by Imperial Blue Systems, LLC, 9 Loockerman Street, Suite 202, Dover, DE, 19901, represented by Environmental Resources Management, for the construction of a 6.59 MW ground-mounted photovoltaic solar array to be constructed on 31 parcels totaling approximately 33-acres of land along Princeton Street and Keyes Road in Gardner on land currently owned by Cedar Hills, LLC, 52 Congress St., Boston, MA 02108. Work will include site preparation, including grading and clearing of vegetation, maintenance, construction, and extension of existing roads, construction of stormwater management infrastructure & Best Management Practices and installation of photovoltaic panels, mounting racks, and electrical utilities. Resource Area impacts will include work within the buffer zone of Bordering Vegetated Wetlands. No work will occur within the 100-foot Buffer Zone of a Potential Certified Vernal Pool will occur. As part of this project, a 3,000 square-foot Wetlands Replication Area is being proposed to account for a condition of the previous, and outstanding, Order of Conditions associated with

the site. Other than that Wetland Replication work, there will be no disturbances within the 30-foot 'No-Disturb' Zone of all Wetland Resource Areas. No structures will occur within the 60-foot 'No Build' Zone.

- 6:40** A motion was made by M. Hermanson to continue the hearing until February 25, 2019, at the applicants request pending the receipt of additional requested information and the results of the peer review to be conducted by Tighe & Bond as required by the Planning Board and which is critical in the assessment of potential impacts of this project. The motion was seconded by D. Burns and voted unanimously, all in favor.
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Meeting Acting Chairman D. Beauregard called the meeting of February 11, 2019 to order.

Minutes

- 6:51** A motion to approve the Minutes of the Site Visit of November 8, 2018 was made by D. Orwig. The motion was seconded by M. Hermanson and voted unanimously, all in favor.
- 6:52** A motion to approve the Minutes of the Site Visit of November 19, 2018 was made by D. Orwig. The motion was seconded by D. Lehtinen and voted unanimously, all in favor.
- 6:53** A motion to approve the Minutes of the Meeting of December 10, 2018 was made by D. Burns. The motion was seconded by D. Lehtinen and voted unanimously, all in favor.
- 6:56** A motion to approve the Minutes of the Meeting of January 14, 2019 was made by D. Burns. The motion was seconded by M. Hermanson and voted unanimously, all in favor.
- 6:57** The Minutes of the Meeting of January 28, 2019 were tabled until the Meeting of February 25th pending further revision and review.

Orders of Conditions

None

Request for Determination of Applicability

None

Request for Certificate of Compliance

- 7:08** **DEP File #160-0329:** Cedar Hills Subdivision Site Work and Culvert
(This CoC Request is related to the site of several solar projects currently proposed an considered under Notices of Intent.)

7:00 A motion was made by M. Hermanson to continue the request until the Meeting of February 25th at the applicants request pending additional information. The motion was seconded by D. Burns and voted unanimously, all in favor.

7:00 DEP File #'s 160-0340 – 0355: Cedar Hills Subdivision Site Work and Culvert (This CoC Request is related to the site of several solar projects currently proposed and considered under Notices of Intent.)

7:01 A motion was made by M. Hermanson to continue the request until the Meeting of February 25th at the applicants request pending additional information. The motion was seconded by D. Burns and voted unanimously, all in favor.

7:02 DEP File #'s 160-0290: North Central Pathway Bike Trail (Route 140, Gardner)

7:03 A motion was made by D. Beauregard to issue a full Certificate of Compliance for DEP #160-0290, North Central Pathway, Route 140 section. The motion was seconded by D. Lehtinen and voted unanimously, all in favor.

Request for Extension of Order of Conditions

None

Request for Minor Changes of Work

None

Enforcement Order

- **35 Eastwood Circle Wetland Restoration Planting Plan:**
The matter will be resumed at the Meeting of April 8th.
- **Sapphire Park As-Built Plan Structures within the ‘No Build’ Zone:**
The matter will be resumed at the Meeting of February 25, 2019.
- **DEP File #160-0610: West St. Solar Project, Borrego Solar**
A violation occurred on January 24, 2019. Stormwater flooded and escaped the site and caused damage to roadways, private property, and deposited sediments to several low-lying areas and into the Otter River and an unnamed tributary. The Conservation Agent has conducted a follow-up site visit with David Albrecht and Kristopher Blakely and has shared the geo-referenced photo documentation with Mass DEP. All SWPPP reports/checklists were submitted to the Commission by Borrego.

The Commission is awaiting a letter from Borrego Solar and plans for corrective actions. A Request for an Amended Order of Conditions will follow. Additional remediation may be required pending review of the applicant letter and input from Mass DEP.

Additional remediation may be required as part of this Enforcement Action pending further review of the Commission and Mass DEP.

- 7:15** A motion was made by M. Hermanson to issue an Enforcement Order for DEP #160-06010 pending receipt and review of a letter from Borrego and input and guidance from Mass DEP. The motion was seconded by N. Beauregard and voted unanimously, all in favor.

Emergency Certification

None

Presentations (7:15 – 8:00)

Kat Kowalski and Jamie Pottern, Mount Grace Land Conservation Trust, ***Local Farm Inventory Project***: Ms. Kowalski and Ms. Pottern presented a list of presumed active farms and potential farms and farmland for the Commission's review. Several properties were confirmed as farms or potential farms. Questions raised by the Commission and Mount Grace Land Trust Staff will be followed-up on by the Conservation Agent and provided to Ms. Kowalski.

A City of Gardner Farm Inventory Report will be prepared by Mount Grace Land Conservation Trust and presented to the City of Gardner through various boards and committees and shared with other interested stakeholders, groups, entities, and individuals.

New Business

- **MACC Annual Conference, March 2, 2019**
Agent Legros reminded Commission members of the upcoming conference and asked if anyone was interested in attending. He will send a follow-up reminder email on Friday, February 15th and register any interested members.
- **Arbor Day Seedlings Program**
This matter was tabled until the next meeting.
- **Leo Drive Culvert Issue**
The issue of the culvert on Leo Drive being potentially undersized is being considered by the Planning Board and Department of Public Works. DPW Director Arnold has sent an email to the applicant's representative engineer raising concerns over the method used to calculate drainage area. The calculations were done using the USGS 10-foot contours but the Director believes this course-level assessment may not be representative of actual conditions onsite and may overestimate the elevation differences between the two watersheds (Wilder Brook and an unnamed tributary draining north to Bailey Brook) and does not take into consideration natural, biological conditions on site, including beavers and beaver activity, which have been present since before the development began. The Conservation Agent has confirmed these concerns using available GIS Assessment Tools and applications and other, finer-scale, digital

elevation models. Agent Legros will provide a letter or email to the Planning Board to this effect.

Old Business

- **Cowee Lot**

The Appraisal has now been completed (in addition to the Title Exam) and Janet Morrison will be providing funds to the City from the North American Wetlands Association Grant Program to finalize the conveyance/assignment of the property to the Conservation Commission as originally intended by their purchase of the property in 1983 and affirmed by the City Council on November 5, 2018.

- **Gardner Fish & Gun Club 0.5-acre parcel**

Contracts have been drafted for the Survey, Title Examination, and Appraisal of this parcel. A vote authorizing the sale has been taken by the club members and a P&S is being reviewed and signed by the Gardner F&G Club. Due diligence will begin in March with an anticipated closing of late March or April pending public notice in the Central Register and acceptance by the City Council.

Motion to Adjourn

8:35 A motion to adjourn was made by D. Burns. 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