



**CITY OF GARDNER  
CONSERVATION COMMISSION**

Gardner City Hall – Manca Annex  
115 Pleasant St., Room 202

978-630-4014

Gardner, MA 01440

fax 978-632-1905

**MEETING**

**Monday, July 27, 2020 at 6:30 p.m.**

Due to the ongoing conditions related to the COVID 19 outbreak, the meeting will be held via Zoom Meeting. Detailed instructions for participating in the meeting via Zoom Meeting are posted at the bottom of this agenda, or can be obtained by emailing Lyndsy Butler, Conservation Agent, at [lbutler@gardner-ma.gov](mailto:lbutler@gardner-ma.gov). All documents and permit applications can be provided electronically. Please send request to [lbutler@gardner-ma.gov](mailto:lbutler@gardner-ma.gov). All persons interested in this matter, or who desire to offer testimony, are invited to participate.

**Members via Zoom:**

Chairman Greg Dumas, Duncan Burns, Michael Hermanson, David Orwig, Norman Beauregard, and Donna Lehtinen. Also on Zoom was Conservation Agent Lyndsy Butler, and Administrative Clerk Kris Singer

**Members Absent:**

David Beauregard

**Guests & Visitors:**

Eric Bernardin & Victoria Houle – Fuss & O’Neill, Brian Milisci – Whitman & Bingham, Wayne Anderson – School Department, Tom Gustofson – 120 Kendall Pond West, and Robert Lapierre – 122 Wampanoag.

**MEETING** – brought to Order by Chairman G. Dumas at 6:30 pm

**Minutes**

Vote to approve the Minutes of the Meeting of July 13, 2020

- Motion to approve Minutes “as printed” made by N. Beauregard, seconded by M. Hermanson, and voted all in favor.

## **Request for Determination of Applicability**

### **2020-10**

The Gardner Conservation Commission will hold a joint Public Meeting under MGL, Ch. 131, § 40, Wetlands Protection Act and the City of Gardner Wetlands Protection Ordinance (City Code Ch. 650) on the Request for Determination of Applicability filed by Thomas Gustafson of 22 Cotes Cove Road, Gardner for work located at 120 Kendall Pond West, (Map H17-13-6). Proposed work is for the installation of a portable seasonal dock located on Kendall Pond.

- Mr. Tom Gustofson, owner of 120 Kendall Pond West, explained his proposal to build a 12x16 foot dock. The dock will have the 4 posts in the water, and it will be able to be taken apart seasonally. In his presentation, he showed a picture of a “similar” dock, but it was 8x16 feet.
- G. Dumas asked if there are any other docks on his property, and there are not; however, there is a city dock on the right side of the property.
- L. Butler confirmed that the proposed dock is a pre-fab seasonal dock. There will be no digging, filling, etc necessary. There will be cinder blocks on the shore for stabilization.
- M. Hermanson and others see no issue, especially since it will be taken down in the fall.
- A Motion for a Negative 2 Determination was made by D. Burns, seconded by N. Beaugard, and voted all in favor.

## **Notice of Intent**

### **DEP#160-0637**

The Gardner Conservation Commission will hold a 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 Whitman & Bingham Associates, LLC on behalf of William Contois, 89 Hill Street, Gardner, for the installation of a new septic system located at 89 Hill Street (M 7-5-9). Projected is within the buffer zone of a Bordering Vegetated Wetland.

Continued from 7-13-2020

- Brian Milisci of Whitman & Bingham said that they staked the field prior to the site walk as requested and they received the DEP file #.
- L. Butler did do a site walk and found no issues. They will have erosion control and there were no comments from the DEP.
- D. Burns noted that a “new system is better than a failed system.”
- G. Dumas asked about the duration of the project, and B. Milisci advised it would be a maximum of 2 weeks.

- A Motion to issue a Standard Order of Conditions was made by D. Burns, seconded by D. Orwig, and voted all in favor.

**DEP#160- 0636**

The Gardner Conservation Commission will hold a 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 Fuss & O’Neil Inc. on behalf of Mark Pelligrino for the City of Gardner, 95 Pleasant Street, for new construction of an elementary school, parking, extension of utilities, and other related amenities (Parcel W27-1-11, W27-11-1, R27-5-3, W27-11-3) Projected is located within the River Front area and Bordering Vegetated Wetland.

Continuation from 5-11-20, 6-8-20, 6-22-20, 7-13-20

- Eric Bernardin of Fuss & O’Neill advised that they submitted a revised Figure 8, reducing parking spaces as suggested. L. Butler feels this revision is an improvement.
- There were no additional comments from the Commission on the DEP comments.
- D. Orwig suggested covenant language for the vernal pool would be a good addition to the Order of Conditions.
- M. Hermanson expressed concern about the invasive species control. He asked what herbicidal product will be used at the onset and going forward? E. Bernadarin advised that Round-Up is the preferred herbicide. L. Butler pointed out that a Condition is in place for the Commission to be notified of invasive species herbicides prior to use.
- The Commission and E. Bernardin began going over the proposed Conditions:
  - D. Burns doesn’t feel the need to include signage regarding the vernal pool; he doesn’t want to advertise it. D. Orwig agrees that based on the re-design, there is no need for signage.
  - E. Bernardin suggests a 5 year cap on the invasive species monitoring for reports and inspections. That would be in line with the other DEP inspections for this project. G. Dumas is concerned that after 5 years, everything will fall by the wayside. N. Beaugard suggests a twice-a-year maintenance and that should be on-going, not capped. G. Dumas and D. Burns also do not agree with the 5 year cap. G. Dumas inquired about the chances of an invasive species returning after being treated, and M. Hermanson advised it’s always ‘on-going.’ L. Butler agrees that on-going for more than 5 years is in the Commission’s best interest. M. Hermanson suggests that at the end of the 5 years an evaluation for monitoring the invasive species could be made. G. Dumas agrees, and a determination with the school committee could be made at that time. Wayne Anderson from the School Department said that he will bring the subject to the school committee and confirms that it is in the budget to do so; it should not be an issue. G. Dumas wants to vote on the Conditions tonight prior to bringing the subject to the school committee.

- M. Hermanson wants to see a long-term maintenance plan in the formal plan. Victoria Houle confirms that a long-term plan is already in there.
- D. Orwig again brought up the covenant language for the vernal pool. E. Bernardin suggested that it could be included with standard language, recorded, and kept in perpetuity. He also suggested that the language be run by the City Solicitor.
- There were no additional questions, comments, or concerns from either the Commission or the public on the zoom meeting.
- A Motion was made to issue a Standard Order of Conditions (inclusive of covenant language for the vernal pool) and the Exclusive List of Conditions by D. Burns, seconded by N. Beauregard, and voted all in favor.

### **New Business**

#### Request to amend Order of Conditions for DEP#160-0608

- L. Butler advised that she went on a site visit and explained Mr. Lapierre would like to make changes on an approved drain. She saw no issues.
- R. Lapierre presented an amended engineer-stamped plan. G. Dumas isn't comfortable changing an engineer-stamped plan, but R. Lapierre noted that when the engineer first drew the plans, he was not aware of the pitch of the roof.
- The run off is currently being drained to an existing rain garden. R. Lapierre advised that there have been no issues thus far in 2 years since the build. L. Butler agreed, and suggested that R. Lapierre finish the drainage work and the rain garden can be assessed at that point. She thinks it will be an improvement.
- D. Burns proposes a site visit. 8 am on Saturday, August 1<sup>st</sup> is amenable to all.
- G. Dumas doesn't need Mr. Lapierre to stop any work prior to the site visit.
- A Motion was made to continue the request to the August 10<sup>th</sup> meeting and do the site visit by D. Burns, seconded by M. Hermanson, and voted all in favor.

### **Motion to Adjourn**

**7:27 pm** A motion to adjourn was made by D. Burns. The motion was seconded by D. Lehtinen, and voted unanimously, all in favor.

NOTICE: These Agenda items consist of items that are reasonably anticipated by the Chair to be discussed at the meeting and are specifically allowed to be discussed at the meeting. Not all items listed may in fact be discussed and other items not listed may also be brought up for discussion to the extent permitted by law.

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Agent of the Conservation Commission

Lyndsy Butler is inviting you to a scheduled Zoom meeting.

Topic: Conservation Commission

Time: Jul 27, 2020 06:30 PM Eastern Time (US and Canada)

Join Zoom Meeting

<https://zoom.us/j/94275742152?pwd=WGtuTHRac2tlaDBEdDcwOGtuOHNSUT09>

Meeting ID: 942 7574 2152

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