



**CITY OF GARDNER
CONSERVATION COMMISSION
Minutes of the Meeting of
August 26, 2019
Hubbard Conference Room
Gardner City Hall Annex Room 203**

Members Present:

Chairman Greg Dumas, David Beauregard, Norman Beauregard, Duncan Burns, Michael Hermanson, and David Orwig. Also present was Conservation Agent Jeffrey Legros.

Members Absent:

Donna Lehtinen and Martin Bowers (Associate, non-voting Member)

Guests & Visitors:

Steven Rockwood, Resident; Seth Donohoe, Ducharme & Dillis, Civil Design Group; Joe Noonan and Melanie Noonan, 92 Saunders Street; Dane Arnold, Director, City of Gardner DPW; Dennis Lassell, Quality Contracting, Inc, representing Old English Village/Related Group.

Public Hearings

6:30 The Gardner Conservation Commission opened the joint Public Hearing under MGL, Ch. 131, § 40, Wetlands Protection Act, and the City of Gardner Wetlands Protection Ordinance (City Code 650) on the Notice of Intent filed by Joseph and Melanie Noonan, 92 Saunders Street, Gardner, MA, represented by Stanley Dillis, Ducharme & Dillis, Civil Design Group, Inc., Bolton, MA, for the construction of a single family home and access driveway, on an undeveloped, vacant, wooded lot (W17-16-5) located on Saunders Street and within the Buffer Zone and adjacent to an existing Bordering Vegetated Wetland. As proposed, the work shall conform to the 30-foot 'No-Disturb' Buffer Zone and the 60-foot 'No-Build' Buffer Zone of the Gardner Wetlands Protection Ordinance.

6:31 Seth Donohoe, Ducharme & Dillis, Civil Design Group, described the proposed project and referenced the site plan.

6:33 Chairman Dumas asked when the work would begin.

Mr. Joe Noonan, property owner and resident of Gardner at nearby 92 Saunders Street, stated that the work would begin in 1-2 years.

Agent Legros stated that he has walked the property in the past with regard to this project. He asked Mr. Donohoe to describe the runoff swale pictured in the plan.

Mr. Donohoe stated that it would be a stone/rip-rap swale along the edge of the driveway intended to slow and infiltrate water.

Agent Legros asked if the depth of groundwater was known.

Mr. Donohoe stated that it was unknown.

Chairman Dumas stated that he would like to know the depth of groundwater and recommended that the Commission conduct a site visit to view the site relative to nearby wetland resource areas.

6:35 A motion was made by D. Burns to continue the hearing until September 23, 2019, pending a site visit and assessment and documentation of the depth-to-ground water. The motion was seconded by M. Hermanson and voted unanimously, all in favor.

Meeting Chairman Dumas called the meeting to order.

Minutes

7:50 A motion was made by N. Beauregard to approve the Minutes of the Meeting of July 22, 2019. The motion was seconded by D. Beauregard and voted unanimously, all in favor, with D. Orwig abstaining as he was not present at the meeting.

7:51 The Minutes of the Meeting of August 12, 2019 were tabled until the next meeting.

Orders of Conditions

None

Request for Determination of Applicability

RDA # 2019-6-10: The Gardner Conservation Commission resumed the 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 Massachusetts Electric Company (aka National Grid), 40 Sylvan Road, E2.474, Waltham, MA. The work will be located along Clark Street within the road layout and will consist of the replacement and relocation and new installation of multiple utility poles and stub poles. The work will occur within the 100-foot buffer zone of the Bank of Perley Brook Reservoir, 200-foot riverfront Area of Perley Brook, and local 30-foot 'No-

Disturb' Zone and 60-foot 'No-Build' Zone of associated Wetland Resource Areas.

This matter has been *Continued from the Meetings of July 8th and 22nd, 2019.*

- 6:36** On a motion by D. Burns, at the applicants written request, a motion was made to continue the hearing until September 23, 2019, pending review of the Massachusetts Department of Conservation and Recreation (DCR), Office of Dam Safety. The motion was seconded by D. Beauregard and voted unanimously, all in favor.
- 6:37 RDA # 2019-8-12:** The Gardner Conservation Commission will open 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 the City of Gardner, Department of Public Works. The request is related to ongoing maintenance of culverts and dams required as part of the necessary duties of the Department of Public Works and Engineering & Survey Department for the necessary maintenance and upkeep of roadways and dams.

Dane Arnold, Director, Gardner DPW, presented the Request and associated map of culverts (road-stream crossings) city-wide.

Chairman Dumas requested that the work "Emergency" be removed from the description of maintenance as such maintenance would be conducted under an Emergency Certification, if needed.

The Commission discussed issuance of a general maintenance RDA for Dams and Culverts with the following conditions: Notify Agent prior to work within the buffer zone of Wetland Resource Areas; Use Erosion Controls for all such work; Notify the Agent upon completion of work; and remove the erosion controls upon stabilization.

- 6:45** A motion was made by N. Beauregard to issue a Negative Determination #3 with the aforementioned Conditions. The motion was seconded by D. Beauregard and voted unanimously, all in favor.

Request for Certificate of Compliance

None

Request for Extension of Order of Conditions

None

Request for Minor Changes of Work

None

Enforcement Order

DEP File #160-0610: 959 West St. Solar Project, Borrego Solar

Agent Legros updated the Commission on the recent monitoring of the site since the issuance of an order to cease and desist work, and the last meeting. The monitoring conducted on site has documented substantial improvements toward alleviating the perpetual erosion control issues that had been occurring on site. Agent Legros recommended reducing the monitoring requirements at this time to 1 visit per month and/or after each 1” rain event in a 24-hour period. The Agent will continue to monitor the situation and SWCA will continue to conduct monitoring activities and submit reports under the recommended requirements.

- 6:45** A motion was made by N. Beauregard to reduce the monitoring requirements per the Agent’s aforementioned recommendation. The motion was seconded by D. Beauregard and voted unanimously, all in favor.

Agent Legros will notify and inform Borrego and SWCA of the approved revised monitoring requirements.

Peer Review by Fuss & O’Neill is ongoing. The matter will be tabled pending further updates and the results of the peer review.

Emergency Certification

7:17 Related Properties (Olde English Village), Manca Drive, catch basin repairs

Mr. Lassell, Quality Contracting, submitted additional information including a specification of a standard catch basin to be installed. The information did not include a to-scale drawing or plan showing the extent of work relative to the adjacent Wetland Resource Areas and existing conditions.

The Commission reviewed the material and noted the lack of detail provided to describe the scope and extent of the work to be performed. Further, they indicated that there was not enough information to ensure that the work would avoid or prevent potential negative impacts or encroach upon protected Wetland Resource Areas.

The Commission felt that an RDA should be filed with the appropriate supporting documentation including a signed and stamped plan or drawing by a qualified professional.

The Agent will follow up with Mr. Lassell to provide guidance and answer any questions that he may have. The Agent will also notify the property owner, Related Group, of the Commission’s request.

Presentations

None

Old Business

- **Timpany Crossroads Stormwater Runoff Concerns**
Agent Legros updated the Commission and informed them that a letter had been sent to Hannigan Engineering, as the Engineer of record representing Timpany Crossroads, notifying them of the Commission's concerns related to onsite stormwater outfalls into an area directly abutting the 30-foot NO Disturb Zone and discrepancies between this situation and the presented and approved plans and information.
- **Bailey Brook/Hilchey Pond Fluvial Geomorphology Assessment**
A fluvial geomorphology assessment was conducted along Bailey Brook and within Hilchey Pond by Nick Nelson, InterFluve. The results of this report may be used to help assess current conditions and guide future conservation efforts along the lower Bailey Brook.

New Business

- **Cummings Conservation Area Guided Hike Series**
Agent Legros informed the Commission of the upcoming series of hikes sponsored by North County Land Trust and Millers River Watershed Council to be hosted at the Cummings Conservation Area. The hikes will highlight the natural history, geology, ecology, and family and industrial history of the property. The hikes will be held on Saturday afternoons from 2:30 to 4:30 on Sept. 21, Oct. 26, and Nov. 23rd.

Unanticipated Business

- **Civil Infractions 21D Citations Booklet (7:40)**
Chairman Dumas asked Agent Legros to ask the City's Parking and Civil Enforcement Department how to acquire a fine booklet or non-criminal municipal citation form for use pursuant to Mass General Law Chapt. 40 Section 21D under the local Wetlands Protection Ordinance (City Code Chpt. 650).
A motion was made by D. Orwig to approve the expense of purchasing a citation booklet from the Wetlands Protection Ordinance Fees Account. The motion was seconded by D. Beauregard and voted unanimously, all in favor.
- **Hobby Pond Dam Maintenance and Repair Project**
Agent Legros updated the Commission on the status of the project being conducted by the Monadnock Trust under an RDA issued by the Commission on February 12, 2018. Efforts to open the gate using the existing valve were unsuccessful at this time. Mr. Alan LaPierre is mowing the dam and upstream berm (Hobby Pond side) for the Monadnock Trust to keep trees from re-establishing.
- **Alisaukas Field Mowing (annual) (7:55 PM)**
A motion was made by N. Beauregard to approve the allocation and expense of \$1,043 from the Conservation Trust Account to be paid to Alan LaPierre for the purpose of mowing the Alisaukas Field on Howard Street within the Alisaukas Conservation Area. The motion was seconded by M. Hermanson and voted unanimously, all in favor.

- **Wetlands Protection Ordinance Fees Account**

A discussion was had on the intended purposes and allowable activities approved for the spending of funds collected as fees under the local Wetlands Protection Ordinance (City Code Chapter 650). The Commission asked Agent Legros to inquire with the Assistant City Solicitor and City Auditor for clarification and guidance with regard to this inquiry.

Motion to Adjourn

8:11 A motion to adjourn was made by M. Hermanson. The motion was seconded by D. Orwig 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