



**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, September 28th, 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. All documents and permit applications can be provided electronically. Please send request to 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, David Orwig, Michael Hermanson, David Beauregard, Norman Beauregard, and Donna Lehtinen. Also on Zoom was Conservation Agent Lyndsy Butler, and Administrative Clerk Kris Singer

Guests & Visitors:

Christopher Mossman – Trowbridge Engineering, LLC; David Richard – 122 Smith St; and Todd Kirton, Tighe & Bond representative

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

Minutes

Vote to approve the Minutes of the Meeting of September 14, 2020

- Motion to approve Minutes made by M. Hermanson, seconded by D. Beauregard, and voted all in favor.

Notice of Intent

DEP#160-

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 Tighe & Bond on behalf of the Gardner Redevelopment Authority, 115 Pleasant Street, Gardner, for the removal of contaminated sediments located at 140 South Main Street (R17-18-11, R17-18-14). Projected is located within the Riverfront Area.

- Tighe & Bond explained that 6 years ago this issue came before the Conservation Commission, and a building on site was demolished in 2014. The goal is to remove deep contaminate (oil) from the site. The Gardner Redevelopment Authority owns the site and has MA funding to deal with soil contaminates. The north bank of Foster Brook has most of the sediments. They plan to get down to the ground water table and also remove a retaining wall, which currently serves no purpose. Relatively speaking, the volume of contaminates is “pretty small.” They also plan to create a new, natural bank and implement erosion control in the form of shrubs. The bottom line is to get the site cleaned up with a permanent solution in mind and create a new wetland area, restoring sediments to local conditions. Commissioners visit the site on Saturday the 26th with Todd Kirton.
- D. Orwig questioned the existing slope, and Tighe & Bond confirmed that the removing of the retaining wall will cause the slope to begin closer to the street.
- M. Hermanson questioned a start date, and Tighe & Bond replied that the goal is to start this fall.
- D. Burns asked if the chain-link fence featured in the pictures would remain, and Tighe & Bond replied that it would not.
- G. Dumas noted that there is no DEP# yet, so the case will need to be continued. He did note that he liked the proposed work and plan.
- A motion to continue the case to the October 26th meeting was made by D. Beauregard, seconded by N. Beauregard, and voted all in favor.

DEP#160-0639

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 Trowbridge Engineering, LLC, on behalf of David Richard of 122 Smith Street, Gardner, for the installation of a driveway and utilities at Pearl Street (W27-13-4). Projected is located within the buffer zone of Bordering Vegetated Wetland.

Continued from September 14, 2020

- Christopher Mossman from Trowbridge Engineering confirmed that roadway falls under the city's jurisdiction, not the state's jurisdiction.
- C. Mossman will get a wetlands report and share it with the Commission.
- G. Dumas summarized that at the site visit they looked for other options for entrance to the lot. He noted that the land was nice and he understands what they are trying to do. The land is very dry; there is no evidence of major wetlands. The Commission agrees, noting that any water may be run-off or overflow.
- G. Dumas also stressed that they need a mutual plan to protect both the land owner and the wetlands.
- D. Orwig suggested improving the area by adding plantings to buffer the wetlands. He agrees that the lot appears to be a buildable lot.
- C. Mossman said the proposal minimizes the cuttings to just the driveway area. This will allow the house more privacy and gives a larger buffer to the wetlands.
- G. Dumas asked how many trees are proposed to be cut? C. Mossman advised approximately 50 trees in total are proposed to be cut, with a "small amount" of that total in the No Disturbance zone.
- G. Dumas likes the idea of more plantings. C. Mossman noted that there is not a lot of room for more plantings. G. Dumas is concerned about too much sun caused by the cutting not allowing for further growth. He also would like guidance from a wetlands scientist. C. Mossman will come up with ideas to be presented at a later meeting.
- C. Mossman stated that it would be ideal to begin this project this year, at least putting in the driveway.
- D. Beauregard suggested allowing them to proceed and come up with planting ideas later.
- When asked about the potential for the owner to purchase additional land from a neighbor, C. Mossman stated that it may create a setback issue. Also, G. Dumas noted that the neighbor has been using the area as a dump ground for their landscaping refuse.
- M. Hermanson suggests that new plantings match the cuttings.
- C. Mossman also suggested that they could plant into the wetlands on the slope, a minimum of 10 plantings and a maximum of 20 plantings, and submit the proposal for the record.

- G. Dumas inquired about a maintenance plan, and C. Mossman explained the plan for the driveway having a berm, catch basins, etc. He believes that their proposal will handle most small storms.
- There is a small area that will encroach on the 30' No Disturb. A waiver will be granted for access to the property only. The wetland on site does not have a hydrological connection and is most likely the result of drainage. The remainder of the lot is dry. Mitigation will be provided with the additional plantings of a minimum of 10 but not to exceed 20. Plantings will be at the discretion of the wetland scientist.
- A Motion to proceed with the condition of proposed plantings was made by N. Beaugard, seconded by D. Burns, and voted all in favor.

DEP#160-

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 Mark Popham R.S., on behalf of APK Real Estate, LLC, of New Ipswich, for the construction of a single family home and septic system located at Green Street (M47-22-17). Projected is located within the buffer zone of an intermittent stream.

Continued from September 14, 2020

- L. Butler noted that the applicant requests a continuance.
- A Motion was made to continue the case to the October 26th meeting was made by D. Burns, seconded by M. Hermanson, and voted all in favor.

New Business

ANRAD appeal for Sludge Landfill

- L. Butler advised that there are no new updates. The DEP is still awaiting news/info from the DPW. The delay has to do with the budget and funding. The DEP is allowing the city to wait on funding advisement.
- G. Dumas asked what the deadline is, and L. Butler advised that the DEP would have liked the information by mid-September.
- G. Dumas noted that the Commission may need touch base with DPW Director Dane Arnold.

Ratify Emergency Certificate for Breach of Beaver Dam located off Linus Ave. that was issued on Monday, September 21, 2020.

- L. Butler noted that she believes this is the same issue that happened back in June.
- D. Orwig asked if the Board of Health issued the Emergency Certificate, and L. Butler replied that both the Board of Health and the Conservation Commission

needs to issue the certificate. Now the Commission needs to ratify the emergency certificate.

- A Motion to ratify the Emergency Certificate was made by D. Burns, seconded by D. Beauregard, and voted all in favor.

MACC

- D. Orwig reminded everyone that the MACC is planning their fall meeting as a virtual meeting which will be a week-long event.

Future Meetings

- D. Burns advised that after speaking with the Mayor, the Perry Auditorium may be used for these types of meetings in the future. There is lots of room in that building for social distancing.

Motion to Adjourn

7:19 pm A motion to adjourn was made by N. Beauregard. The motion was seconded by D. Beauregard, 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.

Agent of the Conservation Commission

Lyndsy Butler is inviting you to a scheduled Zoom meeting.

Topic: Conservation Commission

Time: Sep 28, 2020 06:30 PM Eastern Time (US and Canada)

Join Zoom Meeting

<https://zoom.us/j/92799212770?pwd=WjdFV1NwT1NLUDNEVVUwM3hxR2w4Zz09>

Meeting ID: 927 9921 2770

Passcode: 759015

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