



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

Members Present:

Chairman Greg Dumas, Norman Beauregard, Duncan Burns, and Donna Lehtinen. Also present was Conservation Agent Jeffrey Legros.

Members Absent:

David Beauregard, Michael Hermanson, and David Orwig.

Guests & Visitors:

Robert Cormier, Alfred Cormier Construction, Inc.; Laura M. Casker 36 Rugby Street; Amy "Lily" Hope, Citizen of Gardner; Martin Bowers, Resident, Associate Member Volunteer.

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.

6:31 A motion was made by D. Burns to continue the hearing until March 25, 2019 at the applicants request pending review and response to comments from

MassDEP and Tighe & Bond's peer review. The motion was seconded by N. Beauregard and voted unanimously, all in favor.

6:32 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.

6:32 A motion was made by D. Burns to continue the hearing until March 25, 2019 at the applicants request pending review and response to comments from MassDEP and Tighe & Bond's peer review. The motion was seconded by D. Lehtinen and voted unanimously, all in favor.

6:33 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.

6:33 A motion was made by D. Burns to continue the hearing until March 25, 2019 at the applicants request pending review and response to comments from MassDEP and Tighe & Bond's peer review. The motion was seconded by D. Lehtinen and voted unanimously, all in favor.

Meeting Chairman Dumas called the meeting of March 11, 2019 to order.

Minutes

7:06 A motion to approve the Minutes of the Meeting of February 25, 2019 was made by N. Beauregard. The motion was seconded by D. Burns and voted unanimously, all in favor.

Orders of Conditions

None

Request for Determination of Applicability

None

Request for Certificate of Compliance

6:34 A motion was made by D. Burns to refer the Request for Certificate of Compliance relative to **DEP File #160-0329**, Cedar Hills Subdivision Site Work and Culvert (partially constructed, previously approved subdivision) to MassDEP for their consideration as the original Order of Conditions was issued as a Superseding Order by MassDEP. The motion was seconded by N. Beauregard and voted unanimously, all in favor.

6:37 A motion was made by D. Burns to DENY the Request for Certificate of Compliance for **Mass DEP File #160-0355**, relative to the off-site improvements (Parker Street municipal sewer line, sewer and waterline construction on Keyes Road, and Culvert rehabilitation at Keyes Road and Edgell Avenue) associated with the previously proposed Cedar Hills Subdivision which was not completed, as the Request is missing an engineer's letter of substantial compliance, and information was missing or insufficient to determine which portions of work (if any) were completed under the original Order. The motion was seconded by D. Lehtinen and voted unanimously, all in favor.

The applicant shall re-file a new Request once the incomplete and/or missing information is available for submission and review so that the Commission may make an informed decision and issue a complete and accurate Certificate.

6:40 A motion was made by D. Burns to continue the Request for Certificate of Compliance for **DEP File #160-0548 (391 West Broadway Single Family Home)** until the meeting of June 10, 2019 to allow the grass to seed and become

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

Robert Cormier, representing Alfred Cormier Construction was present at the meeting and will assume responsibility for ensuring that the grass becomes established and that the site is fully stabilized before removing erosion controls. He will contact Agent Legros in mid-May to schedule a follow-up site visit in advance of the June meeting.

Request for Extension of Order of Conditions

None

Request for Minor Changes of Work

None

Enforcement Order

- **35 Eastwood Circle Wetland Restoration Planting Plan:**
Mr. Samuel, the owner of 35 Eastwood Circle provided the Commission with a receipt for plants purchased from New England Wetland Plants according to the recommended planting list approved by the Commission.

Agent Legros will follow up with Mr. Samuel to determine who will conduct the planting and when it will be completed.

- **Sapphire Park As-Built Plan Structures within the ‘No Build’ Zone:**
This matter was continued until March 25th at the previous meeting of February 25th. Agent Legros will confirm in person (or, otherwise, by certified mail) that Mr. Donell will be present at the Meeting of March 25th to present a restoration plan for the required remediation as agreed upon and required in the Enforcement Order.
- **DEP File #160-0610: West St. Solar Project, Borrego Solar**
The Commission is still awaiting a letter from Borrego Solar and plans for corrective actions. An incident report was previously submitted but it did not describe the violation in relation to the existing Order of Conditions or the impacted Wetland Resource Areas. 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.

Agent Legros will continue to monitor the site and will follow up with the applicant to inform them that the information should be submitted by Friday, March 15th so that the Commission has time to review it in advance of the Meeting on March 25th.

Emergency Certification

None

Presentations

None

New Business

- **MACC Annual Environmental Conference – Report:**
Agent Legros and Commission Members D. Beauregard and D. Orwig attended the MACC Annual Environmental Conference on Saturday, March 2, 2019. The conference was well attended and informative with a variety of presentations. There were several timely and useful sessions on climate change resilience and permitting large-scale, commercial solar array projects. The cover of the conference program featured a picture of Bailey Brook taken by Agent Legros within the newly acquired Bailey Brook Conservation Area, Gardner.
- **Purchases and Expenditures: MSMCP Annual Dues; MACC Conference Registration Fees; New Laptop Computer & Software and Accessories:**
6:52 PM – A motion was made by D. Burns approving \$2,500 for the purchase of a new laptop computer, associated accessories (docking station, keyboard, mouse) and necessary software, including MS Office. The motion was seconded by N. Beauregard and voted unanimously, all in favor.
6:55 PM – A motion was made by D. Burns to approve the payment of the MSMCP FY 2019 Annual Dues in the amount of \$20 to be paid from the WPA Fees Account. The motion was seconded by D. Lehtinen and voted unanimously, all in favor.
6:58 PM – Chairman Dumas approved the expense of \$375 for MACC conference registrations (\$125 each) for the two Members and Agent who attended. Registration fees were allocated to the WPA Fees account.

Old Business

- **Arbor Day Seedling Program (7:00 PM):** The Commission discussed the option of purchasing two trees to be planted instead of purchasing Arbor Day Seedlings.
A motion was made by N. Beauregard to approve up to \$250 for the purchase of trees to be planted for Arbor Day. The motion was seconded by D. Burns and voted unanimously, all in favor.
- **Gardner Fish & Gun Club, Clark Street 0.5-Acre parcel at Bailey Brook:**
The due diligence contracts have been executed and the survey, title, and appraisal are underway. Once they are completed a petition will be presented to City Council to approve the purchase using funds from the Federal USFWS National Wetlands Conservation Association funds attained by Janet Morrison for the Gardner and Winchendon Wetlands Protection project.

Unanticipated Business

- **Fluvial Geomorphology Assessment:** The Commission discussed the raffle prize won by the Commission at the MACC Annual Conference, a fluvial geomorphology assessment by Nick Nelson, Inter-Fluve. The cost of the assessment to the Commission will be \$250 for a 4-hour field assessment and associated technical memo. The Commission discussed the possibility of an assessment on Bailey Brook.

7:10 PM – A motion was made by N. Beauregard to allocate \$250 from the Conservation Trust Account to cover the cost of a fluvial assessment of Bailey Brook by Nick Nelson, Inter-Fluve. The motion was seconded by D. Burns and voted unanimously, all in favor.

Motion to Adjourn

7:11 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