



**CITY OF GARDNER
CONSERVATION COMMISSION
Minutes of the Meeting of
April 22, 2019
Hubbard Conference Room
Gardner City Hall Annex Room 203**

Members Present:

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

Members Absent:

None

Guests & Visitors:

Steven W. Rockwood, Resident; Conrad Donell, Sapphire Park; and Martin Bowers, Resident, Volunteer Associate Member.

Public Hearings

None

Meeting Chairman Dumas called the meeting of April 22, 2019 to order.

Minutes

6:32 A motion was made by D. Burns to approve the Minutes of the Meeting of March 11, 2019. The motion was seconded by N. Beauregard and voted unanimously, all in favor, 4-0 with D. Beauregard, M. Hermanson, and D. Orwig abstaining as they were not in attendance at the meeting of March 11th.

The Minutes of the Meeting of March 25th, 2019 were previously approved at the Meeting of April 8, 2019.

6:35 A motion to approve the Minutes of the Meeting of April 8, 2019 was made by D. Burns. The motion was seconded by D. Orwig and voted unanimously, all in favor, 4-0 with D. Beauregard, N. Beauregard, and M. Hermanson abstaining as they were not present at the Meeting of April 8th.

Orders of Conditions

None

Request for Determination of Applicability

None

Request for Certificate of Compliance

None

Request for Extension of Order of Conditions

None

Request for Minor Changes of Work

None

Enforcement Order

- **Sapphire Park As-Built Plan Structures within the ‘No Build’ Zone:**

Mr. Donell appeared in person.

The Commission discussed their site visit to view the area previously requested to be staked and flagged at their last meeting on April 8th. A site visit was conducted by Members of the Commission and Agent Legros on Thursday, April 18, 2019 at 6:00 PM. The location of the proposed and accepted remediation area was viewed and the approximate number of trees proposed for removal were assessed.

Mr. Donell had previously flagged the area and estimated the approximate number of trees necessary to remove as part of the construction of a wetland replication area.

Agent Legros led the site walk with the Commission members present (D. Burns, D. Beauregard, N. Beauregard, M. Hermanson, and D. Lehtinen).

The Commission members who were present at the site walk expressed their favorable opinion of the selected site and did not feel that the construction of a replication area would negatively alter the existing wetland area or adjacent upland habitat given that the construction of the replication area would require that the buffer zone be restored, expanded, and left to come back to natural conditions within the 30-foot ‘No Disturb’ zone.

- 7:00** A motion was made by D. Beauregard to approve the selected replication area and continue the matter pending the filing of a Notice of Intent for the wetland replication and buffer zone remediation. The motion was seconded by D. Burns and voted unanimously, all in favor.

- **DEP File #160-0610: West St. Solar Project, Borrego Solar**
Since the meeting of April 8th Borrego has initiated some erosion control measures and began hydroseeding some areas of the site.

Additional repairs to eroded areas and removal of silt within the two temporary-proposed long-term detention basins is still needed. Additional erosion controls may also be necessary as the site contractor laid flat and compacted much of the stump grindings along the access road rather than utilizing them to create filter-berms, check dams, and swales.

Agent Legros expressed his concerns to the site supervisor and will continue to monitor the site. He has informed the site super that continued and ongoing monitoring and additional measures, as identified in the Enforcement Order will be needed to ensure future compliance.

Agent Legros will work with David Albrecht, Engineer, Borrego, to ensure that the oversight monitoring and peer review required by the Enforcement Order is implemented. The City's on-call consulting Engineering firm, Fuss & O'Neill and SWCA will be contacted to determine the necessary scope and most efficient and effective path for oversight monitoring and review to ensure remediation and future, ongoing compliance.

The matter will remain on the agenda until oversight monitoring is complete.

- **DEP File #160-0611: Otter River Road Solar Project, Ameresco Solar**
Follow-up site visits have been conducted by the Conservation Agent to continue to monitor conditions on site. Additional minor erosion channels and rilling have been observed and some erosion controls have been slightly undermined but no additional sedimentation deposition has occurred to Wetland Resource Areas.

Despite minor maintenance requirements, the implemented measures have improved conditions on site and are handling current stormwater management needs.

Agent Legros expressed his concerns to Nabih Younis, Ameresco, and will continue to monitor the site. He has informed Mr. Younis that continued and ongoing monitoring and additional measures, as identified in the Enforcement Order, will be needed to ensure future compliance.

Agent Legros will work with Mr. Younis and Steve Herzog, Ecologist, Amec Foster & Wheeler, to ensure that the required oversight monitoring and peer review required by the Enforcement Order is implemented. The City's on-call consulting Engineering firm Fuss & O'Neill and SWCA will be contacted to determine the necessary scope and most efficient and effective path for oversight monitoring and review to ensure remediation and future, ongoing compliance.

The matter will remain on the agenda until oversight monitoring is complete.

Emergency Certification

An Emergency Certification was issued to the Gardner DPW for emergency work on a sewer force main located on Willis Road and associated work at the adjacent pump facility and to repair a partially collapsed culvert and headwall located at the approximate site of the work that will be unearthed as part of the sewer line repair.

Agent Legros informed the Commission that he has visited the site with the DPW Director and required that erosion controls wattles be put in place and remain in place for the duration of the project and that all open areas be covered at the end of each work day until the completion of the work. Agent Legros also requested that he be notified upon completion.

8:10 A motion was made by D. Burns to ratify the Emergency Certification for sewer line repairs to be conducted by the Gardner DPW. The motion was seconded by D. Beauregard and voted unanimously, all in favor.

Presentations

None

New Business

None

Old Business

None

Motion to Adjourn

8:11 A motion to adjourn was made by D. Beauregard. The motion was seconded by D. Burns 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