



**CITY OF GARDNER
CONSERVATION COMMISSION
Minutes of the Meeting of
May 13, 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

Guests & Visitors:

Bucky Sparkle, Zengineer; Scott Skuncik, Foth; Alan Rousseau, Resident; and Martin Bowers, Resident, Volunteer Associate Member.

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.
- 6:32** A motion was made by D. Burns to continue the hearing until June 10, 2019 at the applicants request. The motion was seconded by D. Beauregard and voted unanimously, all in favor.

The matter was previously continued from the Meetings of Jan. 14 & 28, Feb. 11 & 25, Mar. 11 & 25, and Apr 8, 2019.

- 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.
- 6:33** A motion was made by D. Burns to continue the hearing until June 10, 2019 at the applicants request. The motion was seconded by D. Beauregard and voted unanimously, all in favor.

The matter was previously continued from the Meetings of Jan. 14 & 28, Feb. 11 & 25, Mar. 11 & 25, and Apr 8, 2019.

- 6:34** 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.

- 6:34** A motion was made by D. Burns to continue the hearing until June 10, 2019 at the applicants request. The motion was seconded by D. Beauregard and voted unanimously, all in favor.

The matter was previously continued from the Meetings of Jan. 14 & 28, Feb. 11 & 25, Mar. 11 & 25, and Apr 8, 2019.

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- 6:35** The Gardner Conservation Commission held 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 Massachusetts Department of Conservation and Recreation, 355 West Boylston Street, Clinton, MA, for repairs to a timber boardwalk located at Dunn Pond State Recreation Area, Pearl Street, Gardner. Resource Area impacts will include work within Land Under Waterbodies and Waterways, of Dunn Pond.

Scott Skuncik, Foth Engineering, representing Massachusetts Department of Conservation and Recreation, described the proposed project to include repair of the existing boardwalk structure. He stated that the work within Land Under Waterways was unavoidable given the nature of the repair and services provided by a State Recreation Area with Universal Access Amenities. However, impacts were minimized by the selected method of repair to include sheathing the existing pylons and utilizing the existing headwall as the foundation for a cast concrete sill. In this way impacts to the Wetland Resource Areas were minimized, mitigated, or avoided.

- 6:40** A motion was made by D. Burns to close the hearing. The motion was seconded by M. Hermanson and voted unanimously, all in favor.

Meeting Chairman Dumas called the meeting of May 13, 2019 to order.

Minutes

- 6:42** A motion was made by D. Burns to approve the Minutes of the Meeting of April 22, 2019. The motion was seconded by N. Beauregard and voted unanimously, all in favor.

Orders of Conditions

- 6:42** A motion was made by N. Beauregard to issue an Order of Conditions with standard Special Conditions for DEP File #160-0628, Dunn Pond State Park, 289 Pearl Street, Boardwalk Repair Project. The motion was seconded by D. Burns and voted unanimously, all in favor.

Request for Determination of Applicability

6:45 RDA #2019-5-13: The Gardner Conservation Commission will held 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 Mass Trial Court, Office of Court Management, Facilities Management & Capital Planning, through the Massachusetts Division of Capital Asset Management and Maintenance. The work will be located at 108 Matthews Street and will consist of the repair of two catch basins located in the parking area at the rear of the courthouse. The work will occur within the 100-foot buffer zone of Bordering Vegetated Wetlands.

Bucky Sparkle, PE, The Zengineer, described the proposed work to repair two failing catch basins in the rear parking area of the District Courthouse. Currently the catch basins are slumping and soil and fill is eroding around the compromised infrastructure. The repairs will be completed within two days if there are no complications or causes for delay. All exposed areas will be covered and erosion controls will be installed. The work will be done during dry conditions.

6:56 A motion was made by D. Beauregard to issue a Negative Determination #3. The motion was seconded by D. Burns 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

- **Sapphire Park As-Built Plan Structures within the ‘No Build’ Zone:**
At the request of Mr. Donell’s wetland scientist David Crossman, the matter is being continued until June 10th as he was not available this meeting. Currently, there is also a question related to the wetland line at another location on the property (near Lot 54 Opal Lane) and the potential that one or more lots may also be in violation of the ‘No Build’ and/or ‘No Disturb’ Zones of the Wetlands Protection Ordinance.

Agent Legros recommended that this matter be investigated by the Commission prior to moving forward with the existing Enforcement Order as the potential violation(s) are related to the ongoing enforcement matter. A site visit was recommended by the Agent and Mr. Donell on Friday, May 17th to review an alternative wetland line that is being proposed by Mr. Donell and his Wetland Scientist.

7:10 A motion was made by B. Burns to continue the matter until the meeting of June 10, 2019. The motion was second by N. Beauregard and voted unanimously, all in favor.

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

7:12 A motion was made by D. Burns to continue the matter until the meeting of June 10, 2019 pending peer review and submission of revised plans and drainage analysis report. The motion was seconded by D. Beauregard and voted unanimously, all in favor.

- **DEP File #160-0611: Otter River Road Solar Project, Ameresco Solar**

7:15 Steve Herzog, AMEC Foster Wheeler (representing Otter River Road Solar), and Nabih Younis, Ameresco (representing Otter River Road Solar), described the current conditions of the site and plans to contract with SWCA for stormwater monitoring oversight. SWCA will initiate monitoring and conduct an initial site inspection in the coming week. Mr. Herzog and Mr. Nabih described the many measures that have been taken to control erosion and sedimentation on site since the initial violation and acknowledged that this has led to improved conditions while still requiring regular monitoring and management of measures. Mr. Herzog described the new basin/swale along the western edge of the site and several gravel bars that have been installed. Mr. Nabih noted that the hydroseeded grasses are beginning to establish in most areas. They will continue to monitor and maintain the erosion controls and work with SWCA on any new implementations or measures which may be necessary or recommended.

A status update will be provided after that initial inspection and any new or revised plans will be prepared as necessary or required.

Agent Legros confirmed that he has visited the site on numerous occasions and that the conditions have improved and are currently being controlled.

7:25 A motion was made by D. Burns to continue the matter until June 10, 2019 pending inspection by SWCA and related recommendations and monitoring reports. The motion was seconded by N. Beauregard and voted unanimously, all in favor.

Emergency Certification

None

Presentations

None

New Business

- **Arbor Day Tree Plantings – Report**

Eight (8) trees were planted by local Boy Scouts on Earth Day weekend. An additional 4 trees were planted by the DPW on Arbor Day. At Gardner High School 3 crabapples, 2 Yoshino cherries and 1 redbud were planted. On Heywood Street (at the rear of the Olde Burying Ground Cemetery) a tulip tree and a London planetree were planted. A Linden tree was planted near the entrance to Crystal Lake Cemetery, overlooking Crystal Lake. Two elm trees were planted in front of Helen Mae Sauter School along Elm Street. And finally, one serviceberry tree was planted in the green on Parker Hill.

- **National Grid Sideline Maintenance Vegetation Management**

Agent Legros presented a memo from National Grid outlining right-of-way sideline maintenance vegetation management plans.

Old Business

None

Motion to Adjourn

8:00 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