



**CITY OF GARDNER
CONSERVATION COMMISSION
Minutes of the Meeting of
March 25, 2019
Hubbard Conference Room
Gardner City Hall Annex Room 203**

Members Present:

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

Members Absent:

Norman Beauregard, and Michael Hermanson.

Guests & Visitors:

Alan Rousseau, Gardner Resident; Amy Hope, Citizen of Gardner; 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.
- 6:35** A motion was made by D. Burns to continue the hearing until April 8, 2019 at the applicants request to allow for review and response to comments from MassDEP and Tighe & Bond's peer review and make any associated revisions to

the plans. The motion was seconded by D. Beauregard and voted unanimously, all in favor.

6:35 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.

6:37 A motion was made by D. Burns to continue the hearing until April 8, 2019 at the applicants request to allow for review and response to comments from MassDEP and Tighe & Bond’s peer review and make any associated revisions to the plans. 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.

- 6:40** A motion was made by D. Burns to continue the hearing until April 8, 2019 at the applicants request to allow for review and response to comments from MassDEP and Tighe & Bond's peer review and make any associated revisions to the plans. The motion was seconded by D. Beauregard and voted unanimously, all in favor.
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Meeting Chairman Dumas called the meeting of March 25, 2019 to order.

Minutes

- 6:41** The Minutes of the Meeting of March 11, 2019 were tabled until the next meeting on April 8, 2019 due to the lack of a quorum of members in attendance who were also in attendance at the meeting of March, 11th.

Orders of Conditions

None

Request for Determination of Applicability

None

Request for Certificate of Compliance

- 6:42** 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, was denied at the Meeting of March 11, 2019, as the Request was 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 applicant has been advised to refile the Request with correct, complete, and adequate information for the Commission to make a decision on the matter. At this time a new request has not been received.

The item remains on the Agenda for administrative purpose as a matter of record.

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 notified the Commission verbally by phone that he plans to conduct the planting before the next meeting of April 8, 2019.

Agent Legros will follow up with Mr. Samuel to advise him that he will be responsible for successful establishment of 70% of the plantings within 3-years. He will be advised to confirm with New England Wetland Plants or another botanist or nursery professional that conditions are suitable for planting prior to completing the work.

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

Mr. Donell appeared in person and informed the Commission that a plan had not yet been finalized for the required wetland replication of 2,000 square-feet as previously agreed upon. He informed the Commission that his surveyor and engineer were in the process of completing a plan and that a Wetland Scientist, David Crossman, B&C Associates, had been consulted and will be helping to finalize the plan to the necessary standards of the MassDEP Wetlands Replication Guidelines and City of Gardner Wetlands Protection Ordinance.

Mr. Donell expressed concern that the agreed upon location for the replication may conflict with the proposed driveway of the subject lot (Lot 76). He suggested an alternative location.

Agent Legros informed the Commission that Lot 76 was selected as it was the only lot meeting the criteria established for selection of the remediation site. Particularly, the location should not be within an area already identified as “Open Space” on the approved project plans.

Agent Legros stated that the reason for the remediation was to account for intrusions into the “No Build” Zone of the local Wetlands Protection Ordinance by three structures (two garages and one home) on two different lots and that any future limitations to development caused by the enforcement of previous violations are an outcome of and caused by the need for such enforcement being required as a result of the violation itself being caused by, and at the fault of, the applicant.

It was the consensus of the Commission that for the reasons stated an alternative location should not be considered at this time. Additional time to complete the plan, in conjunction with a Notice of Intent to conduct the work, was agreed upon.

7:10 A motion was made by D. Burns to grant an extension for submission of the replication plan until April 8, 2019 with the condition that the full

plan and NOI to conduct the work be submitted at that time. The motion was seconded by D. Orwig and voted unanimously, all in favor.

Commission Member D. Burns recommended that Mr. Donell's contracted Wetland Scientist, David Crossman be present at the next meeting to present the plan and answer any questions the Commission may have.

Mr. Donell stated that he would try to make that arrangement.

The Enforcement Order requires that the NOI be presented at the meeting of April 22, 2019.

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

The Commission reviewed information provided by Agent Legros and Borrego Solar relative to the January 24, 2019 stormwater discharge event resulting in water and sediment escaping from the site and discharging to the Otter River at its confluence with an unnamed tributary a considerable distance from the site via a course following Morse Ave., Route 68, Sand Street, and overland through an undeveloped forested area. 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.

Additional violations related to onsite erosion and sedimentation identified and documented on a site visit conducted with Borrego's Site Superintendent, Kristopher Blakely on Monday, March 25, 2019, were presented to the Commission by Agent Legros and discussed.

A memo and supplemental plans detailing the incident, proposing corrective measures and identifying proposed stormwater features based on hydro-calculations and modelling were presented to the Commission for their review prior to the next meeting of April 8, 2019. At that time Borrego will present their proposed measures as a Request for Amended Order of Conditions. It was noted that the provided plans were not signed or stamped by a licensed, registered, Professional Engineer. Chairman Dumas asked Agent Legros to inform Borrego that signed and stamped plans would be required to be submitted for the Commission's review the materials.

- 7:28** A motion was made by D. Beauregard to include the recent erosion and sedimentation violations documented on March 25th in the Enforcement Order to be issued to Borrego Solar, relative to DEP File #160-0610, in response to the Stormwater Discharge Event occurring on January 24th, 2019 (documented on January 25th). The motion was seconded by D. Orwig and voted unanimously all in favor.

Agent Legros will request signed stamped plans for the Commission’s review in advance of the next meeting and will draft a full Enforcement Order related to the previous and recent violations. He will continue to monitor the site and ensure that corrective measures are implemented.

- **DEP File #160-0611: Otter River Road Solar Project, Ameresco Solar**
The Commission reviewed information related to erosion and sediment control violations observed on site by Agent Legros on Monday, March 18, 2019 following a Spring thaw and minor rain event occurring over several days including, March 14, 15, 16, and 17, 2019.

A follow-up site visit was conducted on the afternoon of March 18th with representatives of Ameresco and AMEC Foster Wheeler (Wetland Ecologist) to confirm the observed violations and discuss immediate corrective and preventative measures related to erosion and sediment control throughout the site.

- 7:30** A motion was made by D. Beauregard to issue an Enforcement Order to Otter River Road Solar, LLC in response to the Erosion and Sedimentation Control Violations documented on site on March 18, 2019. The motion was seconded by D. Orwig and voted unanimously all in favor.

Some corrective measures have been taken through the repair and replacement of existing erosion controls and the addition of additional erosion control measures including swales, gravel berms or filter bars, and the targeted placement of stone and riprap. Agent Legros will draft a full Enforcement Order and continue to monitor the site.

Emergency Certification

None

Presentations

None

New Business

- **Arbor Day & Earth Day Events (April 20th & April 27th):**
Agent Legros announced plans to coordinate volunteer tree plantings on Saturday, April 20th in honor, recognition and celebration of Arbor Day. Trees will be donated by the Conservation Commission, local residents and businesses, and through a local Boyscout Service project.

A free showing of the movie “The Lorax” will be shown on Saturday, April 20th at 10 AM at the Gardner Public Library to provide an enjoyable and educational experience for children and families with a theme of respecting and caring for trees, our environment, and the Earth.

On Saturday, April 27th Diane Leblanc, volunteer citizen and founder of the “Litter Angels” will organize and lead a City-wide clean-up in cooperation with the City of Gardner. Volunteers participating in the City-wide Clean-up will meet at Monument Park at 9:30 AM and work in teams to clean up various locations throughout the City.

Old Business

- **Gardner Fish & Gun Club, Clark Street 0.5-Acre parcel at Bailey Brook:** The Title Examination Report for the property has been completed. The survey, and appraisal are underway. A petition has been prepared and 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.
- **Hobby Pond Dam Repairs Project:** The Monadnock Trust continues to work with Trowbridge Engineering to coordinate repairs mandated by the DCR Office of Dam Safety related to a dam safety inspection and report conducted by the DRC. Chis Mossman, PE provided Agent Legros with a status update and additional information related to recent communications and follow-up between Mass DCR and the dam owner, Monadnock Trust. Currently, Mr. Mossman is investigating the potential of lowering the water level using an existing gate valve. The operability of the valve is unknown at this time. If water levels can be lowered and once soil conditions are dry (mid-summer) work will continue with the removal of trees on the lower side of the dam. Agent Legros asked Mr. Mossman to keep the Commission apprised of the work and overall project status as it moves forward.
- **Purchases and Expenditures:** Agent Legros informed the Commission that the docking station to power and connect the new computer to the existing monitor has been ordered and received and software and email exchange will be installed by IT.

Motion to Adjourn

8:00 A motion to adjourn was made by D. 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