



**CITY OF GARDNER
CONSERVATION COMMISSION
Minutes of the Meeting of
May 14, 2018
Hubbard Conference Room
Gardner City Hall Annex Room 203**

Members Present:

David Acting Chairman, Norman Beauregard, Duncan Burns, Michael Hermanson, and David Orwig. Also present was Conservation Agent Jeffrey Legros.

Members Absent:

Chairman Greg Dumas and Donna Lehtinen

Guests & Visitors:

Martin Bowers, Resident; Christopher Boudreau, Roland's Tire, 44 Travers Street; Keith & Nancy Greenlaw, Residents, Ryan Road; Kevin McHugh, CONECO Engineers & Scientists; Jassy Bratko, North County Land Trust; Roemel Samuel, Resident.

Public Hearings

The Gardner Conservation Commission opened the joint Public Hearing under MGL, Ch. 131, § 40, Wetlands Protection Act and the City of Gardner Wetlands Protection Ordinance (City Code Chapt. 650) on the Request for an Amendment to an existing Order of Conditions (#160-0605) filed by the Massachusetts Division of Capital Asset Management (DCAM) on behalf of Mount Wachusett Community College (MWCC) for proposed site enhancements at the MWCC campus, 444 Green Street, to include the reconfiguration and pavement of access roadways and parking areas and stormwater management system improvements. The requested amendment is for a reduction in the original scope of the project to include the resurfacing only, not a full reconstruction, of Lot B. Portions of the proposed work will occur within the 100-foot buffer zone of Bordering Vegetated Wetland and Bank Wetland Resource Areas and within the Zone A and Zone B Surface Water Supply Protection Areas of Crystal Lake Reservoir.

David Beauregard, Acting Chairman
Gardner Conservation Commission

6:31 Kevin McHugh, PE, Coneco Engineers & Scientists, described the requested amendment and reason for the elimination of the full reconstruction of Lot B due to a lack of funding. He explained that the amended project, as requested would include re-surfacing only with 3" of pavement.

Mr. McHugh also presented Amended plan sheets to be referenced in the Amended Order of Conditions for the area and scope related to the request.

Mr. McHugh indicated that it was the hope of the College that the project could be completed to the full, originally proposed scope within the next 3-5 years if funding becomes available.

6:42 A motion was made by N. Beauregard to close the Hearing. The motion was seconded by M. Hermanson and voted unanimously, all in favor.

Meeting Acting Chairman Beauregard called the meeting of May 14, 2018 to order.

Minutes

6:43 A motion was made by D. Burns to approve the Minutes of the Meeting of April 9, 2018. The motion was seconded by N. Beauregard and voted unanimously, all in favor.

6:44 A motion was made by D. Burns to approve the Minutes of the Meeting of April 23, 2018. 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 approve the requested amendment, as proposed, and issue an Amended Order of Conditions for DEP File #160-0605. The motion was seconded by M. Hermanson and voted unanimously, all in favor.

Request for Extension of Order of Conditions

None

Request for Determination of Applicability

1. RDA #2018-3-29: The Gardner Conservation Commission 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 North County Land Trust. The work will consist of trail work and small trail bridges. The work will occur within the buffer zone of Bordering Vegetated Wetland and intermittent streams.

6:54 A motion was made by D. Burns to issue a Negative Determination to the North County Land Trust for the work proposed under RDA #2018-3-29. The motion was seconded by N. Beauregard and voted unanimously, all in favor.

2. RDA #2018-4-26: The Gardner Conservation Commission 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 Chris Boudreau, 44 Travers Street, Gardner. The work will consist of paving the parking area of Roland's Tire and the driveway of the adjacent home. The work will occur within the buffer zone of the Bordering Vegetated Wetland and within the Riverfront area of Foster Brook.

7:00 A motion was made by M. Hermanson to issue a Negative Determination to Christopher Boudreau, 44 Travers Street, for the work proposed under RDA #2018-4-26 to be conducted at 44 Travers Street and the Parking Area of Roland's Tire. The motion was seconded by D. Orwig and voted unanimously, all in favor.

Request for Certificate of Compliance

None

Request for Emergency Certification

None

Enforcement Order

7:01 Mr. Roemel Samuel, 35 Eastwood Circle, described activities that he conducted and which included the removal (cutting) of trees within the buffer zone of an isolated wetland, protected under the City's Wetlands Protection Ordinance (City Code Chapter 650). Mr. Samuel stated that he was here today to make an effort to work with the Commission to remedy the situation.

Agent Legros confirmed that he had received a report of tree cutting within the wetland area and on a slope of an abutting property within the buffer zone and on land not owned by Mr. Samuel. Agent Legros noted that he observed the site from an abutting commercial property and served a letter to Mr. Samuel indicating the violation and requesting that he cease all work and meet with the Commission to discuss any required remediation. He noted that Mr. Samuel was receptive to the letter and claimed to be unaware that the area was a wetland and that he was unaware of the Wetlands Protection Ordinance and its regulations and responsibilities.

7:10 A motion was made by D. Burns to continue the matter until the next meeting pending a site visit with two members of the Commission and the Agent to determine the extent of the violation with respect to the number of trees cut and any impacts which may have resulted, and to get an indication of what type of remediation may be required. The motion was seconded by N. Beauregard and voted unanimously, all in favor.

Presentations

None

New Business

- **DCR Office of Dam Safety Report – Hobby Pond Dam, Monadnock Trust**
Agent Legros informed the Commission of receipt of a report from the Office of Dam Safety relative to the condition and repair needs of Hobby Pond Dam. The report was filed and is available for review in the Conservation Office.
- **MACC Wetlands Month Photo Contest**
Agent Legros informed Commission members of the upcoming MACC photo contest in honor of National Wetlands Month and suggested submitting photos on file in the Conservation Office taken by the Agent and Commission Member N. Beaugard. Mr. Beaugard indicated that he would be in favor of the submission of selected photos. Agent Legros stated that he would make a submission and encouraged others to consider submitting as well.

Old Business

- **Alisaukas Conservation Area Owl Prowl Hike – Agent’s Report**
Agent Legros updated the Commission on the successful owl prowling hike that was conducted in cooperation with North County Land Trust at the Alisaukas Conservation Area between the field on Howard Street and Bailey Brook. The event was a success and owls were heard calling back to the group on more than one occasion. The North County Land Trust and owl expert, Laurie Nehring were pleased with the event and location and look forward to next years “prowl”. Approximately 30 people attended the hike.
- **Kendall Pond Betterment Association Beaver Concerns – Status Update**
Agent Legros informed the Commission that MassDOT has cleared the culvert under Route 2A (West Broadway) draining Kendall Pond and that the pond and culvert are now draining well and water levels appear stable on the pond.

Motion to Adjourn

7:45 A motion to adjourn was made by D. Burns. The motion was seconded by N. Beaugard 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