



**CITY OF GARDNER  
CONSERVATION COMMISSION  
Minutes of the Meeting of  
June 11, 2018  
Hubbard Conference Room  
Gardner City Hall Annex Room 203**

**Members Present:**

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

**Members Absent:**

Chairman Greg Dumas

**Guests & Visitors:**

Christopher Anderson, Hannigan Engineering; Representing JEFE Solar II; Ron Hakala, Ron Hakala Construction/Pinewood Estates; Jared Connell, Borrego Solar; Arthur Tibets, 76 Otter River Road; Amy Hope, 260 Baker Street; Roemel Samuel, 35 Eastwood Circle.

**Public Hearings**

Acting Chairman Beauregard requested permission to proceed out of order as the representatives of D&E Realty were not present. Hearing no objections he proceeded to the next hearing.

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 on the Notice of Intent filed by Jefe Solar II, LLC, for a property located on Suffolk Lane (Parcel X32-2-1), Summit Industrial Park, Gardner, owned by the Gardner Redevelopment Authority. The applicant is requesting the construction of a 2-Megawatt ground-mounted solar energy generating facility to include the installation of solar array structures, access drives, stormwater management infrastructure, and fencing. The work will include the clearing of 9-10 acres of forested land. The work will be located within the 100-foot buffer zone of Bordering Vegetated Wetland.

David Beauregard, Acting Chairman  
Gardner Conservation Commission

**6:33** Christopher Anderson, PE, Hannigan Engineering, described the project and associated resource areas.

He described a method of maintaining a shade buffer zone of trees to be maintained at 6-feet or less around the edges of the solar panels within the fenced area in an effort to preserve habitat for wildlife species including upland birds and small mammals in an effort to compliment the adjacent abutting High Ridge Wildlife Management Area.

Commission Member Orwig asked if trees would be cut within the 60-foot Buffer Zone of the Bordering Vegetated Wetland.

Mr. Anderson responded that yes, trees would be cut within the 60-foot Buffer Zone.

Conservation Agent Legros described the site conditions, as observed on his preliminary site visit, consisting of very young, even-aged forest habitat of saplings to pole size that exhibited evidence of recent clearing and regrowth within the last 7-10 years.

Agent Legros asked if the shrubs within the shade buffer zone would be left from existing vegetation or planted. He also recommended that the applicant seek review and comment related to vegetation management and fence lower clearance from Mass Wildlife, High Ridge Wildlife Management Area.

Mr. Anderson responded that they would be left from existing vegetation.

**7:03** A motion was made by D. Burns to close the hearing. The motion was seconded by M. Hermanson and voted unanimously, all in favor.

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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 on the Request for Amended Order of Conditions (DEP File #160-0610) filed by Borrego Solar Systems, Inc. representing D&E Realty, for a property located at 959 West Street (Parcels C37-20-20 and H32-17-11), Gardner, on land accessible from Morse Avenue, Templeton, and situated north of West Street, south of Clark Street, and east of Otter River Road. The applicant is requesting the construction of a 6,930.00 kW ground mount solar energy generating facility to include the installation of solar array structures on 23.2 acres (of the total 172.1 acres of land) and includes a 2,250 foot interconnection route to Clark Street. The system is surrounded by a 6-foot chain link fence and access will be via Morse Avenue in Templeton. The amendment request is related to a change in the proposed interconnection point from Clark Street to West Street. Minor impacts to the 100-foot buffer zone and riverfront area are anticipated.

David Beauregard, Acting Chairman  
Gardner Conservation Commission

**7:04** Jarred Connell, Borrego solar described the request for Amendment related to the relocation of the interconnection point. The proposed change reduces the potential for impact to the wetlands by removing the requirement to drill under a wetland at the previous interconnection location on Clark Street. The new West Street interconnection will be within the Riverfront Area of Bailey Brook but will not create any new impacts or conditions that do not already exist at that location. Further, a proposed settling area will allow run-off from the existing driveway (along the interconnection route) and roadway to settle out before running directly to Bailey Brook. This will be an improvement from the current conditions which were observed during the site visit and where signs of erosion and sedimentation were observed.

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.

**7:11** A motion was made by D. Burns to close the Hearing. The motion was seconded by N. Beauregard and voted unanimously, all in favor.

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**Meeting** Acting Chairman Beauregard called the meeting of June 11, 2018 to order.

**Minutes**

**7:04** The minutes of the meeting of May 14<sup>th</sup> were tabled until the next meeting.

**Orders of Conditions**

**7:12** A motion was made by N. Beauregard to approve the requested amendment, as proposed, and issue an Amended Order of Conditions for DEP File #160-0610. The motion was seconded by M. Hermanson and voted unanimously, all in favor.

**7:43** A motion was made by D. Burns to issue an Order of Conditions with Special Conditions to the JEFE Solar II, LLC, DEP File # 160-0619 for the development of a 10.3-Acre, 2-MW large-scale solar photovoltaic system on Suffolk Lane in Summit Industrial Park. 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**

None

**Request for Certificate of Compliance**

**7:13** DEP File #160-0432 – Pinewood Drive (Pinewood Estates), Order of Conditions issued to Ron Hakala Construction, on July 12, 2004, Bk. 34934, Pg. 370

Agent Legros confirmed that he conducted a site visit with Mr. Ron Hakala on May 22, 2018 and found the work to be completed as proposed and conditioned.

- 7:14** A motion was made by D. Burns to issue a Certificate of Compliance for DEP File #160-0432, Pinewood Estates. The motion was seconded by M. Hermanson and voted unanimously, all in favor.

### **Request for Emergency Certification**

None

### **Enforcement Order**

- 7:15** Mr. Samuel updated the Commission on the status of the cleanup. The Commission discussed the need for planting of trees and removal of invasive plants to remediate the impacts of cutting of trees within the buffer zone and wetlands.
- 7:25** A motion was made by D. Burns to authorize the Agent to develop a restoration plan and invasive plant management plan to be presented to the Commission and Mr. Samuel at the Meeting of July 9<sup>th</sup>, 2018. The motion was seconded by M. Hermanson and voted unanimously, all in favor.

### **Presentations**

None

### **New Business**

- **29 Acadia Road – Tree Removal**  
The Commission reviewed a letter of Request and pictures from Mr. Norman Seavy, 29 Acadia Road to remove 2 dead and damaged trees from his property. The Commission authorized Agent Legros to inform Mr. Seavy that he could remove the trees as they are a safety hazard and do not appear to be of any significant or unique habitat value.

### **Old Business**

- **Bailey Brook Land Conservation Update**  
Agent Legros informed the Commission that the Omealia parcel and RHO parcel both located off of Leo Drive are scheduled for closing in the last week of June for acquisition as Conservation and Recreation lands under the LAND and PARC Grant programs. Finalization of due diligence work including survey work, title examination, baseline documentation and land management reporting, and an appraisal amendment letter for the Omealia property will be completed by the next meeting of the Commission on June 25<sup>th</sup>. Agent Legros is coordinating with the Mass Executive Office of Energy and Environmental Affairs, City Auditor, Treasurer, Solicitor, Planning Department Budget and Finance Coordinator, and consultant, Janet Morrison to prepare for closing and successful acquisition.

### **Motion to Adjourn**

- 7:40 A motion to adjourn was made by N. Beauregard. The motion was seconded by M. Hermanson and voted unanimously, all in favor.
- 7:41 A motion to re-open the meeting to vote on the issuance of DEP File #160-0619 was made by D. Burns. The motion was seconded by M. Hermanson and voted unanimously, all in favor.
- 7:44 A motion to re-adjourn was made by D. Burns. The motion was seconded by M. Hermanson 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](http://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