



**CITY OF GARDNER  
CONSERVATION COMMISSION  
Minutes of the Meeting of  
August 13, 2018  
Hubbard Conference Room  
Gardner City Hall Annex Room 203**

**Members Present:**

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

**Members Absent:**

David Beauregard

**Guests & Visitors:**

Edward and Helen Lepkowski, 35 Dyer Street (abutter); Paul Sargent, 39 Ruby Road; Chris Anderson, Hannigan Engineering, Representing Timpany Crossroads; Amy Fantoni, Timpany Crossroads, LLC; Roemel Samuel, 35 Eastwood Circle.

**Public Hearings**

The Gardner Conservation Commission will 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 Timpany Crossroads, LLC, 422 West Broadway, for a property located at 295 Timpany Blvd (R17-16-14). The applicant is requesting the construction of a 6,000 square-foot building to be used as a full-service restaurant and associated site work related to stormwater management, utilities, pedestrian walks, and vehicle parking and access drives. Work will also include the preparation of two additional building pads to accommodate additional structures in the future. The work will be located within the 100-foot buffer zone of Bordering Vegetated Wetland including work within the 60-foot and 30-foot Buffer Zones.

The meeting was be held at  
6:30 p.m., Hubbard Conference Room 203,  
2<sup>nd</sup> Floor, City Hall Annex, on Monday, August 13, 2018

Greg Dumas, Chairman  
Gardner Conservation Commission

**6:31** Chris Anderson, Hannigan Engineering, Representing Timpany Crossroads, LLC, described the phased master plan presented the site plan on behalf of the property owner, Timpany Crossroads, LLC. He also described that approximately 700-square feet of work was being proposed in the 30-foot “No Disturbance” Zone of the Wetlands Ordinance.

He described the drainage, deep sump catch basins, underground storage containment system, 3 water quality vortex separators and level spreaders.

Chairman Dumas asked if the building could be moved further away from the Wetlands Buffer Zones.

Ms. Amy Fantoni, Timpany Crossroads, LLC explained that the 99 Restaurant ownership had a preference and operating needs for the placement of the building as proposed.

The Commission asked for a review of the areas in the 60-foot “No Build” and 30-foot “No-Disturb Zones.

Mr. Anderson described those locations on the plan.

Commission Members D. Burns asked if it was necessary for the site owner to get permission to discharge water to a private pond.

Mr. Anderson explained that there is a considerable distance between the outfall and the property boundary and even more distance between the property boundary and the pond. He also explained that all of the site currently drains to that location under existing conditions and that the drainage calculations meet the required rates of run-off and meet infiltration to the maximum extent practicable.

Chairman Dumas opened the floor to questions from those members of the public in attendance.

Mr. Edward Lepkowski, abutter to the project, 35 Dyer Street, described previous improvements to the stormwater system along Timpany Blvd and West Broadway to divert stormwater outfall away from Dyer Pond to address water quality issues that were occurring at that time. Mr. Lepkowski stated that he believed the work was done in 1978 along Route 68 and provided a copy of a plan showing the capping of the former outfall and the redirection to a channel at the Southern side of the intersection of Dyer Street and Timpany Blvd.

Mr. Lepkowski also stated that he believed that the water table at that site was at or about 2-feet based on his personal knowledge of the area.

Mrs. Lepkowski added that she was concerned about runoff from the site and the potential for negative impacts to the water quality of Dyer Pond.

Conservation Agent Legros informed the Commission of the comments received from Michelle Lapointe, 339 West Broadway by email. Ms. Lapointe wanted to know if there was a hydrologic connection between the site and her home and if the existing wetland located behind her home in the vicinity of McDonalds Restaurant would be in any way affected or caused to back-up or receive increased flow from the development of the site.

Mr. Anderson stated that there is no hydrologic connection between the two areas and that the wetland behind her home would not be impacted in any way by the project.

- 7:05** A motion was made by D. Burns to continue the hearing until the Meeting of August 27, 2018 and to conduct a site visit on Wednesday, August 27, 2018. The motion was seconded by N. Beauregard and voted unanimously, all in favor.

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**Meeting** Chairman Dumas called the meeting of August 13, 2018 to order.

**Minutes**

- 7:13** A motion was made by D. Burns to approve the minutes of the meetings of June 11, 2018. The motion was seconded by M. Hermanson and voted unanimously, all in favor.

The minutes of the meetings of June 25<sup>th</sup> and July 9<sup>th</sup> were tabled until the next meeting to be held on August 27<sup>th</sup>.

**Orders of Conditions**

None

**Request for Extension of Order of Conditions**

None

**Request for Determination of Applicability**

None

**Request for Certificate of Compliance**

**DEP File #160-0601 – 16 Pearson Blvd, Zone Three, Inc. (uninitiated project):**

- 7:08** A motion was made by D. Burns to issue a full Certificate of Compliance for the project as it was considered an invalid Order of Conditions based on the fact that

the work approved under the Order was never commenced. The motion was seconded by D. Lehtinen and voted unanimously, all in favor.

### **Request for Emergency Certification**

None

### **Enforcement Order**

**35 Eastwood Circle** – In regard to the cutting of trees within an isolated wetland resource area located between Eastwood Circle and Pearson Boulevard:

Mr. Samuel explained that he had received some quotes and stated that he felt the scope of the restoration exceeded that of the impact. The Commission indicated that they may be in favor of a limited scope of planting pending presentation of additional quotes and availability of materials proposed to be planted by the Mr. Samuel.

It was indicated by Conservation Agent Legros that late September to early October would be an ideal time to conduct mitigation plantings.

### **Presentations**

None

### **New Business**

- **The Gardner News Legal Advertisement Fees**  
The Gardner News notified the Commission that applicants would now be responsible for a set rate per column inch fee for all public notices.
- **Office Supplies – Approval of Funds**  
**7:18** – A motion was made by D. Burns to approve funds in the amount of up to \$75.00 from the WPA Wetland Fees Account for the purchase of file boxes. The motion was seconded by N. Beauregard and voted unanimously, all in favor.

### **Old Business**

- **Laitinen Drive Detention Basin**  
The detention basin on Laitinen Drive has been maintained by the Association as requested.
- **160-0610 – 959 West Street Solar Project pre-construction conditions**  
Agent Legros has walked the site and conducted the preconstruction site inspection. Work has commenced.
- **160-0611 – 538 Clark Street Solar Project**  
A request for Amended Order of Conditions will be filed on the project pending new ownership and minor changes

### **Motion to Adjourn**

**7:50** A motion to 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