



**CITY OF GARDNER
CONSERVATION COMMISSION**

Gardner City Hall – Manca Annex
115 Pleasant St., Room 202

978-630-4014

Gardner, MA 01440

fax 978-632-1905

MEETING

Monday, September 14th, 2020 at 6:30 p.m.

Due to the ongoing conditions related to the COVID 19 outbreak, the meeting will be held via Zoom Meeting. Detailed instructions for participating in the meeting via Zoom Meeting are posted at the bottom of this agenda, or can be obtained by emailing Lyndsy Butler, Conservation Agent, at lbutler@gardner-ma.gov. All documents and permit applications can be provided electronically. Please send request to lbutler@gardner-ma.gov. All persons interested in this matter, or who desire to offer testimony, are invited to participate.

Members via Zoom:

Chairman Greg Dumas, Duncan Burns, David Orwig, Michael Hermanson, David Beauregard, Norman Beauregard, Donna Lehtinen, and Martin Bowers (non-voting member). Also on Zoom was Conservation Agent Lyndsy Butler, and Administrative Clerk Kris Singer

Members Absent:

None

Guests & Visitors:

Christopher Mossman – Trowbridge Engineering, LLC; Robert LaPierre – owner, 122 Wampanoag; John Allard – Fuss & O’Neill; and Mark Popham – representing APK Real Estate

MEETING – brought to Order by Chairman G. Dumas at 6:30 pm

Minutes

Vote to approve the Minutes of the Meeting of August 24, 2020

- Motion to approve Minutes “as printed” made by D. Beauregard, seconded by D. Lehtinen, and voted all in favor, with the exception of D. Burns who abstained.

Request for Determination of Applicability

2020-04 Leo Park

Request to change location of Wetland Outlook area.

- John Allard of Fuss & O'Neill explained the proposal to move the deck approximately 100 feet west to a "more natural outlook." They are trying to stay out of the 200 foot water front, but the new deck site would put them just outside of the 100' buffer.
- G. Dumas asked if the proposal includes cutting trees down? J. Allard answered maybe one Hemlock shown in the foreground of the photo.
- G. Dumas asked about the construction of the deck, and J. Allard noted the proposal includes concrete piers due to beaver activity in the area. It will be an 18x12 platform, 3 – 4 feet above the grade below, with a railing 36" high. He also advised that construction of the deck to begin in October. J. Allard also noted that an education sign is part of the proposal.
- D. Orwig likes the new location of the deck, but is potentially concerned about the height.
- Both G. Dumas and N. Beauregard questioned the removal of the stump in the photo. J. Allard advised that if it's in the way, it will be removed.
- L. Butler confirms that the drop off looks steeper in the photo than at the site.
- M. Hermanson likes the proposed spot for the new deck and it's the "spot that the deck has to go."
- A Motion to approve to amend the Determination as shown on the September 10th plans, was made by N. Beauregard, seconded by M. Hermanson, and voted all in favor.

Notice of Intent

DEP#160-0639

The Gardner Conservation Commission will hold 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 Trowbridge Engineering, LLC, on behalf of David Richard of 122 Smith Street, Gardner, for the installation of a driveway and utilities at Pearl Street (W27-13-4). Projected is located within the buffer zone of Bordering Vegetated Wetland.

- Christopher Mossman of Trowbridge Engineering, LLC explained that the proposed new driveway would be on Pearl St, opposite Ruby Rd. The parcel of land in question is 7 – 8 acres, and the owner wishes to split the lot and provide

access to the lot via Pearl St, but he requires a Variance or waiver due to the wetlands.

- G. Dumas suggested a site visit for the Commission. L. Butler will arrange for a site visit for the Commission soon.
- D. Orwig questioned installing a driveway in another area, but C. Mossman explained that it would still interfere with the wetlands and also increase the length of the driveway. L. Butler agreed that it's not a viable option.
- C. Mossman further explained that the proposal would leave 20 feet undisturbed in the No Touch zone and include a catch basin at the low point of the driveway. The proposal also includes to run a berm at the high point of the driveway so the storm water will drain outside the buffer zone. The existing house is outside of the buffer zone. In regards to utilities, poles may need to be brought on site.
- C. Mossman confirms that the property is staked with wetland flags. The hope is to start "in the future," but not this year. They just want to know if they can do their proposal.
- G. Dumas posed the following questions to the Commission members: Does the Commission want to allow this type of construction in No Touch zones? Is this an unbuildable lot? What are we to allow?
- D. Orwig noted that the Commission prevented the building of a house on another site that had similar issues as this site.
- G. Dumas questioned if there was enough frontage on Smith St, and C. Mossman explained that the goal is to split the lot to build a house on Pearl St.
- G. Dumas suggests that the Commission has the site visit and possibly the site will look different than what is shown on the map and not be as impactful.
- A Motion to continue the case to the September 28th meeting was made by D. Burns, seconded by D. Beauregard, and voted all in favor.

DEP#160-

The Gardner Conservation Commission will hold 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 Mark Popham R.S., on behalf of APK Real Estate, LLC, of New Ipswich, for the construction of a single family home and septic system located at Green Street (M47-22-17). Projected is located within the buffer zone of an intermittent stream.

- Mark Popham, representing APK Real Estate, explained the proposal of a 3-bedroom home with an artisan well and septic system at this location. Also at this location is an unmapped, intermittent brook near Route 140. There is over 2 acres of land on this parcel, but the proposal keeps everything in the front of the lot, away from the brook. The proposed septic system sits on high ground, and the goal is to try and limit disturbances. Part of the proposal includes a small turn-around to avoid vehicles backing onto Route 140. M. Popham has not seen water on site, stating it's a stone water way that has been dry for months.
- L. Butler wants to see a full plot plan showing property lines and abutters. The drawings shown are confusing.

- D. Orwig can't see the stream area on the drawing.
- D. Burns asked if the stream is flagged? M. Popham answered, no. D. Burns said that it should be flagged and noted his displeasure at the quality of the drawings submitted.
- L. Butler said that she will planning to meet with M. Popham on Friday.
- D. Orwig stated that the Commission needs clearer plans in order to make a determination.
- G. Dumas noted that there isn't a DEP# yet either.
- A Motion to continue the case to the September 28th meeting was made by N. Beauregard, seconded by M. Hermanson, and voted all in favor.

New Business

ANRAD appeal for Sludge Landfill

- L. Butler advised that there is no further update at this time, and confirmed that the DEP requested more information of the DPW.

Request to Amend Orders of Conditions for 122 Wampanoag DEP#160-0608

- Robert Lapierre advised that he met with the engineer and has new re-drawn stamped plans.
- G. Dumas has no issues with the new plans. He asked when the project is due to finishs, and R. Lapierre advised "next spring."
- A Motion to approve the amended orders was made by N. Beauregard, seconded by M. Hermanson, and voted all in favor.

M. Bowers inquired about when City Hall would be open to the public, and L. Butler advised that the decision is still in limbo.

H. Hermanson noted that he needs a re-appointment, and L. Butler advised that the new Mayor is going through all of the expired re-appointments.

Motion to Adjourn

7:21 pm A motion to adjourn was made by D. Beauregard. The motion was seconded by N. Beauregard, and voted unanimously, all in favor.

NOTICE: These Agenda items consist of items that are reasonably anticipated by the Chair to be discussed at the meeting and are specifically allowed to be discussed at the meeting. Not all items listed may in fact be discussed and other items not listed may also be brought up for discussion to the extent permitted by law.

Agent of the Conservation Commission

Lyndsy Butler is inviting you to a scheduled Zoom meeting.

Topic: Conservation Commission

Time: Sep 14, 2020 06:30 PM Eastern Time (US and Canada)

Join Zoom Meeting

<https://zoom.us/j/91994730654?pwd=VHRwU3NiTDY1N1FWNGVBRndxQ2N4dz09>

Meeting ID: 919 9473 0654

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