

**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, February 28, 2022 at 6:30 p.m.**

**Virtual meeting, no in-person attendance**

Under the Governor's current bill regarding open meetings and Covid 19, this meeting will be held via Zoom. Detailed instructions for participating in the meeting via Zoom are posted at the bottom of this agenda, or can be obtained by emailing Katie Guertin, Conservation Agent, at [kguertin@gardner-ma.gov](mailto:kguertin@gardner-ma.gov). All documents and permit applications can be provided electronically. Please send request to [kguertin@gardner-ma.gov](mailto:kguertin@gardner-ma.gov). All persons interested in this matter, or who desire to offer testimony, are invited to participate.

**Members Present:**

Chairman Greg Dumas, Michael Hermanson, Norman Beauregard, David Orwig, David Beauregard, and Donna Lehtinen. Also present was Conservation Agent Katie Guertin and Administrative Clerk Kris Singer

**Members Absent:**

Duncan Burns

**Guests & Visitors:**

Robert LaPierre – Owner of 122 & 128 Wampanoag South Rd, Elizabeth Bagdonas – Trustee owner of 142 Wampanog South Rd, Kelsey Shibilias & Conrad Donell – owners of 42 & 48 Topaz Terrace.

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

**Minutes**

Vote to approve the Minutes of the Meeting of February 14, 2022

- Motion to approve Minutes “As Printed” made by N. Beauregard, seconded by D. Lehtinen, and voted all in favor with D. Beauregard abstaining.

**Request for Determination for Applicability**

The Gardner Conservation Commission will hold a joint Public Meeting under MGL, Ch. 131, § 40, Wetlands Protection Act and the City of Gardner Wetlands Protection Ordinance on the **Request for Determination of Applicability** filed by **Robert LaPierre**. for work to be conducted at 122 & 128 Wampanoag South Road, Gardner, MA 01440 (W42-3-9 & W42-4-10). Proposed work consists of the removal of several potentially hazardous trees within 100 feet of a bordering vegetated wetland.

*Continued from 1/24/22, 2/14/22*

- K. Guertin forwarded an email from Elizabeth Bagdonas, an abutter, to the Commission that was received earlier in the day. The abutter would like additional information and responses to questions posed in the last meeting.
- R. LaPierre re-drew his map, adjusting the Do Not Disturb lines based on the last meeting comments by E. Bagdonas. He also noted where the waddles will be positioned. He also noted that there is a new map of the Wildlife Habitat dated 2021.
- K. Guertin noted that the Commission still needs to hear back from Natural Heritage.
- G. Dumas suggests continuing the case given the revised map, letter from the abutter, and the fact that they are awaiting information from Natural Heritage. R. LaPierre has no issue with continuing the case to the next meeting.
- G. Dumas also noted that an engineer may need to be brought in to consult. K. Guertin advised that the State said RDA's usually don't require stamped plans, but the Commission has a right to ask for them. K. Guertin notes that the lot is definitely in jurisdiction, so why make the applicant pay for an engineer? D. Orwig replied that the Commission needs to do the due diligence and is certain everything will be completed in due time.
- R. LaPierre has no problem doing whatever the Commission needs.
- K. Guertin asks if the Commission just needs delineation for the brook or the whole site? G. Dumas replied that they only need clarity on the brook area.
- R. LaPierre will hire an engineer to delineate from the brook to the road, where his work is proposed.
- E. Bagdonas compliments the applicant for his new detailed map. She now knows that there is not a perennial stream on property as she originally thought. She doesn't feel a delineation of the river front area is necessary, just of the brook. She just wants to ensure that the 30 feet buffer is accurate and that there are no defined vegetated wetlands in the setback. She is also willing to share the wetland boundary plants that are doing well on her property with the applicant.
- R. LaPierre has no issue planting her recommended plantings in the 30 foot buffer, away from the house.
- A Motion to continue the RDA to the March 14<sup>th</sup> meeting was made by D. Orwig, seconded by N. Beauregard, and voted all in favor.

### **Notice of Intent -new**

The Gardner Conservation Commission will hold a joint Public Meeting under MGL, Ch. 131, § 40, Wetlands Protection Act and the City of Gardner Wetlands Protection Ordinance on the **Notice of Intent** filed by **Conrad Donell** for work to be conducted at 42 & 48 Topaz Terrace, Gardner, MA 01440 (W32-22-1). Proposed work consists of the construction of two single family homes and associated utilities within 100 feet of a bordering vegetated wetland.

- Kelsey Shibilila and Conrad Donell were on the Zoom meeting. K. Shibilila said that a wetlands consultant re-flagged the wetlands. They noted that a handful of lots fall in the buffer, and this new NOI is specific to Lots 64 & 65 (42 & 48 Topaz Terr.). C. Donell noted that when the road was cut, a slope was built to protect the wetlands.
- K. Guertin noted during a recent site visit dirt was being removed (not in the 60 foot zone, though). She advised them to stop and put up erosion control.
- The DEP comments note that the wetland lines have moved, and C. Donell advises that "not much has changed."
- G. Dumas says he does not see anything of concern in the application.
- D. Orwig inquired as to the number of feet there are from the corner of the garage to the 60 foot buffer, and C. Donell advised that it's approximately 5 or 6 feet. He also advised that the garage has to be that far back due

to the 5 foot setback requirement for accessory structures. C. Donell also confirmed that he is not digging the garage foundation passed the buffer.

- C. Donell notes that all wetlands mitigation have been addressed, and G. Dumas remembers that was the case.
- A Motion to close the hearing was made by N. Beauregard, seconded by M. Hermanson, and voted all in favor.
- A Motion to issue a Standard Order for Conditions with special consideration for the back corner for Lots 64 & 65 was made by D. Beauregard, seconded by D. Lehtinen, and voted all in favor.

### **New Business**

- D. Orwig announced that MACC is nearing and it's all remote. G. Dumas advised that the deadline to sign up is either March 1<sup>st</sup> or March 2<sup>nd</sup>.
- K. Guertin noted that she is still working on the Open Space Plan. She is also working on the Keyes Rd Culvert Grant. She notes that the NOI should be issued in either May or June.

### **Upcoming Meetings**

March 14

- 7:03 pm** A motion to adjourn was made by D. Beauregard. The motion was seconded by D. Lehtinen, 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.
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Katie Guertin is inviting you to a scheduled Zoom meeting.

Topic: Conservation Commission

Time: Feb 28, 2022 06:30 PM Eastern Time (US and Canada)

Join Zoom Meeting

<https://zoom.us/j/98153611899?pwd=S085cEUzbTlXc1BSSXpHRzBxZ1E1UT09>

Meeting ID: 981 5361 1899

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