



**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, April 12, 2021 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, David Orwig, Michael Hermanson, Norman Beauregard, Donna Lehtinen, Duncan Bursn, and David Beauregard. Also on Zoom was Conservation Agent Lyndsy Butler, and Administrative Clerk Kris Singer

Members Absent:

None

Guests & Visitors:

Keith Morris – Pam Am consultant, Tom Lewis – TEC, and Fred Hurd – owner of 5 Cotes Cove Rd.

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

Minutes

- Vote to approve the Minutes of the Meeting of March 22, 2021
- Motion to approve Minutes made by M. Hermanson, seconded by D. Orwig, and voted as passed with G. Dumas, D. Burns, and D. Beauregard abstaining.

Request for Determination of Applicability

2021-03

The Gardner Conservation Commission will hold a Public Meeting under the City of Gardner Wetlands Protection Ordinance (City Code Ch. 650) on the Request for Determination of Applicability filed by Keith Morris, Environmental Consultant, for Pan Am Railways, Inc related to work located along the Pan Am Railways Right-of-Way, to be conducted under a Vegetation Management Plan (VMP). The Commission shall determine whether the boundaries of resource areas depicted on the plan and/or maps are accurately delineated.

- G. Dumas noted that everything submitted is standard. Keith Morris, consultant for Pan-Am, explained that he sits in the spray trucks and monitors the work so that no-spray zones are not sprayed.
- N. Beauregard wanted confirmation that blueberry bushes or laurels are not sprayed. K. Morris confirmed that private gardens or lawns are not sprayed. He also confirmed that the truck rides on the rails and only covers 10' from the center. Their spraying is not 'brush control.'
- G. Dumas noted that based on the submitted maps, only one side of the tracks was designated as no-spray in some areas. K. Morris confirmed that the specific area had double tracks and one side is abandoned and the vegetation is more than 10' away at that point.
- K. Morris said that they use the Department of Agricultural Resources' color code system to denote no-spray areas. The railway ties are painted, so the no-spray zones are very obvious. And they have been doing this work for so long, they know where the no-spray zones are located.
- D. Orwig pointed out that Quag Pond is nearby and has a 'sensitive habitat.' Does that get sprayed? D. Burns noted that the map is misleading and the pond is not that close to the railway lines. K. Morris also confirmed that the water is more than 10' away.
- G. Dumas asked if the tracks are raised, and K. Morris confirms that they are 18" off the ground and if the weather is too windy, they stop spraying.
- D. Burns inquired as to the materials of the spray. K. Morris explains that they change every year. The City can expect to receive a certified letter with the environmental website listing this year's spray material. The spraying is due to start in early June, so the municipality will have time to question any herbicide, if necessary.
- D. Beauregard noted that they have been doing it for so long without any problems. He thinks it's a good system.
- A Motion to approve the Positive 2A Determination was made by D. Burns, seconded by N. Beauregard, and voted all in favor.

2021-04

The Gardner Conservation Commission will hold a Public Meeting under the City of Gardner Wetlands Protection Ordinance (City Code Ch. 650) Request for Determination

of Applicability filed by TEC Associates, on behalf of Providence and Worcester Railroad (P&W), related to work located along the P&W Railroad Right-of-Way, to be conducted under a Vegetation Management Plan (VMP). The Commission shall determine whether the boundaries of resource areas depicted on the plan and/or maps are accurately delineated.

- Tom Lewis of TEC said that his submittal is the same as the previous applicant; same type of work being proposed. He noted that the Department of Agricultural Resources mandates a 5-year vegetation plan to be reviewed by each municipality. L. Butler confirmed that she had reviewed it with T. Lewis.
- G. Dumas questioned spray areas on the map near Whitney St, concerned about spraying with flowing drainage. T. Lewis confirmed that the area in question is outside of the 10' spray area. He did note that an area near S. Main St is in the 10' spray area.
- D. Orwig asked if Baker Brook was too far away to be considered no-spray, and T. Lewis confirmed that this is correct –the right-of-way is wide and outside of the 10' limitation.
- D. Burns asked about the material of the spray. T. Lewis confirmed that they use different products year to year. He noted that MA regulates the products and they are restricted to certain herbicides.
- T. Lewis stated that the yearly plan is to go in the mail next week. It will include spray dates and describe this year's products.
- A Motion to approve the Positive 2A Determination was made by D. Beauregard, seconded by D. Orwig, and voted all in favor.

2021-02

148 Saunders Street- Request to amend Determination- Applicant is requesting to amend application to include the removal of 3 small maple trees and for the removal and replacement of approximately 8ft of fencing.

- L. Butler advised that the applicant is not present. She confirmed that the proposal is to remove 3 small (6" in diameter) Maple trees in order to extend a fence further away from the wetland area.
- L. Butler has no issue with the request. The fence is falling down, so the owner just wants to replace it and then extend it.
- A Motion to approve the amendment to add changes (2 additional 8' sections of fencing) was made by N. Beauregard, seconded by D. Lehtinen, and voted all in favor.

Notice of Intent

DEP#160-0

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 a Notice of Intent filed by Fred Hurd, for the replacement of a retaining wall located at 5 Cotes Cove Road (H17-14-2). Project is located within the resource area.

- Fred Hurd, who filed the Notice of Intent, advised that he hasn't received a DEP# yet. L. Butler said that she will reach out to them for an update.
- F. Hurd explained his proposal to repair a retaining wall which has been there since the 1960's. It is built out of railway ties. F. Hurd has owned the property for two years and in the spring the wall is always breached so he wants to replace it. The proposed replacement wall will be from Recon, which is an interlocking wall with 16" high sections.
- G. Dumas asked if a structure on the property was 65' away from the water. F. Hurd confirmed and noted that the water level is low. Last summer there was no water on the wall in certain sections.
- D. Orwig asked the length of the wall. F. Hurd explained that the property frontage on the water is 130', and the wall itself is 110'.
- M. Hermanson said that he viewed it with L. Butler. He noted that a similar job is being done on another property on the pond, and he feels that the work will improve the area.
- G. Dumas inquired as to the base layer of the first row of blocks. F. Hurd advised that it will be drainage stone and erosion stone for rip raff.
- F. Hurd advised that the contractor hired specializes in this type of work. M. Hermanson is familiar with the company. He has no issues with the quality of their work. D. Burns also is impressed with their work.
- G. Dumas noted that any new soil or stone brought in will need to be tracked and washed.
- F. Hurd noted that the plans for a new structure will not have footings; it will be on a slab. He will work with the Building Department to obtain the necessary permits.
- G. Dumas inquired about the tree cutting proposed on the plan. F. Hurd explained that water is close to the area of trees, and he wants to remove a dead tree and a couple of shrubs. G. Dumas is concerned about taking down healthy trees for shade by the pond.
- F. Hurd explained another tree-cutting proposal as trees that are 25' from the water. He wants to expand the beach / lawn area.
- G. Dumas opened up comments from the Commission. D. Burns wants a more definitive plan, with marked trees, etc.
- G. Dumas said that as the project progresses, the Commission will need a plan and next time have the contractor present to answer questions, such as the plan for the storage of construction equipment during the work.
- G. Dumas is concerned about the water level during construction.
- F. Hurd also mentioned a proposed removable dock; no stairs into the water.
- D. Burns inquired about the disposal of the old railway ties, and F. Hurd will defer to his contractor for that question, but insists it will be conducted in the right way.
- F. Hurd also mentioned that a survey found ice build-up in a spillway. It was clogged with leaves. Once the culvert was cleaned, the water flow improved. It's

a known problem for the pond association. There may be a possible beaver dam located there?

- A Motion was made to continue the Notice of Intent by D. Lehtinen, seconded by N. Beaugard, and voted all in favor.
- M. Hermanson asked if it is the responsibility of the Kendall Pond Association to clean the culverts, as they need constant maintenance. D. Burns believes that it is.

New Business

Extension Request DEP#160-0282- Kendall Pond- Solitude Lake Management

- L. Butler noted that this is on the Agenda again because at the last meeting the extension request was not approved due to one member voting against, and since there wasn't a quorum to approve it, she put it on this agenda for full Commission voting.
- It was pointed out that everything proposed is regulated by the State.
- A Motion to grant the extension request was made by M. Hermanson, seconded by N. Beaugard, and voted all in favor.

445 Park St.

- N. Beaugard asked about this address, and L. Butler will check on it.

New School

- L. Butler went to the site last week. She advised that it's clean and they are being conscientious of the resources areas. G. Dumas encouraged a site visit to be arranged for anyone on the Commission who wished to walk the site.

Upcoming Meetings

April 26

May 10

May 24

Motion to Adjourn

7:20 pm A motion to adjourn was made by D. Lehtinen. The motion was seconded by D. Beaugard, 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: Apr 12, 2021 06:30 PM Eastern Time (US and Canada)

Join Zoom Meeting

<https://zoom.us/j/96616088435?pwd=Q3cvidm4ybDFMV2ZMY2xlemVvZDh3QT09>

Meeting ID: 966 1608 8435

Passcode: 548896

One tap mobile

+13126266799,,96616088435#,,,,*548896# US (Chicago)

+19292056099,,96616088435#,,,,*548896# US (New York)

Dial by your location

+1 312 626 6799 US (Chicago)

+1 929 205 6099 US (New York)

+1 301 715 8592 US (Washington DC)

+1 346 248 7799 US (Houston)

+1 669 900 6833 US (San Jose)

+1 253 215 8782 US (Tacoma)

Meeting ID: 966 1608 8435

Passcode: 548896

Find your local number: <https://zoom.us/u/acRwzXasco>