

CITY OF GARDNER
CONSERVATION COMMISSION
GARDNER CITY HALL- MANCA ANNEX
115 PLEASANT ST., ROOM 202
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MEETING

MONDAY, JUNE 12, 2023, AT 6:30 P.M.
IN-PERSON AT THE CITY HALL ANNEX
SECOND FLOOR MEETING ROOM 203

MEMBERS PRESENT

CHAIRMAN DUMAS
AGENT, SOPHIE DOROW
DAVID BEAUREGARD, MEMBER
NORMAN BEAUREGARD, MEMBER
DUNCAN BURNS, MEMBER

ABSENT MEMBERS

MICHAEL HERMANSON, MEMBER
DAVID ORWIG, MEMBER

GUESTS

STEVEN ROCKWOOD
WAYNE ANDERSON
MARTIN GRAY
ERIC BERNARDIN

MINUTES

The minutes for May 22, 2023, were presented. Chairman Dumas made a motion to continue the meeting minutes for our next meeting. Norman Beauregard replied motion made. Duncan Burns seconded it. Chairman Dumas asked all in favor. All members present replied aye.

NOTICE OF INTENT

Ramsdall Pond Dam Safety, at 170 Mill Street. This is continued. Chairman Dumas commented to Agent Dorow that the Dam Safety Board had sent over an email stating that they have not had the chance to follow up yet. This is regarding the maintenance required that date subsequently passed. We will continue to work with Mass Safety Dam. It is not a conservation situation at this point. We can monitor it but it's going to be up to the state of Massachusetts Dam Safety. Continue to the next meeting.

ENFORCEMENT ORDER

NONE.

EMERGENCY CERTIFICATE

NONE.

REQUEST FOR AMENDED ORDER OF CONDITIONS

NONE.

REQUEST FOR CERTIFICATE OF COMPLIANCE

Certificate of Compliance for DEP# 160-566, 314 Brookside Drive (Lot 53, 54 & 55) DEP# 160-0400 and #160-0393 Wilder Brook Estates by Vinh Quoc Phan. Continued from May 22nd.

Chairman Dumas asked Agent Dorow to give an update on what she had found. This is regarding the boundary lines of the Wetlands behind these properties. Agent Dorow replied Originally at the previous meeting. To find the origin the PVC pipe that was going into the wetland area on that property. I did find out from DPW that this was part of the foundation and there's probably very little if any water coming out of that PVC pipe if seasonally maybe. Another thing is that I am having trouble contacting the original owner. I spoke to the assessors and found out that they had sold the property without a Certificate of Compliance. So, I will draft a letter to the owner that originally requested the Certificate of Compliance to see if we can remove those boards and get the signage put up for the order of condition. Chairman Dumas stated the new owner must sign off that they understand what the boundary limits are and why they're in place in the Wetlands. Chairman Dumas commented to Agent Dorow that as soon as she drafts something, they will look at it and approve to mail it out.

NEW BUSINESS

Elementary school wetland replication- Eric Bernardin to discuss the replication plan.

Mr. Bernardin stated that he issued a letter asking Agent Dorow for an extension on the order of conditions on Friday. The order of conditions has expired.

Chairman Dumas asked why it took so long.

Mr. Bernardin replied to get this to order conditions.

Chairman Dumas replied yeah to be extended.

Mr. Bernardin replied honestly, we've been pushing fairly hard without being able to fully understand what the schedule is, and I think there was some miscommunication.

Chairman Dumas asked between whom?

Mr. Bernardin replied with the steps between the OPM, and the architect and we didn't understand that it wasn't going to get done this Spring. We should have seen that you're going to need time anyway. Even if it was replanted in the replantation area with the seed.

Duncan Burns commented that it was a disaster up there.

Chairman Dumas asked who was responsible for maintaining that and ensuring it improved.

Duncan Burns commented on all the money that they have spent.

Mr. Bernardin stated that he can talk about those issues.

Chairman Dumas replied Just to clarify the schedule of who owns what. Please send the schedule from Pro Core to Agent Dorow. That way I can review it. What I am asking for is a public record.

Mr. Anderson explained that he doesn't know how updated the schedule is since we are past the schedule completion.

Chairman Dumas replied to the schedule should be on there, right?

Mr. Bernardin explained that the schedule was updated at the beginning for some period. But I think some of the breakdowns were last Fall when they got Temporary Occupancy and worked for a little bit then the contractor left the site. The contractors were doing other things. So, the information flow has not been great. I realize that it needs to be tightened up and we have been discussing with the architect about when the building is declared 100% completed but it's more than likely not going to be through the oversight of getting Wetlands replication area of this. There was a discussion with the building committee about that.

Chairman Dumas asked, "Are you saying that the school is going to be signed off as done other than the Wetlands replication?"

Mr. Bernardin all the completion of the contractor has been pushed out.

Chairman Dumas asked until when?

Mr. Anderson replied Until January. Realistically the planting season for Spring has passed, the next time for planting would be in the Fall.

Duncan Burns replied hold on you said realistically don't you have a date?

Mr. Anderson replied no. The planting season starts on August 15 and runs through November 1.

Chairman Dumas asked about the latest schedule and if it shows who is responsible and how and what percentage of retainages has been released. Is the subcontractor the one in charge of maintaining that?

Mr. Anderson asked if you want the retainage schedules.

Chairman Dumas replied yes, please. If they have been released what percentage?

Mr. Bernardin stated that they have not given any authorization to release any, but I do know that some have been released I just don't know about what percentage. They have asked us, but we have not given any authorization to release anything.

Chairman Dumas asked who is supposed to maintain it during this time frame.

Mr. Bernardin replied the contractor.

Chairman Dumas replied, did they?

Mr. Bernardin answered No.

Chairman Dumas replied at all.

Mr. Bernardin replied well what do you call maintained? Watering. Once they were demobilized, they didn't water anything.

Chairman Dumas asked who allowed them to demobilize them before they maintain it.

Mr. Bernardin stated that he will give as much information as they can. The city owns it and protects it.

Chairman Dumas commented I want to know who, why, and what is going to happen. Mr. Anderson's investigation requires the city to have a project manager. I would blame the OPM and the architect.

Mr. Bernardin stated the communication part. I believe we can't plant the seed until April 15 barely to June 1 because of the drought we are getting now. In the Fall period, you don't want to start too early if there's still a drought. Maybe September 1.

Chairman Dumas explained that the operations manual on that property should have been followed.

The operations manual had all the instructions in there and who's responsible to make sure that that's being followed. Whose name is on those operations manuals?

Mr. Anderson stated that they had prepared it, but I do not know who took ownership of it.

Chairman Dumas explained that all they had to do was to follow the instructions and record all of the activities and then provided to us.

Mr. Bernardin believes that the best thing would be to talk to the owner's project manager and the school and we're happy to also discuss how to make sure everybody's administratively on board about

how it's going to finish. There was stuff in the way that we had no control over, and it got done in a certain way that was very unusual to me. The landscape contractor planted trees and shrubs they owned and had one year warranty on them, so they water them, and they were all living. Well, they were living a month ago when we inspected them. They have a site contractor throwing grass seed down when it was never watered. I know that people want to go over minor revisions to the graving. Chairman Dumas replied it's typical.

Mr. Bernandin replied in the order of condition we had said that we would look at the water table. So, we got two test pits in there and we also had a bit of a topo breakdown closer to the pond. So, we got it resurveyed and put it in the same design perimeters instead of 12 inches above the water table which was the extended revision to the replication area. Then we put together a program last Fall that said to remove all the vegetation that hasn't grown. There is a slope that comes up from there whether that's the right vegetation or wild seeds that come on it. We're focused on the Wetlands replication area itself, so we are using a mechanical slash that softens the dirt and picks up all the debris, and goes ahead and replants seeds. Last October we asked for this Sprint, but because of the contractor's schedule, it's not happening until September.

Chairman Dumas replied Provide us with all of the information and we will meet you guys again within two weeks.

Mr. Anderson, would you like all the reports?

Chairman Dumas answered yes.

Mr. Bernandin stated that he could make sure that Agent Dorow receives all the reports. The general contractor didn't have a working form for me. Throwing seeds without fixing the landscape doesn't work. But Roy Construction, the prior contractor, did take care of the erosion control. To me, there are a lot of slopes that need to be seeded.

Mr. Anderson stated that the city engineer was onsite and commented about irrigation basin number 5 I believe. So that is when they contacted Agent Dorow to get a site walk-through to get her up to speed. Lindsey, the Assistant Director, had come out and surveyed it. We analyzed the volume of basins and confirmed that there isn't enough volume. The slopes on that basin were highly seeded at least two of them were never watered.

Chairman Dumas requested a copy of the schedule and whoever is supposed to maintain that replication space. If retainage was released? If so, how much? Whoever is responsible and would like to have them here to explain to us what happened. Why wasn't it taken care of? Why didn't they do it? They should come here and talk to us. It might be that the contractor didn't know because it was under the subcontractor. I don't know. That is what I would like to know. The next meeting is on July 10, 2023. If you guys can gather all the documentation and provide it to us before either next Friday or the latest the 28 of June have time to review it in advance of our next meeting. I can have Agent Dorow forward my email over to Mr. Bernandin. That way Mr. Bernandin can forward the login link for Pro Core.

Mr. Bernandin replied I can give you access to enter the Pro Core.

Chairman Dumas replied that if there is something that I can't find, I will reach out.

Mr. Bernandin stated that there is a part left in gravel/stone. There was a request to put a 3-inch river crushed stone in a lude of grass.

Duncan Burns asked right now it's not seeded.

Mr. Bernandin answered that is not seeded. On the opposite side, there is a space like a big shoulder planted with a conservation mix. Mr. Anderson is in favor of changing it into stone.

Chairman Dumas asked if they had a drawing to show us where it is. You are asking us to change it which has never been done before.

Mr. Anderson stated that the finished surface has not been installed. Mr. Bernandin and Mr. Anderson were explaining the plans. Changing the area on the plan from grass to stone underneath the guardrail.

Chairman Dumas asked if it was sloped down.

Mr. Bernandin replied they have the road a little bit of grass belt and then there is the sidewalk to the road. The erosion control has been removed. It hasn't been replenished within a year. I would say 50% of the project has not been stabilized. That front big slope will be reseeded next Fall.

Mr. Anderson replied Getting that plastic out by a contractor might be helpful.

Chairman Dumas's response was to have Agent Dorow take a look and decide whether it was best to remove it or not. Agent Dorow replied I know how everything is there unless things changed.

Mr. Bernandin asked, "Do you think the erosion control of all strands should be replaced on the whole perimeter?"

Agent Dorow, until the order of condition is complete the plastic must be there.

Mr. Bernandin replied to practicality I've seen a lot of jobs that happen, and the contractor goes away and the order of condition doesn't happen, and their mortgage expired so they don't get paid and then the plastic sits there. Chairman Dumas replied if you'd like for me to read the contract I will. but I would like to think that that's in the contract that the contractor must remove it at whatever point that is. Mr. Anderson stated that the city engineer did suggest adding soil to the infiltration basins because of the conditions of the soil there. You should have an email from the city engineer. According to the contractor, soils were not screened in accordance with RFI. Chairman Dumas asked who approved the screening of the soil. Mr. Anderson replied I'd have to let you know. Mr. Bernandin stated that the real question is whether they can use onsite materials, but they still must meet the testing requirements. Mr. Anderson stated that the contractor said that there are about five different grassroots and where do they go? Chairman Dumas asked if someone would like to make a motion to approve the continuance of this case.

Duncan Burn stated that he will make that motion. Norman Beaugard seconded it. Chairman Dumas replied All in favor, Aye.

Chairman Dumas all that I need is login to Pro Core to view all of the reports, R5s, and the retaining schedule, and what percentage has been released.

Mr. Bernandin asked if they can add the additional parking spaces phase to this application.

Chairman Dumas answered that they should finish this application first.

Agent Dorow mentioned that portion is not included on tonight's agenda. Chairman Dumas suggested completing phase one and then applying for the next step unless it takes too long of a process. I am asking for your opinion on that.

Mr. Bernandin explained that it is not in the conservation area and is all interior, but we wanted to add seven more feet of pgs to make the parking spaces wider. But the Islands are oversized and would like to make them smaller.

Chairman Dumas questioned why the islands are oversized.

Mr. Bernandin answered that they had made a stormwater basin analysis and water made the islands a bit bigger.

Chairman Dumas stated that they are part of the Wetlands.

Mr. Bernandin's asked if they should make an official application for that.

Chairman Dumas answered yes so, they can review it.

Duncan Burns questioned who is responsible for the removal of the plastic.

Mr. Bernardin responded that the contractor is responsible.

Chairman Dumas asked when they were supposed to start on their next project. Mr. Bernardin answered on July 10, 2023.

Chairman Dumas questioned why they made the Island bigger. Mr. Bernardin explained that the increase in the parent's drop-off was too much. They redirected the parent drop-off throughout Catherine Street. The school buses through the other entrance just to keep the traffic flowing.

Chairman Dumas requested a continuance on July 10, 2023.

Duncan Burns mentioned that he knows that Agent Dorow is involved in a project down on Leo Drive.

Duncan Burns explained that they build something brand new, but they must maintain it. If you go, there right now you will see the trash barrels overflowing with trash and on the ground as well. Agent Dorow explained that the construction finished last Friday. Duncan Burns stated that they should still pick up the trash and the contractors usually use a dumpster to take their trash.

Baseball Field-Baseball award approach Chairman Dumas the details where they wanted more of the right side forward. Help with the installation and the protection. They must go to route 140 and go up the road across the field to the irrigation tab. I'll help them by painting the area where everything should be. This will be discussed in the next meeting.

PROFESSIONAL DEVELOPMENT

MACC updated handbook \$15.00

Agent Dorow explained that the payment is for the viewing. Chairman Dumas pro-rate \$45.00. All in favor. Aye. Agent Dorow expressed that they still have a good amount of money in the Development account that needs to be utilized.

Brief recount overall of the conference -Agent Dorow liked the fact that she can reach out to different people. The conference was informal a way that we had to break into groups and see what they could come up with. The conservation confidential group was run by Rebecca. How to proceed and concerns in the field as a female. Chairman Dumas, how do you feel about the planning and the conservation? It is taking up a lot of my time. Planning is consuming 70-80% of my time.

UPCOMING MEETINGS

June 26th meeting will be postponed to July 10, 2023.

Chairman Dumas anybody in the audience have anything? No.

Dave Beauregard would like to make a motion to close tonight's meeting. Duncan Burns seconded it.

Chairman Dumas asked all in favor. Members, Aye. Chairman Dumas stated Meeting Adjourned.