

**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, July 25, 2022 at 6:30 p.m.
In-Person and Virtual Option

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. All documents and permit applications can be provided electronically. Please send request to 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 Beauregard, Duncan Burns and David Orwig. Also present was Conservation Agent Katie Guertin

Members Absent:

Guests & Visitors: Tom Cook, Alan Rousseau, Susan Rousseau, Emilia Cavdona, Steven Rockwood, Robert LaPierre, Sherlie LaPierre, Bruce Chester, Scott Michael Graves, Samantha Walker, James Leblanc, Kelsey Shibilia, Chris Coughlin, Dane Arnold, Jan Greenwood, Matthew Marro, Ivan Ussach, Matt Wzorek

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

Minutes

Vote to approve the Minutes of the Meeting of May 9, 2022

- Motion to approve Minutes “As Printed” made by D. Orwig, seconded by D. Beauregard, and voted all in favor, with D. Burns 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, 2/28/22, 3/14/22,3/28/22

- Mr. LaPierre was present for the hearing.

- K. Guertin stated that this is a hearing that has been going on for a while and Mr. LaPierre has now submitted delineated plans and a letter from Natural Heritage
- G. Dumas stated that the Commission received the information kind of late, but allowed Mr. LaPierre to proceed with his presentation
- Mr. LaPierre showed the Commission the delineated plan and the new need for a gravel access way for the power company to install a pole to bring the existing wire up to code
- G. Dumas asked if that was necessary, to which D. Orwig stated its standard so that their trucks have a clear path
- G. Dumas suggested a continuance so that a letter from the power company with specs of the work could be submitted to the Commission
- No members of the audience spoke on this matter
- A Motion to continue the hearing to August 8th was made by D. Orwig, seconded by D. Beauregard and all voted in favor with D. Burns abstaining

Notice of Intent

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 **Conrad Donell**, for the construction of single-family homes, located at 30 & 36 Topaz Terrace, Gardner (W32-22-1). The proposed work is located within the buffers to Bordering Vegetated Wetland.

Continued from 6/27/22

- Kelsey Shibililia was present for the hearing, representing the applicant
- K. Shibililia presented the plans for 30 & 36 Topaz Terrace as a proposal to construct two single-family homes on slabs.
- The homes are part of the existing Sapphire Park development
- K. Shibililia explained the jurisdiction on site and that work is only proposed within the 100-foot buffer and not within any of the Ordinance buffers
- G. Dumas noted that K. Guertin had asked about proposed landscaping
- K. Shibililia state that they will just loam and seed grass and the new owners can do further landscaping if they wish
- G. Dumas also note that erosion controls were not shown on the plan and asked for a revision
- The Commission sated it has been a while since they had done a site visit to the development
- K. Guertin was out there in the winter for the Notice Intent in front of the Commission at the time
- No members of the audience spoke on this matter
- A Motion was made by D. Burns to continue the hearing to August 8th to receive revised plans and for the Agent to perform a site visit, seconded by N. Beauregard and all voted in favor

Notice of Intent

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 **Trevor Beauregard**, for the replacement of a culvert/bridge, located on Keyes Road, Gardner. The proposed work is located within the buffers to Bordering Vegetated Wetland and Riverfront Area.

Continued from 6/27/22

- Matt Wzorek of Tighe & Bond was present via Zoom
- K. Guertin informed M. Wzorek that even though one of his colleagues presented the project at the last meeting, not many members were present so he should do a full re-cap.
- M. Wzorek shared the plans via Zoom and described the culvert replacement project in full detail

- K. Guertin mentioned that this project is grant funded and that construction grants were not awarded this round due to lack of permits in hand
- Work will not start until funding is secured, which could take a year or more
- M. Wzorek stated that the culvert will be constructed in phases so that a portion of the road always remains open, as this is the only access for residents
- D. Orwig asked about a debris pile upstream that was mentioned in the application
- M. Wzorek and rest of Commission had a hard time finding what D. Orwig was referencing
- M. Wzorek will investigate it
- G. Dumas asked what permits/reviews the project was waiting on, M. Wzorek stated that Chapter 85 (Mass DOT) is in a second round of comments and the 401 Water Quality permit has been submitted, but can take a while (up to a year)
- The Commission agreed that a site visit should be done, either individually or as a group. K. Guertin will send a reminder to the Commission
- No members of the audience spoke on this matter
- A Motion was made by D. Burns to continue the hearing to August 8th to allow time for Mass DOT comments and a site walk, seconded by D. Beauregard and all voted in favor

Notice of Intent

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 **Dane Arnold**, for the expansion of the Sludge Landfill, located at 850 West Street, Gardner(H32-16-4). The proposed work is located within the buffers to Bordering Vegetated Wetland.

- Jan Greenwood of Woodward and Curran, Dane Arnold (applicant) and Chris Coughlin (City of Gardner) were present for the hearing.
- This Notice of Intent is the result of an Abbreviated Notice of Resource Area Delineation application in 2020
- An Order of Resource Area Delineation was issued, which was superseded by DEP and resource area boundaries and buffers were locked in. Two certified vernal pools were included on the plan
- J. Greenwood presented the proposed plan for the expansion of the existing Sludge Landfill in full detail, focusing most on the Commission's jurisdiction which includes the wetlands, buffers to wetlands and stormwater management
- Proposed work is outside the 30 foot no disturb zone, with some stormwater structures and grading in the 60 foot
- D. Arnold explained that the existing landfill has been in use since the mid-80s and is reaching capacity, a 4-acre expansion area is proposed.
- J. Greenwood explained that the existing landfill's fence is just touching the 100-foot buffer in some spots and that not much work is proposed within the 100
- The expansion area is completely outside of jurisdiction, with drainage/stormwater entering jurisdiction
- Several members of the audience, both in-person and via zoom, spoke on this matter
- A main concern was ground water contamination, specifically to Otter River and Templeton
- J. Greenwood and D. Arnold both spoke about the stringent regulations and monitoring this project must go through with other divisions of DEP
- J. Greenwood spoke about the liner under the landfill and how leak detection systems are and will be in place
- PFAs were also brought up as a main concern

- K. Guertin explained that PFAs are around because of our human habits and unless we change, they will probably be in our waste for a while, but the waste(sludge) still must go somewhere
- Abutter Alan Rousseau asked if any alternatives have been considered by the DPW
- D. Arnold explained the expense involved in trucking the sludge and the fact that the State does not allow for incinerator facilities
- M. Hermanson stated that he lives close to the landfill, and it used to smell quite bad on windy days but noticed it hasn't been bad over the past few years. He also noted that smell is not con com jurisdiction, but it was rather an observation
- G. Duma redirected the Commission on their thoughts regarding next steps
- D. Burns mentioned the possibility of a peer review
- G. Dumas stated that Con Com would have to pay for it, or split it with the DPW since it is a city project
- K. Guertin stated that WPA funds can be used for peer review, but the Commission would have to come up with a scope, as jurisdiction is limited
- Another audience question was, what happens a few years down the road and the wetlands are getting contaminated by erosion or unmanaged sludge?
- K. Guertin explained that that would be an if/and when situation and enforcement would be taken
- A Motion was made by D. Orwig to peer review the project in its entirety, seconded by D. Burns and all voted in favor
- K. Guertin will examine costs and have more information at the next meeting
- A motion was made by D. Burns to continue the hearing to August 8th, seconded by N. Beauregard and all voted in favor

Notice of Intent

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 **Michael Tyrrell**, for exploratory Geotechnical borings, located along the A1/B2 Transmission Right of Way, Gardner. The proposed work is located within the buffers to Bordering Vegetated Wetland.

- Samantha Walker was present, representing the applicant
- S. Walker presented the plans and described in detail the proposed soil borings along the right of way
- Wetland mats will need to be temporarily placed at access points to get equipment on to the site
- S. Walker state that this is one of the oldest transmission lines that doesn't get accessed much, so wetlands have expanded and grown in
- D. Orwig asked if this is like other transmission line work done in the past, S. Walker state that similar line work has been done in other areas
- G. Dumas asked when the project is expected to start, S. Walker said that the power company is trying to work in order through the various towns/cities. They are currently in Sterling, so they should get to Gardner by mid-Fall.
- K. Guertin suggested a condition that the agent view the temporary wetland crossings prior to the start of work
- No members of the audience spoke on this matter
- A Motion was made by D. Orwig to close the hearing, seconded by D. Burns and all voted in favor
- A Motion was made by D. Burns to issue an Order of Conditions with special conditions 1. The agent is notified to view the wetland crossings prior to work, and 2. The agent shall be notified at the start of each phase of work. It was seconded by D. Beauregard, and all voted in favor.

Notice of Intent

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 **James Leblanc**, for razing an existing dwelling and construction of a new single-family home, located at 455 West Street, Gardner(M27-1-5). The proposed work is located within the buffers to Bordering Vegetated Wetland.

- Chris Stoddard (consultant) and James Leblanc (applicant) were present for the hearing
- C. Stoddard described the project as a tear down of an existing mobile home to build a new single- family home
- G. Dumas brought up a google maps location of the property on the tv for a better visual
- D. Burns asked why the house was being built close to wetlands, J. Leblanc explained that the new house will be further form the wetlands than the existing mobile home to be raised
- The driveway is already existing within wetland buffers
- G. Dumas asked to show where sewer and water hookups will be installed, C. Stoddard explained that they will be brought from West Street past the existing garage, along a foot path that has been there for a very long time
- J. Leblanc explained that he wanted to keep the lot as wooded and private as possible
- Proper erosion controls were shown on the plan
- K. Guertin suggested a special condition that the driveway must remain pervious and the same size in perpetuity, any change is footprint must be reviewed by con com first.
- No members of the audience spoke on this matter
- A Motion was made by D. Beauregard to issue an Order of Conditions with the special condition regarding the driveway in perpetuity, seconded by N. Beauregard and all voted in favor

New Business

Legal ad payment

- K. Guertin informed the Commission that she had to place a legal ad for the Keyes Road Culvert NOI because the applicant is Trevor Beauregard, and the project is being funding through grants received by the department. The planning phase grant money which remains in the account is not enough to cover the \$68.38 bill.
- K. Guertin asked the Commission to vote to allow funds to be used from one of the conservation accounts which have money that needs to be spent.
- G. Dumas did not agree that this should be coming out of Conservation's funds since the Commission is not the applicant
- K. Guertin said she technically is the applicant working on the project but that cannot be reflected on the NOI because she is the reviewing agent (conflict). That is why Trevor's name is on the application.
- M. Hermanson stated that he sees how it is conservation related in that it is a culvert replacement and the agent of the commission is the one charged with overseeing the project.
- D. Orwig mentioned that she was directed by Trevor to oversee the project, so maybe the money should come from planning funds
- D. Burns did not think we should be paying for other applicant's legal ads
- K. Guertin assured that we don't pay applicants legal ads, but this is a different scenario
- G. Dumas asked which accounts we could use to pay it and how much the bill is
- K. Guertin named the Cummings and Brooks Pharmacy accounts that have at least \$1k each in them, and that the bill is \$68.38.
- A Motion was made by G. Dumas to approve the payment of the \$68.38 bill out of the Cummings account, seconded by D. Beauregard, two voted in favor and three opposed. Motion did not pass.

Upcoming Meetings

August 8

8:55 pm A motion to adjourn was made by D. Burns. 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.

Katie Guertin is inviting you to a scheduled Zoom meeting.

Topic: My Meeting

Time: Jul 25, 2022 06:30 PM Eastern Time (US and Canada)

Join Zoom Meeting

<https://us06web.zoom.us/j/87109594231?pwd=bHRhNUNkWnM5cFMxVmRmSmJSQWVUUT09>

Meeting ID: 871 0959 4231

Passcode: 711815

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