

**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 26, 2021 at 6:30 p.m.

**CITY HALL ANNEX
SECOND FLOOR MEETING ROOM 203**

Members Present:

Acting Chairman David Orwig, Michael Hermanson, Duncan Burns, and Dave Beauregard. Also present was Conservation Agent Lyndsy Butler, and Administrative Clerk Kris Singer

Members Absent:

Chairman Greg Dumas, Donna Lehtinen, and Norman Beauregard

Guests & Visitors:

Mayor Michael Nicholson, Ben Herman, Mike Howard – Epsilon Associates, Steve Powers – Samiotes Consultants, and Steven Rockwood - resident

MEETING – brought to Order by Acting Chairman D. Orwig at 6:30 pm

Minutes

Vote to approve the Minutes of the Meeting of June 28, 2021

- Motion to approve Minutes made by D. Burns, seconded by D. Beauregard, and voted all in favor.

Request for Determination of 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 Jeffrey Alisaukas for work to be conducted at 23 Airport Road, Gardner, MA 01440 (H17-10-4). Proposed work is to spread beach sand along the buffer to Kendall Pond.

Continued from 6/28/21

- No one was present to represent the Request.
- L. Butler asked for a receipt of the sand to be presented, but she has not received one yet. She also clarified that the sand was not officially spread, but rather moved around by kids.
- D. Orwig suggested continuing the Request due to the lack of sand purchase receipt.
- A Motion to continue the Request to the August 9th meeting was made by D. Burns, seconded by M. Hermanson, and voted all in favor.
- L. Butler also noted that she reached out to the applicants, but no one was reachable as they were on vacation. She also is not sure from where they procured the sand.

Appointments

Discussion with Samoites Consultants regarding 525 Parker Street project

- Steve Powers, from Samoites Consultants, reminded the Commission that the project was presented to them virtually. He went on to summarize the history of the project and the site. Flagged wetlands are noted on the property, one at Parker's Pond and the other in the Northeast corner of the parcel. There are now an unexpected number of wetlands in the center of the property. During a site visit in March, the ground was noted as being very wet.
- It is believed that these are 'man-made', isolated wetlands caused after the demo of the original building and subsequent movement of ground and debris on the property.
- The history of the site is noted as 2007 plans having been developed, permitted, and approved. This was first done after the original building was taken down. Then a 2019 plan was never presented. Aerial photos from 2005 and 2010 show no wetlands, and photos from 2019 show some wetlands.
- Mike Howard from Epsilon Associates believes these 'artificial' wetlands were created due to 1) demo of building and foundations left on site, 2) owners disturbed the site in some manner, and 3) tree and stump removal and some excavation on the site.
- S. Powers explained that the proposal is to put a residential development on the property, 80 condo units in total. Surveying is presently being conducted on site. The main issues are the 30' No Disturb buffer and the 60' No Build buffer, and they are asking the Commission if they can fill the degraded, isolated wetlands.
- D. Beauregard inquired as to what type of vegetation is in the isolated wetlands and have soil samples been taken? M. Howard advised that the isolated wetlands were mainly depression and consisting of willows. They have plans to dig the soil, but it remains very wet.
- They tried to stay out of the 30' No Disturb buffer in their proposal. The only encroachment on that is for the access road near Water St, which was part of the approved 2007 plans.
- D. Burns pointed out a drain, located at Branch St., which drains to Parker's Pond.

- D. Orwig asked if the emergency road is required, and S. Powers confirmed that it was put into the 2007 plan, so they included it in their current plan.
- Mayor Nicholson advised that the 2019 plans did not go forward due to needing zoning relief, and that plan did include an emergency road.
- D. Orwig noted that the man-made wetlands would not require protection, especially knowing the exact history and origination of the isolated wetlands. D. Beaugard agrees. D. Orwig went on to say that the Commission has never approved for encroachment (at least not in his time in serving on the Commission) on the 30' buffer, noting that they have had people change their house plans for less. He is not comfortable with that encroachment.
- D. Burns noted that there are a lot of rocks and debris on the property, and both M. Hermanson and L. Butler confirm that they have been there for a while.
- M. Hermanson has no issue with the isolated wetlands, but really needs to think about the encroachments on the 30' and 60' buffer.
- S. Powers pointed out that other than the emergency road, nothing else is in the 30' buffer. He acknowledges that there is more issue with the 60' buffer and their proposal includes a 'buffer zone enhancement plan.' D. Burns suggested that they could just not build in the 60' buffer.
- D. Orwig noted that other development proposals planned to be in the 60' buffer, and the Commission made them move.
- M. Howard re-iterated that the core wetlands (Parker's Pond and the Northeast corner) will be protected. The plan is to provide 20,000 square feet of protection, and that these are just initial proposals.
- D. Orwig inquired as to what is their 'enhanced buffer zone' proposal? M. Howard advised that they would plant native shrubs and trees.
- S. Powers noted that currently only 8 or 10 (of the 80) units are encroaching in the 60' zone. M. Hermanson suggested that the architect could move those units around? M. Howard said that they would work with the architect and see what can be done.
- Mayor Nicholson said that his office supports this proposal. He's conferred with different State agencies and all thought it was a good plan, definitely better than the 2019 plan which proposed apartments at the location.
- D. Beaugard stated that the Commission is willing to work with everyone.
- D. Burns thinks that the plan can be worked to please all parties.
- S. Powers said that the plan is to officially file their proposal with the Commission and the Planning Board.
- Mayor Nicholson also noted that in terms of zoning, this proposal is fine.

New Business

Approve Certificate of Compliance for DEP#160-0611, 538 Clark Street

- L. Butler advised that this is for the solar field at the Rod & Gun Club. She said that everything looks good with the vegetation and that there have not been any 'wash-outs'.

- M. Hermanson asked if the solar field was producing any power, and L. Butler advised that it is.
- A Motion to approve the Certificate of Compliance was made by D. Burns, seconded by D. Beauregard, and voted all in favor.

Approve Partial Certificate of Compliance for DEP#160-101, Lot 6, 76 Stephanie Drive

- L. Butler advised that the house was built in 1988 and they are looking to close. Everything is ok at the property; they just want to sell. This is considered a 'partial' because the lot is being released from the subdivision.
- A Motion to approve a partial Certificate of Compliance was made by D. Burns, seconded by M. Hermanson, and voted all in favor.

Auto repair and dealership on Pearson Blvd

- D. Beauregard notes that the auto repair and dealership on Pearson Blvd have cars parked close to falling into the nearby river.
- D. Burns questioned if the license that all used car dealerships need to apply for in the city limits the amount of cars on site.
- A site visit will be set by L. Butler.

Upcoming Meetings

August 9

August 23

7:11 pm A motion to adjourn was made by D. Burns. The motion was seconded by D. 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.