



**CITY OF GARDNER
CONSERVATION COMMISSION
Minutes of the Meeting of
January 28, 2019
Hubbard Conference Room
Gardner City Hall Annex Room 203**

Members Present:

Chairman Greg Dumas, David Beaugard, Duncan Burns, Michael Hermanson, Donna Lehtinen, and David Orwig. Also present was Conservation Agent Jeffrey Legros.

Members Absent:

Norman Beaugard

Guests & Visitors:

Nabih Younis, Ameresco, Representing Otter River Road Solar, LLC; Stephen Herzog, Amec, Representing Ameresco; Chris Coughlin, Gardner City Engineer; JoAn Gould, Resident, Princeton Street; Alan Rousseau, Resident, 211 Betty Spring Rd, and abutter of Cedar Hills Solar Projects; Sue Rousseau, Resident, 211 Betty Spring Rd, and abutter of Cedar Hills Solar Projects; David Albrecht, Borrego Solar; Kristopher Blakely, Borrego Solar; Martin Bowers, Resident and Volunteer Associate Member.

Public Hearings

6:30 The Gardner Conservation Commission resumed the joint Public Hearing under MGL, Ch.131, § 40, Wetlands Protection Act and the City of Gardner Wetlands Protection Ordinance on the Notice of Intent filed by the City of Gardner, Engineering Dept., represented by Fuss & O'Neill, for repairs to Wrights Reservoir Dam associated with the gate valve, spillway, earthen embankment and dike slopes. The dam is located Wrights Reservoir off of High Street in Gardner and on property owned by Adolf Jandris & Sons, Inc., 202 High Street, Gardner. Resource Area impacts will include work within a Bordering Vegetated Wetland, Land Under Waterbodies and Waterways, Bank, Bordering Land Subject to Flooding, and the Riverfront Area of the stream draining from Wrights Reservoir to Mahoney Brook.

Gardner City Engineer, Chris Coughlin described the proposed project. He stated that the anticipated construction start date would be late fall to early winter 2019. The proposed drawdown period must be between October 1 and May 1 per Natural Heritage and Endangered Species Program Orders of Conditions. The anticipated construction duration is 6-months.

Chairman Dumas asked if a Long-term maintenance plan has been drafted and why it was not included with this filing.

City Engineer Coughlin responded that he did not believe it was necessary as part of this filing since the flood control structures and their maintenance fall under the responsibility of the Engineering and Survey Department and Department of Public Works, respectively. Further, he stated that the Department of Conservation and Recreation Office of Dam Safety and the Federal Emergency Management Agency have additional oversight with regard to dams and flood control.

Some Commission members agreed with the jurisdiction of responsibility and oversight and did not want to interfere with those regulations and management responsibilities. However, they felt that since the current work and future maintenance would be within areas jurisdictional under the Wetlands Protection Act and local Wetlands Protection Ordinance that it was important to have some procedures on file with the Commission and to ensure that any entities or individuals responsible for future maintenance were aware of the regulatory requirements of the relevant Wetlands Protection laws and regulations.

Conservation Agent Legros suggested that an RDA be submitted to guide future maintenance activities and ensure that Wetland Resource Areas are not negatively impacted or filled as a result of such activities.

The Commission agreed that an RDA should be required as described and that one be requested by the City Engineer or DPW and issued by the Commission within the next 6-months, by September 1st, or before the beginning of construction of this project.

Chairman Dumas also asked about a water control plan related to the dewatering process. In addition to the general information included in the Stormwater Management Report, the Commission requested that detailed plans for dewatering and filtration be submitted based on the contractor-proposed methods.

The Commission also requested additional details of all erosion and sediment control details prior to the commencement of construction and pending specific contractor specifications and schematics.

7:03 A motion was made by D. Burns to Close the Hearing and issue an Order of Conditions with Special Conditions. The motion was seconded by D. Lehtinen and voted unanimously, all in favor.

7:04 The Gardner Conservation Commission resumed the joint Public Hearing under MGL, Ch. 131, § 40, Wetlands Protection Act and the City of Gardner Wetlands

Protection Ordinance on the Notice of Intent filed by Princeton Repower, LLC, 30 North Gould Street, Suite R, Sheridan WY, 82801, represented by Environmental Resources Management, for the construction of a 5.78 MW ground-mounted photovoltaic solar array to be constructed on 24 parcels totaling approximately 23-acres of land along Princeton Street and Keyes Road in Gardner on land currently owned by Cedar Hills, LLC, 52 Congress St., Boston, MA 02108. Work will include site preparation, including grading and clearing of vegetation, maintenance, construction, and extension of existing roads, construction of stormwater management infrastructure & Best Management Practices and installation of photovoltaic panels, mounting racks, and electrical utilities. Resource Area impacts will include work within the buffer zone of Bordering Vegetated Wetlands. No work will occur within the 100-foot Buffer Zone of a Potential Vernal Pool or the 30-foot 'No-Disturb' Zone of all Wetland Resource Areas. No structures will occur within the 60-foot 'No Build' Zone.

7:05 A motion was made by D. Burns to continue the hearing until February 11, 2019, at the applicants request pending the receipt of additional requested information and the results of the peer review to be conducted by Tighe & Bond as required by the Planning Board and which is critical in the assessment of potential impacts of this project. The motion was seconded by D. Beaugard and voted unanimously, all in favor.

7:05 The Gardner Conservation Commission resumed the joint Public Hearing under MGL, Ch. 131, § 40, Wetlands Protection Act and the City of Gardner Wetlands Protection Ordinance on the Notice of Intent filed by Redzico Dev, LLC, 1201 Orange Street, Suite 600, Wilmington, DE, 19801, represented by Environmental Resources Management, for the construction of a 6.42 MW ground-mounted photovoltaic solar array to be constructed on 18 parcels totaling approximately 24-acres of land along Princeton Street and Keyes Road in Gardner on land currently owned by Cedar Hills, LLC, 52 Congress St., Boston, MA 02108. Work will include site preparation, including grading and clearing of vegetation, maintenance, construction, and extension of existing roads, construction of stormwater management infrastructure & Best Management Practices and installation of photovoltaic panels, mounting racks, and electrical utilities. Resource Area impacts will include work within the buffer zone of Bordering Vegetated Wetlands. No work will occur within the 100-foot Buffer Zone of a Potential Vernal Pool or the 30-foot 'No-Disturb' Zone of all Wetland Resource Areas. No structures will occur within the 60-foot 'No Build' Zone.

7:06 A motion was made by D. Burns to continue the hearing until February 11, 2019, at the applicants request pending the receipt of additional requested information and the results of the peer review to be conducted by Tighe & Bond as required by the Planning Board and which is critical in the assessment of potential impacts of this project. The motion was seconded by M. Hermanson and voted unanimously, all in favor.

7:25 The Gardner Conservation Commission resumed the joint Public Hearing under MGL, Ch. 131, § 40, Wetlands Protection Act and the City of Gardner Wetlands Protection Ordinance on the Notice of Intent filed by Imperial Blue Systems, LLC, 9 Loockerman Street, Suite 202, Dover, DE, 19901, represented by Environmental Resources Management, for the construction of a 6.59 MW ground-mounted photovoltaic solar array to be constructed on 31 parcels totaling approximately 33-acres of land along Princeton Street and Keyes Road in Gardner on land currently owned by Cedar Hills, LLC, 52 Congress St., Boston, MA 02108. Work will include site preparation, including grading and clearing of vegetation, maintenance, construction, and extension of existing roads, construction of stormwater management infrastructure & Best Management Practices and installation of photovoltaic panels, mounting racks, and electrical utilities. Resource Area impacts will include work within the buffer zone of Bordering Vegetated Wetlands. No work will occur within the 100-foot Buffer Zone of a Potential Certified Vernal Pool will occur. As part of this project, a 3,000 square-foot Wetlands Replication Area is being proposed to account for a condition of the previous, and outstanding, Order of Conditions associated with the site. Other than that Wetland Replication work, there will be no disturbances within the 30-foot 'No-Disturb' Zone of all Wetland Resource Areas. No structures will occur within the 60-foot 'No Build' Zone.

7:07 A motion was made by D. Burns to continue the hearing until February 11, 2019, at the applicants request pending the receipt of additional requested information and the results of the peer review to be conducted by Tighe & Bond as required by the Planning Board and which is critical in the assessment of potential impacts of this project. The motion was seconded by D. Beauregard and voted unanimously, all in favor.

Meeting Chairman Dumas called the meeting of January 28, 2019 to order.

Minutes

8:18 A motion to approve the Minutes of the Meeting of November 26, 2018 was made by D. Beauregard. The motion was seconded by D. Lehtinen and voted unanimously, all in favor.

8:19 The Minutes of the Meeting of December 10, 2018 were tabled until the next meeting pending further review and revisions.

8:20 The Minutes of the Meeting of January 14, 2019 were tabled until the next meeting pending further review and revisions.

Orders of Conditions

(7:03) On a motion made by D. Burns and seconded by D. Lehtinen and voted unanimously in favor, an Order of Conditions for the repairs to the Wrights Reservoir Dam, Spillway, earthen berm embankment and dike was issued.

Request for Determination of Applicability

None

Request for Certificate of Compliance

7:08 DEP File #160-0329: Cedar Hills Subdivision Site Work and Culvert
(This CoC Request is related to the site of several solar projects currently proposed an considered under Notices of Intent.)

7:08 A motion was made by D. Burns to continue the request until the Meeting of February 11th at the applicants request pending additional information. The motion was seconded by D. Beauregard and voted unanimously, all in favor.

7:09 DEP File #'s 160-0340 – 0355: Cedar Hills Subdivision Site Work and Culvert
(This CoC Request is related to the site of several solar projects currently proposed an considered under Notices of Intent.)

7:09 A motion was made by D. Burns to continue the request until the Meeting of February 11th at the applicants request pending additional information. The motion was seconded by D. Orwig and voted unanimously, all in favor.

Request for Extension of Order of Conditions

None

Request for Minor Changes of Work

7:10 DEP File #160-0612: Otter River Road Solar Project
Steve Herzog, Wetland Scientist, Amec, described the minor changes related to lower elevations across portions of the site by approximately 2-feet (average). The cause for this change was the removal and/or relocation of some sand and gravel materials by the site owner under the ongoing gravel operation of the site. This material was determined to have been removed or relocated between June and October of 2018 resulting in the need to change the final grading of the project from the elevations initially proposed and approved. Mr. Herzog stated that this change would not change the proximity of any work to any resource areas and would not have any change in the ability of the previously proposed stormwater infrastructure to handle the runoff under the newly proposed conditions.

7:25 A motion was made by D. Burns to accept and approve the minor changes as proposed. The motion was seconded by D. Beauregard and voted unanimously, all in favor.

Enforcement Order

- **35 Eastwood Circle Wetland Restoration Planting Plan:**
Agent Legros has received confirmation from the homeowner that he is committed to meeting his obligations and will submit a plan by April 1st complete the restoration planting by May 15th.
- **Sapphire Park As-Built Plan Structures within the ‘No Build’ Zone:**
The matter will be resumed at the Meeting of February 25, 2019.
- **DEP File #160-0610: West St. Solar Project, Borrego Solar (unanticipated)**
A potential violation occurred on January 24, 2019. Stormwater flooded and escaped the site and caused damage to roadways, private property, and deposited sediments to several low-lying areas and into the Otter River and an unnamed tributary. The Conservation Agent has photo documented the damages and will assess the violation.

Kristopher Blakely, Borrego Solar described the incident and the contributing factors, 8-12” of recent snow followed by sudden increased temperatures, rain, and melting.

The Commission recommended a follow-up site visit with the applicant and site manager, Borrego Solar. A letter describing the event was requested by the Commission and immediate corrective measures will be considered under an Emergency Certification (see below). A long-term solution and plan for stormwater management infrastructure BMP’s capable of controlling and treating site stormwater conditions under all conditions shall be submitted in the form of a Request for Amendment to the Order of Conditions. Further enforcement and additional remediation may be required.

Chairman Dumas asked that all SWPPP reports/checklists for the entire duration of the construction period be submitted to the Conservation Agent immediately for the Commission’s review.

Emergency Certification (unanticipated)

DEP File # 160-0610: A request for an Emergency Certification was presented related to the need to immediately improve stormwater management infrastructure onsite to prevent future flooding and escapement of water from the site. Repairs to damages caused by the incident were also included as part of this request.

- 8:15** A motion was made by D. Beauregard to issue a 30-day Emergency Certification for the immediate repairs and temporary stormwater control measures related to the incident described above (Enforcement Order, West Street Solar Project) related to stormwater flooding and escapement. The motion was seconded by D. Lehtinen and voted unanimously, all in favor.

Presentations

None

New Business

None

Old Business

None

Unanticipated Business

- Commission Member D. Beauregard brought a situation, a large amount of debris/trash being stored within the buffer zone of a wetland on Metcalf Street, to the Commission's attention and asked Agent Legros to look into the matter.

Motion to Adjourn

8:45 A motion to adjourn was made by D. Burns. The motion was seconded by M. Hermanson and voted unanimously, all in favor.

Respectfully submitted,

Jeffrey D. Legros, Conservation Agent

All materials used at the meeting are available for viewing at the office of the Conservation Agent, Room 202 of the City Hall Annex.

Minutes are available as follows:

- Minutes are available on the City of Gardner website (www.gardner-ma.gov) under Conservation Commission.
- By appointment or request in Conservation Agent's office, Room 202 of the City Hall Annex
- Community Development & Planning office, Room 201 of the City Hall Annex