



**CITY OF GARDNER  
CONSERVATION COMMISSION  
Minutes of the Meeting of  
July 8, 2019  
Hubbard Conference Room  
Gardner City Hall Annex Room 203**

**Members Present:**

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

**Members Absent:**

David Beauregard

**Guests & Visitors:**

Steven Rockwood, Resident.

**Public Hearings**

None

**Meeting** Chairman Dumas called the meeting of July 8, 2019 to order at 6:30 PM.

**Minutes**

**6:31** The Minutes of the Meeting of June 24, 2019 were tabled until the meeting of July 22, 2019.

**Orders of Conditions**

None

**Request for Determination of Applicability**

**6:31 RDA # 2019-6-10:** The Gardner Conservation Commission resumed the joint Public Meeting under MGL, Ch. 131, § 40, Wetlands Protection Act and the City of Gardner Wetlands Protection Ordinance (City Code Ch. 650) on the Request for Determination of Applicability filed by Massachusetts Electric Company (aka National Grid), 40 Sylvan Road, E2.474, Waltham, MA. The work will be located along Clark Street within the road layout and will consist of the replacement and relocation and new installation of multiple utility poles and stub poles. The work will occur within the 100-foot buffer zone of the Bank of Perley Brook Reservoir, 200-foot riverfront Area of Perley Brook, and

local 30-foot 'No-Disturb' Zone and 60-foot 'No-Build' Zone of associated Wetland Resource Areas.

Agent Legros presented a written request for continuation on behalf of the applicant's representative. Melissa Kaplan, BSC Group, representing National Grid, submitted a written request for continuation until the meeting of July 22, 2019, pending review by Mass DCR Office of Dam Safety.

- 6:35** A motion was made by D. Burns to continue the matter (Request for Determination of Applicability Public Meeting) until the meeting of July 22, 2019, at the applicants request, pending review by the Mass DCR Office of Dam Safety and subsequent review of the DPW Director, City Engineer, and Suez. The motion was seconded by N. Beauregard and voted unanimously, all in favor.

**Request for Certificate of Compliance**

None

**Request for Extension of Order of Conditions**

None

**Request for Minor Changes of Work**

None

**Enforcement Order**

- **DEP File #160-0610: 959 West St. Solar Project, Borrego Solar**

Agent Legros informed the Commission of recent and continual problems with erosion and sedimentation on site during and following rain events of all amounts and durations. In particular, he summarized the occurrences and observations on site between the period between June 10<sup>th</sup> and July 8<sup>th</sup>, 2019. These observations were made by both Agent Legros and Ryan Joyce, SWCA monitor together and separately, and were documented in photographs taken on site and in Mr. Joyce's routine monitoring reports.

Such occurrences prompted a site visit with Mr. Joyce and Agent Legros present on June 11, 2019 (as noted at the previous meeting on June 24, 2019). During this visit they reviewed several areas and issues of ongoing concern and Mr. Joyce presented potential solutions and corrective measures. This meeting was followed by a meeting with Mr. Joyce and representatives of Borrego on June 12, 2019 on site. Mr. Joyce informed Agent Legros that he summarized the documented concerns and expressed his recommendations for correction to Borrego at that time. Since that time those issues have persisted.

On July 3<sup>rd</sup>, following repeated SWCA reports and observation documenting perpetual erosion and sediment transport within the site, Chairman Dumas asked Agent Legros to prepare a draft cease & desist letter for the Commission's

consideration at this meeting. Agent Legros presented a letter to the Commission for their review and consideration.

- 6:50** A motion was made by N. Beauregard to approve and issue the cease & desist letter as drafted. The motion was seconded by D. Orwig and voted unanimously, all in favor.

Chairman Dumas signed the letter and Agent Legros will send it to Borrego Solar System to Mr. David Albrecht's attention.

At the previous meeting of June 24, 2019 this matter was voted by the Commission to be continued until the meeting of July 22, 2019. A presentation of additional information is anticipated to be provided by Borrego to the Commission at that time.

- **DEP File #160-0611: Otter River Road Solar Project, Ameresco Solar**
- 6:52** Agent Legros informed the Commission that representatives of Ameresco Solar were unable to attend tonight's meeting. Nabih Younis provided the Commission with a status update via email and stated that they would plan to update the Commission again on August 12<sup>th</sup>, 2019.

Steve Herzog, Ecologist/Wetland Scientist, Wood/Amec Foster Wheeler, submitted (by email) the most recent SWPPP inspection photo log from the inspection performed on July 8, 2019 (this day) for the Commission's review. This was a regular weekly inspection and also a post-rain inspection following the inch of rain received Saturday evening. Below is information provided by Mr. Herzog as a status update in an email memo sent along with that report:

- The stormwater and erosion controls are all in good and stable condition, and have fared well through the recent heavy rain storms.
- The buffer zone vegetated strips are growing well.
- The western area is well-vegetated, and the southern area, which was seeded later, is emerging now.
- The next and final step is to seed the access road, as well as any areas that may need overseeding.
- Amec Foster Wheeler (Mr. Herzog) will continue to inspect weekly as recommended by SWCA until [conditions are met and] the Enforcement Order is removed.
- Mr. Herzog anticipates that he will be able to present the status at the commission's next meeting.
- Mr. Younis will let the Commission know when the as-built survey and drawing is complete and will present it to the Commission at that time.

The matter will be resumed at the meeting of August 12<sup>th</sup> or 26<sup>th</sup> pending receipt of as-built plans and proof of completion of seeding by Ameresco.

### **Emergency Certification**

None

### **Presentations**

None

### **New Business**

- **MVP (Municipal Vulnerability Preparedness) Planning Grant Award**  
Agent Legros informed the Commission of the City's recent receipt of a planning grant award under the Mass Executive Office of Energy and Environmental Affairs MVP program. The award was in the amount of \$34,000 to contract the services of a certified MVP service provider to conduct a vulnerability and resiliency planning process and public shade tree resiliency inventory and plan.

### **Old Business**

None

### **Unanticipated Business**

- **VIPs Program volunteer update**  
Agent Legros informed the Commission on the progress of the VIPs volunteer. She has successfully scanned files and plans for the Commission as part of the tax incentive program offered to senior citizens who have a property taxes within the city. This is her second year providing her time to the Commission and has been a tremendous help.
- **Howard Street Drainage Issue**  
Commission member D. Orwig notified the Agent of an ongoing drainage issue on Howard Street. He asked the Agent to notify the DPW. Agent Legros noted that he would inform the DPW and stated that he had previously informed them of this issue and that he thought they had previously attempted to correct it.
- **Conservation Commission Rain Jackets and Safety Vests (7:00)**  
A motion was made by D. Burns to approve the up to \$1,500 from the Conservation Trust Account for the purchase of rain jackets and safety vests for the Commission members and staff. The motion was seconded by D. Orwig and voted unanimously, all in favor.

### **Motion to Adjourn**

**8:00** A motion to adjourn was made by D. Orwig. The motion was seconded by N. Beaugard 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](http://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