



**CITY OF GARDNER
CONSERVATION COMMISSION
Minutes of the Meeting of
July 22, 2019
Hubbard Conference Room
Gardner City Hall Annex Room 203**

Members Present:

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

Members Absent:

David Orwig and Associate Member, Martin Bowers

Guests & Visitors:

Jo Ann Gould, Resident; Matt Noehre, Urban Green Technologies/Cedar Hills Solar Project; Sue Rousseau, Resident; Alan Rousseau, Resident; Will Peregoy, Borrego Solar.

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 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.

- 6:32** A motion was made by D. Burns to continue the hearing until September 9, 2019 at the applicants request. The motion was seconded by D. Beauregard and voted unanimously, all in favor.

The matter was previously continued from the Meetings of Jan. 14 & 28, Feb. 11 & 25, Mar. 11 & 25, Apr. 8, May 13, and June 10, 2019.

- 6:33** 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.

- 6:34** A motion was made by N. Beauregard to continue the hearing until September 9, 2019 at the applicants request. The motion was seconded by D. Burns and voted unanimously, all in favor.

The matter was previously continued from the Meetings of Jan. 14 & 28, Feb. 11 & 25, Mar. 11 & 25, Apr. 8, May 13, and June 10, 2019.

- 6:34** 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.

- 6:35** A motion was made by D. Burns to continue the hearing until September 9, 2019 at the applicants request. The motion was seconded by D. Beauregard and voted unanimously, all in favor.

The matter was previously continued from the Meetings of Jan. 14 & 28, Feb. 11 & 25, Mar. 11 & 25, Apr. 8, May 13, and June 10, 2019.

Meeting Chairman Dumas called the meeting of July 22, 2019 to order at 6:30 PM.

Minutes

- 6:36** A motion was made by D. Beauregard to approve the Minutes of the Meeting of June 24, 2019. The motion was seconded by D. Lehtinen and voted unanimously, all in favor.

- 6:37** The Minutes of the Meeting of July 8, 2019 were tabled until the meeting of August 12, 2019.

Orders of Conditions

None

Request for Determination of Applicability

- 6:37 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 August 26, 2019, pending review by Mass DCR Office of Dam Safety.

6:40 A motion was made by M. Hermanson to continue the matter until the meeting of August 26, 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 D. Burns 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

160-0611: 538 Clark Street, Gardner Fish & Gun Club, Borrego Solar Systems, Inc., Large-scale Ground Mounted Solar Array

A request was made by the applicant, Borrego Solar Systems, Inc., to change the specified, previously approved erosion controls to a different specification than that of the approved plan.

Will Peregoy, Borrego Solar Systems, Field Construction Support Engineer, presented the request on behalf of the applicant.

Commission Member D. Burns asked if the change would result in the use of erosion controls that would provide less protection than the originally specified and approved measures.

Mr. Peregoy stated that the silt fence requested as a minor change is less rigid than the one proposed and approved but that it is the standard that is currently applied by Borrego on all of their projects and as such is easily available through their standard vendors.

Mr. Burns stated that he did not think that was a good reason to change what was approved, especially if it may result in reduced protection of the Wetland Resource Areas. He added that Bailey Brook is a Cold Water Fish Resource Area and provides important habitat and that it should be protected to the greatest extent possible during this project.

6:47 A motion was made by D. Burns to ‘Deny’ the ‘Request for Minor Change’. The motion was seconded by D. Beauregard and voted unanimously, all in favor.

Enforcement Order

- **DEP File #160-0610: 959 West St. Solar Project, Borrego Solar**
Will Peregoy, Borrego Solar Systems, Field Construction Support Engineer, presented revised plans including corrective measures plan, stormwater

infrastructure, and rain garden. These most recent plans and revisions were prepared based on discussions held during a meeting with Borrego staff, the Conservation Agent, and Director of Community Development and Planning. That meeting was held on July 17, 2019.

Agent Legros informed the Commission that 3rd Party Review of the plans by Fuss & O'Neill would begin next week.

The Commission reviewed the plans and agreed that items #1, 2, 3, 4, 6, and 9 could resume immediately under the current Cease and Desist and that item 7 and 8 could be completed at the applicant's discretion as soon as possible. Item # 5 must not begin until after Fuss & O'Neill have completed their review.

The matter will be tabled for further discussion until after Fuss & O'Neill complete their review.

Emergency Certification

None

Presentations

None

Old Business

None

New Business

- **Timpany Crossroads Stormwater Runoff Concerns**

Agent Legros informed the Commission of recent concerns related to stormwater runoff at the rear of the Timpany Crossroads site and discharge into the 30-foot 'No Disturb' Zone of Dyer Pond. Agent Legros visited the site in regard to this issue on July 12th and July 15th, 2019. A temporary measure was implemented by the site contractor to divert the water to the base of the riprap slope to avoid the erosion that was occurring at the top of the slope from water discharging from the roof gutters. Agent Legros expressed his concern on the July 12th site visits that the roof runoff should have been directed into the onsite underground stormwater system as indicated during the review and permitting process. He requested that the project engineer be consulted to provide a solution to correct the current situation. On July 15th the gutters had been connected to the pipes to direct the flow to the bottom of the slope. Agent Legros expressed his concern that this put the water directly into the 30-foot 'No Disturb' Zone and that a final solution should be presented as soon as possible.

At this time no solution has been presented.

Chairman Dumas asked Agent Legros to contact the site Engineer to schedule a site visit with the Agent and one or two members of the Commission to view the situation and request plans for corrective action.

Unanticipated Business

- **Chairman's Meeting w/Director of Community Development & Planning**
Chairman Dumas recently met with Trevor Beauregard, Director, Community Development & Planning, City of Gardner to discuss the need to hire an administrative clerk to take meeting notes at meetings and prepare minutes for the Commission. They also discussed the responsibilities of the Conservation Agent with respect to shared duties between Conservation Commission and Planning related duties. Chairman Dumas reported that the meeting went well and that the Mr. Beauregard was working with the City's Human Resources Officer to develop a job description and advertise for an administrative clerk.

Motion to Adjourn

7:47 A motion to adjourn was made by D. Burns. The motion was seconded by D. Beauregard 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