

**CITY OF GARDNER
CONSERVATION COMMISSION**

Gardner City Hall – Manca Annex
115 Pleasant St., Room 202

978-630-4014

Gardner, MA 01440

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MEETING

Monday, January 24, 2022 at 6:30 p.m.

CITY HALL ANNEX

SECOND FLOOR MEETING ROOM 203

Members Present:

Chairman Greg Dumas, David Beauregard, Norman Beauregard, Duncan Burns, and Donna Lehtinen. Also present was Conservation Agent Katie Guertin and Administrative Clerk Kris Singer

Members Absent:

Michael Hermanson and David Orwig

Guests & Visitors:

Robert LaPierre – Owner of Wampanoag properties

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

Minutes

Vote to approve the Minutes of the Meeting of January 10, 2022

- Motion to approve Minutes “As Printed” made by N. Beauregard, seconded by D. Burns, and voted all in favor.

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.

- Mr. Robert LaPierre, owner, addressed the concerns for the 122 Wampanoag property. There are three large pine trees near the lake which concern R. LaPierre. He notes that many have already fallen on his property. He estimates the trees are 60 to 80 feet high, and only 20 feet from his house.
- G. Dumas asked if they would fall into the lake instead? R. LaPierre replied, no that they would fall onto the house, based on wind direction from Nor’Easter storms.
- G. Dumas is concerned that by granting permission to cut these trees solely based on proximity to the house would set precedent for every house with trees near them.

- D. Beauregard asked if the trees in question are unhealthy? R. LaPierre said no, but other trees around the lake have fallen.
- G. Dumas asked if the trees in question are leaning towards his house, and R. LaPierre replied that they are. He also showed the Commission pictures of fallen trees on the property next door.
- Both K. Guertin and N. Beauregard have no issue with taking out Pines as opposed to other types of trees (such as oaks). D. Beauregard added that Pines are not good for the lake.
- D. Burns suggested getting an arborist, but N. Beauregard did not think that was necessary.
- R. LaPierre moved on to speak about his 128 Wampanoag property. He explained that he just acquired the property and reports that the east side of the property has dead trees and trees which have already fallen. He showed photos where he marked trees which, if they fall, would take out power lines. The house on the 128 property was built back in the 1930's and there has been no tree or forestry management. "Everything is a mess," R. LaPierre stated.
- G. Dumas asked if the City has an arborist, but it does not. G. Dumas is not sure of the rules or the Commission's purview for this case. He feels that the City should help. Maybe the DPW Director, Dane Arnold, could assist?
- K. Guertin agrees that the proximity of the trees is a danger to the house. Could they be cut to a certain height? R. LaPierre stated that most trees are either dead, sick, or fallen.
- G. Dumas states that everyone agrees to take out the dead trees. He does note, though, that 50+ trees are marked and that is a lot of trees, and if they are all removed it will impact the water.
- D. Burns suggests to continue the case and possibly David Burke can advise.
- R. LaPierre notes that his insurance company may not cover the damage if a tree which is known to be a hazard falls onto the house. G. Dumas stated that the Conservation Commission's concern is for the environment, not insurance claims. He does agree with all of Mr. LaPierre's concerns, though.
- G. Dumas asked who will cut the trees? R. LaPierre stated that he is waiting permission from the Commission prior to hiring a contractor.
- K. Guertin re-stated that she is ok with taking out the three pine trees near the water.
- G. Dumas requests a site visit and to have Mr. LaPierre mark the trees he intends to cut down.
- A Motion to continue the case to February 14, 2022 was made by D. Burns, seconded by D. Beauregard, and voted all in favor.
- G. Dumas added that the Mr. LaPierre doesn't need to wait to take out the dead trees. He also said that K. Guertin will be in touch to schedule the site visit.

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 **Mass DOT**. for work to be conducted within the right of way along Route 2, Gardner, MA 01440. Proposed work consists of clearing, grubbing and resurfacing within 100 feet of a bordering vegetated wetland.

- K. Guertin stated that the work proposed consists of mowing and resurfacing the pavement.
- G. Dumas asked if the Commission is okay with the proposal. When will the work be done? The spring?
- D. Beauregard noted that the Mass DOT do this type of work all of the time and are aware of the rules involved.
- A Motion to grant a Negative 3 Determination (with straw waddles) was made by N. Beauregard, seconded by D. Beauregard, and voted all in favor.

New Business

Accounts review

- G. Dumas asked K. Guertin to inquire with Assistant Director Lyndsy Butler what is required of the Commission. Do they need to spend their money? If so, they know an in-depth soil test costs \$750, as an example of spenditure.

Open Space Plan

- K. Guertin invited the Commission to join in the updating of the Open Space Plan. This takes place every 7 years, and the current Plan expires in August. She is putting together RFP's to hire a Consultant, and a Committee is needed. Potential consultants are Tighe & Bond, Fuss & O'Neil, and a yet named third company.
- K. Guertin explained that the bulk of the work will be conducted by the consultants, and the Commission participants would only need to meet a couple of times. The cost for the consultants will be approximately \$20,000, and the Planning Department will cover the costs. Representatives are needed from Conservation, the DPW, North County Land Trust, etc.

Matthews St follow up

- D. Burns asked if the applicants had submitted a revised plan noting the 60 feet No Build zone. K. Guertin confirmed that they had.

Vernal Pools / Sludge Landfill

- G. Dumas asked for an update on this topic. K. Guertin advised that there is no update on the city side, though, she is aware that Alan Rousseau claims the DPW Director has revised plans.

Upcoming Meetings

February 14

- 7:21 pm** A motion to adjourn was made by N. Beauregard. The motion was seconded by D. Lehtinen, 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.
