



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

Members Present:

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

Members Absent:

David Beauregard, Norman Beauregard, and Michael Hermanson.

Guests & Visitors:

Alan Rousseau, Gardner Resident; Amy Hope, Citizen of Gardner; Martin Bowers, Resident, Volunteer Associate Member; David Albrecht, Borrego Solar; Joan Gould, Resident; Richard Collins, Resident, 400 Clark Street; Conrad Donell, Sapphire Park/Sunshine Realty Trust; David Crossman, B&C Associates, Wetlands Consultant, representing Sapphire Park.

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.

6:33 A motion was made by D. Burns to continue the hearing until May 13, 2019 at the applicants request. The motion was seconded by D. Orwig and voted unanimously, all in favor.

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 D. Burns to continue the hearing until May 13, 2019 at the applicants request. The motion was seconded by D. Orwig and voted unanimously, all in favor.

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 May 13, 2019 at the applicants request. The motion was seconded by D. Orwig and voted unanimously, all in favor.

Meeting Chairman Dumas called the meeting of April 8, 2019 to order.

Minutes

7:50 The Minutes of the Meeting of March 11, 2019 were tabled until the next meeting on April 22, 2019 due to the lack of a quorum of members in attendance who were also in attendance at the meeting of March, 11th.

7:51 A motion to approve the Minutes of the Meeting of March 25, 2019 was made by D. Burns. The motion was seconded by D. Lehtinen and voted unanimously, all in favor.

Orders of Conditions

None

Request for Determination of Applicability

6:36 RDA #2019-4-8: The Gardner Conservation Commission held a 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 Richard Collins, 400 Clark St., Gardner. The work will be located at 400 Clark Street and will consist of the construction of a shed. The work will occur within the 100-foot buffer zones of the Bank of Wilder Brook and associated Bordering Vegetated Wetlands and within the 200-foot Riverfront Area and 100-year Flood Zone.

Mr. Richard Collins described the project and work area and stated that the shed could be built upon the location of the previously existing shed or efforts would be made to locate the shed closer to the home and further from the Wetland Resource Areas.

The Commission was supportive of re-locating the shed as far from the Wetland Resource Areas as possible while still maintaining required building and zoning codes.

The Commission asked that the exact location be staked and that the Agent be contacted to view the location prior to the issuance of an RDA and commencement of work.

6:44 A motion was made by D. Burns to issue a Negative Determination #3 pending review of the staked location by the Conservation Agent. The motion was seconded by D. Lehtinen 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

- **35 Eastwood Circle Wetland Restoration Planting Plan (6:45):**
Mr. Samuel, the owner of 35 Eastwood Circle notified the Commission in writing that he completed the required restoration plantings April 3, 2019.

Agent Legros visited the site to confirm that the plantings have been completed. The matter will be considered completed and removed from the Agenda.

- **Sapphire Park As-Built Plan Structures within the ‘No Build’ Zone (6:46):**
Mr. Donell appeared in person with David Crossman, Wetland Consultant of B&C Associates. A draft plan was presented to the Commission showing the location of the proposed Wetland Replication Area. Mr. Donell expressed some concern that the location would require cutting of existing trees and considerable grading.

The Commission requested that the area be staked and flagged and the approximate number of tree proposed for removal be calculated.

Mr. Donell stated that he would flag the area and estimate the approximate number of trees necessary to remove as part of the construction of a wetland replication area.

Agent Legros will schedule a site walk with the Commission once the area has been staked and flagged.

A draft Notice of Intent will be prepared and submitted pending a site visit by the Commission confirming that the location is suitable for the required remediation under the Enforcement Order.

- **DEP File #160-0610: West St. Solar Project, Borrego Solar**
David Albrecht of Borrego Solar, Inc. addressed the Commission’s concerns of continued erosion and sedimentation occurring on site. He acknowledged the

issues and accepted responsibility for the lack of oversight, poor management and implementation of erosion controls, and for the occurrence of the large amount of stormwater escaping the site and entering the Otter River via an unnamed tributary. The ongoing enforcement issues are related to the stormwater discharge escapement event occurring on January 24, 2019 and ongoing erosion and sediment control issues occurring continuously since that time which have been documented on site with Borrego's Site Superintendent, Kristopher Blakely on Monday, March 25, 2019, but not yet addressed.

Commission Member Burns vehemently expressed his concern and stated the immediate need for implementation of additional erosion controls. He has witnessed, with the Conservation Agent, on multiple occasions continued erosion and sediment control problems including rilling, washouts, sediment transport, and deposition occurring at multiple locations of the site.

Agent Legros affirmed these concerns and stated for the record that documentation of these violations have been recorded and reiterated the immediate need for corrective measures.

Commission Member Orwig asked why no action had been taken since January with regard to corrective erosion control measures.

Mr. Albrecht again accepted responsibility and explained that some site work had occurred to capture and hold water on site in the form of a raised berm near the access road entrance and construction of swales and holding ponds with a hydrologic connection (culvert) placed under the access road between the two constructed holding ponds. He explained that these features located at the perimeter and "low-point" of the site were given priority and no upgradient erosion control features or measures had been implemented at this time but are proposed as part of this most recent erosion control plan submitted here. Mr. Albrecht then began to review the stormwater analysis which was done as part of the proposed corrective measures for capturing and holding stormwater on site to prevent another occurrence of the discharge escapement which occurred on January 24th.

Agent Legros expressed concerns that the calculations did not account for a greater portion of the site (northerly sections). He stated that there is no outfall for the runoff directed to the northerly part of the site and that any ponding in that area (northwest corner) which has been observed could contribute to the drainage point at the southerly part of the site near the access road. It was his concern that this volume of water had not been taken into account under the current modelling scenarios and that it may be a contributing factor under high flows and major storm events. Since there is no emergency outfall or overflow designed into the stormwater system as proposed he felt that all scenerios, including the 500-year

flood event, should be considered as a matter of resource area protection and in the interest of public safety.

It was recommended by the Commission that immediate erosion control measures be implemented on site to prevent the continued transport and deposition of sediments and that a set of signed and stamped plans be prepared which take into consideration the concerns discussed here.

These and additional measures and requirements are identified in the formal Enforcement Order issued by the Commission to Borrego Solar.

- **DEP File #160-0611: Otter River Road Solar Project, Ameresco Solar**
Follow-up site visits have been conducted by the Conservation Agent to continue to monitor conditions on site. Representatives of Ameresco and AMEC Foster Wheeler (Wetland Ecologist) have provided documentation of erosion and sediment control maintenance and management on site since March 18th to address and control erosion and sedimentation issues. These measures include the repair and replacement of straw wattles, the installation of gravel bar “check-dams” the creation of swales, and the hydroseeding of steep slopes and areas of conveyance.

Continued site monitoring has shown that these measures have improved conditions on site and are handling current stormwater management needs.

These and additional measures and requirements are identified in the formal Enforcement Order issued by the Commission to Ameresco Solar.

Emergency Certification

None

Presentations

None

New Business

- **Computer and Software Expenses:**
Agent Legros informed the Commission that the new laptop needs an upgrade from Windows Home to Windows Professional in order to install the Exchange Server and connect to the City Hall network. The cost of this upgrade is \$99. He also informed the Commission that the purchase of Microsoft Office Business incurred additional excess expenses not previously allocated in the amount of \$50.

A motion was made by D. Burns to allocate an additional \$200 from the Wetland Fee Account for necessary software and operating system costs associated with the new laptop. The motion was seconded by D. Orwig and voted unanimously, all in favor.

Old Business

- **Arbor Day & Earth Day Events (April 20th & April 27th):**

Agent Legros reminded the Commission of plans for a tree planting on Saturday, April 20th in honor, recognition and celebration of Arbor Day. Trees will be planted by Boy Scouts from Troop 9 as part of a Life Service Project. A total of eight trees will be planted at the Gardner High School and Olde Burying Ground. Trees will consist of 3 crab apples, two yashino cherries, one redbud, one London planetree, and one Tulip Poplar.

A free showing of the movie “The Lorax” will be shown on Saturday, April 20th at 10 AM at the Gardner Public Library to provide an enjoyable and educational experience for children and families with a theme of respecting and caring for trees, our environment, and the Earth.

On Saturday, April 27th Diane Leblanc, volunteer citizen and founder of the “Litter Angels” will organize and lead a City-wide clean-up in cooperation with the City of Gardner. Volunteers participating in the City-wide Clean-up will meet at Monument Park at 9:30 AM and work in teams to clean up various locations throughout the City.

- **Gardner Fish & Gun Club, Clark Street 0.5-Acre parcel at Bailey Brook:**

In addition to the Title Examination Report, the Survey has also been completed, and the final appraisal report is anticipated to be received this week. Preparations for closing are being made including the drafting and review of the Deed.

Motion to Adjourn

8:10 A motion to adjourn was made by D. Burns. The motion was seconded by D. Orwig 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