

*May 27 2022 2:29 pm***CITY OF FITCHBURG  
CONSERVATION COMMISSION****MEETING MINUTES  
WEDNESDAY, MARCH 9, 2022**

NOTE: This meeting was a Hybrid meeting in the Legislative Building, 700 Main St.  
Unless otherwise noted, persons listed below were in person.

**COMMISSIONERS IN ATTENDANCE:** Tracy Sarefield, Chair, Mark Christian.  
Remotely: Bryan Breau, Ralph Baker, Mary Helene.

**STAFF IN ATTENDANCE:** Tim Smith (remotely), Mike O'Hara

**CALL TO ORDER:** Meeting called to order at 6:36 p.m. in the Legislative Building, 700 Main St.

Ms. Sarefield read an introduction stating the mission statement of the Commission, the role & responsibilities of the Conservation Commission and the eight interests of the Wetlands Protection Act and offered suggestions on participating remotely.

**MINUTES**

Motion made (Ralph) & seconded (Mary) to approve the minutes of the February 9th meeting.  
Roll Call Vote: Breau: Aye. Baker: Aye. Christian: Aye. Helene: Aye. Sarefield: Aye. Vote 5-0 in favor.

**PUBLIC HEARINGS**

Notice of Intent - LeClair, proposed single-family dwelling, 0 Ashby State Rd. (cont'd from 2/9/22)

Present: Kyle Burchard, GPR (remotely). Tracy pointed out that since GPR's revised plans had not been rec'd 7 days prior to the meeting the hearing will be continued to next month. The new materials will also need to be reviewed by DPW-Engineering.

Kyle reviewed GPR's letter dated 3/4/22 with responses to Tim Smith's previous comments. Site plan revised 3/4/22 also reviewed. A revised Stormwater Mgmt. Report & Long-Term O & M plan were also submitted.

Tim: The revisions are a big change from previous plans. Before, GPR was claiming that since it's just a single-family dwelling they don't have to meet DEP's Stormwater Standards. The revised plans provide for recharge and now comply with DEP Stormwater Standards.

Tracey: The plan revisions should also be reviewed by DPW-Engineering.

Public comment: Yaris Guzman, 140 Fisher Rd: Her septic system had to be replaced recently. She was told by her engineer that her new system couldn't be placed to the rear of her house b/c of wetlands & buffer zone. The proposed development is in the same general area. Increased impervious area will result in increased runoff. The Commission should take into account the potential effect on wildlife habitat & the neighbors.

Russell Foster, 115 Ashby St. Rd. showed photos of his yard during last weekend's snowmelt. The yard dries out only in summer; it's wet  $\frac{3}{4}$  of the year. The proposed additional impervious area will result in more runoff to his yard.

Christine Fagone, 162 Fisher Rd. shared her concerns about the potential effects of the proposed project. Lloyd Wentzel (remotely), 167 Fisher Rd. shared video of the proposed house site during the recent snowmelt with water running out of the ground.

Tim: Apparently groundwater is breaking out of the old gravel pit that the Commission saw during last year's site visit. There were no hydric soils, although over time that area could develop them.

Ralph: Hydrology is one of the three criteria for wetlands under the WPA along with soils and vegetation, so the area may well be considered a wetland.

Motion made (Ralph) & seconded (Mary) to continue the hearing to the April meeting.

Roll Call Vote: Breau: Aye. Baker: Aye. Christian: Aye. Helene: Aye. Sarefield: Aye. Vote 5-0 in favor.

#### Mad River Solar/Forest Cutting, Ashburnham St.

Present (remotely): Atty. John Barrett, Steve Holden, ERM, Tom deNeufville, Mad River Solar.

This was a new hearing to request that the Commission amend the existing OOC to allow remediation of the buffers affected by last fall's forest cutting. New notice to Abutters had been provided. Copies of green cards returned from abutters concerning the hearing notice have been submitted to the Commission.

Tim reviewed his 3/6/22 Project Review of ERM's proposed Wetland and Upland Buffer Restoration Plan point-by-point. Tim suggested providing a more detailed work schedule and that a qualified wetland scientist should have project oversight and report on progress. Re-seeded areas should be watered periodically, if needed. At least 80% of the seeding and plantings should be healthy and established within two growing seasons. A SWPPP should be filed & during construction the Commission should be copied on SWPPP inspection reports. The buffer to residential abutters shown on the approved plan is not a protected Resource Area and is not within the jurisdiction of the Conservation Commission. However, the Planning Board could enforce this since it is a condition of their Site Plan Approval. Tim recommends that the proposed stormwater management basins be roughed in and plantings & re-seeding done prior to the start of any work on the solar array. He also recommends that the Commission have an on-site meeting with the applicant and abutters before deciding on issuing an Amended OOC.

#### Public comment:

Joyce Jacobs, 778 Ashburnham St: The 125 ft. buffer to abutters' properties should be restored. Since this project has already violated their conditions of approval, what assurances do neighbors have that the remediation will happen? There should be a performance bond to insure that the work is done properly, and Mad River should designate a contact person that abutters can call if they see a problem. . The stormwater mitigation measures should have been constructed first.

Karen Caponi, 696 Ashburnham St. thanked the deNeufvilles for responding to the problem.

Katherine Hass, 680 Ashburnham St. stated her concerns about drainage from the project.

Commission agreed to have a site visit Saturday, March 26<sup>th</sup> @ 9:00 a.m. Vehicles can park at the Advance Truck Accessories garage @ 691 Ashburnham St.

Motion made (Bryan) & seconded (Mary) to continue the hearing to the April meeting.

Roll Call Vote: Breau: Aye. Baker: Aye. Christian: Aye. Helene: Aye. Sarefield: Aye. Vote 5-0 in favor.

#### Upper Snow Mill Pond Dam - maintenance

Present: Bob Francis, Whitman River Dam, Inc. This dam is located at the end of a trail off the southerly end of Old Princeton Rd. The dam is visible from Rt. 2. Bob owns three dams classified as High Hazard and one dam classified as Significant Hazard in Westminster & Ashburnham. He is required to do regular maintenance at all his dams per DCR's Office of Dam Safety. He has been hired by the owner of the Upper Saw Mill Pond Dam (North Central Realty Corp.) to remove brush & trees from the dam.

Executive Summary of "Upper Sawmill Pond Dam Phase I Inspection/Evaluation Report" prepared by Lenard Engineering reviewed. Photos of dam & riverbank upstream & downstream reviewed.

Office of Dam Safety policy is to remove trees in the spillway and at least 20 feet downstream of the embankment in order to prevent roots from growing into the dam & causing structural damage.

Bob has M & M Tree Service scheduled to remove the trees this Friday.

Motion made (Ralph) & seconded (Mark) to approve the tree cutting as proposed by Bob in accordance with Office for Dam Safety policy.

Roll Call Vote: Breau: Aye. Baker: Aye. Christian: Aye. Helene: Aye. Sarefield: Aye. Vote 5-0 in favor.

DPW - Update on 135 Intervale Rd. site

Nick Erickson, DPW (remotely) gave an update. At some point recently, during the demolition work on the Amazon site on Intervale St. a sewer manhole was crushed and debris got into the City's wastewater system, causing a back-up last Sunday at several houses on Ray & Shelley Ave. and a business on Summer St. DPW-Wastewater crews tracked the problem to the Amazon site. Raw sewage also surcharged onto the ground at the Amazon site. For about a 12-hour period last Sunday into Monday untreated wastewater was being discharged to the Nashua R. at a rate of approx. 50 gpm. That flow has been stopped.

DPW's on-call contractor Blue Diamond continues to jet the debris out of the sewer lines. CCTV inspection of the lines is continuing.

Tim: Had the site contractor called Dig Safe to mark the wastewater lines?

Nick: Yes, all the utility lines on the site had been marked prior to starting on the demo, but during the process of demotion these markings are often obliterated, washed away or covered up. He has told the site contractors to clearly re-mark the utilities and have heavy equipment stay off the sewer lines. Amazon's contractors have been responsive infixing the damaged lines. Amazon or their insurer will be covering the City's cost for the remediation work, inspections & repairs and the costs to the private property owners.

In order to provide documentation that the Conservation Commission is aware of the issue & approves of the work, Motion made & seconded to issue an Emergency Certification authorizing any necessary repair work on the 135 Intervale Rd. site that is in the Commission's jurisdiction.

Roll Call Vote: Breau: Aye. Baker: Aye. Christian: Aye. Helene: Aye. Sarefield: Aye. Vote 5-0 in favor.

Extension Permit - #155-684, Mill #7, 555 Westminster St. - remediation

Present: Marty Lebo, WSP. Marty introduced Mike Brown who will be taking over as LSP on the project. This OOC covered remediation work behind Mill #7, including removal of PCB-contaminated soils and replacement of clean organic soils & wetland restoration.

Marty had shared a Year 1 Restoration Documentation prepared by CEA and a 2 pg. summary w/ highlights of the remediation at the former Mill #7:

- The riverbank, upland and wetland areas were graded to mimic conditions at the site prior to the cleanup project.
- Riverbank, upland and wetland areas were seeded and/or replanted with native species.
- Erosion control systems were implemented within the restoration areas in October 2020.
- Based on the restoration field review performed in November 2021, the restoration of the site is on track with the three restoration goals already met.
- Some minor issues were identified during the November inspection regarding beaver herbivory (*eating*) of planted woody species and invasive species, which are recommended to be addressed in Year 2.

Photographs of the restored wetland areas were reviewed by the Commission.

Marty has requested a 7-month extension for the Order of Conditions in order to complete the project. Ralph stated that this was one of the best wetland restoration projects he has seen in his professional experience.

Motion made (Bryan) & seconded (Mary) to issue an Extension Permit to January 28, 2023.

Roll Call Vote: Breau: Aye. Baker: Aye. Christian: Aye. Helene: Aye. Sarefield: Aye. Vote 5-0 in favor.

Commission meeting day

FATV has inquired whether the Commission would be willing to change its meeting day from the 2<sup>nd</sup> Wednesday of the month to the 1<sup>st</sup> Wednesday. That would free up that day for the Finance Committee, which is switching one of their meeting nights from a Tuesday in order to accommodate other boards with conflicting schedules.

Motion made (Bryan) & seconded (Ralph) to move the Commission's meeting date to the 1<sup>st</sup> Wednesday of the month.

Roll Call Vote: Breau: Aye. Baker: Aye. Christian: Aye. Helene: Aye. Sarefield: Aye. Vote 5-0 in favor.

Motion made (Ralph) & seconded (Mary) to adjourn. Vote 5-0 in favor.

Meeting adjourned 9:03 p.m.

Next meeting: Wednesday, April 6, 2022

Minutes approved: Wednesday, May 4, 2022