

00/13/19

**CONSERVATION COMMISSION**  
**4<sup>th</sup> Floor Conference Room**  
**5/2/19**

**Present:** Garrett Davieau, David Whitaker and Tony George

**Absent:** Kyle Bradley

**DOCUMENTS & EXHIBITS**

800-900 Spring St. - photos

155 Mill Circle - revised plans, reports

**CALL TO ORDER**

Garrett Davieau called the meeting to order at 7 p.m.

**NEW BUSINESS**

Tony George made a motion, 2<sup>nd</sup> by David Whitaker - **VOTE** - unanimously approved to pay the secretary.

David Whitaker made a motion, 2<sup>nd</sup> by Tony George - **VOTE** - unanimously approved to accept the minutes of April 11, 2019.

**HEARING**

**7:05 p.m. Abbreviated Notice of Resource Area Delineation (cont'd), New England Auto & Truck Recyclers, Confirmation of Resource Area Boundaries**  
**Mark Arigoni, Milone & MacBroom, Inc. & Megan Raymond, Wetland Specialist, represented the applicant.**

Megan Raymond walked the site with Tom Peragallo. They reviewed and approved the revised plans that included a portion of the Riverfront area. Agent Koonce stated there were 5 isolated wetlands on the property. He recommended the hearing be closed. David Whitaker made a motion, 2<sup>nd</sup> by Tony George - **VOTE** - unanimously approved to close the hearing for (ORAD) Order of Resource Area of Delineation. Alterations in the Riverfront area are not approved. Additional work needs to be done.

**7:10 p.m. NOI, Notice of Intent, School St. (Map 2, Lot 95), Cont'd, Christopher Gagnon, Construction of a One-Story Building**

Paul Grasewicz, GRAZ Engineering spoke to DEP regarding revised plans. Tony George made a motion, 2<sup>nd</sup> by David Whitaker - **VOTE** - unanimously approved to continue the hearing to May 9, 2019.

**7:15 p.m. NOI, The Mill Farm Initiative, 155 Mill Circle (Map 17, Lot 26), Chad Cox, GZA Geo Environmental, Inc., Decommissioning the Whites Pond Dam**

**Chad Cox, GZA, and Attorney Richard LeClair represented the applicant.**

The project entails decommissioning the Whites Mill Pond Dam and the restoration of the North Branch of the Miller's River. It is a high hazard dam in poor condition. The concern is the 250 yards of sediment and its migration will cause the water to get muddy downstream. Chad Cox, GZA Geo Environmental, stated that any discoloration of the Millers River and ponds downstream of the dam after breaching would only be a temporary condition, and the Commission's peer review consultants Paul Beaulieu and David Azinheira of Tighe & Bond agreed with that assessment. A report was given on the composition of the sediment; the sediment was thoroughly tested for contaminants and was found to be completely safe. The majority of the sediment will be distributed just beyond the breached dam. An environmental engineer, most likely from GZA, will be on site to monitor the contractor's work on the project, in particular the downstream migration of sediment. Agent Koonce expressed concern regarding the sediment potentially obstructing culverts downstream of the breach causing flooding upstream of the culverts,

especially during heavy rainstorms. Mr. Cox stated there was a low possibility of that occurring and two consultants from Tighe & Bond agreed. Agent Koonce requested that once works starts, the contractor and/or environmental monitor keep the Town's DPW Superintendent Al Gallant informed with weekly status reports, daily during the actual breaching operation. Mr. Cox agreed this would be done. Garrett asked about private wells. Mr. Cox had no information. Al Gallant said he would like the project to be done during the dry season when the water is as low as possible, so as to better able to control the sediment. He recommends putting in rocks to catch the sediment. Agent Koonce would like the plans to show where the stones are going. Garrett asked if having a monitor on site would be in the Order of Conditions. Agent Koonce said frequent communication is important. Tony George was concerned that abutters weren't notified and asked what the safeguards were if the dam breaks. Mr. Cox stated that there was only one legal abutter that the regulations required be notified. Agent Koonce said the Town notified everyone near or abutting Whites Mill Pond as a courtesy. David Whitaker had a concern of the flow of the water, the loss of wetlands and recreational opportunities for the community. Attorney Richard LeClair and Chad Cox noted that this is private property and not a natural dam. It is a warm water stream. Paul Beaulieu of Tight & Bond stated that removing the dam will change the temperature of the water, very possibly improving the habitat for native wild brook trout. Town Counsel, A. Alexander Weisheit of KPLaw stated that weighing the impacts of the dam safety could cause liability. The public expressed their opinions. Some were in favor of breach, others did not want the pond drained because it would affect the wildlife and endangered species. There was a concern about the poor condition of the building. Why isn't the dam being repaired? Attorney LeClair stated fixing the breach is the first step. Taking down the dam will put the land back to its natural state. The home owners on the lake are concerned about what happens when the lake is drained. The land under the water is private property. Chairman, Garrett Davieau stated public safety is paramount. Chad Cox noted there was extensive testing done on the sediments and there was no environmental concern. Agent Koonce stated that DEP has not issued a file number or made comments to date. David Whitaker asked if the flow could be controlled by a syphon pipe. Tony George made a motion, 2<sup>nd</sup> by David Whitaker - **VOTE** - unanimously approved to close the hearing. David Whitaker made a motion, 2<sup>nd</sup> by Tony George - **VOTE** - to deny the breach of the dam. Garrett Davieau is in favor of the breach.

## **OLD BUSINESS**

### **Update on Violation at 291 Glenallen St.**

Agent Koonce reported that the citation for the fine, which the Commission levied for non-compliance with the Enforcement Order, was delivered by the State Constable on April 4<sup>th</sup>, but it was not accepted by Mr. Senecal. Agent Koonce stated that on April 25<sup>th</sup>, the 21<sup>st</sup> day, he received a check for \$500 and an appeal from Mr. Senecal. The hearing on the fine is scheduled with the Gardner District Court Clerk Magistrate for 9:30 a.m. on May 28, 2019. David Whitaker will go to court to hold him accountable. Mr. Senecal hired EcoTec to prepare and file the Notice of Intent, but the surveyor has been delayed a few weeks due to a backlog. Tony George made a motion, 2<sup>nd</sup> by David Whitaker - **VOTE** - unanimously approved to contact Mr. Senecal by phone asking him to come in to the next meeting or he will be heavily fined.

### **Update on 15 Krantz Rd.**

The deed has been recorded at the registry

### **Update on 5 Krantz Rd.**

Nothing has been done.

## **ADJOURNMENT**

Tony George made a motion, 2<sup>nd</sup> by David Whitaker - **VOTE** - unanimously approved to adjourn. The meeting adjourned at 9:28 p.m.

Respectfully Submitted,

Patty Driscoll, Secretary

  
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Garrett Davieau

  
\_\_\_\_\_  
David Whitaker

  
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Tony George