



# TOWN OF PALMER CONSERVATION COMMISSION

## Meeting Minutes

Tuesday, January 2<sup>nd</sup> 2018 – 7:00 PM

Donald Blais, Chair  
David Cotter, Vice Chair  
Peter Izyk  
Nicholas Zeo  
Brenda Cole

Angela Panaccione, Agent

**Members Present:** Donald Blais, Jr.  
Peter Izyk  
Nicholas Zeo  
Brenda Cole

**Members Absent:** David Cotter

**Also Present:** Jeff Cunningham, Cunningham & Associates  
Tom Peragallo, LEC Environmental Consultants

1. **Call to Order:** 7:02 PM – Donald Blais, Jr (Chair)
2. **Chair, Member & Committee Reports:** None
3. **Review Mail/Phone Messages:** Planning Board Hearing Notice – Chamber Road Medical Marijuana
4. **Public Inquiries:** None
5. **Approval of Minutes: December 19<sup>th</sup>, 2017**

**Motion made by Brenda Cole to approve the minutes from December 19th, 2017 as amended**

**Motion seconded by Nicholas Zeo**

**No further discussion – 3-0-1(Peter Izyk Abstains) – Motion Carries**

6. **Approval of Payables:** Mileage - \$151.41

**Motion made by Nicholas Zeo to approve the payable to Angela Panaccione in the amount of \$151.41, for the reimbursement of travel expense for December 2017, from the Con Com Town Bylaw Expense Account**

**Motion seconded by Peter Izyk**

**No further discussion – 4-0-0 – Motion Carries**

7. **Signing of Documents:** None

8. **Schedule of Public Hearings:**

- a) **DEP #256-0328 – ANRAD 358 Shearer Street (Map 13-68):** The Commission reviewed an Abbreviated Notice of Resource Area Delineations (ANRDA) to confirm the precise boundaries of the jurisdictional resource areas, which have been delineated at 358 Shearer Street, a 11.5 +/- acre parcel formally known as the Ice House. Currently, no work is proposed as part of this permit application.

Donald Blais, Jr. opened the public hearing and property owner Jeff Cunningham, of Cunningham & Associates was present as well as his consultant Tom Peragallo, of LEC Environmental Consultants. No other public or abutters were present. Peragallo supplied the Commission with the certificates of mailing for the abutters notice. On behalf of the Applicant, Cunningham & Associates, LLC (Jeffrey Cunningham, Contact), LEC Environmental Consultants, Inc., (LEC) is filing this Abbreviated Notice of Resource Area Delineation (ANRAD) Application and Wetland Resource Area Analysis with the

Palmer Conservation Commission (Commission) to receive an Order of Resource Area Delineation approving Wetland Resource Area boundaries and their associated Buffer Zones that are subject to the jurisdiction of the Massachusetts Wetlands Protection Act (M.G.L. c. 131, s. 40, the Act) and its implementing Regulations (310 CMR 10.00, the Act Regulations), and the Town of Palmer Wetlands Ordinance 2014-01 and the Town of Palmer Wetlands Regulations (last revised 2016). LEC was retained to delineate the boundaries of Wetland Resource Areas and to prepare this ANRAD Application. Details regarding Wetland Resource Areas are further described in the attached report. A plan entitled Wetland Flag Locations, 358 Shearer Street, Palmer, MA, prepared by Graves Engineering, Inc., dated November 16, 2017 was submitted and depicts the Site and the location of the Wetland Resource Area boundaries.

Field investigations were conducted by LEC to identify and characterize protectable Wetland Resource Areas associated with the Site, including Bordering Vegetated Wetlands (BVW), Bank, and Land Under Water Bodies and Waterways associated with a Pond, and an off-site unnamed perennial stream only to confirm that Riverfront Area does not extend onto the Site. The Applicant is not requesting formal approval for the off-site Bank-Mean Annual High Water Line or Riverfront Area boundary.

Peragallo presented his delineations to the Commission. LEC conducted a site evaluation on August 24, 2017 to determine the extent of jurisdictional Wetland Resource Areas and to delineate the BVW boundary. Based on our evaluation, LEC determined that Wetland Resource Areas associated with the Site are limited to Bordering Vegetated Wetlands (BVW), Bank, and Land Under Water Bodies and Waterways (LUW) associated with the Pond. An off-site, unnamed perennial stream is located 237± linear feet southwest of the property line, across the I-90 Massachusetts Turnpike access ramp. This information has been included in the Application to confirm that Riverfront Area does not extend onto the Site. The Applicant is not requesting formal approval for the off-site Bank or Riverfront Area boundary.

LEC delineated the BVW boundary with sequentially-numbered, blaze orange surveyor's tape with the words "LEC Resource Area" printed in black. These flags were survey located by Graves Engineering, Inc., and are depicted on the Site Plan in Appendix C. The Bank of the Pond and off-site, unnamed perennial stream are delineated with sequentially numbered, blaze orange surveyor's tape with the words "LEC Resource Area" printed in black, having the prescript "TOB" (Top of Bank). The BVW was presented as the shaded area on the site plans submitted in Appendix C.

The Top of Bank to "Ice House Pond" is shown on the site plan as flags labeled "TOB-1" through "TOB-39". An unnamed perennial stream flows westerly, originating at a drop inlet in the southwestern end of "Ice House Pond." From the drop inlet, water flows through a 4 foot± diameter culvert that extends beneath the I-90 ramp for 237± linear feet. The culvert daylights on the western toe-slope of the I-90 ramp. The stream becomes perennial at the culvert outlet, which is greater than 200 feet from the Site per 310 CMR 10.58(2)(h)(3)(c).

The Top of Bank to the unnamed perennial stream is shown on the site plan and labeled "TOB-100" through "TOB-106." The 200-foot Riverfront Area associated with the unnamed perennial stream does not extend onto the Site. As noted above, Bank to this perennial stream has been included in the Application to confirm that Riverfront Area does not extend onto the Site. The Applicant is not requesting formal approval for the off-site Bank or Riverfront Area boundary.

The Agent inquired about the significant amount of BVW present on the ROW to the east and why it was not delineated as part of the ANRAD. Peragallo stated almost the whole ROW is BVW and it is unusable, so it was not delineated. The Agent recommended the Commission include a finding that the BVW within the ROW was not delineated or confirmed as part of this project.

The Agent recommend either continuing the public hearing until March when she herself could confirm the delineations or hire an outside consultant to confirm the winter delineations at the present time. The Agent explained the outside consultant process to Cunningham, and stated there is a good possibility that an outside consultant would also wait till the spring and leaf out to confirm the boundaries.

Cunningham agreed to wait March, as he will be away for most of the winter anyway. He also stated he wanted to participate in the delineation confirmations with the Agent and the consultant this spring.

**Motion made by Brenda Cole to continue March 20, 2018**

**Motion seconded by Nicholas Zeo**

**No further discussion – 4-0-0 – Motion Carries**

## **9. Project Monitoring**

- b) DEP #256-0312 – MassDOT Toll Booth Removal: Currently there is no update for MA DOT.
- c) DEP #256-0327 – Sherwood Lumber: Currently there is no update for Sherwood Lumber.

## **10. Violations & Enforcement**

- a) 96 Rondeau Street – SFH addition construction wetlands violation: They are scheduled to appear at the next hearing on 1/16/18, but since we changed the date to 1/23/18 the Agent will email Emily to inform her of the change in the meeting. The Commission agreed if the property owners had a scheduling conflict they could come on February 6, 2018 instead.
- b) Dollar General: The Commission discussed settlement negotiation with Dollar General

## **11. New/Old Business**

- a) UBD Public Comment Periods: The Public Comment Period for the Chapter 91 license is open from January 5, 2018-February 5, 2018. All comments must be received by MA Dep Western Regional office by 5:00pm on February 5, 2018.
- b) Administration of 2018 MA Trails Grant: No update yet, the Agent still has to reach out to Alice Davey in Community Development & John in Finance about the contract, setting up a bank account, etc. She will do this before the next meeting.
- c) 604(b) Grant Application – Lake Thompson: The grant has not been officially announced yet but the Agent did find out the grant workshop will be held Wednesday January 24, 2018 in Worcester.
- d) Breckenridge Solar: The Agent informed the Commission about the RDA for a large scale solar project that will be on the January 23<sup>rd</sup> Agenda. She informed the Commission the site plans are in the office if anyone wants to review them and also expressed her concerns with the project to the Commission as well. She recommends the Commission also continue this hearing until March or even April, as there are a few areas of potential vernal pools on site which should be certified before the hearing is closed.
- e) Forest Lake: Donald request the Agent contact the representatives and ask them come in on February 6, 2018 to bring the new members up to speed with regard to site conditions, wetland resources, and overall project that will be proposed and ultimately filed as a NOI. Site Plans for the entire development are being developed now, including layout, stormwater, and utilities.
- f) FY 2019 Budget Request: The Commission discussed the FY2019 Budget Request to increase the Agents hours, from the current part time salaried position budgeted at \$28,815 to a full time salaried position budgeted at \$48,450; equal (comparable) to that of other employees in town who hold similar positions, have similar educational backgrounds and have been employed by the town for a similar amount of time (specifically the BOH Agent). Currently, the Conservation department is the only permit granting authority in town that does not have a full time department head, with an assistant.

The Commission reviewed and discussed their reasoning for the required increase, which includes:

1. **Department head responsibilities.** Angela has been acting as Department Head since she arrived. She has assumed responsibility for managing the office and the conservation information office. Since she has been acting in this capacity, it is clear this should be added to her responsibilities and

compensated accordingly. Angela is currently the only Department Head in the Town offices that is not full time and does not have an assistant.

2. **Increase in Development & Violations:** The Commission has several large scale projects we are currently overseeing, and have been in consultation with other applicants about other new development proposals.

Several major projects have ongoing continuing violations on site including:

- DEP #256-0269: Palmer Motorsports Facility
- DEP #256-0309: Lot 2 Boston Road Solar
- DEP #256-0327: Sherwood Lumber Replication & Compensatory Storage
- DEP #256-0312: Mass Pike Toll Booth Replacements

Given the magnitude of these sites, and the sensitivity of the area in regards to wetland resource areas; site visit alone require several hours.

There also has been an increase in SFH development and several new violations as well, including violations at: 10 Katie Lane, 96 Rondeau Road, 19 West Ware Road, 1 Aspen Circle & 1201 Calkins Road.

The Commission is also officially in the permit review process for:

- The repairs to the Upper Bondsville Dam DEP #256-0312, which include Canoe/Kayak portage around the dam
- The development of the Ice House Property (1/2/2018 first Public Hearing)
- 6.4 MW Solar array at 273 Breckenridge (1/16/2018 First Public Hearing)
- 180+ Unit Seasonal Cottages at Forest Lake (ANRAD issued 11/2017, NOI filling anticipated by March)
- The Thorndike Brewery (Preliminary consultation w/ Consultant David Haines)

Once these projects are permitted, a sufficient amount of time will also be required for construction monitoring (including pre & post construction)

3. **Responsibility for Stormwater Education & Construction/Post Construction Monitoring in accordance with the MS4 General Permit.** On the Town of Palmer's NPDES and MS4 General Permit Annual Report the Conservation Agent has been assigned several tasks that must be completed to keep us in compliance with the state regulations. These activities are currently part of her work load and are directly related to administering & enforcing the WPA as well as the MS4. In addition to the above responsibilities, the new Construction & Post-Construction monitoring requirements of the 2017 MS4 require annual inspections of all Commercial & Industrial, as well as construction monitoring of erosion & sediment and enforcement of stormwater standards. The Agent already serves in this capacity with commercial developments that require a Stormwater permit for direct discharge. In fact this year alone we have issued 3 stop work orders and assess one \$8,500 fine for failure to follow the SWPPP. Additionally, the new MS4 requires a database to be established of all commercial & industrial facilities in the MS4 area, which our Agent has been working on as well
4. **Permit Review:** The Agent does not only review permits filed under the MA Wetlands Protection Act, the Agent also reviews and comments on all Forest Cutting Plans issued in town under MGL Ch.132, reviews all Septic System Plans submitted to Board of Health, reviews all site plan approval requests filed with the Planning Board, and conducts a site visit for each Building Permit that

involves ground disturbance. We now charge a \$25/fee for each of the above listed reviews which we use in lieu of our expense account for Mileage reimbursements.

5. **Administration of MA Trail Grant for First Street Accessibility Trail:** The Commission has received a \$50,000 recreational trails grant to install trail head facilities and a 1/4mi ADA accessible loop trail on the Swift River, at the end of First Street. This project is proposed for summer 2018 and will require supervision by the Agent as part of the grant match, as well as coordination with Palmer DPW, Council on Aging, local Scout Troops and AmeriCorps Student Conservation Association (SCA). The hours require during this period by the Agent to meet the match requirements will have her working overtime, but we as the Commission understand this is part of a salaried position that is compensated fairly and equitably.
6. **Management of Conservation Lands, Open Space and Land Acquisition:** One of the primary mandates for Conservation Commissions is protecting Open Space. This includes land acquisition, land management and land inventorying. There are approximately 800 acres of Conservation Land in town (managed by the Commission), and our goal is to add an additional 300 acres over the next 5 years. In addition we have over 12 miles of trails, with the possibility to expand. We also have the opportunity to perform sustainable forestry management on our properties to generate income to support further management and improvements of the conservation lands, especially for recreation and wildlife values. By having accessible, clean open space areas for hiking, biking, fishing and hunting the Town can market these areas to the growing ecotourism outlets, develop brochures and attract tourists to take advantage of the open space.
7. **New Open Meeting Law Requirement:** The ability to comply with new open meeting laws is difficult with the current hours. The Commission meets twice a month, for approximately 4 hours/meeting (7pm-11pm on average). The minutes for each meeting are 10+ pages, with additional 3-5 pages of document lists.
8. **Other Grants we are Pursuing this year:**
  - DER Culvert replacement grant for Rt 181
  - 604(b) grant for watershed plans for Lake Thompson, Forest Lake & Crystal Lake
  - Habitat Management Grant for Midura
  - Landscape Partnership Grant for Midura Conservation Area

Lastly we want to stress how the Agent is currently being denied the appropriate benefits of the position. Angela has routinely worked on average 38.9 hours a week for calendar year 2017, yet her benefits are appropriated at a 25 hour week. She only receives 5 hours for holidays, 25 hours for vacation and cannot use sick time because if she takes sick days she still works 25+ for the rest of the week. She also has not been paid for 75 hours from 2017 as well (See attached).

Brenda Cole asked if there was a job description for the position outlining these responsibilities. There is one from 2015 and the Agent will email the Job description to Nick Zeo & Brenda Cole.

**Motion made by Peter Izyk to approve the FY19 Budget Request to increase in the Agents hours, from the current part time salaried position budgeted at \$28,815 to a full time salaried position budgeted at \$48,450**

**Motion seconded by Nicholas Zeo**

**No further discussion – 4-0-0 – Motion Carries**

**12. Office Closed:** 1/24/2018

**13. Set Next Meeting Date:** Tuesday January 23<sup>rd</sup> 2018 @ 7:00pm

**14. Meeting adjourned:** 8:30 PM

**Motion made by Nicholas Zeo to adjourn at 8:30 PM**

**Motion was seconded by Brenda Cole**

**No further discussion – 4-0-0 – Motion Carries**

Sincerely Submitted,

Angela Panaccione

Palmer Conservation Commission Agent



# TOWN OF PALMER CONSERVATION COMMISSION

Donald Blais, Chair  
David Cotter, Vice Chair  
Peter Izyk  
Nicholas Zeo  
Brenda Cole

LOCATION: Town Administrative Building Meeting Room  
4417 Main Street, Palmer MA 01069

Angela Panaccione, Agent

## Meeting Documents

Tuesday, January 2<sup>nd</sup> 2018 – 7:00 PM

**The following is a list of documents used at the above meeting, in addition to those included in the agenda packet which is part of the official record of the meeting:**

#	Description	Agenda Item	Retained
5	Meeting Minutes: 12/19/2017	Approval of Minutes	FY18 Minutes Binder
6	Invoice Angela Panaccione – Mileage December 2017	Approval of Payables	FY18 Payable Folder
8(a)	WPA Form 4A – Abbreviated Notice of Resource Area Delineation: 358 Shearer Street, Palmer, MA, prepared by LEC Environmental Consultants, Inc., dated December 12, 2017	Schedule of Public Hearings	DEP #256-0328 file folder
8(a)	Affidavit of Service, Abutter Letter, Abutter Notification Form, Abutters List & Certificates of Mailing	Schedule of Public Hearings	DEP #256-0328 file folder
8(a)	ANRAD Application Report 358 Shearer Street, Palmer, MA, prepared by LEC Environmental Consultants, Inc., dated December 12, 2017	Schedule of Public Hearings	DEP #256-0328 file folder
8(a)	Appendix A – Figure 1: USGS Topographic Quadrangle	Schedule of Public Hearings	DEP #256-0328 file folder
8(a)	Appendix A – Figure 2: FEMA Flood Insurance Rate Map	Schedule of Public Hearings	DEP #256-0328 file folder
8(a)	Appendix A – Figure 3: MassGIS Orthophoto & NHESP Map	Schedule of Public Hearings	DEP #256-0328 file folder
8(a)	Appendix B: DEP Bordering Vegetated Wetland Delineation Field Data Forms and Site Photographs, dated August 24, 2017	Schedule of Public Hearings	DEP #256-0328 file folder
8(a)	Appendix C: Wetland Flag Locations, 358 Shearer Street, Palmer, MA, prepared by Graves Engineering, Inc., dated November 16, 2017	Schedule of Public Hearings	DEP #256-0328 file folder
11(a)	Notice of Public Comment Period for Chapter 91 License	New/Old Business	DEP #256-0324 file folder
11(b)	2018 MA Trails Grant Contract Forms	New/Old Business	2018 MA Trails Grant File
11(f)	FY19 Budget Request Letter	New/Old Business	FY19 Budget Request Folder