



TOWN OF PALMER CONSERVATION COMMISSION

Palmer Town Building
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Tharyn Nein-Large, Co-Chair
Sarah Brodeur, Co-Chair
Peter Izyk
David Cotter
Donald Blais

Agent: Angela Panaccione

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MEETING MINUTES

TUESDAY OCTOBER 4, 2016 @ 7:00 PM

Members Present: Sarah Brodeur (Co-Chair)
Dave Cotter
Peter Izyk
Angela Panaccione (Agent)

Members Absent: Tharyn Nein-Large (Co-Chair)
Donald Blais

Also Present: Patrick Natreba, Lisciotti Development
Andrew Lomulie, Lisciotti Development
Austin Turner, Bohler Engineering
David Haines, Haines Hydrological Consulting
Robert LeMaitre, Engineer
Nancy Brown, 530 Valley Road, Barre MA
William Brown, 530 Valley Road, Barre MA
Jim Siegel, Peterson Rd
David Siegel, Peterson Rd
Tony Wonseski, SVE Associates
Trevor Hermance, New Britian CT
Fred Ferguson, Palmer Motorsports Park

Meeting Opens: 7:01 PM – Sarah Brodeur (Co-Chair)

7:01 PM Administrative Matters: Minute Approval – September 6, 2016

Motion made by Dave Cotter to approve the minutes from Tuesday September 6, 2016 as corrected

Motion seconded by Peter Izyk

No further discussion – vote taken: 3-0-0

7:11 PM Administrative Matters: Minute Approval – September 20, 2016

Motion made by Dave Cotter to approve the minutes from Tuesday September 20, 2016 as corrected

Motion seconded by Peter Izyk

No further discussion – vote taken: 3-0-0

7:15 PM Administrative Matters: Payable – Mileage \$111.24

Motion made by Peter Izyk to approve the payable to Angela Panaccione in the amount of \$111.24, for the reimbursement of travel expense for September 2016, from the Con Com General Expense Account

Motion seconded by David Cotter

No further discussion – vote taken: 3-0-0

7:16 PM Request for Certificate of Compliance DEP #256-0263: J.T. Brown Earth Removal

The Commission received a request for a Certificate of Compliance from David Haines c/o J.T. Brown Nominee Trust for the work conducted at Ware Road/MA RT-32(Map 36 Lots 15&16), under the Order of Conditions for DEP # 256-0263. The Order permitted the current sand and gravel removal operation, the construction of an access road crossing a Bordering Vegetated Wetland (4927 SF), and wetland replication of 5968 SF. Robert LeMaitre, PE, PLS provided letter certifying compliance with the Order of Conditions, and an "As-Built" plan showing post-construction conditions. David Haines provided a letter certifying the crossing was completed including the replication of 9293 SF of wetland. This replication area is flourishing and contains diverse vegetation and habitats.

A site visit was conducted by the Agent on October 4, 2016. The Agent determined that the wetlands crossing and BVW replication area were constructed in compliance with the Order of Conditions and the Approved Plans and Documents. She also documented the installation of the required boundary markers along the limit of work for the access road.

Motion made by Peter Izyk to issue a Complete Certificate of Compliance, for Order of Conditions DEP # 256-0263 with the conditions 38, 51, 52, 54, 58 & 61 continuing in perpetuity

Motion seconded by Dave Cotter

No further discussion – vote taken: 3-0-0

7:18 PM Notice of Intent (NOI) DEP #256-0319: Ware Road – JT Brown; Earth Removal

A Notice of Intent, submitted by David Haines c/o JT Brown Nominee Trust for the expansion of an existing sand and gravel operation. Portions of the work will occur within the 100-foot Buffer Zone to the Bordering Vegetated Wetland. The limit of work has been established at a minimum of 50 feet from the wetland boundary. The location of the proposed project is Ware Road (MA Route 32), Palmer, MA 01069, and is also known as: Map 37 Lots 15 & 16.

Sarah Brodeur re-opened the hearing. The applicants William & Nancy Brown were present, as well as their wetlands consultant David Haines, of Haines Hydrological Consulting and their engineer Bob LeMaitre. No other public was present.

As required at the the last hearing, the Applicant was to close out the previous Order DEP # 256-0263 and install permanent limit of work markers along the access road and replication area. Both were completed as required.

David Haines did request the Order allow the continued maintenance of the line of sight clearing along the MA RT-32 corridor. The Commission stated the activity is exempt in the WPA in the buffer zone up to 10-Feet from the edge of BVW.

At the request of David Haines, the Commission reviewed the Special Conditions with the property owners, applicants and representatives present. The previous Order DEP # 256-0263 had to be amended to modify conditions required.

Motion made by Peter Izyk to close the Public Hearing and issue the Order of Conditions for DEP #256-0319, with special conditions

Motion seconded by Dave Cotter

No further discussion – vote taken: 3-0-0 – Motion Carries

7:24 PM Public Hearing: Proposed Amendment to 2015 Wetlands Regulations – Split Fees

Sarah Brodeur re-opened the Public Hearing on the proposed amendments to the 2015 Town of Palmer Wetlands Regulations. No public was present for comments at the hearing. The Commission also did not receive any further written comments other than those previously supplied by Town Planner Linda Leduc.

Since the last hearing the Agent consulted with Leduc about the Commissions desire to still include an increase in COC fees and proposed the modified amount of \$50 or \$10/acre of project site; whichever is larger. This would address the Commissions concerns that larger projects often have more special conditions, and therefore require additional time to determine compliance. The new proposed fee would require all projects less than 5 acres to pay a fee of \$50 for a COC; with an increase of \$10/acre fee for projects greater than 5 acres. Leduc stated it was a reasonable fee.

Motion made by Dave Cotter to close the Public Hearing on the Amendments to the 2015 Town of Palmer Wetlands Regulations and to promulgate (accept) the Amendments to the 2015 Town of Palmer Wetlands Regulations.

Motion seconded by Peter Izyk

No further discussion – vote taken: 3-0-0 – Motion Carries

7:32 PM Request for Comment: Site Plan Review – Lot 2 Breckenridge Street (Map 112 - 41)

In accordance with the Town of Palmer’s site plan review procedures the Commission reviewed the proposed site plan for the commercial development of 2 Breckenridge Street, in Palmer. A positive determination was issued by the Commission in June, finding the existing 375-FT culverted buried stream to be non-jurisdictional under 310 CMR 10.58(2)(a)(3): Where a river runs through a culvert more than 200 feet in length, the Riverfront Area stops at a perpendicular line at the upstream end of the culvert and resumes at the downstream end.

Upon reviewing the proposed site plan for development several concerns arose regarding the current protective measures in place for the buried stream. Specifically, the concerns are: 1) How deep is the existing culverted stream and what is the condition of the pipe? 2) How does the stormwater infiltration basin in the southeast corner of the lot affect the downstream end of the buried stream? And 3) What happens if culvert is damaged during construction?

To address these concerns, and any others the Commission has the Agent requested the applicants and their engineers attend tonight’s meeting. Patrick Ntreba and Andrew Lomulie, of Lisciotti Development and Austin Turner, of Bohler Engineering attended tonight’s meeting to discuss with the Commissions the proposed work. Austin Turner presented the site plan to the Commission, detailing how the proposed plans would improve upon the current stormwater infrastructure (i.e. lack thereof) on site. As proposed, the new stormwater infiltration basin in the southeast corner of the lot would improve the quality of water by allowing the runoff from the site, as well as Breckenridge Street to settle before discharge. Additionally, the new stormwater measures would alleviate the constant flooding in the area by Griswold Glass.

Turner also stated the current piped stream is approximately 6-feet underground and none of the proposed work should even come close to touching it. The Agent recommended a clause be included stating if at any

point during construction damages occur to the culverted buried stream, the contractor shall immediately stop work and contact the Commission about how to proceed. At that point the stream would become jurisdictional. The applicant agreed if that occurred they would contact the Commission and obtain any necessary permits to proceed.

The Commission determined the based on the previous discussion no further permitting was required as long as the buried stream and pipe remain undisturbed during construction. If at any point during construction damages occur to the culverted buried stream, the contractor shall immediately stop work and contact the Commission. The Agent will send a follow letter up stating such to Palmer Planning Board before their next hearing.

7:45 PM Enforcement Order: Peterson Road – David & James Siegel

Co-Chair Sarah Brodeur opened the administrative hearing to discuss the violations that have occurred on Peterson Rd. Property owners David & Jim Siegel were present, as well as their representative and engineer Tony Wonseski, of SVE Associates.

Per the requirements of the Ratified Enforcement Order, issued unanimously by the Commission on September 20, 2016 the property owner submitted a Notice of Intent for the change of use of the existing access road from Forestry to Commercial.

The NOI is presented under the limited project provisions of 310 CMR 10.53(t): The construction of a new access roadway, or the improvement, repair and/or replacement of an existing access roadway, needed to transport equipment to a renewable energy project site, where reasonable alternative means of access to an upland area is unavailable, provided that it is carried out in accordance with the following general conditions and any additional conditions deemed necessary by the issuing authority.

The Agent has scheduled the Public Hearing on the NOI at 7pm, on October 18, 2016.

8:00 PM Administrative Matters: Other Projects, Monitoring, Enforcement and Violations

1. Source 2 Sea Clean-up: The Commission discussed the S2S cleanup, held on Saturday September 24, 2016, at First Street/Swift River Greenbelt. Volunteers removed 13 tires, 17 bags of trash and lots of barbed wire from the area.
2. Emerald Ash Borer Presentation: Wednesday October 19, 2016, from 6pm-7pm at Library
3. CPA Update: The Agent gave the first presentation of the CPA Monday 10/3/2016, from 12:30pm-2:00pm at the Senior Center. The next public informational meetings are currently scheduled for: Wednesday 10/12/2016 & Wednesday 10/26/2016, from 6pm-8pm at the Palmer Public Library Community Room
4. Violation – Palmer Motorsports Park Septic System & Well: Fred Ferguson, of Palmer Motorsports Park was present at tonight's meeting. The septic system has been relocated, but they have only reached 60-foot offset, not the required 63-foot offset. The Commission conducted a site visit at 10am, on Thursday September 15, 2016. Commissioners Cotter and Izyk were present, as well as the Conservation Agent, property owner Fred Ferguson and Donald Frydryk. Donald Frydryk provided the Commission a new as-built plan, dated 9/29/2016, with the distance from the current toe of slope to the BVW line highlighted.

A separate issue discussed was the presence of unpermitted riprap swale that is located directly off the track, between the track and the SAS, which directs storm water directly into the nearby BVW. Per the currently approved plans of record, this swale must be removed and the area restored to natural grade. The Commission agreed it should remain in place until several more

areas of the track are stabilized and vegetation is established to slow the current flow of stormwater.

Motion made by Peter Izyk to accept the location of system as observed in the field on 9/15/2016 and as shown on the site plan entitled Palmer Motorsports Park, LLC: Septic “As Built” Plan Project #12129E (Sheet1/1); Prepared by Sherman & Frydryk, LLC; dated 9/29/2016; Scale 1”=20’; and to authorize work to begin on site stabilization & restoration.

Motion seconded by David Cotter

No further discussion – vote taken: 3-0-0 – Motion Carries

5. Eagle Scout Project: Dave Cotter to contact interested Scout about conducting his Eagle Scout project on Conservation Land.

Office Closed: Wednesday October 5, 2016

Next Meeting Date: Tuesday October 18, 2016

Meeting Adjourned: 8:35 PM

Motion made by Peter Izyk to adjourn at 8:35 PM

Motion seconded by David Cotter

No further discussion – vote taken: 3-0-0 – Motion Carries

Sincerely Submitted,
Angela C Panaccione, Conservation Agent