



TOWN OF PALMER

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CONSERVATION COMMISSION

PALMER CONSERVATION COMMISSION MEETING TUESDAY OCTOBER 1, 2013 @ 7:00 PM

Members Present: Robert Ring (Chair)
Donald Duffy (Vice Chair)
Dennis Cote
Peter Izyk
Angela Panaccione (Agent)

Members Absent: Matt Trybus

Meeting Opens: 7:00 PM – Robert Ring (Chair)

7:00 PM Administrative Matters: Minute Approval – September 17, 2013

**Motion made by Peter Izyk to approve the minutes from Tuesday September 17, 2013 as corrected
Motion seconded by Matt Trybus**

No further discussion – vote taken: 4-0-0

7:05 PM Administrative Matters: Crystal Lake Village DEP # 256-194

A site visit was scheduled with David Foulis (Mass DEP), Southbridge Savings Bank (property owner) and Commissioners at 3:30 pm, Monday, 23 September to discuss the status of the property and to resolve any conditions that exist to facilitate issuance of a Certificate of Compliance (COC) on this property. The project is under the jurisdiction of DEP, under a Final Superseding Order of Conditions (SOC), and is therefore regulated by Mass DEP. DEP must issue the COC.

David Foulis identified areas of concerns during his visit; including: the four car parking lot and corresponding 6-foot access lane to Crystal Lake, missing boundary markers required by the SOC and the lack of the required Conservation Restriction (CR) on the property.

Donald Duffy explained the issues with the CR arise from no party being willing to hold the CR. The CR would cover the wetland resource areas on site, the parking lot, public access to the lake and the beach area. The lake itself would not be included in the CR, only the beach up to approximately 3-feet from the lake.

Duffy recommended the applicants speak with Town Council about the Town holding the CR, since the area would provide public access for swimming, boating, etc. the town currently does not have. David Foulis agreed, and said if the Town decides to hold the CR then DEP would assume the responsibility of monitoring and enforcing the CR.

7:15 PM Document Signing: Mohegan Sun Determination of Applicability

The Commission signed the Positive Determination of Applicability for the confirmation of resource areas on the proposed Mohegan Sun Site. The determination was drafted by the Agent, and reviewed & accepted by both Beals and Thomas and VHB.

7:20 PM Letter of Request: Linda Johnson – 98 Beech Street (Removal of 2 trees)

The Commission reviewed a request from Linda Johnson, of 98 Beech Street, in regards to a request to remove two oak trees within the 25-50 foot buffer zone of the bank of Lake Thompson. The Commission permitted the removal of the two identified trees at 98 Beech Street with the following conditions: 1) No stumps are permitted to be removed. The stumps may be cut as low as possible and ground down; 2) All work is to occur when ground is either frozen or dry; and 3) All work shall be completed to ensure erosion and sedimentation into Lake Thompson is avoided.

7:25 PM Enforcement Order DEP # 256-0272: Nathan Olson – Baptist Hill Road

During the week of September 23, 2013 the Palmer Conservation Commission received several complaints about unauthorized work occurring on Baptist Hill Road, at the property abutting the turn pike. The Agent conducted a site visit on both September 25, 2013 and again on October 1, 2013 and noted work had indeed begun and several violations to the existing OOC were present.

The property is covered by an Order of Conditions, DEP File # 256-0272, but the current work occurring is in violation of the previously issued OOC. The work on this project began without prior notification to the commission and no pre-activity meeting was scheduled. The applicant and the contractor never contacted the Commission.

Upon first entering the site the Agent documented the DEP file # was not posted on site, no erosion controls were installed anywhere on the site and the resource area flags required by the OOC were missing.

Upon further investigation the Agent noted piles of slash, brush and logs in the Riverfront Area of Calkins Brook. Additionally, the culvert proposed for replacement had already occurred without the wetland replication area being constructed. No signs of a replication area were documented on site, according to their location per the plans. Additionally, there were no erosion controls in the area the culvert was replaced.

The Agent determined Calkins Brook, its associated Riverfront Area and Bordering Vegetated Wetland had been significantly disturbed from improper culvert installation; resulting in soil disturbance, stream instability, and changes to the natural hydrologic regime throughout the property. It is evident Calkins Brook remains under threat of further damage from improper culvert installation. The culvert inlet is both perched and skewed, resulting in the inflow exceeding the outflow. The result has been erosion and head cutting upstream of the culvert. The improperly installed culvert serves as a physical barrier to fish and wildlife passage. Some trash and other debris present in buffer zone to the BVW, as well as in the Riverfront Area. The old rusty CMP culvert that was replaced is still on site and in associated Riverfront Area.

Furthermore, under the previously issued Order of Conditions 140 sq. ft. of wetland will be altered and 400 sq. ft. of wetland was to be created and replanted with wetlands vegetation upon completion. There was no evidence on site that the 400-square foot replication area was ever completed. The work was not

performed in accordance to the Wetland Replication Details presented in the Notice of Intent and the approved plans and documents. The wetland replication was also not performed in accordance with performance standards specified in 310 CMR 10.55 (4) (b).

Motions made by Dennis Cote to sign and issue an Enforcement Order to Nathan Olson, of 43 French Drive and request his attendance at the next Commission Meeting; scheduled for 7:30pm on Tuesday October 15, 2013

Motion seconded by Donald Duffy

No further discussion – vote taken: 4-0-0

7:40 PM Executive Session: Lamothe Violation & Litigation– 103 Water Street

Motion made by Don Duffy to enter an executive session at 7:40 PM

Motion seconded by Dennis Cote

No further discussion – vote taken: 4-0-0 – Motion Carries

Motion made by Dennis Cote to exit the executive session at 7:55 PM

Motion seconded by Peter Izyk

No further discussion – vote taken: 4-0-0 – Motion Carries

Next Meeting Date: Tuesday, October 15, 2013 at 7 PM

8:00 PM Meeting Adjourned

Motion made by Donald Duffy to adjourn

Motion seconded by Dennis Cote

No further discussion – vote taken: 4-0-0– Motion Carries

Sincerely Submitted,
Angela Panaccione, Agent