



# TOWN OF PALMER CONSERVATION COMMISSION

Palmer Town Building  
4417 Main Street  
Palmer, Massachusetts 01069

conservation@townofpalmer.com

Donald Blais, Jr., Chair  
David Cotter, Vice Chair  
Peter Izyk

Agent: Angela Panaccione

Telephone: (413) 283-2611  
FAX (413) 283-2637

## MEETING MINUTES TUESDAY OCTOBER 17<sup>th</sup>, 2017 @ 7:00 PM

**Members Present:** Donald Blais, Jr.  
David Cotter  
Peter Izyk

**Members Absent:**

**Also Present:** Michael Glabicky Thompson Street  
John Morrison, Morrison Construction  
Iftikhar Shah, 1239 Park St  
Richard Conly, 1237 Park Street  
Justin Kasunick, Nexamp  
Kelly Fike, SVE Associates

**Meeting Opens:** 7:04 PM – Donald Blais, Jr (Chair)

**7:04 PM Request for Certificate of Compliance (COC): DEP #256-0269 – Palmer Motorsports Park**

Palmer Motorsports Park has requested the Commission take no action on the request for a COC today. Fred Ferguson has retained a new lawyer.

**7:08 PM Request for Certificate of Compliance (COC): DEP #256-320 – Peterson Road Solar**

The Commission received a Request for a Certificate of Compliance from the David Siegel, property owner at Peterson Road. The Conservation Agent has several concerns with the site.

Peter Izyk & Angela Panaccione conducted a site visit on Thursday 10/12/2017 at 1pm at Peterson Rd. Kelly Fike, of SVE Associates was also present at the site visit. There are significant areas of erosion under the fence and along the drip line of the panels that needs to be addressed. Currently, the site is not settled and there are areas of significant rutting. Nexamp will take care of those and contact the Commission for a follow up inspection.

SVE is requesting, in writing, that the silt fence & timber mat be removed before a COC will be issued. The Agent will send a letter to SVE detailing the requirements, including the removal, of the timber mat and silt fence, as well as the stakes of the straw wattles. Once completed Justin will contact the Commission for a follow up inspection.

In regards to jurisdiction, under 10.05(4)(d): The Order shall impose conditions only upon work or the portion thereof that is to be undertaken within an Area Subject to Protection under M.G.L. c. 131, § 40 or within the Buffer Zone. The Order shall impose conditions to control erosion and sedimentation within resource areas and

the Buffer Zone. The Order shall impose conditions setting limits on the quantity and quality of discharge from a point source (both closed and open channel), when said limits are necessary to protect the interests identified in M.G.L. c. 131, § 40; provided, however, that the point of discharge falls within an Area Subject to Protection under M.G.L. c. 131, § 40 or within the Buffer Zone, and further provided that said conditions are consistent with the limitations set forth in 310 CMR 10.03(4).

Notwithstanding the foregoing, when the issuing authority has determined that an Activity outside the Areas Subject to Protection under M.G.L. c. 131, § 40 and outside the Buffer Zone has in fact altered an Area Subject to Protection under M.G.L.c. 131, § 40, it shall impose such conditions on any portion of the activity as are necessary to contribute to the protection of the interests identified in M.G.L.c. 131, § 40.

This is why the Commission reviews the erosion and sediment control measures associated with any active construction site, and make sure site erosion is not impacting areas of jurisdiction.

**Motion made by David Cotter to lift the Enforcement Order dated September 6, 2016**

**Motion seconded by Peter Izyk**

**No further discussion – 3-0-0 – Motion Carries**

**7:24 PM Cont. Administrative Hearing: Food & Fuel Inc. – 1237 Park Street (Map 56-7)**

The Commission continued an Administrative Hearing to discuss the stormwater violations that have occurred at the Food & Fuel Inc., located at 1237 Park Street, from August 1<sup>st</sup>, 2017. Violations include, but are not limited to, failure to obtain a permit prior to conducting an activity subject to regulation under the MA Wetlands Protection Act and the Town of Palmer Wetlands Ordinance and Regulations.

Donald Blais reopened the Administrative Hearing and Rich Conley & Michael Glabicky were present as well as site contractor John Morrison.

Morrison provided the specs for CB & inlet, including the elevations. He also showed the two (2) new connections to the catch basin & stormwater system: a 4” drain from the roof & 4” to dry well. Added by Miller

Morrison also said Miller put in dry well as well.

Discuss connection to DOT. Bridge re-do, handicap ramp now directs water to property.

Richard Conley asked about a Dig Safe permit Morrison had dig safe permit

Location of “New” storm pipe runs parallel w/ property line. Once extended into other parcel at diagonal (shown on old site plan). Other contractor moved it back.

The Agent asked about the roof drainage, as it appears to all be connected now and metal roofs need specific pre-treatments before discharging into surface waters or Zone II’s. Morrison stated he didn’t connect the roof drainage to anything. Morrison stated it was Miller

Peter Izyk asked if Morrison changed pipe size and Morrison responded yes, but he stated the pipe exiting the catch basin was a 6” pipe to begin with, and then went into a 4” pipe by the corner of Trackside.

No water coming out of pipe until UST removal process took place.

The Agent expressed her concerns with groundwater contamination and inquired if borings were conducted prior to tank installation to check the water table level. Miller stated he did not encounter ground water and he was permitted by DEP for tank replacement. Miller did state he had.

Peter ask Morrison if he did catch basin in before tanks. Morrison said yes, he did install the catch basin but Miller altered it during the replacement of the UST’s.

Requirements:

- 1) Installation of the snout/bioskirt in the existing catch basin
- 2) Identify where the roof drainage goes, and address the impacts of the runoff
- 3) Shah & Morrison to send pictures of Catch Basin
- 4) Miller: borings for drywell in back, monitoring reports from the monitoring well and Miller stated there was and he would supply them to the Commission, engineering records for the tanks, and he will send them to the Commission, disposal records.

The Agent will call Fletcher sewer services about work 9/2015 and will also send a letter to Shah about the above mentioned requirements. Shah will contact the Commission when the snout is installed into the existing catch basin.

A site visit is scheduled for 10am on Tuesday 11/7/2017.

**Motion made by David Cotter to continue the hearing until November 7<sup>th</sup>, 2017 at 7 PM**

**Motion seconded by Peter Izyk**

**No further discussion – 3-0-0 – Motion Carries**

**8:50 PM      Administrative Matters: Minute Approval form October 3<sup>rd</sup>, 2017**

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**Motion made by David Cotter to approve the minutes from October 3<sup>rd</sup>, 2017 as amended**

**Motion seconded by Peter Izyk**

**No further discussion – 3-0-0 – Motion Carries**

**8:55 PM      Other Business: Projects, Monitoring, Enforcements & Violations**

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1. DEP # 256-0311 – Landfill Solar Restoration Requirements: The Commission conducted a site visit on Thursday 10/5/2017 at 9:30am. The black geotextile fabric has been removed along with any dead plant material and the top 2” of soil. 3+” of clean loam was added to the exposed area where the fabric was removed and the required plantings were installed (12 blueberry and 12 others). Additionally, the area was covered with a wetlands seed mix and receipts were supplied to the Commission.

Dave said not watered all die, say they don’t need to. Guaranteed or re-apply seed. AP told them no COC till all grown in.

2. DEP #256-0312 MassDOT Toll Booth Removal: Ma DOT violation: An anonymous complaint was received in the office about the MA Pike toll booth removal. The project is permitted under the OOC DEP #256-0312. The Complaint was that a slope on the on-ramp washed out and caused significant erosion into BVW reported. The Agent has a site visit scheduled tomorrow with MADOT at 1:00pm to review the area of concern.

There was also another complaint issued against DOT with work in the Riverfront Area at the western Quabog River crossing of I-90. The complaint was of vegetation removal, gravel access road construction and vehicles driving up and down the slope. The Agent spoke with MADOT and they are aware of the violation. Robert Natario, Environmental Specialist for Dot reported the violation himself to MA DEP this summer. Apparently, Northern Construction was contracted to repair the abutments of the bridge and were to work from the MA Pike only. No work was to occur under the bridge. Northern Construction has retained GZA consultants and is working on a restoration plan for MA DEP. The Commission does not need to take any action, as DEP is handling the enforcement.

3. DEP #256-0327 Sherwood Lumber Replication: There is a violation on site. The contractor did not follow the OOC or the approved plans for the replication area. Transported upland soils
4. DEP #256-0302 Trail construction at Lavoliette under blanket OOC:

**Motion made by Peter Izyk to allow Community Development Department to operate under the blanked OOC DEP #256-0302 for trail construction**

**Motion seconded by David Cotter**

**No further discussion – 3-0-0 – Motion Carries**

5. Land Management Committee Reports: Schedule new hearing date for Off-Leash Dog Regulations 7pm on December 5, 2017.
6. Building Permit signoffs & Administrative Approvals:
7. New Open Meeting Law Requirements: The Agent supplied the Commissioners with the text of the New Open Meeting Law, amended 10/6/2017
8. Sarah Brodeur's Resignation: The Commission regrettfully accepted the resignation of Sarah Brodeur
9. Violation: Dollar General; 2 Breckenridge Street (Map 24-56): The Agent has not heard back from EPA or Town Attorney.
10. Citizens' Leadership Academy Wednesday October 18, 2017 from 6:30pm-8:30pm: working on power point. TC wants at minimum the chair present, but the whole Commission would be nice. Donald Blais, Jr. explained that this event is an effort to bring exposure to the local government and to fill empty volunteer seats on board and committees. The Conservation Agent will give a presentation on the Conservation Commission at this event.
11. Discuss MA Trails Grant: The Agent met with Pathfinder to discuss the construction of the trail ties this spring & the construction of the ADA fishing deck sometime next year. The grant has a two (2) year time frame for completion.

**Office Closed:** Wednesday 10/25/2017 & Thursday 11/2/2017

**Upcoming Events, Conferences & Trainings:**

- 2017 Recreational Trails Conference Thursday 11/2/2017- Saturday 11/4/2017, at the Double Tree in Leominster. The Agent has reserved a hotel room for the event.
- 2017 MACC Fall Conference Saturday 10/28/2017 in Sturbridge

**Set Next Meeting Date:** Tuesday November 7, 2017 @ 7:00pm

**Meeting Cancelled:** Tuesday December 19, 2017

**Meeting adjourned:** 9:53 PM

**Motion made by Peter Izyk to adjourn at 9:53 PM**

**Motion was seconded by David Cotter**

**No further discussion – 3-0-0 – 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, October 17<sup>th</sup>, 2017 – 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
1	Meeting Minutes: 10/5/2017	Approval of Minutes	FY 18 Minutes Binder
2	Form 8A: Request for a Certificate of Compliance DEP #256-0269: Palmer Motorsports Park – 58 West Ware Rd	Certificates of Compliance	Palmer Motorsports Park File Box DEP #256-0269
3	Form 8A: Request for a Certificate of Compliance DEP #256-0320: Peterson Road Solar – Peterson Rd	Certificates of Compliance	DEP #256-0320 File Folder
4	Site Photos 1237 Park Street	Violations & Enforcement	1237 Park Street Violation Folder
5	Catch Basin Connection Drawings – John Morrison	Violations & Enforcement	1237 Park Street Violation Folder
6	Site Inspection Reports DEP #256-0312: MassDOT Toll Booth Removal	Project Monitoring	DEP #256-0312 File Folder
7	Site Inspection Reports DEP #256-0327: Sherwood Lumber Replication	Project Monitoring	DEP #256-0327 File Folder
8	Site Inspection Reports DEP #256-0302: Trail construction at Lavoliette under blanket OOC	Project Monitoring	DEP #256-0302 File Folder
9	New Open Meeting Law Guide, Revised October 6, 2017	New/Old Business	Open Meeting Law file