



TOWN OF PALMER CONSERVATION COMMISSION

Meeting Minutes

Tuesday, November 13, 2018 – 6:00 PM

LOCATION: Town Administrative Building Meeting Room

Donald Blais, Chair
David Cotter, Vice Chair
Peter Izyk
Nicholas Zeo
Brenda Cole
Dorothy Lawrence
Lucas McDiarmid

Angela Panaccione, Agent
Jeff Stanhope, Assistant

Members Present: Donald Blais, Jr.
Peter Izyk
Nicholas Zeo
Brenda Cole (6:23 PM)
Dorothy Lawrence
Lucas McDiarmid
Angela Panaccione, Conservation Agent
Jeff Stanhope, Conservation Assistant

Members Absent: David Cotter

Also Present: Joe Kerigan, 1164 Ware Street
John Thomas, SWCA
Mike Strzemienski, L22 Sykes Street
Diana Strzemienski, L22 Sykes Street
Kristen Page, ASE
Christina Pike, 631 River Street
Marie Pike, 635 River Street
Donald Frydryk, Sherman & Frydryk
Joe Libera, Camp Ramah
Rich Johnson, 32 Forest Lake Road
Rachel Johnson, 32 Forest Lake Road
Paul McManus, EcoTech
Rick Licht, Licht Environmental Design
Lori Hinkel, 624 River Street
Elaine McNeill, 34 Forest Lake Road
Jonathan Pratt, 34 Forest Lake Road

1. **Call to Order:** 6:13 PM – Donald Blais, Jr. (Chair)
2. **Chair, Member & Committee Reports:** No Chair, Member & Committee Reports.
3. **Review Phone/Mail/E-Mail Messages**
 - a. **FEMA – Watershed Study**

The Agent was contacted by FEMA because they are going to be doing a watershed study of the Chicopee River Watershed. They sent the Commission a survey to fill-out asking questions in relation to things like flooding issues, total river mileage, watershed budget details, and other information or updates in order to improve their study. There will be a meeting in regard to the FEMA watershed study

sometime between November 27, 2018 and November 29, 2018. The Agent will forward the e-mail to members of the Commission so that they can review it, address concerns, and ask or answer questions.

The Agent will attend a FEMA Watershed Discovery Meeting on 11/29/2018 in Ludlow.

4. **Public Inquiries:** No Public Inquiries Scheduled.

5. **Approval of Minutes**

a. October 30, 2018

Motion made by Peter Izyk to table the minutes from October 30, 2018 as amended, to the Motion seconded by Nicholas Zeo.

No further discussion – 5-0-0 – Motion Carries.

6. **Approval of Payables**

a. Mileage Reimbursement – Angela Panaccione: \$277.95

Motion made Peter Izyk to approve the payable to Angela Panaccione in the amount of \$277.95, for Mileage Reimbursement for the month of October, from the Conservation Commission Town Wetlands Ordinance (CONFEE) Account.

Motion seconded by Dorothy Lawrence.

No further discussion – 5-0-0 – Motion Carries.

7. **Signing of Documents (DOA, OOC, COC, Ext, Etc.)**

a. Re-sign Extension Permit DEP #256-0302

The applicant: Town of Palmer Conservation Commission, Parks & Recreation Department, and Trail Committee is applying for an Extension Permit for Orders of Conditions for DEP #256-0302. The Order of Conditions is hereby extended until 11/19/2021 (3 year). The Extension Permit is in regard to the Bulk Trail Notice of Intent. Therefore this applies to any trail work to be done at Various Town Owned Locations, for example: The Swift River Trail project, the Three Rivers Fitness Trail project, and any trail work done at Midura Conservation Area are all covered under this permit. The accepted trail work can be referred to as routine open space trail maintenance and land stewardship activities that do not significantly alter or affect wetlands or buffer zones.

Motion made by Dorothy Lawrence to issue a 3 year extension permit for DEP #256-0302 for the Bulk Notice of Intent for Town Wide Trail Work.

Motion seconded by Nicholas Zeo.

No further discussion – 6-0-0 – Motion Carries.

8. Schedule of Public Hearings

- a. 6:15 PM Abbreviated Notice of Resource Area Delineation (ANRAD) DEP #256-0335 BWC Swift River, LLC: 3090 Palmer Street (Map 29 Lot 1)

The applicant has submitted an ANRAD to confirm the precise boundaries of jurisdictional resource areas, which have been delineated at 3090 Palmer Street. No work is proposed as part of this application.

Donald Blais re-opened the public hearing at 6:15 PM.

John Thomas of SWCA was present at tonight's meeting. Recently, last week, the Agent and John checked the accuracy of the Wetland Flags and Wetlands Delineation Boundary Line. They agreed to make revisions to the site plans, as well as change the current locations of some of the flags.

The Agent stated we would be confirming BVW: D9-D30, E1-E15, F1-F45, G1-G3, BANK: 2-102 TO 2-116, 2-202 TO 2-214, BLSF: Based on FEMA Elevation.

We are modifying BVW: Detonated as R-Series Flags on revised 11/7/2018 Wetland Resource Area Plan – D1R-D8R, G10R-G15R, Bank North of Flag 2-116A Approximated off USGS Quad Map due to Field Constraints.

The Agent stated we would not be confirming A Series 1-5 (IVW), B Series 1-5 (BVW), C Series 1-28 (Bank Ware River), G4-G8 (Bank), 2-100, 2-101, 2-200 & 2-201 (Bank). Also the Bank/MAHWL of both the Ware and Swift River were not confirmed. The Agent stated we are not addressing any outstanding water resources or wildlife habitat. John stated correct. The revision date on this one is 11/7/2018.

Motion made by Lucas McDiarmid to confirm BVW: D9-D30, E1-E15, F1-F45, G1-G3, BANK: 2-102 TO 2-116, 2-202 TO 2-214, BLSF: Based on FEMA Elevation.

Seconded by Nicholas Zeo.

No further discussion – 6-0-0 – Motion Carries.

Motion made by Nicholas Zeo to not confirm A Series 1-5 (IVW), B Series 1-5 (BVW), C Series 1-28 (Bank Ware River), G4-G8 (Bank), 2-100, 2-101, 2-200 & 2-201 (Bank). Also the Bank/MAHWL of both the Ware and Swift River were not confirmed.

Seconded by Lucas McDiarmid.

No further discussion – 6-0-0 – Motion Carries.

Motion made by Dorothy Lawrence to accept the modified flags of BVW: Detonated as R-Series Flags on revised 11/7/2018 Wetland Resource Area Plan – D1R-D8R, G10R-G15R, Bank North of Flag 2-116A Approximated off USGS Quad Map due to Field Constraints.

Seconded by Lucas McDiarmid,

No further discussion – 6-0-0 – Motion Carries.

Motion made by Lucas McDiarmid to close the public hearing at 6:29 PM.

Seconded by Brenda Cole.

No further discussion – 6-0-0 – Motion Carries.

- b. 6:30 PM Abbreviated Notice of Resource Area Delineation (ANRAD) DEP #256-0334 BWC Dumplin Brook, LLC: L22 Sykes Street (Map 18 Lot 22)

The applicant has submitted an ANRAD to confirm the precise boundaries of jurisdictional resource areas, which have been delineated at L22 Sykes Street. No work is proposed as part of this application.

Donald Blais re-opened the public hearing at 6:31 PM.

The Agent stated this one's revision date is 11/9/2018. The Agent stated it is the 80-scale on both sides and the previous was 100-scale.

John Thomas stated that we are changing some resource area distinction, but not changing the numbers.

The Agent stated we would be confirming BVW: A5-A19, A7R, A10R-A13R, B1-B33, C1-C27, C36-C127, C124-C141, E1-E12. BANK: CB28-CB35, CB123-CB128, D17R, D18-D20A, D26-D43

We are modifying BVW: Detonated as R-Series Flags on revised 11/9/2018 Wetland Resource Area Plan – D1A, D1B, D20A.

The Agent stated we would not be confirming anything South of A19, anything North of D18, West C1/C141, C76-C79, D7-D17, D21-D26, A9.

The Agent stated that we added the E Series. John confirmed yes. E Series 1-12.

The Agent stated from A10 it should follow that contour line down to A5 because they got rid of A9.

The Agent stated that 35 and 36 also have to go out several feet and John stated they should also have an R on them as well to designate the Series.

The Agent recommends continuing this to our next scheduled meeting to be held December 4, 2018.

The Agent doesn't want to confirm the current site map because it shows a non-existent culvert.

The Agent asked John to change the C Series to something else. John said okay.

Based on the revisions discussed at tonight's meeting the applicant can go forward with the NOI.

Motion made by Lucas McDiarmid to continue the public hearing to our next meeting on December 4, 2018.

Seconded by Dorothy Lawrence.

No further discussion – 6-0-0 – Motion Carries.

Motion made by Lucas McDiarmid that we can move forward with the NOI based on the revisions discussed at tonight's meeting.

Seconded by Dorothy Lawrence.

No further discussion – 6-0-0 – Motion Carries.

c. 6:45 PM Notice of Intent (NOI) DEP #256-0333 Camp Ramah: 39 Bennett Street (Map 36-70)

The applicant is requesting a NOI for proposed site improvements including the reconstruction of an amphitheater located at 39 Bennett Street. The proposed amphitheater will require 1,700 SF of disturbance within the 100-foot wetland buffer zone.

Peter Izyk recused himself as an abutter.

Donald Blais re-opened the public hearing.

Don Frydryk of Sherman & Frydryk and Joe Libera of Camp Ramah were present at tonight's meeting.

The Agent asked if they were adding the playground to the site plans and Don answered no.

Motion made by Brenda Cole to close the public hearing at 7:02 PM.

Seconded by Nicholas Zeo.

No further discussion – 5-0-0 – Motion Carries.

Motion made by Dorothy Lawrence to issues a complete Order of Conditions for DEP #256-0333.

Seconded by Lucas McDiarmid.

No further discussion – 5-0-0 – Motion Carries.

d. 7:00 PM Notice of Intent (NOI) Forest Lake Seasonal Cottages: Off River Street & Forest Lake Road (Map 36-86), 31-1-1, 30-11-5

The applicant is requesting an Order of Conditions for proposed site development of a Seasonal Cottage Resort with lake front amenities; including the construction of a canoe/kayak launch & beach restoration. Work is proposed within Forest Lake, within the Riverfront Area of the Ware River and associated buffer zones.

Donald Blais opened the public hearing at 7:10 PM.

Motion made by Lucas McDiarmid to retain an outside consultant.

Seconded by Peter Izyk.

No further discussion – 6-0-0 – Motion Carries.

Donald Blais read the DEP File Number comments we received (2 pages, 1-8).

Rick Licht of Licht Environmental Design, Paul McManus of EcoTech, and Kristen Page of ASE were present at tonight's meeting. Rick stated that he will walk us through the existing conditions and then will put up a board of the overall project, including the activities within jurisdictional resource areas. The project is part of the old 91.5 acre gravel pit site near Gates Street. The site is nearby Bordering Vegetated Wetlands (BVW), as well as an unnamed stream on the northeast portion of the site. Paul has mapped the BVW lines along the marsh area and the site plans map shows the 100-foot buffer zone as well as the 200-foot riverfront area. There is an old barn alongside the development area where there is

an internal access road nearby. This area is where the proposed community center/central building is planned to be constructed.

The Agent stated that the buffer zone is one site and work is proposed to be done in there, but for some reason it is excluded from the site plans map they are showing. The agent did very preliminary review. Paul McManus stated it was correct and that they missed it on this map, but will be sure to make corrections and add to a revised map.

Rick Licht began explaining how the main access will be where the existing sand and gravel pit is. This plan represents the 'artist rendering' of the proposed seasonal cottages project. There will be a double-barreled entrance as you pull in and you will first see a 2-story club house with an upper pool deck. The lower level of the community center will have a walk-way to the lower lawn area where there will be a children's game room. To the left of the community center will be a parking area, sales office, and visitor parking for prospective buyers. The design involves small clustered neighborhoods throughout the project area that will include a Stormwater Management System.

Paul McManus has done work with the National Heritage & Endangered Species Program (NHESP) and that is when the Bridle shiner habitat was discovered. Therefore there will need to be a buffer that will consist of a fence, which was requested by the agency NHESP, at the edge of the lawn to keep residents out.

A patio is proposed for north of the buildings as well as an access road for paddlers with a path that will lead down to an access dock. They have proposed a boat wash area located nearby the boat entry access where boaters can pull over with their boat trailers and wash down their boats. The purpose of this boat wash area is to prevent the spread of invasive and exotic plant species, especially aquatic plants. The Agent stated that the boat wash area is directly tied into the stormwater system, therefore she is concerned about what would prevent that stuff from washing into the stormwater system. She would like to know what preventions they have in place for this type of issue. They said they have proposed putting down fabric and crushed stone at an area of impression, a self-contained depression, with a small hose to hose vessel off. Therefore any vegetation that comes off the boat will stay in the depression area as well as will dry up in the sun and then be cleaned up by maintenance. There will be 2 discharge pipes from that system, an overflow that is underground, that is not directly connected to the boat ramp area because it is a separate system and they are not connected. Paul McManus stated the purpose of the boat wash is to keep exotic invasive plants out of the lake.

There will be an overflow pipe from the infiltration basin and using the infiltration basin they want to plan for peak 100-year rainfall events and it has a discharge just inside the 100-foot buffer zone. The Agent stated they should not have presented un-revised plans. The other areas of impact are the beach nourishment area, where they plan to bring washed sand to the site, as well as within the lake itself, where no equipment can be operated in the water. The applicant plans to have an ADA accessible ramp installed, more specifically an ADA rubberized ramp that will lead down to the water. The Agent asked if they were filling in wetlands for a beach area. They need distinction between bank flags and wetland flags before moving forward on this concept. Peter Izyk asked if the proposed beach is planned to be in the area of the old beach-like area that used to exist there. Debris would be removed as part of the project; an old metal structure and an old dive-like structure. Peter does not believe the stated area on the map is correct and is actually closer to the old beach.

Paul McManus began to speak about the Commissions jurisdiction, buffer zone on the pond across the street, RF area from the stream coming across, and he agrees with the Agent that these flags were old.

There is work proposed in the riparian area, 100-foot buffer, the red area follows the tree-line, this area Paul McManus believes is degraded RF area. The Agent said the area should be considered disturbed and not degraded because of what qualifies something to be considered with that terminology. Paul said he spoke with DEP in regard to what classifies as degraded. The proposal for the area with the steep slopes is to change the grade and utilize plantings to restore the area; a regrading and restoration plan for the area. The waterfront plan shows that they are proposing work within Forest Lake, cleanup work of debris, utilizing divers and a crane for heavier pieces of material that cannot be carried out of the lake. The divers will be working from boats or a crane picking up big pieces and lifting them out. The proposed beach nourishment is within the historic beach area from the past. A request from Natural Heritage as part of the work within the lake is to construct a boat launch and a canoe/kayak dock.

The bank is transitional and not a steep bank line. Paul McManus is proposing to take out a half-foot of material below the 100-year floodplain, but will maintain the grade. The performance standards for the bank were highlighted. The Agent inquired about the 2 beaver lodges that are absent from the applicant's site plans map that she believes exist on site, but the applicant does not believe they exist even though the Agent witnessed the beaver lodges in person. She requested they add their exact locations to their site plans to be absolutely sure that they are not performing work within 200-feet of the beaver lodges. Paul thinks the nearest lodge is beyond 200-feet from where they are proposing to do work. The Agent asked if the bold black dashed lines on the site plans map represents the Limit of Work. The Agent stated then their Limit of Work might not actually be beyond 100-feet of the lodge. With respect to the RF area, the total area is 4,000-square feet which he thinks qualifies as degraded, is roughly 6% but the majority is to be restored. In terms of alternatives for that work within the RF area, which they were required to draft, it would be to armor it or in theory one could grade it by adding material rather than taking it off, but he believes neither are a better method. They are restoring and even if they weren't they believe they are within the regulations of less than 10%. There is other work within the buffer zone, but believe they may not be of concern because of their Stormwater Management Plan (SWMP).

The Agent is disagreeing with the statement that the sand and gravel site benefits and lessens the stormwater runoff from the sand and gravel pit in terms of stormwater issues based on the sand and gravel pit at the solar project next door. Kristen Page of ASE stated the other site caused that with a construction error based on the material they brought on site. The Agent stated that they are essentially the same type of site. The Agent asked about access roads, like if they would be using Forest Lake Road for work, to which Kristen answered it would become access for the residents. The Agent asked if they would be paving in the temporary access road, they said no, just gravel to be restored. The Agent stated that they need to be spelled out as temporary impacts and need to be accounted for in the NOI. Kristen said they have proposed to relocate a portion of the current Forest Lake Road to bend around an area of proposed cottages, as the original road runs straight down through in between the tree line shown on the map. The Agent asked about the proximity of the road alterations to the 200-foot riverfront area. The Agent would like them to change their current plans to show the subset of flags that were changed based on review by the Commission. The road would have to be reconfirmed by the Commission because they would be moving closer to the jurisdictional areas. The Agent stated that the area hasn't been confirmed for a mean annual high water line, which would change the jurisdictional areas based on confirmations made by the Commission. Kristen continued to talk about stormwater management plans. The Commission can see their stormwater reports for soil testing for every infiltration basin planned to be on site. The roof for the community center is completely captured into roof drains. DEP made a comment that they may have been trying to 'double-dip' to get to the compliance percentage that was required. The emergency overflows that the applicant has proposed is for anything equal to or above 100-year-storms. They have 'oversized' everything to contain 100-year-storms or above and the emergency

overflows would be for such storm events. Kristen said 100-year-storms are rare, but Peter Izyk mentioned not anymore, based on this year's rainfall events, and the Commission agreed.

The Stormwater Management Plans (SWMP) have gone through the Planning Board and VHB has reviewed them. The Agent stated that is why we are retaining a third-party reviewer. Rick Licht questioned the validity of the Planning Board using their own 3rd party consultant and the Conservation Commission using their own 3rd party consultant to review the plans based on the same standards. The Agent made a recommendation for the Commission to do a cumulative review of all SWMP because of local ordinances that give us jurisdiction over the complete SWMP. The Agent recommends holding a joint public hearing with the Planning Board if they are amendable, which can be discussed afterwards. Lucas McDiarmid made a comment about what they referred to as being degraded. Lucas stated the DEP comments that there are sections of this area that are not degraded, which their plan does not reflect. Lucas, Dorothy Lawrence, and the Agent do not believe it should be proposed as redevelopment. The Agent thinks it should be the development standards rather than the redevelopment standards. The reason he believes it is considered 'degraded' is because of the areas lack of top soil.

Donald Blais opened up questions to the Commission.

Peter Izyk asked if the red area shown on the site plans map is part of the old, original road to the cottages at the back of the lake. Rick Licht said he could find the history of that. Peter is concerned if it could be considered disturbed because it used to be paved as part of the aforementioned original road. The gravel project moved that road to Gates Street so they could excavate this whole area. Now the applicant wants to move part of this "newer" road.

The Agent requested that they spell out the Bordering Lands Subject to Flooding (BLSF) because the Commission still needs to know the amount of area being affected. Brenda Cole asked if there is a need for protection from recreational boaters close to the shore. Paul McManus mentioned that Natural Heritage wanted a restricted/focused boat access area, because they liked the idea of a formal access rather than an openly accessible area. Brenda said that area may be seen as easily accessible by recreational boaters such as canoe or kayak users. The Agent asked if the floating dock comes out every winter, the applicant answered yes. Lucas McDiarmid asked where the dock will be stored and the applicant answered it would be stored inside in the building.

Donald Blais asked if there would be security in place as a protective measure for boaters unaware of the area gated off from activity. Kristen Page mentioned there would be security on site, but the Agent said it is a navigable waterway which is a concern. The Agent asked if the applicant started the Chapter 91 process and the applicant answered no, but that it would be done before the construction process. The Agent also stated Chapter 91 refers to fishing, fowling, and navigation. Rick Licht said for any private residential dock it would not be any different, because there is nothing stopping someone from getting off of their boat and accessing the floating dock site, because it is a community area versus a public lot.

The Agent asked what the little red box was nearby the beach as shown on the site plans map and the applicant answered it is a proposed swimming float/raft for the kids. The Agent stated that as part of Chapter 91 it would be considered proposed within a great pond.

The Agent asked if the sewer plans would trigger Massachusetts Environmental Policy Act (MEPA). Rick Licht said that they have reviewed the Stormwater Management Plan (SWMP) and concluded it to be impervious and therefore not subject to MEPA. Rick stated that the project would be funded by the applicant, but that they are working in partnership with the Town and the Water District to get approval. The Agent asked where the applicant plans to locate the temporary well and temporary septic. Kristen

Page showed those areas reserved on the map for the aforementioned. Based on comments from Planning Board and VHB, the applicant had to relocate those areas of temporary well and septic. Rick said it would take a year to phase in sewer and water, so that is why the temporary well and septic systems would be installed while they phase in the full SWMP and all of the infrastructures are set in. The Agent stated that this is all occurring in an aquifer protection zone and asked again about where the septic would be. Kristen said the plans do not show it, but it is planned to be a pumping tank that would be removed afterwards. The Agent commented that she will have more questions to bring up after she reviews the site plans more thoroughly.

The Agent asked about 401 regulations and if the applicant's plans applied to it as well as who did the Wildlife Habitat Analysis, to which Paul McManus replied Morrison from his office. The Agent also asked about eagle, heron, osprey habitats and nesting sites, to which Paul said none of the above have been seen by them. Peter Izyk said they are there, especially in the areas nearby the pond. The Agent stated that the Commission has to look at the full and complete, beginning to end project of all components, rather than in phases as they are being presented to us by the applicant.

The Agent asked exactly where the outlet crosses the road in the location of the outlet for Forest Lake on River Road. Kristen Page said it would be off of their map, just before Bennett Street on the left.

Donald Blais opened up the public hearing to the public (abutters) for comments.

Motion made by Lucas McDiarmid to set a 2 minute limit

Seconded by Dorothy Lawrence

No further discussion – 6-0-0 – Motion Carries

Elaine McNeill, 34 Forest Lake Road

Elaine asked if the applicant planned to have security around the beach and if the current residents on Forest Lake will still be allowed to fish near that beach. The Agent responded that the fishing question would fall under Chapter 91, which is a process the applicant would begin prior to construction as soon as they have their initial reviews in from the Town Boards; Planning Board and Conservation Commission. The Agent stated they first need the Order of Conditions in order to get the Chapter 91. Before the Commission issues and closes an Order of Conditions the applicant must have to at least started the applicant Chapter 91 process and provide the record to us that is has been started. Massachusetts Department of Environmental Protection (MassDEP) has the authority to hold a Public Hearing in regard to this in Springfield, Massachusetts. The Agent asked if the applicant is required to notify all abutters as part of Chapter 91, but they were unsure. The Agent stated that the Town of Palmer gets notice of it and then it is posted publicly in the local newspaper. The applicant will look into the details of Chapter 91. Elaine asked if the residents of the Town of Palmer will be able to know right away if they will have fishing access to the area in question once the Chapter 91 process starts.

Elaine also asked who is doing the Wildlife Surveys because she knows there are herons on Forest Lake. The Agents also asked who did the Wildlife Surveys as well as requested their specific resumes to review. The Agent said the Conservation has requested their own outside Wildlife Specialists. The Agent asked the abutters to take pictures of the wildlife and make sure it's geo-coded to their phones, also known as geo-tagged, in order to be reviewed by the specialists. Elaine was concerned about the timing of how to get pictures of the wildlife during these hard times of the year to spot wildlife. The Agent said if they aren't actively nesting or breeding they might not be able to be confirmed, but as long as they know the active areas, it can be submitted for the Wildlife Biologist to confirm or deny.

The Agent said for those without access to geo-tagging, if residents contact her, then she will come out and take pictures in their areas of concern. The Agent discussed the application and how it is not free and it's called Theodolite. This app stores everything right on the photo taken, which is perfect for this cause. It tags everything straight onto the photograph, so that it looks like more than just a picture. Elaine was also concerned about the large conifers around the lake, specifically how she is afraid the applicant will cut down all of the large conifer trees in the area of Forest Lake.

John Pratt, 34 Forest Lake Road

John asked about the fencing around the proposed beach area and the buoys in the water designating the enclosed swimming area. The applicant responded that the fencing will be post and rail fence for allowance of wildlife movement. The Agent said the writing for the fence they have proposed needs to be in their narrative's language and state that the wildlife clearance will be at least 6".

John also stated that every time he's gone to a Planning Board meeting in regard to this project, the applicant keep changing their plans every time, so he is looking forward to seeing how many more times they will change their plans going forward. He wants to know if he will have fishing access on this great pond as well.

Lori Hinkel, 624 River Street

Lori lives across the street from the lake, she lives by the pond, but she has seen eagle, osprey, heron, otters, and rare turtles. The Agent commented that the turtles loved all of the sand in the area and that there are many turtles breeding. Lori believes the beaver hut location shown on the applicant's site plans map is not accurate whatsoever. She said the true location is much too close to the swimming area and will cause many problems. Lori also believes that the original beach is where they are putting the dock and that it is sandy there, but not a beach. Lori said that the berm they want to grade down lower is currently a wind block, and if they take that down they will regret doing so. She also said the gravel pit did a lot of illegal things. The Agent stated the Conservation Commission may not have reviewed those plans of the old gravel sand pit location because it began prior to the establishment of the Commission. Lori commented that 220 homes equals potentially 440 people or more and that she does not think Forest Lake can handle that much human activity because it is a fishery and that it would be negatively impacted by the increase in human traffic and activity.

Kristen Page of ASE said through the chair, the berm on River Street will not be completely leveled. She said it is planned to be lowered, but it will still be a berm except just not as high up or as steep. She also said because of how they will grade it, trees will be planted on the berm after the grading is done at the site. Many trees would have to come down in this area where the regrading will occur, which is why the applicant plans to do a planting restoration. The Agent asked if they are modeling their Stormwater Management based on a gravel pit site. Kristen said their trees are classified as good because they did it conservatively. The Agent asked if their Stormwater Management Plan takes into account pesticides and herbicides. Kristen responded there are statements on those plans that state those two would not be utilized. Rick Licht of Licht Environmental Design said the limited common areas will be maintained by maintenance staff. The public areas, the gardens, and the open space area will all be managed by the owners and the association, and there is language in the operations and maintenance plans to use only organic methods. The Agent asked how they would enforce this because for example if someone wants to spray Roundup they are going to do it anyway. The Agent asked how the applicant will maintain the swimming area with all of the water vegetation that is presently there. Paul McManus of EcoTech said there simply is not a lot of vegetation there and how Natural Heritage said to stay away from those areas. Paul also said the Bridle shiners do not like super dense vegetation, but that they like only enough cover to move around freely. The Agent said there is so much Milfoil and Lucas McDiarmid stated there is so

much of it that it even shows up on Google Earth images. The Agent stated that if there is no vegetation management, there will be unhappy residents and that this particular issue may have to be filed separately with Priority Habitat. The Agent said the applicant should consider filing it with their other permitting paperwork. Peter Izyk said that years ago the lake was hydro-raked by the state.

Christina Pike, 631 River Street

Christina mentioned that she lives on a family owned piece of property on River Street. She stated it was her knowledge that before the original sand and gravel project was put in, when they wanted to grade the site of the berm, that the material would be relocated and moved off-site. She said the applicant's proposal to grade the berm site would result in a significant amount of soil removal. Christina said the term beaver huts is the proper terminology for where they actually reside and live. She said in the location where the applicant plans to remove the original structure is where the old beach used to be. The Agent said because of what Christina just mentioned, the applicant cannot call what they are doing there beach restoration. Christina said that there is an area there that in the past was filled-in wetlands and that there are records of this. She said if stormwater is redirected towards the aquifer of the lake, that the applicant need to be very careful of what ends up in there. The Agent stated that if there are overflows of water in basins, then it is going to drastically change the temperature of the lake. This is why the applicant needs to look at better plans to protect in-lake species, like the stocked trout, to prevent warm water from negatively affecting species in the lake.

Christina stated their driveway is down water flow from the applicant's planned driveway. She said years prior they have had to deal with massive amounts of sand washing off the of the old gravel pit, which was extremely frustrating. She believes there was supposed to be a study after the closure of the gravel pit that would examine the impacts that it had on the ecosystem of the lake. Christina also mentioned they have dealt with dust storms so severe that they could skim the dust off the surface of the lake. The heavy winds common at Forest Lake were the cause of these dust storms, therefore she is worried about the removal of so much soil and material if the applicant grades the berm because it acted as a wind break. Christina said grading the berm will only increase the chance heavier and higher velocity winds and that her concerns are justified.

Christina mentioned that in the Planning Board meeting in regard to temporary well and septic, the applicant stated they may want to keep those temporary wells for watering and so on. The Agent said she would need a hydrology study with the cone of depression from the well including the water usage as well as what kind of impacts the cone of depression would have. The Agent stated that if the applicant does indeed use that water for irrigation that it would be a lot of water because of how much water would be required to cover all of the ground. The applicant tried to defend this by arguing it will not be used to irrigate the full extent of the area. Lucas McDiarmid commented that the aforementioned was never previously mentioned by the applicant or brought to the attention of the Commission, therefore he as well as the Agent were under the impression it would be capped.

Christina questioned if there is a way to do a study to make sure there has not been any contamination of the soils because of the abandonment of the gravel pit, before the applicant moves soil around to begin their development. She is requesting that an environmental study be done because she believes there was an old diesel tank, but the Agent said that the people who had originally permitted it have no documentation and DEP has no record of the tank. The Agent believes the Commission needs to look into this hole from the old tank and look at the cumulative impacts both past, present, and future. Christina stated she knows the location of the tank and where the cap is. Over a decade ago, the gravel pit began construction of the garage, therefore Christina is trying to obtain original site plans.

Rachel Johnson, 32 and 36 Forest Lake Road

Rachel is concerned that once this project is developed that even if the applicant uses organic material, that it will still have an effect because of how much land is being altered. She also believes that if they move the location of Forest Lake Road as shown in the applicant's site plans, then they would actually be filling in wetlands. Rachel stated that there was a juvenile eagle that they have photographed, just not with geo-tagging as of yet. The Agent said the Commission has not had the chance to look around in the area of Forest Lake Road where the road redirection is proposed, therefore the Commission needs to review the delineations of this area to confirm them accurately. Rachel believes where the original road came in, they were supposed to remove that road back in 1991, as it was not supposed to be permanent because wetlands were filled in.

Marie Pike, 635 River Street

Marie mentioned that she owns 5 houses on her street and has lived in her home for 39 to 40 years. Marie commented that Peter Izyk was correct in his last statement, she said if you ride down River Street, if you go down by the berm the applicant wants to grade down, you can see an old section of paved road. She commented about how the kids of Camp Ramah hangout at the beach area to take a swimming break before walking back. Marie said she has had fisherman in her area on the bank because there is a certain amount of frontage they are allowed to fish on. She also said if you put your dock in the water you cannot keep people off of it because of this. Marie mentioned the beach is owned by Skip Kerrigan. Historically, she stated a man by the name of George asked her husband to help remove a tree off their road with his chainsaw, afterwards George asked him to purchase his land before he died (88 acres). She is still wondering why her husband didn't purchase it, but she said they could not afford it at the time because they were fixing up the 5 cottages that they own.

Joe (Skip) Kerrigan, 1164 Ware Street, owns the other side of Forest Lake

Joe stated that he owns what the town considers as the public beach on Forest Lake and he thinks it is important to note that it is not actually a public beach, but rather that he has offered it to the town. He is trying to sell land to the state in order to negate the potential impacts of the proposed seasonal cottages project. Joe mentioned a depth of lake study that was done and how they ran out of rods after 100-feet, which really shows the depth of Forest Lake. He mentioned the harvest study too, and how studies like this really prove how important and necessary it is to protect Forest Lake, as it is a very important natural resource for this town. The Agent stated that any discussion about purchasing land or negotiating land has to be done in an executive session. The Agent applied for extensive surveys, similar to those done historically as well as modern and additional beneficial studies, to be done at Forest Lake in order to see the current conditions in relation to the studies that were done years ago. The Agent mentioned that the Lake Thompson watershed drains into the Forest Lake watershed.

Brenda Cole had a question about the different phases, such as if the applicant has any idea of the work planned and where certain work is specifically planned to be done as part of the separate phasing. Rick Licht stated he is not sure if he understands the question. Brenda wants to know if they would be clearing the whole area at once or if it would be done in phases to reduce impacts from wind and dusting. Rick stated grading the berm down would be done in one process and restored shortly after, rather than delaying the process. Rick also said he is not exactly sure how the work will be done, but that it will be phased to reduce impacts. He said in the pit area they would look at Best Management Practices (BMPs) for the berm. Dorothy Lawrence asked if the applicant would be willing to reduce the proposed amount of cottages. The abutters stated that they only reduced it by 2 cottages, when the applicant said they had already reduced the number. Lucas McDiarmid confirmed that the proposal changed from 222 to 220 seasonal cottages. The applicant mentioned the sales office would be converted to a manager's home, or something else, after the cottages were all purchased.

The Agent stated there are fees missing according to the Wetlands Protection Act (WPA) that the Commission has not received yet, which she noticed in the applicant's submittal. One of them is the fees for the overflows, the discharges, which there are 2 of with one being within the buffer zone and one being outside, so then that would be an additional \$500.00. The Agent also stated there would be apparent fees for the potential parking lot in that area, at least for part of its access road if not all of it, as well as potential fees for the drain and the dock as well.

Donald Blais asked a question in regard to clarification on the plans based on the artist renderings.

The Agent said we need to find out about the drain fee, we need the fee for the dock, but the drain buffer zone could lead to a commercial fee for the proposed access road to the pond, so we have at least 1 category 3, 4, and 5 that we are missing in terms of fees (5 is dock, 4 is storm drain, 3 could trigger the commercial access road from the area of the pond across the street). Paul McManus stated he could talk with her off-line in regard to sorting out the fees and getting them to her.

Nicholas Zeo made a comment that the public had concerns about past work done in some of the proposed areas like the old gravel pit. Donald Blais believes a joint meeting with Planning Board would be appropriate. Nick has concerns about the limitations of our enforcements, such as if they can date back to issues left by the abandoned gravel pit.

Rick Licht wants a timeline in order to provide our outside consultant their revised plans. The Agent requested a key to the gate, to which the applicant responded they can provide that. Paul McManus mentioned that they would not be sending out any additional abutter's notices.

Motion made by Lucas McDiarmid that we the Commission maintain our independent counsel and do not utilize VHB.

Seconded by Dorothy Lawrence.

No further discussion – 6-0-0 – Motion Carries.

Motion made by Lucas McDiarmid to continue the public hearing to January 8, 2018 at 7:00 pm.

Seconded by Nicholas Zeo.

No further discussion – 6-0-0 – Motion Carries.

9. Requests for Certificate of Compliance

DEP requested the Certificates of Compliance (COCs) for 3 open Orders of Condition (OOCs) that need to be closed before they can receive a COC for the Camp Ramah amphitheater restoration project OOC.

Peter Izyk recused himself as an abutter.

- a. DEP #256-0245: Camp Ramah – 39 Bennett Street (Map 36-70)

**Motion made by Dorothy Lawrence to issue a complete COC for DEP
Seconded by Brenda Cole
No further discussion – 5-0-0 – Motion Carries**

- b. DEP #256-0294: Camp Ramah – 39 Bennett Street (Map 36-70)

**Motion made by Nicholas Zeo to issues a complete COC for DEP #256-0293 with ongoing special conditions 40, 52, 53, 55, 59, 62-66.
Seconded by Lucas McDiarmid.
No further discussion – 5-0-0 – Motion Carries.**

- c. DEP #256-0304: Camp Ramah – 39 Bennett Street (Map 36-70)

**Motion made by Lucas McDiarmid to issue a complete COC for DEP #256-0304 with ongoing special conditions 14, 33, 35-37.
Seconded by Nicholas Zeo.
No further discussion – 5-0-0 – Motion Carries.**

10. Project Monitoring

- a. DEP #256-0331: 271 Breckenridge Solar

The Agent updated the Conservation Commission on the fact that will we indeed receive wood from this project for the Community Wood Bank.

- b. DEP #256-0332: L12 Breckenridge

The Agent has a pre-activity meeting Thursday, November 15, 2018 with the NexAmp.

11. Violations & Enforcement

- a. DEP #256-0312: MA DOT Turnpike

The Agent had a site visit with the Lizaks and MassDOT, which is when the Lizaks signed the access agreement to allow MassDOT access to their property.

12. New/Old Business

- a. Administration of 2017 MA Trails Grant – AmeriCorps 2019, Work Day 11/3

The Trail Work Day on 11/10/2018 was affected by the rain, but David Cotter had leaf blown the entirety of the trail loop the day before (Friday). On Saturday, David cut down the 2 snags and bucked the logs with a chainsaw; the birch snag nearby the trail entrance and the pine snag nearby the proposed location of the gazebo. On the same day, Jeff Stanhope helped David rake leaves, as well as picked up any debris on the trail loop like small twigs, large sticks, and loose rocks.

- b. MVP Grant

There will be a Kick-Off Meeting in the Palmer Town Hall Conference Room Kick-off Meeting Monday, November 5, 2018 at 1:00 pm.

c. FEMA Hazardous Mitigation Grant

The FEMA Hazardous Mitigation Grant is still in progress. The Agent signed up on the portal to start the process and Pioneer Valley Planning Commission (PVPC) is doing the cost-benefit analysis, so they will be reaching out to Town of Palmer DPW, Police, and Fire.

d. DCR Urban & Community Forestry Challenge Grant

Jeff Stanhope submitted the full grant application and will hear back on the status in the spring.

13. Upcoming Events, Conferences & Trainings

14. Office Closed: Normal Office Hours.

15. Set Next Meeting Date: Tuesday, December 4, 2018 at 6:30 pm.

16. Meeting Adjourned: 10:52 PM

Motion made by Dorothy Lawrence to adjourn at 10:52 PM

Motion was seconded by Brenda Cole

No further discussion – 6-0-0 – Motion Carries

Sincerely Submitted,

Jeff Stanhope
Palmer Conservation Assistant