



TOWN OF PALMER CONSERVATION COMMISSION

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

Agent: Angela Panaccione

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MEETING MINUTES

TUESDAY NOVEMBER 17, 2015 @ 7:00 PM

Members Present: Tharyn Nein-Large (Chair)
Donald Duffy (Vice Chair)
Peter Izyk
Angela Panaccione (Agent)

Members Absent: Sarah Brodeur
Dave Cotter

Also Present: Robert Arello, Hydrograss Technologies, Inc.
Matt Martunas, Borrego Solar
David Albrecht, Borrego Solar

Meeting Opens: 7:00 PM – Tharyn Nein-Large (Chair)

7:00 PM Request for Determination(RDA) Foster/Emery Street – Hydrograss; Water Diversion

A Request for Determination of Applicability submitted by Borrego Solar c/o of Hydrograss Technologies, Inc. of 157 Southbridge Road, Oxford, MA 01537 to see if the activity of withdrawing water from a pond is subject to the Wetland Protection Act and the Town of Palmer Wetlands Ordinance. This is an “after the fact” filing as a result of a violation and the location of the violation is Emery Street, Palmer, MA 01069 and is also known as: Map 41-16.

Tharyn Nein-Large opened the public hearing and Robert Arello, of Hydrograss Technologies, Inc. and Matt Martunas & David Albrecht, of Borrego Solar were present at the hearing.

On October 15, 2015 former Commissioner Dennis Cote contacted the agent about the unauthorized water removal from a beaver pond on Emery Street. Cote reported he witnessed the hydroseeding company’s representative, Tom, removing water from the pond across from the solar project by the old airport in Palmer. Cote had previously told Tom he could not remove water from Beaver Lake, a private lake, when he found him removing water into a large container in his commercial truck. Ten minutes later when Cote was driving from Ware to Palmer, down Emery Street, he saw the same activity in occurring Palmer. Both times, Cote advised the company they could not remove the water. Tom responded that he guaranteed the trees he planted and never heard that he could not remove water. Cote again informed Tom that he should be bringing in his own water

and not be extracting water from any private and/or public bodies of water. Both Dennis Cote and his wife Kristin witnessed the activity and documented the violation with photos supplied to the Commission.

The Agent conducted a follow up inspection on 10/15/2015 and noted a possible variation in water level from the withdrawals. The Agent contacted the Solar Company to discuss the violation and issued a violation notice accordingly.

Robert Arello, owner of Hydrograss Technologies, Inc., explained to the Commission the Company was under the assumption that as long as they did not withdraw more than 10,000 gallons/month no permit was required. Arello also stated he spoke to MassDEP Central Region and was given the okay for water withdrawal as long as the activity did not affect the resource area on site.

The Agent explained that Palmer was in the Western Region for DEP, not central and even though the activity may be authorized on the state level, it is illegal under the Town Ordinance. The Agent further elaborated that many cities and towns in MA have water withdrawal restriction, citing a Brimfield Bylaw which prohibits any withdrawals over 200 gallon from any water source. The Agent also stressed the fact that state law has certain thresholds for bodies of water can be removed from; which are based on watershed size and stream flow statistics. While its permissible to withdraw water from the Swift or Ware River, removing from the intermittent stream and beaver pond across from the Solar array was not. The watershed size and stream flow for the location of the violation do not meet the thresholds, therefore water removed from it can impact both the water level and other resource on site.

Motion made by Donald Duffy to a Negative Determination, Box 2; finding the work performed did not alter an area subject to protection and a Positive Determination, Box 6 Finding the work is subject to the Town of Palmer's Municipal Wetlands ordinance, but not the wetlands protection act.

Motion seconded by Peter Izyk

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

7:15 PM Administrative Matters: Minute Approval – November 3, 2015

Motion made by Peter Izyk to accept the minutes from Tuesday November 3, 2015 as written

Motion seconded by Donald Duffy

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

7:20 PM Request for Certificate of Compliance DEP #256-0239: Lake Thompson Aquatic Mngt

The Commission received a request for a Certificate of Compliance from Skip Meyers, c/o Lake Thompson Civic Association for the aquatic management of nuisance vegetation in Lake Thompson, under the Order of Conditions for DEP # 256-0239. A site visit occurred September 25, 2015 with the Conservation Agent and Skip Meyers. The Agent determined that the work regulated by the Order of Conditions was completed in compliance with the Order of Conditions and the Approved Plans.

Motion made by Donald Duffy to issue a Complete Certificate of Compliance, for Order of Conditions DEP # 256-0239

Motion seconded by Peter Izyk

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

7:23 PM Administrative Matters: Mail, Reports, Projects, Monitoring, Enforcement, Site Visits

1. Midura Extension/Town Council Meeting: The Agent and Commissioners Tharyn Nein-Large, Donald Duffy and Sarah Brodeur attended the Town Council meeting on November 9, 2015 to request the town accept a donation of Conservation Land. The parcel is owned by Darlene A. Bergeron-Burns, as is known as Lot 2 Kings Brook (Map/Lot 21-2). The parcel is 29.8 acres (Deed Reference: Bk 8385/Pg 311) and has been in Tax Title since 1993. Under MGL Ch.60 Sec 77C: Cities and towns, may accept a deed in lieu of foreclosure to any parcel of land and upon acceptance and recording any real estate taxes and other municipal charges and liens shall be treated as having been paid. The Agent prepared a power point presentation for Town Council detailing the acquisition and ecological significance of the parcel.

The Agent also discussed with the Town Council the possibility of drafting enabling legislation to transfer the turnpike parcel (Map 15-14) from Mass DOT to the Commission. The Agent has reached out to Anne Gobi's office and has requested the legislation.

2. Garmin Oregon 650t: The Agent purchased a Garmin Oregon 650T GPS device from staples for \$418. The device was listed at \$638, but the Agent secures a price match from Staples for the same model sold on Amazon for less.
3. Trails Conference & Trails Grant: The Agent discussed the MA Trails conference with the Commission. The Commission also discussed possible trail project for the 2016 Recreation Trails Grant. Of projects discussed, the Commission was most inclined to apply for a grant to either 1) Develop a new brochure for Midura with various interpretive signage at Midura
4. Upcoming Events: The Agent informed the Commission of upcoming events, including
 - Opacum Southbridge's Changing Landscape, Thursday 11/19 at 6:30pm, at Jacob Edward Library
 - C4RWC Annual Summit, Sunday 11/22 at 1pm, at the PHCC
 - MSMCP Brown Bag, Beavers 11/18 at 11am, at Palmer Police Station
5. New NOI: The Agent informed the Commission they would be receiving a new Notice of Intent for the demolition of the Turnpike Toll Plaza

Next Meeting Date: Tuesday December 15, 2015 at 7pm

Office Closed: Monday November 23, 2015 – Friday November 27, 2015

Meeting Adjourned: 8:00 PM

Motion made by Donald Duffy to adjourn at 8:00 PM

Motion seconded by Peter Izyk

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

Sincerely Submitted,
Angela C Panaccione, Conservation Agent